

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 651 Session of 2023

INTRODUCED BY COSTA, HUGHES, COLLETT, BREWSTER, SCHWANK,  
SANTARSIERO, KANE, FONTANA, KEARNEY, COMITTA, TARTAGLIONE,  
MUTH, STREET AND CAPPELLETTI, MAY 8, 2023

REFERRED TO JUDICIARY, MAY 8, 2023

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 prohibiting 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, amended by the act of  
10 December 3, 2002 (P.L.1176, No.143), declared unconstitutional,  
11 936 A.2d 188 (Pa. Commonwealth 2007), affirmed, 951 A.2d 345  
12 (2008), are amended and the section is amended by adding a  
13 subsection to read:

14 § 2710. [Ethnic] Hate-based intimidation.

15 (a) Offense defined.--A person commits the offense of  
16 [ethnic intimidation if, with malicious intention toward the  
17 race, color, religion or national origin of another individual  
18 or group of individuals, he commits an offense under any other  
19 provision of this article or under Chapter 33 (relating to

1 arson, criminal mischief and other property destruction)  
2 exclusive of section 3307 (relating to institutional vandalism)  
3 or under section 3503 (relating to criminal trespass) with  
4 respect to such individual or his or her property or with  
5 respect to one or more members of such group or to their  
6 property.] hate-based intimidation if both of the following  
7 occur:

8 (1) The person commits any of the following offenses:

9 (i) a personal injury crime as defined in section  
10 103 of the act of November 24, 1998 (P.L.882, No.111),  
11 known as the Crime Victims Act;

12 (ii) an offense under Chapter 33 (relating to arson,  
13 criminal mischief and other property destruction),  
14 exclusive of section 3307 (relating to institutional  
15 vandalism); or

16 (iii) an offense under section 3503 (relating to  
17 criminal trespass).

18 (2) The person intentionally selected the person against  
19 whom the offense under paragraph (1) was committed or the  
20 property that was damaged or otherwise affected, in whole or  
21 in substantial part, because of the actual or perceived race,  
22 color, religion, national origin, ethnicity, ancestry, sex,  
23 gender, gender identity, gender expression, sexual  
24 orientation or disability of an individual or group of  
25 individuals.

26 \* \* \*

27 (b.1) Construction.--Nothing in this section may be  
28 construed to prohibit, limit or punish religiously motivated  
29 speech or conduct that is otherwise protected by the  
30 Constitution of the United States, the Constitution of

1 Pennsylvania or the act of December 9, 2002 (P.L.1701, No.214),  
2 known as the Religious Freedom Protection Act.

3 [(c) Definition.--As used in this section "malicious  
4 intention" means the intention to commit any act, the commission  
5 of which is a necessary element of any offense referred to in  
6 subsection (a) motivated by hatred toward the race, color,  
7 religion or national origin of another individual or group of  
8 individuals.]

9 Section 2. Section 8309(a) of Title 42 is amended to read:  
10 § 8309. Civil rights violations.

11 (a) Redress for personal injury.--

12 (1) A person who incurs injury to his or her person  
13 [or], damage or loss to his or her property, has been placed  
14 in reasonable fear of bodily injury or suffered substantial  
15 emotional distress as a result of conduct described in 18  
16 Pa.C.S. § § 2710 (relating to [ethnic] hate-based  
17 intimidation) or 3307 (relating to institutional vandalism)  
18 shall have a right of action [against the actor for] in a  
19 court of common pleas for preliminary or permanent  
20 injunction, damages or other appropriate civil or equitable  
21 relief[.] against all of the following:

22 (i) The actor.

23 (ii) A person who has solicited the actor to engage  
24 in the conduct.

25 (iii) A person who has knowingly attempted to  
26 provide or provided aid to the actor with the intent that  
27 the actor engage in the conduct.

28 (2) In the action, the issue of whether the defendant  
29 engaged in the conduct alleged shall be determined according  
30 to the burden of proof used in other civil actions for

1 similar relief.

2 (3) The plaintiff may seek recovery for any of the  
3 following:

4 [(1)] (i) General and special damages, including  
5 damages for emotional distress. Damages under this  
6 paragraph shall be actual damages or \$500, whichever is  
7 greater.

8 [(2)] (ii) Punitive damages.

9 [(3)] (iii) Reasonable attorney fees and costs.

10 [(4)] (iv) Injunctive and other equitable relief.

11 [(5)] (v) Such other relief which the court deems  
12 necessary and proper.

13 \* \* \*

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