

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1493 Session of
2001

INTRODUCED BY (PRIME SPONSOR WITHDRAWN), DALEY, CALTAGIRONE,
CAPPABIANCA, L. I. COHEN, COY, GRUCELA, HARHAI, HORSEY,
JAMES, KIRKLAND, LAUGHLIN, McILHINNEY, PRESTON, ROSS, SHANER,
SOLOBAY, J. TAYLOR, TIGUE, WALKO, YOUNGBLOOD, CRUZ,
C. WILLIAMS, FRANKEL, JOSEPHS, STETLER, LEDERER, MANDERINO,
CORNELL, BISHOP, BUXTON, BROWNE, NICKOL, ROEBUCK, OLIVER, M.
COHEN AND D. EVANS, MAY 2, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 21, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for ~~agricultural~~ <—
3 ~~vandalism; and providing for the criminal offense of~~
4 ~~agricultural crop or livestock destruction.~~ ETHNIC <—
5 INTIMIDATION.

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

8 Section 1. Section ~~3309(e)~~ 2710 of Title 18 of the <—
9 Pennsylvania Consolidated Statutes is amended to read:

10 ~~§ 3309. Agricultural vandalism.~~ <—

11 * * *

12 ~~(c) Definition. As used in this section, the terms~~
13 ~~"agricultural activity" and "farming" [mean] include public and~~
14 ~~private research activity, records, data and data gathering~~
15 ~~equipment related to agricultural products as well as the~~
16 ~~commercial production of agricultural crops, livestock or~~

1 ~~livestock products, poultry or poultry products, trees and~~
2 ~~timber products, milk, eggs or dairy products, or fruits or~~
3 ~~other horticultural products.~~

4 Section 2. Title 18 is amended by adding a section to read:
5 ~~§ 3310. Agricultural crop or livestock destruction.~~

6 ~~(a) Offenses defined. A person commits a felony of the~~
7 ~~second degree if he intentionally and knowingly damages or adds~~
8 ~~hazardous or residual waste to untested sewage sludge that~~
9 ~~damages any field crop, vegetable or fruit plant or product,~~
10 ~~tree or livestock that is grown, stored or raised for personal,~~
11 ~~scientific or commercial purposes or for any testing or research~~
12 ~~purpose in conjunction with a public or private research~~
13 ~~facility or a university or any Federal, State or local~~
14 ~~government agency.~~

15 ~~(b) Scope. The scope of this offense shall include the~~
16 ~~damaging of any research records, data or data gathering~~
17 ~~equipment or device.~~

18 ~~(c) Restitution; costs and fees. Any person convicted under~~
19 ~~subsection (a) or (b) may also be sentenced to make restitution~~
20 ~~and be ordered to pay attorney fees and court costs.~~

21 § 2710. ETHNIC INTIMIDATION. ←

22 (A) OFFENSE DEFINED.--A PERSON COMMITS THE OFFENSE OF ETHNIC
23 INTIMIDATION IF, WITH MALICIOUS INTENTION TOWARD THE ACTUAL OR
24 PERCEIVED RACE, COLOR, RELIGION OR NATIONAL ORIGIN, ANCESTRY,
25 MENTAL OR PHYSICAL DISABILITY, SEXUAL ORIENTATION, GENDER OR
26 GENDER IDENTITY OF ANOTHER INDIVIDUAL OR GROUP OF INDIVIDUALS,
27 HE COMMITS AN OFFENSE UNDER ANY OTHER PROVISION OF THIS ARTICLE
28 OR UNDER CHAPTER 33 (RELATING TO ARSON, CRIMINAL MISCHIEF AND
29 OTHER PROPERTY DESTRUCTION) EXCLUSIVE OF SECTION 3307 (RELATING
30 TO INSTITUTIONAL VANDALISM) OR UNDER SECTION 3503 (RELATING TO

1 CRIMINAL TRESPASS) OR UNDER SECTION 5504 (RELATING TO HARASSMENT
2 BY COMMUNICATION OR ADDRESS) WITH RESPECT TO SUCH INDIVIDUAL OR
3 HIS OR HER PROPERTY OR WITH RESPECT TO ONE OR MORE MEMBERS OF
4 SUCH GROUP OR TO THEIR 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 INTENTION TO COMMIT ANY ACT, THE COMMISSION
14 OF WHICH IS A NECESSARY ELEMENT OF ANY OFFENSE REFERRED TO IN
15 SUBSECTION (A) MOTIVATED BY HATRED TOWARD THE ACTUAL OR
16 PERCEIVED RACE, COLOR, RELIGION OR NATIONAL ORIGIN, ANCESTRY,
17 MENTAL OR PHYSICAL DISABILITY, SEXUAL ORIENTATION, GENDER OR
18 GENDER IDENTITY OF ANOTHER INDIVIDUAL OR GROUP OF INDIVIDUALS.

19 Section 3 2. This act shall take effect immediately.

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