

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 90 Session of 2017

INTRODUCED BY ZIMMERMAN, BAKER, BARRAR, CORBIN, GREINER,  
TALLMAN, KNOWLES, MACKENZIE, WARD, SAYLOR, WATSON, SIMMONS,  
DRISCOLL, O'NEILL, MENTZER, IRVIN, D. COSTA, KAUFFMAN,  
A. HARRIS, MOUL, HICKERNELL, B. MILLER, FARRY AND GABLER,  
JANUARY 23, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 23, 2017

AN ACT

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

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

1 respect to one or more members of such group or to their  
2 property.

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

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

15 "Emergency medical services provider." The term shall have  
16 the same meaning as provided under 35 Pa.C.S. § 8103 (relating  
17 to definitions).

18 "Firefighter." A professional or volunteer firefighter.

19 "Law enforcement officer." The term shall have the same  
20 meaning as the term "peace officer" under section 501 (relating  
21 to definitions).

22 "Malicious intention." The intention to commit any act, the  
23 commission of which is a necessary element of any offense  
24 referred to in subsection (a) motivated by hatred toward the  
25 race, color, religion [or], national origin or employment as a  
26 law enforcement officer, firefighter or emergency medical  
27 services provider of another individual or group of individuals.

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