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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2634 Session of  
2010

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INTRODUCED BY M. O'BRIEN AND JOSEPHS, JULY 1, 2010

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REFERRED TO COMMITTEE ON JUDICIARY, JULY 1, 2010

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for ethnic  
3 intimidation.

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

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

8 § 2710. [Ethnic] Bias-based intimidation.

9 (a) Offense defined.--A person commits the offense of  
10 [ethnic] bias-based intimidation if, with malicious intention  
11 toward the actual or perceived race, color, religion [or],  
12 national origin, ancestry, sexual orientation, gender, mental  
13 disability or physical disability of another individual or group  
14 of individuals, he commits an offense under any other provision  
15 of this article or under Chapter 33 (relating to arson, criminal  
16 mischief and other property destruction) exclusive of section  
17 3307 (relating to institutional vandalism) or under section 3503  
18 (relating to criminal trespass) with respect to such individual  
19 or his or her property or with respect to one or more members of

1 such group or to their property.

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

9 (c) [Definition.--As used in this section "malicious  
10 intention" means the] Definitions.--As used in this section, the  
11 following words and phrases shall have the meanings given to  
12 them in this subsection unless the context clearly indicates  
13 otherwise:

14 "Gender." A person's actual gender or person's self-  
15 perceived gender, as male or female, and includes a person's  
16 gender-related appearance, behavior, expression or physical  
17 characteristics, whether or not that appearance, behavior,  
18 expression or physical characteristic is different from that  
19 which is stereo-typically associated with the person's assigned  
20 sex at birth.

21 "Malicious intention." The intention to commit any act, the  
22 commission of which is a necessary element of any offense  
23 referred to in subsection (a) motivated by hatred toward the  
24 actual or perceived race, color, religion [or], national origin,  
25 ancestry, sexual orientation, gender, mental disability or  
26 physical disability of another individual or group of  
27 individuals.

28 Section 2. This act shall take effect immediately.

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