
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1199 Session of
2021

INTRODUCED BY GAINNEY, CEPHAS, KINSEY, SANCHEZ, GALLOWAY,
N. NELSON, SCHLOSSBERG, D. WILLIAMS, LEE, HILL-EVANS,
WHEATLEY, WEBSTER, SIMS, KINKEAD, ROZZI, SCHWEYER, RABB AND
McNEILL, APRIL 16, 2021

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 16, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, further providing for civil rights violations.

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

6 Section 1. Section 8309(a) of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding a subsection to read:

9 § 8309. Civil rights violations.

10 (a) Redress for personal injury.--A person who incurs injury
11 to his person or damage or loss to his property as a result of
12 conduct described in 18 Pa.C.S. § 2710 (relating to ethnic
13 intimidation) or 3307 (relating to institutional vandalism)
14 shall have a right of action against the actor or an employer of
15 the actor for injunction, damages or other appropriate civil or
16 equitable relief. In the action, the issue of whether the
17 defendant engaged in the conduct alleged shall be determined

1 according to the burden of proof used in other civil actions for
2 similar relief. The plaintiff may seek recovery for any of the
3 following:

4 (1) General and special damages, including damages for
5 emotional distress. Damages under this paragraph shall be
6 actual damages or [~~\$500~~] \$5,000, whichever is greater.

7 (2) Punitive damages.

8 (3) Reasonable attorney fees and costs.

9 (4) Injunctive and other equitable relief.

10 (5) Such other relief which the court deems necessary
11 and proper[.], which may include posting by the actor or an
12 employer of the actor of the court order entered in the
13 matter in a conspicuous manner on at least one public
14 entranceway of a commercial property owned or occupied by the
15 actor or an employer of the actor and on a publicly
16 accessible Internet website maintained by or on behalf of the
17 actor or an employer of the actor for a period of not less
18 than 30 nor more than 90 continuous days.

19 * * *

20 (g) Definition.--As used in this section, the term
21 "employer" shall have the same meaning as given to it under
22 section 4 of the act of October 27, 1955 (P.L.744, No.222),
23 known as the Pennsylvania Human Relations Act.

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