

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 63 Session of 2021

INTRODUCED BY KEARNEY, A. WILLIAMS, L. WILLIAMS, SANTARSIERO, STREET, FONTANA, COLLETT, MUTH, BLAKE, CAPPELLETTI, TARTAGLIONE, COSTA, SCHWANK, KANE, COMMITTA, BOSCOLA AND HAYWOOD, MARCH 4, 2021

REFERRED TO JUDICIARY, MARCH 4, 2021

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, in particular rights and
5 immunities, further providing for civil rights violations.

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

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

10 § 2710. [**Ethnic**] Unlawful intimidation.

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

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

6 * * *

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

14 Section 2. Section 8309(a) of Title 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 (1) General and special damages, including damages for
28 emotional distress. Damages under this paragraph shall be
29 actual damages or \$500, whichever is greater.

30 (2) Punitive damages.

- 1 (3) Reasonable attorney fees and costs.
2 (4) Injunctive and other equitable relief.
3 (5) Such other relief which the court deems necessary
4 and proper.

5 * * *

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