

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 146 Session of 2021

INTRODUCED BY LANGERHOLC, K. WARD, BROOKS, BARTOLOTTA, J. WARD, STEFANO, BLAKE, AUMENT AND REGAN, JANUARY 29, 2021

REFERRED TO JUDICIARY, JANUARY 29, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
 2 Consolidated Statutes, in assault, providing for the offense  
 3 of hate crimes against law enforcement officers and first  
 4 responders.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
 8 Statutes is amended by adding a section to read:

9 § 2710.1. Hate crimes against law enforcement officers and  
 10 first responders.

11 (a) Offense defined.--A person commits the offense of a hate  
 12 crime against a law enforcement officer or a first responder if,  
 13 with malicious intent because of the actual or perceived  
 14 employment as a law enforcement officer or first responder, the  
 15 person commits an offense under any of the following with  
 16 respect to the individual, the individual's property, one or  
 17 more members of the group or the group's property:

18 (1) Any other provision of this article.

19 (2) Chapter 33 (relating to arson, criminal mischief and

1 other property destruction), except for section 3307  
2 (relating to institutional vandalism).

3 (3) Section 3503 (relating to criminal trespass).

4 (b) Grading.--An offense under this section shall be  
5 classified as a misdemeanor of the third degree if the other  
6 offense is classified as a summary offense. If the other offense  
7 is not classified as a summary offense, an offense under this  
8 section shall be classified one degree higher in the  
9 classification specified under section 106 (relating to classes  
10 of offenses) than the classification of the other offense.

11 (c) Sentencing enhancement.--The Pennsylvania Commission on  
12 Sentencing, in accordance with 42 Pa.C.S. § 2154 (relating to  
13 adoption of guidelines for sentencing), shall provide for a  
14 sentencing enhancement for courts to consider in cases involving  
15 hate crimes against law enforcement officers or first  
16 responders.

17 (d) Definitions.--As used in this section, the following  
18 words and phrases shall have the meanings given to them in this  
19 subsection unless the context clearly indicates otherwise:

20 "First responder." A firefighter or emergency medical  
21 services personnel.

22 "Law enforcement officer." The term shall have the same  
23 meaning as the term "peace officer" is given under section 501  
24 (relating to definitions).

25 "Malicious intent." The intent to commit an act, the  
26 commission of which is a necessary element of an offense  
27 referred to under subsection (a), motivated by hatred toward the  
28 actual or perceived employment as a law enforcement officer or  
29 first responder.

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