

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 771 Session of 2023

INTRODUCED BY COMITTA, BARTOLOTTA, PHILLIPS-HILL, FONTANA, HAYWOOD, BOSCOLA, FLYNN, BROOKS, SCHWANK, COLLETT, ROBINSON, DILLON, KANE, TARTAGLIONE, STREET, COSTA, CAPPELLETTI, YAW, SANTARSIERO AND MUTH, JUNE 14, 2023

REFERRED TO JUDICIARY, JUNE 14, 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 making an editorial change.

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

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

9 § 2710. [Ethnic] Hate-Based intimidation.

10 (a) Offense defined.--A person commits the offense of
11 [ethnic] hate-based intimidation if, with malicious intention
12 toward the race, color, religion [or], national origin or
13 intellectual or physical disability of another individual or
14 group of individuals, he commits an offense under any other
15 provision of this article or under Chapter 33 (relating to
16 arson, criminal mischief and other property destruction)
17 exclusive of section 3307 (relating to institutional vandalism)
18 or under section 3503 (relating to criminal trespass) with

1 respect to such individual or his or her property or with
2 respect to one or more members of such group or to their
3 property.

4 * * *

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

11 Section 2. Section 8309(a) of Title 42 is amended to read:
12 § 8309. Civil rights violations.

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

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

27 (2) Punitive damages.

28 (3) Reasonable attorney fees and costs.

29 (4) Injunctive and other equitable relief.

30 (5) Such other relief which the court deems necessary

1 and proper.

2 * * *

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