

No. 1990-216

## AN ACT

HB 2284

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

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

**§ 8309. Civil rights violations.**

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

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

*(2) Punitive damages.*

*(3) Reasonable attorney fees and costs.*

*(4) Injunctive and other equitable relief.*

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

*(b) Redress sought by public official on behalf of others.—When conduct which would constitute a violation of 18 Pa.C.S. § 2710 or 3307 has occurred, the district attorney of the county in which the violation took place or the Attorney General, after consulting with the district attorney, may institute a civil action for injunctive or other equitable relief if needed to protect any person or property. The civil action shall be brought in the name of the Commonwealth of Pennsylvania in the county where the violation occurred.*

*(c) Filing of court orders.—The prothonotary of the court in which a civil action is brought under subsection (a) or (b) shall transmit two certified copies of any order issued in the action to each appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act and where the defendant resides or has his principal place of business. The sheriff of the county in which the defendant resides shall serve a copy of the order on the defendant. Unless otherwise ordered by the court, service shall be by delivering a copy in hand to the defendant. Law enforcement agencies shall establish procedures adequate to ensure that all officers responsible for the enforcement of the order are informed of its exist-*

*tence and terms. When a law enforcement officer has probable cause to believe that a defendant has violated the provisions of an order, the officer may arrest him.*

*(d) Contempt notice required to be part of order.—In actions brought under this section, when a court issues a temporary restraining order or a preliminary or permanent injunction ordering a defendant to refrain from certain conduct or activities, the order issued shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.*

*(e) Penalties.—A violation of an order issued and served as set forth in this section shall be a misdemeanor of the second degree. If bodily injury results from the violation, the violation shall be a misdemeanor of the first degree.*

*(f) Vacated orders.—When the court vacates a temporary restraining order or a preliminary or permanent injunction issued under this section, the prothonotary shall promptly notify in writing each appropriate-law-enforcement agency which had been notified of the issuance of the order and shall direct each such agency to destroy all records of the order, and the agency shall comply with the directive upon receipt of the notification.*

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

APPROVED—The 19th day of December, A. D. 1990.

ROBERT P. CASEY