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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2312 Session of 1993

INTRODUCED BY PRESTON, BUXTON, LEH, JOSEPHS, ROONEY, KUKOVICH AND MICHLOVIC, NOVEMBER 24, 1993

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 24, 1993

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining the offense of ethnic intimidation to include sexual orientation; and changing the designation of the offense.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2710 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2710. Ethnic intimidation and other bias-related offenses.

(a) Offense defined.--A person commits [the offense of ethnic intimidation] an offense under this section if, with malicious intention toward the actual or perceived race, color, religion [or], national origin or sexual orientation of another individual or group of individuals, he commits an offense under any other provision of this article or under Chapter 33 (relating to arson, criminal mischief and other property destruction) exclusive of section 3307 (relating to institutional vandalism) or under section 3503 (relating to

criminal trespass) or under section 5504 (relating to harassment by communication or address) with respect to such individual or his or her property or with respect to one or more members of such group or to their property.

(b) Grading.--An offense under this section shall be classified as a misdemeanor of the third degree if the other offense is classified as a summary offense. Otherwise, an offense under this section shall be classified one degree higher in the classification specified in section 106 (relating to classes of offenses) than the classification of the other offense.

(c) Definition.--As used in this section, ["malicious intention" means the] the following words and phrases shall have the meanings given to them in this subsection:

"Malicious intention." The intention to commit any act, the commission of which is a necessary element of any offense referred to in subsection (a) motivated by hatred toward the race, color, religion [or], national origin or sexual orientation of another individual or group of individuals.

"Sexual orientation." Heterosexuality, homosexuality or bisexuality.

Section 2. This act shall take effect in 60 days.