

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1803 Session of  
2017

INTRODUCED BY D. COSTA, DEAN, MURT, YOUNGBLOOD, JAMES, KAVULICH,  
SCHLOSSBERG, CALTAGIRONE, PASHINSKI, SCHWEYER, ROZZI,  
DONATUCCI, KINSEY, FREEMAN, HARKINS, RAVENSTAHL, READSHAW,  
VAZQUEZ, V. BROWN, DeLUCA, HILL-EVANS AND DRISCOLL,  
SEPTEMBER 21, 2017

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 21, 2017

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 of Title 18 of the Pennsylvania  
8 Consolidated Statutes is 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 race, color, religion [or], national origin, sexual  
13 orientation or sexual identification or mental or physical  
14 disability of another individual or group of individuals, [he]  
15 the person commits an offense under any other provision of this  
16 article or under Chapter 33 (relating to arson, criminal  
17 mischief and other property destruction) exclusive of section

1 3307 (relating to institutional vandalism) or under section 3503  
2 (relating to criminal trespass) with respect to such individual  
3 or [his or her] the individual's property or with respect to one  
4 or more members of such group or to their property.

5 (b) Grading.--[An]

6 (1) Except as provided under paragraph (2), an offense  
7 under this section shall be classified as a misdemeanor of  
8 the third degree if the other offense is classified as a  
9 summary offense. [Otherwise, an]

10 (2) An offense under this section shall be classified  
11 one degree higher in the classification specified in section  
12 106 (relating to classes of offenses) than the classification  
13 of the other offense.

14 (c) Definition.--As used in this section "malicious  
15 intention" means the intention to commit any act, the commission  
16 of which is a necessary element of any offense referred to in  
17 subsection (a) motivated by hatred toward the [race, color,  
18 religion or national origin] following of another individual or  
19 group of individuals[.]:

20 (1) race;

21 (2) color;

22 (3) religion;

23 (4) national origin;

24 (5) sexual orientation or sexual identification; or

25 (6) mental or physical disability.

26 Section 2. Section 8309(a) of Title 42 is amended to read:

27 § 8309. Civil rights violations.

28 (a) Redress for personal injury.--A person who incurs injury  
29 to his person or damage or loss to his property as a result of  
30 conduct described in 18 Pa.C.S. § 2710 (relating to [ethnic]

1 unlawful intimidation) or 3307 (relating to institutional  
2 vandalism) shall have a right of action against the actor for  
3 injunction, damages or other appropriate civil or equitable  
4 relief. In the action, the issue of whether the defendant  
5 engaged in the conduct alleged shall be determined according to  
6 the burden of proof used in other civil actions for similar  
7 relief. The plaintiff may seek recovery for any of the  
8 following:

9           (1) General and special damages, including damages for  
10 emotional distress. Damages under this paragraph shall be  
11 actual damages or \$500, whichever is greater.

12           (2) Punitive damages.

13           (3) Reasonable attorney fees and costs.

14           (4) Injunctive and other equitable relief.

15           (5) Such other relief which the court deems necessary  
16 and proper.

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