

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 158 Session of 2017

INTRODUCED BY BURNS, MILLARD, MURT, PETRARCA, READSHAW, GREINER, SIMMONS, D. COSTA, A. HARRIS, SAYLOR, WATSON, MARSHALL, WARD, MOUL, GROVE, GILLEN AND FARRY, 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 the
 3 offense of 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 employment intimidation.

9 (a) Offense defined.--A person commits the offense of ethnic
 10 and employment intimidation if, with malicious intention toward
 11 the race, color, religion [or], national origin or employment as
 12 a law enforcement officer of another individual or group of
 13 individuals, he commits an offense under any other provision of
 14 this article or under Chapter 33 (relating to arson, criminal
 15 mischief and other property destruction) exclusive of section
 16 3307 (relating to institutional vandalism) or under section 3503
 17 (relating to criminal trespass) with respect to such individual
 18 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 "Law enforcement officer." A person who by virtue of his
15 office or public employment is vested by law with a duty to
16 maintain public order or to make arrests for offenses, whether
17 that duty extends to all offenses or is limited to specific
18 offenses, or any person on active State duty under 51 Pa.C.S. §
19 508 (relating to active duty for emergency). The term includes a
20 corrections officer, a parole agent and a member of a park
21 police department in a county of the third class.

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 of another individual or group of
27 individuals.

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