

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 63 Session of 2023

INTRODUCED BY KEARNEY, A. WILLIAMS, L. WILLIAMS, HAYWOOD, STREET, FONTANA, KANE, COLLETT, COSTA, DILLON, TARTAGLIONE, COMITTA AND SAVAL, JANUARY 31, 2023

REFERRED TO JUDICIARY, JANUARY 31, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in assault, further providing for the offense of
4 ethnic intimidation; and making an editorial change.

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

7 Section 1. Section 2710 heading, (a) and (c) of Title 18 of
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 2710. [**Ethnic**] Unlawful intimidation.

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

1 or under section 3503 (relating to criminal trespass) with
2 respect to such individual or his or her property or with
3 respect to one or more members of such group or to their
4 property.

5 * * *

6 (c) Definition.--As used in this section "malicious
7 intention" means the intention to commit any act, the commission
8 of which is a necessary element of any offense referred to in
9 subsection (a) motivated by hatred toward the actual or
10 perceived race, color, religion [or], national origin, ancestry,
11 mental or physical disability, sexual orientation, gender or
12 gender identity of another individual or group of individuals.

13 Section 2. Section 8309(a) introductory paragraph of Title
14 42 is amended to read:

15 § 8309. Civil rights violations.

16 (a) Redress for personal injury.--A person who incurs injury
17 to his person or damage or loss to his property as a result of
18 conduct described in 18 Pa.C.S. § 2710 (relating to [ethnic]
19 unlawful intimidation) or 3307 (relating to institutional
20 vandalism) shall have a right of action against the actor for
21 injunction, damages or other appropriate civil or equitable
22 relief. In the action, the issue of whether the defendant
23 engaged in the conduct alleged shall be determined according to
24 the burden of proof used in other civil actions for similar
25 relief. The plaintiff may seek recovery for any of the
26 following:

27 * * *

28 Section 3. This act shall take effect in 60 days.