

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 44

Session of  
1999

INTRODUCED BY L. I. COHEN, BUXTON, MANN, STURLA, BATTISTO,  
ROEBUCK, JOSEPHS, WILLIAMS, MANDERINO, BEBKO-JONES, ROBINSON,  
TRELLO, BELFANTI, YOUNGBLOOD AND CURRY, FEBRUARY 22, 1999

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 22, 1999

AN ACT

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

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

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

9 § 2710. Ethnic intimidation and other bias-related offenses.

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

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

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

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

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

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