

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1029 Session of
2025

INTRODUCED BY COSTA, SANTARSIERO, KEARNEY, HAYWOOD, HUGHES,
FONTANA, COMMITTA, KIM, SCHWANK, TARTAGLIONE, KANE,
PISCIOTTANO, CAPPELLETTI, SAVAL AND MUTH, OCTOBER 3, 2025

REFERRED TO LAW AND JUSTICE, OCTOBER 3, 2025

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, establishing a hate group database;
3 and imposing powers and duties on the Attorney General.

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

6 Section 1. Title 44 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 6

9 HATE GROUP DATABASE

10 Sec.

11 601. Definitions.

12 602. Hate group database.

13 603. Intelligence information.

14 604. Hate group unit established.

15 605. Regulations.

16 § 601. Definitions.

17 The following words and phrases when used in this chapter

18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Appropriate agency." A department, board, commission or
3 agency of the Commonwealth, the Federal Government or another
4 state as approved by the Attorney General of the Commonwealth
5 for access to the hate group database.

6 "Hate crime." A criminal offense against a person or
7 property motivated in whole or in part by an offender's bias
8 against a race, religion, disability, sexual orientation,
9 ethnicity, gender identity or any other immutable
10 characteristic.

11 "Hate group." A group of individuals, as designated by the
12 Attorney General, who, based on the group's official statements
13 or principles, the statements of group leaders or group
14 activities, has beliefs, biases or practices that attack or
15 malign a class of people and who may commit or attempt to commit
16 a hate crime in this Commonwealth.

17 "Hate group database." The Statewide hate group database
18 established under section 602 (relating to hate group database).

19 "Intelligence information." Information concerning the
20 habits, practices, characteristics, possessions, associations
21 and affiliations of an individual or group of individuals
22 compiled in an effort to anticipate, prevent and monitor hate
23 group activity and investigate or prosecute hate crimes.

24 "Law enforcement agency." The Pennsylvania State Police and
25 a police department of a city, borough, incorporated town or
26 township in this Commonwealth. The term includes county district
27 attorneys' offices and the Office of Attorney General of the
28 Commonwealth, Federal law enforcement agencies and law
29 enforcement agencies of other states in accordance with rules
30 and regulations promulgated by the Attorney General to implement

1 this chapter.

2 § 602. Hate group database.

3 (a) Establishment.--The Attorney General, in consultation
4 with the Pennsylvania State Police, shall provide for the
5 establishment of a Statewide hate group database.

6 (b) Duties of Attorney General.--The Attorney General shall:

7 (1) Coordinate, designate and facilitate the use of the
8 hate group database established under subsection (a).

9 (2) Ensure that the hate group database is configured to
10 limit accessibility to law enforcement agencies and other
11 appropriate agencies.

12 (3) Utilize existing resources, networks or structures
13 inside or outside this Commonwealth to:

14 (i) Designate an individual or group of individuals
15 as members of a hate group or affiliates or associates of
16 a hate group.

17 (ii) Evaluate and investigate actual and alleged
18 hate crimes and hate group activity, including
19 paramilitary activity or training, recruitment efforts
20 and reports of overt or covert hate group activities in
21 this Commonwealth.

22 (4) Adopt and establish rules and establish regulations
23 for entering hate groups and members, associates and
24 affiliates of hate groups and hate group activity into the
25 hate group database. Data on individuals may be entered based
26 on reasonable suspicion, reports of alleged activity or
27 actual criminal activity related to a hate crime.

28 (5) Annually compile a hate group report, which shall
29 include available data sources such as uniform crime reports,
30 record management systems and entries into the hate group

1 database.

2 (6) Provide a secure link on the Attorney General's
3 publicly accessible Internet website for public reports of
4 hate group activity and initiate a public awareness campaign
5 to encourage individuals to report hate crimes or acts of
6 suspected hate group activity, including distribution of
7 literature and other similar activities aimed at promoting
8 messages of hate and intolerance.

9 (7) Ensure that individuals entered into the hate group
10 database are 16 years of age or older.

11 (8) Adopt rules to govern access to the hate group
12 database by appropriate agencies.

13 (c) Compliance with Federal regulations.--The hate group
14 database shall comply with Federal regulations for state law
15 enforcement databases shared with other law enforcement
16 agencies, including auditing and access to data.

17 (d) Use of intelligence information.--The hate group
18 database shall:

19 (1) Contain intelligence information available to law
20 enforcement agencies, other Commonwealth agencies, including
21 the Department of Corrections and the Pennsylvania Parole
22 Board, and Federal law enforcement agencies solely for
23 tracking domestic terrorists, hate groups, hate group
24 members, affiliates and associates and hate crime and hate
25 group activities and incidents in this Commonwealth.

26 (2) Provide an Internet-based multiagency,
27 multilocation, information-sharing website or application for
28 law enforcement agencies which operates as a network system.

29 (e) Accessibility.--The hate group database shall be
30 accessible only to appropriate agency employees approved by the

1 Attorney General.

2 (f) Database use.--The hate group database shall be used for
3 intelligence information and investigative information and shall
4 not be used as evidence in any criminal, civil or administrative
5 proceeding. Law enforcement may use intelligence information
6 within the hate group database to obtain information external to
7 the hate group database to formulate reasonable suspicion
8 necessary to make a stop or arrest, except that the existence of
9 intelligence information relating to an individual maintained
10 within the hate group database shall not by itself justify a
11 stop or an arrest.

12 (g) Confidentiality.--The hate group database and the
13 intelligence information maintained in the hate group database
14 are exempt from public disclosure and shall not be a public
15 record subject to disclosure under the act of February 14, 2008
16 (P.L.6, No.3), known as the Right-to-Know Law.
17 § 603. Intelligence information.

18 (a) Authority to collect and maintain intelligence
19 information.--Intelligence information collected on an
20 individual or group of individuals suspected or known to have
21 engaged or attempted to engage in hate group activity in this
22 Commonwealth, or any associate or affiliates of an individual or
23 group of individuals, may only be maintained in the hate group
24 database in accordance with subsection (b).

25 (b) Collection of intelligence information.--

26 (1) Intelligence information may only be placed in the
27 hate group database if the following apply:

28 (i) a law enforcement agency has reasonable
29 suspicion of hate group activity;

30 (ii) the intelligence information is related to hate

1 group activity that would give rise to prosecution for a
2 Federal or State offense for which the penalty is
3 imprisonment for more than one year; or

4 (iii) the intelligence information is not collected
5 in violation of any law of the Commonwealth.

6 (2) Access to the intelligence information contained in
7 the hate group database shall be restricted to authorized
8 employees of a law enforcement agency and cannot be accessed
9 by any other person.

10 (3) Intelligence information related to hate group
11 activity may not be collected or maintained in the hate group
12 database if the information concerns participation in a
13 political, religious or social organization that is not
14 affiliated with a hate group or the organization or support
15 of a nonviolent demonstration, assembly, protest, rally or
16 similar form of public speech unless there is a reasonable
17 suspicion that participation by a subject of intelligence
18 information is related to hate group activity.

19 (c) Dissemination of intelligence information.--

20 (1) Intelligence information may be maintained in the
21 hate group database and disseminated if:

22 (i) The information is reliable as determined by the
23 Attorney General, a district attorney or other law
24 enforcement officer.

25 (ii) The department, agency or individual requesting
26 the information is a law enforcement agency that has
27 policies and procedures adopted by the Office of Attorney
28 General, in consultation with the Pennsylvania State
29 Police, which are consistent with this chapter and
30 include:

1 (A) Designation of a law enforcement officer or
2 officers by the head of the law enforcement agency or
3 a designee to request and receive intelligence
4 information maintained in the hate group database.

5 (B) Adoption of administrative, technical and
6 physical safeguards and rules, including audit
7 trails, to ensure against unauthorized access and
8 against intentional or unintentional damages.

9 (C) Labeling intelligence information to
10 indicate levels of sensitivity and levels of
11 confidence in the accuracy of the information.

12 (iii) The intelligence information is requested in
13 connection with the duties of the law enforcement agency
14 requesting the information and the request for
15 intelligence information is based upon a name,
16 fingerprints, modus operandi, genetic typing, voice print
17 or other identifying characteristic.

18 (2) If the Attorney General or a designated employee of
19 the Office of Attorney General or another disseminating law
20 enforcement agency is notified that intelligence information
21 which has been previously disseminated to another law
22 enforcement agency is materially misleading or otherwise
23 unreliable, the information shall be corrected and the
24 recipient agency notified of the change within 30 days of
25 notification.

26 (3) The Attorney General shall establish retention
27 schedules for intelligence information. Intelligence
28 information shall be purged under the following conditions:

29 (i) The data is no longer relevant or necessary to
30 the goals and objectives of the Attorney General or other

1 law enforcement agency.

2 (ii) The data has become obsolete, making it
3 unreliable for present purposes, and the utility of
4 updating the data would be worthless.

5 (iii) The data cannot be utilized for strategic or
6 tactical intelligence studies.

7 (4) Intelligence information about specific individuals
8 in the hate group database shall be automatically expunged
9 if:

10 (i) no new or updated intelligence information
11 related to hate group activity or the commission of a
12 hate crime has been entered into the hate group database
13 within the previous five years;

14 (ii) there are no alleged or actual reports of hate
15 group activity against the individual subject to
16 expungement in any Federal, Commonwealth or state court;

17 (iii) the individual has not been convicted of a new
18 hate crime in Federal, Commonwealth or state court within
19 the last five years; and

20 (iv) if confined in a correctional institution, at
21 least five years have elapsed since the individual
22 completed a term of total confinement or sentence of
23 probation or parole.

24 (5) Each municipal police department accessing
25 intelligence information maintained in the hate group
26 database shall file a copy of its procedures with the
27 Pennsylvania State Police for approval. The plan shall be
28 reviewed within 60 days of receipt.

29 (6) Each district attorney accessing intelligence
30 information maintained in the hate group database shall file

1 a copy of its procedures with the Office of Attorney General
2 for approval. The plan shall be reviewed within 60 days of
3 receipt.

4 (d) Secondary dissemination prohibited.--A law enforcement
5 agency that has intelligence information on hate group activity
6 or an alleged or actual hate crime, but is not the source of the
7 intelligence information, shall not disseminate or disclose the
8 intelligence information to another law enforcement agency and
9 shall refer the requesting law enforcement agency to the law
10 enforcement agency that was the initial source of the
11 intelligence information. This prohibition shall not apply if
12 the law enforcement agency receiving the intelligence
13 information is investigating or prosecuting a hate crime or a
14 criminal incident related to hate group activity in conjunction
15 with the law enforcement agency possessing the intelligence
16 information. Law enforcement agencies receiving intelligence
17 information related to a hate crime or hate group activity
18 assume the same level of responsibility for the security of the
19 intelligence information as the law enforcement agency that was
20 the initial source of the information.

21 (e) Security requirements.--If intelligence information is
22 maintained in the hate group database, each law enforcement
23 agency collecting, requesting, storing or disseminating
24 intelligence information related to hate group activity shall
25 ensure the confidentiality and security of the information by:

26 (1) Instituting procedures to reasonably protect any
27 repository from theft, fire, sabotage, flood, wind or other
28 natural or manmade disasters.

29 (2) Designating, supervising and training all personnel
30 of the law enforcement agency authorized to have access to

intelligence information maintained in the hate group database.

(3) Ensuring that:

(i) if information technology is employed, the equipment, systems, software and networks used for maintaining and disseminating intelligence information are dedicated solely to purposes related to hate crimes and hate group activities; or

(ii) if information technology is not employed, a law enforcement agency authorized to have access to intelligence information is accorded equal management participation in computer operations used to maintain and disseminate the intelligence information.

§ 604. Hate group unit established.

(a) Establishment.--Within 90 days of the effective date of this subsection, the Attorney General shall establish a hate group unit within the Office of Attorney General.

(b) Procedures.--The unit shall develop procedures to track hate crimes and hate group activities in this Commonwealth and may investigate and institute criminal proceedings of alleged perpetrators of hate crimes.

(c) Criminal action.--

(1) District attorneys of the several counties of this Commonwealth shall have authority to investigate and institute a criminal proceeding for an offense related to a hate crime or hate group activity deemed to be a hate crime.

(2) In addition to the authority conferred upon the Attorney General under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and,

1 following consultation with the appropriate district
2 attorney, to institute criminal proceedings related to hate
3 crimes and hate groups.

4 (d) Standing.--An individual charged with an offense that
5 the Attorney General deems a hate crime shall not have standing
6 to challenge the authority of the Attorney General to
7 investigate or prosecute the case, and, if any challenge is
8 made, the challenge shall be dismissed and no relief shall be
9 available in the courts of this Commonwealth to the individual
10 making the challenge.

11 § 605. Regulations.

12 The Attorney General may adopt and establish rules and
13 regulations necessary to carry out the provisions of this
14 chapter.

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