

JOSHUA D. SHAPIRO
MEMBER, 153RD LEGISLATIVE DISTRICT



THE STATE CAPITOL
HARRISBURG PA 17120-2153
PHONE: (717) 783-7619

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMORANDUM

To: All House Members
From: Rep. Josh Shapiro
Date: February 15, 2011
Subject: Co-Sponsorship of Hate Crimes Legislation

In the near future, I will reintroduce legislation to amend §2710 of the Pennsylvania Crimes Code expanding the offense of ethnic intimidation to include malicious intention against the actual or perceived ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals. A crime motivated by hatred toward these protected classes shall be graded one degree higher than already specified in law. A summary offense shall be graded as a misdemeanor of the third degree. The offense of ethnic intimidation is already defined to include malicious intention toward the race, color, religion or national origin of an individual or group of individuals. Last session, I introduced a similar bill that passed the Judiciary Committee with bipartisan support.

As you may know, Pennsylvania's hate crimes law had protected individuals based on their actual or perceived ancestry, mental or physical disability, sexual orientation, gender or gender identity until the Pennsylvania Supreme Court ruled that Act 143 of 2002 was unconstitutional on July 23, 2008, and this language was removed from the Crimes Code. The Court's ruling had nothing to do with the merits of the hate crimes law; rather, the decision finds that the original bill, H.B. 1493, was amended so as to change its original purpose; therefore, the enactment of H.B. 1493 violated Article III Section 1 of the Pennsylvania Constitution.

Please note: This bill is nearly identical to legislation I introduced last session. The following House members co-sponsored that bill last session: Frankel, Boyle, Bradford, Brennan, Briggs, Brown, Buxton, Carroll, Cohen, D. Costa, Cruz, DePasquale, Fabrizio, Freeman, George, Harkins, Mahoney, Mann, McGeehan, Mundy, Murphy, Murt, Myers, M. O'Brien, O'Neill, Parker, Pashinski, Payton, Roebuck, Ross, Santoni, Sturla, Thomas, Wheatley, K. Smith and M. Smith.

We must act to restore this important language to the Crimes Code. If you wish to join me in co-sponsoring this important legislation, please contact Sean Brennan in my office at 783-7619 or sbrennan@pahouse.net.