

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 649 Session of 2023

INTRODUCED BY COSTA, HUGHES, BREWSTER, SCHWANK, SANTARSIERO,
KANE, FONTANA, KEARNEY, COMITTA, MUTH, STREET AND
CAPPELLETTI, MAY 8, 2023

REFERRED TO JUDICIARY, MAY 8, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 53 (Municipalities Generally) of the
3 Pennsylvania Consolidated Statutes, in assault, further
4 providing for ethnic intimidation; in employees, further
5 providing for definitions and providing for police officer
6 training on hate-based intimidation; and making an editorial
7 change.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2710 heading, (a) and (c) of Title 18 of
11 the Pennsylvania Consolidated Statutes, amended by the act of
12 December 3, 2002 (P.L.1176, No.143), declared unconstitutional,
13 936 A.2d 188 (Pa. Commonwealth 2007), affirmed, 951 A.2d 345
14 (2008), are amended and the section is amended by adding a
15 subsection to read:

16 § 2710. [Ethnic] Hate-based intimidation.

17 (a) Offense defined.--A person commits the offense of
18 [ethnic intimidation if, with malicious intention toward the
19 race, color, religion or national origin of another individual
20 or group of individuals, he commits an offense under any other

provision of this article or under Chapter 33 (relating to arson, criminal mischief and other property destruction) exclusive of section 3307 (relating to institutional vandalism) or under section 3503 (relating to criminal trespass) with respect to such individual or his or her property or with respect to one or more members of such group or to their property.] hate-based intimidation if both of the following occur:

(1) The person commits any of the following offenses:

(i) a personal injury crime as defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act;

(ii) an offense under Chapter 33 (relating to arson, criminal mischief and other property destruction), exclusive of section 3307 (relating to institutional vandalism); or

(iii) an offense under section 3503 (relating to criminal trespass).

(2) The person intentionally selected the person against whom the offense under paragraph (1) was committed or the property that was damaged or otherwise affected, in whole or in substantial part, because of the actual or perceived race, color, religion, national origin, ethnicity, ancestry, sex, gender, gender identity, gender expression, sexual orientation or disability of an individual or group of individuals.

* * *

(b.1) Construction.--Nothing in this section may be construed to prohibit, limit or punish religiously motivated speech or conduct that is otherwise protected by the

Constitution of the United States, the Constitution of
Pennsylvania or the act of December 9, 2002 (P.L.1701, No.214),
known as the Religious Freedom Protection Act.

[(c) Definition.--As used in this section "malicious
intention" means the intention to commit any act, the commission
of which is a necessary element of any offense referred to in
subsection (a) motivated by hatred toward the race, color,
religion or national origin of another individual or group of
individuals.]

Section 2. Section 8309(a) introductory paragraph of Title
42 is amended to read:

§ 8309. Civil rights violations.

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

* * *

Section 3. Section 2162 of Title 53 is amended by adding a
definition to read:

§ 2162. Definitions.

The following words and phrases when used in this subchapter
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:

1 * * *

2 "Hate-based intimidation." An offense specified under 18
3 Pa.C.S. § 2710 (relating to hate-based intimidation).

4 * * *

5 Section 4. Title 53 is amended by adding a section to read:
6 § 2173. Police officer training on hate-based intimidation.

7 The commission and the Pennsylvania State Police shall, in
8 consultation with the Pennsylvania Human Relations Commission
9 and the Attorney General, develop and provide biennial training
10 on hate-based intimidation to police officers. The commission
11 and the Pennsylvania State Police may also consult with relevant
12 stakeholders in developing the training. The training shall
13 include, but not be limited to:

14 (1) Identification of hate-based intimidation.

15 (2) Methods to address hate-based intimidation.

16 (3) Reporting of hate-based intimidation.

17 (4) Hate-based intimidation recordkeeping.

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