

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 442 Session of 2011

INTRODUCED BY LEACH AND KITCHEN, FEBRUARY 7, 2011

REFERRED TO JUDICIARY, FEBRUARY 7, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for official
3 oppression.

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

6 Section 1. Section 5301 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5301. Official oppression.

9 (a) General rule.--A person acting or purporting to act in
10 an official capacity or taking advantage of such actual or
11 purported capacity commits a misdemeanor of the second degree
12 if, knowing that his conduct is illegal, he:

13 (1) subjects another to arrest, detention, search,
14 seizure, mistreatment, dispossession, assessment, lien or
15 other infringement of personal or property rights; or

16 (2) denies or impedes another in the exercise or
17 enjoyment of any right, privilege, power or immunity.

18 (b) Prohibited conduct.--In addition to other conduct that
19 is prohibited within the meaning of subsection (a), it shall

1 specifically be deemed a violation of subsection (a) to take any
2 action listed in subsection (a):

3 (1) for the purpose of detecting, investigating or
4 apprehending a person whose only violation of the law is that
5 the person is of foreign citizenship and present in the
6 United States in violation of Federal immigration laws; or

7 (2) based on race, national origin, ethnicity or
8 perceived ethnicity, except when seeking to apprehend a
9 specific suspect whose race, national origin or ethnicity is
10 part of the description of the suspect.

11 (c) Information sharing.--This section shall not prevent a
12 law enforcement officer from exchanging with the United States
13 Bureau of Immigration and Customs Enforcement, the United States
14 Bureau of Citizenship and Immigration Services or the United
15 States Bureau of Customs and Border Protection any relevant
16 immigration information the officer obtained collateral to an
17 arrest or investigation that was not conducted in violation of
18 subsection (b) of any criminal offense if the information
19 sharing is authorized by the laws of this Commonwealth.

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