

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 374 Session of 2009

INTRODUCED BY KITCHEN, WASHINGTON, COSTA, WILLIAMS, TARTAGLIONE,
RAFFERTY, FONTANA, HUGHES, STOUT, FOLMER, BROWNE, STACK,
LOGAN, FARNESE AND BOSCOLA, FEBRUARY 20, 2009

REFERRED TO JUDICIARY, FEBRUARY 20, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in assault, further providing for the
3 offense of ethnic intimidation.

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

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

8 § 2710. Ethnic intimidation.

9 (a) Offense defined.--A person commits the offense of ethnic
10 intimidation if[, with]:

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

1 under section 3503 (relating to criminal trespass) with
2 respect to such individual or his or her property or with
3 respect to one or more members of such group or to their
4 property[.]; or

5 (2) he intentionally or recklessly displays a symbol
6 which is offensive to the race, color, religion, national
7 origin, ancestry, mental or physical disability, sexual
8 orientation, gender or gender identity of another individual
9 or group of individuals or used the symbol in a manner to
10 intimidate or endanger the individual or group of individuals
11 through its display.

12 (b) Grading.--

13 (1) An offense under [this section] subsection (a)
14 (1) shall be classified as a misdemeanor of the third degree
15 if the other offense is classified as a summary offense.
16 Otherwise, an offense under this section shall be classified
17 one degree higher in the classification specified in section
18 106 (relating to classes of offenses) than the classification
19 of the other offense.

20 (2) An offense under subsection (a) (2) shall be
21 classified as a misdemeanor of the third degree.

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

26 "Malicious intention." The intention to commit any act, the
27 commission of which is a necessary element of any offense
28 referred to in subsection (a) motivated by hatred toward the
29 actual or perceived race, color, religion or national origin,
30 ancestry, mental or physical disability, sexual orientation,

1 gender or gender identity of another individual or group of
2 individuals.

3 "Symbol." The term includes, but is not limited to, a noose,
4 swastika or simulation thereof.

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