



Text File

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Committee: Committee on Public Safety
Services

Status: Passed Finally

Ordinance amending and supplementing the Pittsburgh City Code, Title Six entitled "Conduct," Article I, entitled "Regulated Rights and Actions," Chapter 601, entitled "Public Order," to amend the title and substance of Section 601.17 currently reading "RESERVED. (Reserved for future legislation.)" with the title "Hate Crimes," and substantive legislation to provide for additional penalties for criminal conduct motivated by hatred toward certain characteristics of other persons, under certain terms and conditions.

WHEREAS, the population of the City of Pittsburgh (the "City") is a diverse community of people of every race, color, religion, national origin, sexual orientation, gender identity, gender expression, or disability; and

WHEREAS, many among the population of the City, as individuals or as part of a group, have been subjected to acts motivated by hatred toward their actual or perceived characteristics; and

WHEREAS, the commission of criminal acts motivated by hatred toward an individual's or a group's actual or perceived characteristics is contrary to laws and policies of the City; and

WHEREAS, the Commonwealth of Pennsylvania has enacted, as part of the Pennsylvania Crimes Code, Title 18, "Crimes and Offenses, Assault" a Chapter 27, entitled "Ethnic Intimidation" to make an additional offense the commission of certain there-specified crimes against persons or property "with malicious intention toward the race, color, religion or national origin of another individual or with malicious intention toward the race, color, religion or national origin of another individual or group of individuals;" and

WHEREAS, the City finds that the Commonwealth of Pennsylvania has not included within its definition of "Ethnic Intimidation" crimes motivated by hatred toward the actual or perceived sexual orientation, gender identity, gender expression, or disability of an individual or group of individuals; and

WHEREAS, the FBI most recently published data, its "Hate Crimes Statistics 2019" report, found that in 2019, 7,314 hate crime incidents were reported involving 8,559 offenses, an increase in hate crimes from 7,120 in 2018. In Pennsylvania, 1,424 agencies report overall crime data to the FBI, but only 15 of those law enforcement agencies submitted hate crime incident data, with 41 incidents of hate crimes in 2019. According to FBI data, among victims nationally, 15.8 percent were victims targeted by their sexual orientation, 2.2 percent of victims were targeted by their gender identity, 2.1 percent of victims were targeted by their disability, and 0.7 percent were targeted by their gender. And, these numbers and percentages likely represent only a fraction of the hundreds more occurrences that go unreported; and

WHEREAS, the City of Pittsburgh wishes to enact a local hate crimes ordinance to include offenses motivated by hatred toward a victim's real or perceived sexual orientation, gender identity, gender expression, or disability.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. Title Six of the Pittsburgh Code is hereby amended by adding a new Section 601.17 to read as follows, and with the “reserved” designation(s) removed:

TITLE SIX: CONDUCT

ARTICLE I: - REGULATED RIGHTS AND ACTIONS

CHAPTER 601: - PUBLIC ORDER

* * *

§ 601.17 - HATE CRIMES

(a) *Legislative Findings.*

(1) The population of the City is a diverse community of people of every race, color, religion, national origin, sexual orientation, gender identity, gender expression, or disability. Many among the population of the City, as individuals or as part of a group, have been subjected to acts motivated by hatred toward their actual or perceived characteristics.

(2) The commission of criminal acts motivated by hatred toward an individual’s or a group’s actual or perceived characteristics is contrary to laws and policies of the City of Pittsburgh.

(3) The Commonwealth of Pennsylvania has enacted, as part of the Pennsylvania Crimes Code, Title 18, “Crimes and Offenses, Assault” a Chapter 27, entitled “Ethnic Intimidation” to make an additional offense the commission of certain there-specified crimes against persons or property “with malicious intention toward the race, color, religion or national origin of another individual or with malicious intention toward the race, color, religion or national origin of another individual or group of individuals.”

(4) The City finds that the Commonwealth of Pennsylvania has not included within its definition of “Ethnic Intimidation” crimes motivated by hatred toward the actual or perceived sexual orientation, gender identity, gender expression, or disability of an individual or group of individuals.

(b) *Declaration of Policy.*

(1) It is hereby declared to be the policy of the City, in the exercise of its powers for the protection of the public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the City's trade, commerce and manufacturers, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the city, free from fear and free from criminal acts against them because of race, color, religion, national origin, sexual orientation, gender identity, gender expression, or disability; and

(2) It shall be the public policy of the City to prohibit, and to make an additional offense the commission of

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certain specified crimes motivated by hatred toward an individual's or a group's actual or perceived sexual orientation, gender identity, gender expression, or disability, the Commonwealth of Pennsylvania having already made in its Crimes Code an additional offense regarding specified crimes motivated by hatred toward an individual's or a group's actual or perceived race, color, religion or national origin.

(c) *Scope and Jurisdiction.*

This Section applies to the commission of certain offenses under Title 18 of the Pennsylvania Crimes Code, against an individual or group of individuals or the property of an individual or group, because of the actual or perceived sexual orientation, gender identity, gender expression, or disability of such individual or group of individuals, committed within the territorial limits of the City.

(d) *Definitions.* As used in this Section, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context. Applicable definitions set forth in Section 651.04 shall apply as well in this § 601.17.

(1) **HATE CRIME.** Commission of an offense under Title 18, Chapter 25 (relating to criminal homicide), Chapter 27 (relating to assault), Chapter 29 (relating to kidnapping), Chapter 31 (relating to sexual offenses), Chapter 33 (relating to arson, criminal mischief and other property destruction), or Section 3503 (relating to criminal trespass) of the Pennsylvania Crimes Code, against an individual or group of individuals or the property of an individual or group, accompanied by Malicious Intent as defined in subsection (d)(2) hereof.

(2) **MALICIOUS INTENT.** The commission of any offense referred to in subsection (d)(1) above, because the actual or perceived sexual orientation, gender identity, gender expression, or disability, as such terms are defined by Section 651.04 of this Code, of another individual or group of individuals.

(e) *Prohibited Conduct.*

No person shall commit a Hate Crime with Malicious Intent against another individual or group of individuals.

(f) *Penalties.*

Violation of this Section constitutes a summary offense punishable by a term of imprisonment of up to ninety (90) days and a monetary fine not to exceed the maximum amount for summary offenses.

(g) *Severability.*

Severability is intended throughout and within the provision of this Section. If any provision, including, inter alia, any exception, paragraph, phrase or term, or the application, thereof to any person or circumstances is held invalid, the application to the persons or is circumstances shall not be affected thereby and the validity of this Section in any and all other respects shall not be affected thereby.