

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2746 Session of  
2000

INTRODUCED BY FRANKEL, BEBKO-JONES, BUXTON, L. I. COHEN,  
M. COHEN, CURRY, DALEY, FREEMAN, GEORGE, GRUCELA, HARHAI,  
JAMES, LEVDANSKY, MANDERINO, MANN, MUNDY, RAMOS, ROEBUCK,  
SCRIMENTI, SHANER, SOLOBAY, STURLA AND WILLIAMS,  
SEPTEMBER 26, 2000

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 26, 2000

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for ethnic  
3 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 and other bias-related  
9 intimidation.

10 (a) Offense defined.--A person commits the offense of ethnic  
11 intimidation and other bias-related intimidation under this  
12 section if [, with] malicious intention toward the actual or  
13 perceived race, color, religion, [or] national origin, mental or  
14 physical disability, ancestry, gender or sexual orientation of  
15 another individual or group of individuals[, he commits an  
16 offense under any other provision of this article or under  
17 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.] is a contributing factor in  
7 the commission of an offense under any of the following:

8       (1) Article B (relating to offenses involving danger to  
9 the person).

10       (2) Chapter 33 (relating to arson, criminal mischief and  
11 other property destruction) exclusive of an offense under  
12 section 3307 (relating to institutional vandalism).

13       (3) Section 3502 (relating to burglary).

14       (4) Section 3503 (relating to criminal trespass).

15       (5) Chapter 39 (relating to theft and related offenses).

16       (6) Section 4952 (relating to intimidation of witnesses  
17 or victims).

18       (7) Chapter 55 (relating to riot, disorderly conduct and  
19 related offenses) with respect to an individual or his or her  
20 property or with respect to one or more members of a group or  
21 to their property or with respect to any individual because  
22 of any involvement, connection or association with an  
23 individual or groups of individuals.

24       (b) Grading.--An offense under this section shall be  
25 classified as a misdemeanor of the third degree if the other  
26 offense is classified as a summary offense. Otherwise, an  
27 offense under this section shall be classified one degree higher  
28 in the classification specified in section 106 (relating to  
29 classes of offenses) than the classification of the other  
30 offense.

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

5 "Malicious intention." Intention to commit any act, the  
6 commission of which is a necessary element of any offense  
7 referred to in subsection (a) motivated, at least in part, by  
8 hatred toward the actual or perceived race, color, religion  
9 [or], national origin, mental or physical disability, ancestry,  
10 gender or sexual orientation of another individual or group of  
11 individuals.

12 "Sexual orientation." Heterosexuality, homosexuality or  
13 bisexuality.

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