

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 858 Session of
1993

INTRODUCED BY RUDY, JOSEPHS, VEON, SURRA, TRELLO, BEBKO-JONES,
TIGUE, DENT, PISTELLA, PESCI, MELIO, MANDERINO, HECKLER,
STURLA, GODSHALL, MILLER, GEIST, PRESTON, HENNESSEY, KASUNIC,
L. I. COHEN, ARMSTRONG, FAJT, STEELMAN, LAUGHLIN, WILLIAMS
AND HUGHES, MARCH 23, 1993

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED JUNE 22, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting intimidation based on
3 handicap or disability.

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] Intimidation based on ethnicity
9 or disability.

10 (a) Offense defined.--A person commits the offense of
11 [ethnic intimidation] intimidation based on ethnicity or
12 disability if, with malicious intention toward the race, color,
13 religion [or], national origin or handicap or disability of
14 another individual or group of individuals, he commits an
15 offense under any other provision of this article or under
16 Chapter 33 (relating to arson, criminal mischief and other

1 property destruction) exclusive of section 3307 (relating to
2 institutional vandalism) or under section 3503 (relating to
3 criminal trespass) or under section 5504 (relating to harassment
4 by communication or address) with respect to such individual or
5 his or her property or with respect to one or more members of
6 such group or to their property.

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

14 (c) [Definition.--As used in this section, "malicious
15 intention" means the] DEFINITIONS.--AS USED IN THIS SECTION, THE
16 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO
17 THEM IN THIS SUBSECTION:

18 "HANDICAP OR DISABILITY." AS DEFINED IN SECTION 4(P.1) OF
19 THE ACT OF OCTOBER 27, 1955 (P.L.744, NO.222), KNOWN AS THE
20 PENNSYLVANIA HUMAN RELATIONS ACT.

21 "MALICIOUS INTENTION." THE intention to commit any act, the
22 commission of which is a necessary element of any offense
23 referred to in subsection (a) motivated by hatred toward the
24 race, color, religion [or], national origin or handicap or
25 disability of another individual or group of individuals.

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