

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1061 Session of  
2001

INTRODUCED BY KUKOVICH, SEPTEMBER 5, 2001

REFERRED TO JUDICIARY, SEPTEMBER 5, 2001

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for ethnic intimidation; and  
4 making an editorial change.

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 and other unlawful intimidation.

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

1 or under section 3503 (relating to criminal trespass) or under  
2 section 5504 (relating to harassment by communication or  
3 address) with respect to such individual or his or her property  
4 or with respect to one or more members of such group or to their  
5 property.

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

13 (c) Definition.--As used in this section "malicious  
14 intention" means the intention to commit any act, the commission  
15 of which is a necessary element of any offense referred to in  
16 subsection (a) motivated by hatred toward the actual or  
17 perceived race, color, religion or national origin, ancestry,  
18 mental or physical disability, sexual orientation, gender or  
19 gender identity of another individual or group of individuals.

20 Section 2. Section 8309(a) of Title 42 is amended to read:  
21 § 8309. Civil rights violations.

22 (a) Redress for personal injury.--A person who incurs injury  
23 to his person or damage or loss to his property as a result of  
24 conduct described in 18 Pa.C.S. § 2710 (relating to ethnic and  
25 other unlawful intimidation) or 3307 (relating to institutional  
26 vandalism) shall have a right of action against the actor for  
27 injunction, damages or other appropriate civil or equitable  
28 relief. In the action, the issue of whether the defendant  
29 engaged in the conduct alleged shall be determined according to  
30 the burden of proof used in other civil actions for similar

1 relief. The plaintiff may seek recovery for any of the  
2 following:

3 (1) General and special damages, including damages for  
4 emotional distress. Damages under this paragraph shall be  
5 actual damages or \$500, whichever is greater.

6 (2) Punitive damages.

7 (3) Reasonable attorney fees and costs.

8 (4) Injunctive and other equitable relief.

9 (5) Such other relief which the court deems necessary  
10 and proper.

11 \* \* \*

12 Section 3. This act shall take effect immediately.