

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1353 Session of  
1991

INTRODUCED BY JOSEPHS, MURPHY, STURLA, HARPER, DALEY,  
RICHARDSON, ROBINSON, ITKIN, DeWEESE, HECKLER, PISTELLA,  
ROEBUCK, COHEN, BISHOP, VEON, EVANS, NAHILL, JAMES, KUKOVICH,  
ACOSTA, CARN, PRESTON, RITTER, MICHLOVIC, WAMBACH AND TRICH,  
MAY 8, 1991

REFERRED TO COMMITTEE ON JUDICIARY, MAY 8, 1991

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further defining the offense of ethnic  
3 intimidation to include sexual orientation; and changing the  
4 designation of the offense.

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

7 Section 1. Section 2710 of Title 18 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 2710. Ethnic intimidation and other bias-related offenses.

10 (a) Offense defined.--A person commits [the offense of  
11 ethnic intimidation] an offense under this section if, with  
12 malicious intention toward the actual or perceived race, color,  
13 religion [or], national origin or sexual orientation of another  
14 individual or group of individuals, he commits an offense under  
15 any other provision of this article or under Chapter 33  
16 (relating to arson, criminal mischief and other property  
17 destruction) exclusive of section 3307 (relating to

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

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

13 (c) Definition.--As used in this section, ["malicious  
14 intention" means the] the following words and phrases shall have  
15 the meanings given to them in this subsection:

16 "Malicious intention." The intention to commit any act, the  
17 commission of which is a necessary element of any offense  
18 referred to in subsection (a) motivated by hatred toward the  
19 race, color, religion [or], national origin or sexual  
20 orientation of another individual or group of individuals.

21 "Sexual orientation." Heterosexuality, homosexuality or  
22 bisexuality.

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