

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 505 Session of 2017

INTRODUCED BY BOYLE, MURT, GALLOWAY, DRISCOLL, FRANKEL, YOUNGBLOOD, KINSEY, SCHLOSSBERG, ROZZI, V. BROWN, STURLA, DEAN, BRIGGS, FREEMAN, DAVIDSON, CALTAGIRONE, O'BRIEN, McNEILL, NEILSON, READSHAW, SOLOMON, BULLOCK, DONATUCCI, SIMS, DAVIS, SAMUELSON, TAYLOR, DeLISSIO, SCHWEYER, D. COSTA, KIM, DALEY, RAVENSTAHL, WARREN, McCARTER, McCLINTON, BRADFORD, CARROLL, THOMAS, ROEBUCK, W. KELLER, DAWKINS AND FITZGERALD, FEBRUARY 15, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 15, 2017

AN ACT

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

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

7 Section 1. Section 2710(a) and (c) of Title 18 of the
8 Pennsylvania Consolidated Statutes, amended by the act of
9 December 3, 2002 (P.L.1176, No.143), declared unconstitutional,
10 936 A.2d 188 (Pa. Commonwealth 2007), affirmed, No.112 MAP 2007
11 (Pa. 2008), are amended to read:

12 § 2710. [Ethnic] Unlawful intimidation.

13 (a) Offense defined.--A person commits the offense of
14 [ethnic] unlawful intimidation if, with malicious intention
15 toward the actual or perceived race, color, religion [or],
16 national origin, ancestry, mental or physical disability, sexual

1 orientation, gender or gender identity of another individual or
2 group of individuals, he commits an offense under any other
3 provision of this article or under Chapter 33 (relating to
4 arson, criminal mischief and other property destruction)
5 exclusive of section 3307 (relating to institutional vandalism)
6 or under section 3503 (relating to criminal trespass) with
7 respect to such individual or his or her property or with
8 respect to one or more members of such group or to their
9 property.

10 * * *

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

18 Section 2. Section 8309(a) of Title 42 is amended to read:
19 § 8309. Civil rights violations.

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

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

4 (2) Punitive damages.

5 (3) Reasonable attorney fees and costs.

6 (4) Injunctive and other equitable relief.

7 (5) Such other relief which the court deems necessary
8 and proper.

9 * * *

10 Section 3. This act shall take effect in 60 days.