

2018D10717MAB:CMD

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, further providing for civil rights violations.

INTRODUCED _____ 20____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20____
Reported _____	20____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, further providing for civil rights violations.

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

6 Section 1. Section 8309(a) of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding a subsection to read:

9 § 8309. Civil rights violations.

10 (a) Redress for personal injury.--A person who incurs injury
11 to his person or damage or loss to his property as a result of
12 conduct described in 18 Pa.C.S. § 2710 (relating to ethnic
13 intimidation) or 3307 (relating to institutional vandalism)
14 shall have a right of action against the actor or an employer of
15 the actor for injunction, damages or other appropriate civil or
16 equitable relief. In the action, the issue of whether the
17 defendant engaged in the conduct alleged shall be determined
18 according to the burden of proof used in other civil actions for

1 similar relief. The plaintiff may seek recovery for any of the
2 following:

3 (1) General and special damages, including damages for
4 emotional distress. Damages under this paragraph shall be
5 actual damages or [\$500] \$5000, whichever is greater.

6 (2) Punitive damages.

7 (3) Reasonable attorney fees and costs.

8 (4) Injunctive and other equitable relief.

9 (5) Such other relief which the court deems necessary
10 and proper[.], which may include, but not be limited to,
11 posting by the actor or an employer of the actor of the court
12 order entered in the matter in a conspicuous manner on at
13 least one public entrance way of a commercial property owned
14 or occupied by the actor or an employer of the actor and on a
15 publicly accessible Internet website maintained by or on
16 behalf of the actor or an employer of the actor for a period
17 of not less than 30 nor more than 90 continuous days.

18 * * *

19 (q) Definition.--As used in this section, the term
20 "employer" shall have the same meaning as given to it under
21 section 4 of the act of October 27, 1955 (P.L.744, No.222),
22 known as the Pennsylvania Human Relations Act.

23 Section 2. This act shall take effect in 60 days.