

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1575 Session of
1998

INTRODUCED BY CONTI, NOVEMBER 5, 1998

REFERRED TO JUDICIARY, NOVEMBER 5, 1998

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 race, color, religion [or],
13 national origin or sexual orientation of another individual or
14 group of individuals, he commits an offense under any other
15 provision of this article or under Chapter 33 (relating to
16 arson, criminal mischief and other property destruction)
17 exclusive of section 3307 (relating to institutional vandalism)
18 or under section 3503 (relating to criminal trespass) or under

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

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

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

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

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

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