

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 96 Session of 2019

INTRODUCED BY FARNESE, A. WILLIAMS, FONTANA, STREET, HUGHES,  
COSTA, YUDICHAK, LEACH AND HAYWOOD, FEBRUARY 14, 2019

REFERRED TO JUDICIARY, FEBRUARY 14, 2019

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)  
19 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) of Title 42 is amended to read:  
14 § 8309. Civil rights violations.

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

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

29 (2) Punitive damages.

30 (3) Reasonable attorney fees and costs.

1           (4) Injunctive and other equitable relief.

2           (5) Such other relief which the court deems necessary  
3 and proper.

4           \* \* \*

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