

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 554 Session of
2017

INTRODUCED BY GREENLEAF, LEACH, BREWSTER, RESCHENTHALER,
FARNESE, YAW, FONTANA, COSTA, RAFFERTY, TARTAGLIONE, BOSCOLA,
BARTOLOTTA, STREET, DINNIMAN, BROWNE, HUGHES, LAUGHLIN,
BLAKE, HAYWOOD, SCAVELLO AND BROOKS, MARCH 24, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 1, 2018

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in human trafficking, further providing for
4 definitions, PROVIDING FOR CONCURRENT JURISDICTION, repealing <--
5 provisions relating to appropriate implementation for minor
6 victims of human trafficking, providing for special relief to
7 restore victim's dignity and autonomy and for safe harbor for
8 sexually exploited children, establishing the Safe Harbor for
9 Sexually Exploited Children Fund and imposing penalties; in <--
10 riot, disorderly conduct and related offenses, further
11 providing for the offense of obstructing highways and other
12 public passages; in public indecency, further providing for
13 the offense of prostitution and related offenses; and, in
14 juvenile matters, providing for immunity and for dependency <--
15 in lieu of delinquency.

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

18 Section 1. Section 3001 of Title 18 of the Pennsylvania
19 Consolidated Statutes is amended by adding definitions to read:
20 § 3001. Definitions.

21 The following words and phrases when used in this chapter
22 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "County agency." A county children and youth social service
4 agency established under section 405 of the act of June 24, 1937
5 (P.L.2017, No.396), known as the County Institution District
6 Law, and supervised by the department under Article IX of the
7 act of June 13, 1967 (P.L.31, No.21), known as the Human
8 Services Code.

9 * * *

10 "Department." The Department of Human Services of the
11 Commonwealth.

12 * * *

13 "Fund." The Safe Harbor for Sexually Exploited Children
14 Fund.

15 * * *

16 "Sexually exploited child." An individual under 18 years of
17 age who:

18 (1) is a victim of sexual servitude; or

19 (2) is a victim of an offense under 18 U.S.C. § 1591

20 (relating to sex trafficking of children or by force, fraud,
21 or coercion).

22 * * *

23 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ: <--

24 § 3026. CONCURRENT JURISDICTION.

25 THE ATTORNEY GENERAL AND THE DISTRICT ATTORNEYS OF THE
26 SEVERAL COUNTIES SHALL HAVE CONCURRENT AUTHORITY TO INVESTIGATE
27 AND INSTITUTE CRIMINAL PROCEEDINGS UNDER THE PROVISIONS OF THIS
28 CHAPTER.

29 Section ~~2~~ 3. Section 3053 of Title 18 is repealed: <--

30 [~~§ 3053. Appropriate implementation for minor victims of human~~

1 trafficking.

2 The provision of services to a minor victim of human
3 trafficking by the Commonwealth or by any institution or person
4 established or licensed by the Commonwealth shall be carried out
5 in a manner that is in the best interest of the minor and
6 appropriate to the particular situation.]

7 Section 3 4. Title 18 is amended by adding a section to <--
8 read:

9 § 3056. Special relief to restore victim's dignity and
10 autonomy.

11 (a) General rule.--An individual who is a victim of human
12 trafficking and has been tattooed with an identifying mark of
13 human trafficking as a direct result of being trafficked may be
14 eligible for special relief.

15 (b) Form of special relief.--

16 (1) An individual who is a victim of human trafficking
17 may be reimbursed from the fund for the costs of removing or
18 covering up a tattoo with an identifying mark.

19 (2) No reimbursement may be paid if the individual has
20 incurred reimbursable expenses of less than \$100, and no
21 reimbursement may exceed \$10,000 per individual.

22 (3) If a reimbursement paid from the fund to an
23 individual is later recovered by an insurance settlement,
24 civil suit settlement or restitution, the individual shall
25 pay to the fund an amount equal to the reimbursement.

26 Section 4 5. Chapter 30 of Title 18 is amended by adding a <--
27 subchapter to read:

28 SUBCHAPTER D.1

29 SAFE HARBOR FOR SEXUALLY EXPLOITED CHILDREN

30 Sec.

- 1 3061. Statewide protocol.
- 2 3062. Specialized services for sexually exploited children.
- 3 3063. Law enforcement training.
- 4 3064. Safe Harbor for Sexually Exploited Children Fund.
- 5 3065. SAFE HARBOR FOR SEXUALLY EXPLOITED CHILDREN.

<--

6 § 3061. Statewide protocol.

7 The department shall develop a Statewide protocol to
8 efficiently and effectively coordinate the provision of
9 specialized services to sexually exploited children.

10 § 3062. Specialized services for sexually exploited children.

11 The department shall, in conjunction with county agencies:

12 (1) Develop and provide specialized programs and
13 services for sexually exploited children that address a
14 victim's needs, including the following:

15 (i) Safe and stable housing.

16 (ii) Access to education.

17 (iii) Employment and life-skills training.

18 (iv) Comprehensive case management.

19 (v) Physical and behavioral health care, including
20 trauma therapy.

21 (vi) Treatment for drug or alcohol dependency.

22 (vii) Medical and dental care.

23 (viii) Access to personal care items and adequate
24 clothing.

25 (ix) Other needs that sexually exploited children
26 may have as determined by the department or the county
27 agencies.

28 (2) Ensure that providers of the specialized programs
29 and services provided under paragraph (1) receive sufficient
30 training and understand the unique circumstances surrounding

1 the victimization of sexually exploited children.

2 § 3063. Law enforcement training.

3 The Municipal Police Officers' Education and Training
4 Commission and the Pennsylvania State Police shall provide
5 training to appropriate law enforcement officers. The training
6 shall include:

7 (1) Methods used to identify a sexually exploited child.

8 (2) Methods used to interview and engage with a sexually
9 exploited child.

10 (3) Methods to assist victims to access specialized
11 programs and services for a sexually exploited child.

12 (4) METHODS TO MINIMIZE TRAUMA IN THE DETENTION OF A <--
13 SEXUALLY EXPLOITED CHILD.

14 § 3064. Safe Harbor for Sexually Exploited Children Fund.

15 (a) Establishment.--

16 (1) The Safe Harbor for Sexually Exploited Children Fund
17 is established in the State Treasury and shall be
18 administered by the department.

19 (2) Appropriations for transfers to the fund and fines
20 paid and interest accrued on money collected under subsection
21 (b) shall be deposited into the fund.

22 (3) In addition to money that may be appropriated by the
23 General Assembly, the department may apply for and expend
24 Federal grants and contributions from other public, quasi-
25 public or private sources to assist in implementing this
26 subchapter.

27 (4) Money in the fund shall be used as follows:

28 (i) At least 50% of the fund may be expended by the
29 department to provide victim services either directly by
30 the department or through grants.

1 (ii) At least 40% of the fund may be expended to
2 increase public awareness through an anti-demand
3 campaign.

4 (iii) Not more than 10% of the fund may be expended
5 by the department for the costs of operating and
6 maintaining the fund.

7 (b) Fines.--Notwithstanding any law to the contrary, the
8 fin~~e~~s provided by this subsection shall be in addition to any
9 fine authorized or required by law:

10 (1) An individual who is convicted of an offense under
11 section 3011 (relating to trafficking in individuals), 3012
12 (relating to involuntary servitude), 3013 (relating to
13 patronizing a victim of sexual servitude) or 5902(b) or (b.1)
14 (relating to prostitution and related offenses) shall be
15 ordered to pay a fine of \$5,000 for each offense.

16 (2) An individual who is convicted of an offense under
17 section 5902(e) shall be ordered to pay a fine of \$2,500 for
18 each offense.

19 (3) An individual who is convicted of an offense under
20 section 5902(e), when the individual knew or should have
21 known the victim was under 18 years of age, shall be ordered
22 to pay a fine of \$5,000 for each offense.

23 ~~Section 5. Sections 5507 and 5902 of Title 18 are amended by <--~~
24 ~~adding subsections to read:~~

25 ~~§ 5507. Obstructing highways and other public passages.~~

26 ~~* * *~~

27 ~~(a.1) Sexually exploited children. If it is determined by a~~
28 ~~law enforcement officer, after a reasonable detention for~~
29 ~~investigative purposes, that a person suspected of or charged~~
30 ~~with a violation under this section is a person under 18 years~~

1 ~~of age and is determined to be a sexually exploited child as~~
2 ~~defined in section 3001 (relating to definitions), the person:~~
3 ~~(1) Shall be immune from prosecution under this section.~~
4 ~~(2) May not be jailed, fined, prosecuted, charged or~~
5 ~~otherwise penalized under this section.~~
6 ~~(3) Shall be treated as a sexually exploited child in~~
7 ~~accordance with Chapter 30 (relating to human trafficking).~~

8 * * *

9 ~~§ 5902. Prostitution and related offenses.~~

10 * * *

11 ~~(a.2) Sexually exploited children. If it is determined by a~~
12 ~~law enforcement officer, after a reasonable detention for~~
13 ~~investigative purposes, that a person suspected of or charged~~
14 ~~with a violation under subsection (a) is a person under 18 years~~
15 ~~of age and is determined to be a sexually exploited child as~~
16 ~~defined in section 3001 (relating to definitions), the person:~~
17 ~~(1) Shall be immune from prosecution under this section.~~
18 ~~(2) May not be jailed, fined, prosecuted, charged or~~
19 ~~otherwise penalized under this section.~~
20 ~~(3) Shall be treated as a sexually exploited child in~~
21 ~~accordance with Chapter 30 (relating to human trafficking).~~

22 * * *

23 Section 6. Title 42 is amended by adding sections to read:

24 ~~§ 6328. Immunity.~~

25 ~~A juvenile shall not be charged and shall be immune from~~
26 ~~prosecution for the following offenses if committed by a child~~
27 ~~who is determined to be a sexually exploited child as defined in~~
28 ~~18 Pa.C.S. § 3001 (relating to definitions):~~

29 ~~(1) Prostitution and related offenses as defined in 18~~
30 ~~Pa.C.S. § 5902(a)(1) and (2) (relating to prostitution and~~

1 ~~related offenses).~~

2 ~~(2) Obstructing highways and other public passages as~~
3 ~~defined in 18 Pa.C.S. § 5507 (relating to obstructing~~
4 ~~highways and other public passages).~~

5 § 3065. SAFE HARBOR FOR SEXUALLY EXPLOITED CHILDREN. <--

6 (A) SAFE HARBOR.--IF IT IS DETERMINED BY A LAW ENFORCEMENT
7 OFFICER, AFTER REASONABLE DETENTION FOR INVESTIGATIVE PURPOSES,
8 THAT AN INDIVIDUAL IS UNDER 18 YEARS OF AGE AND IS DETERMINED TO
9 BE A SEXUALLY EXPLOITED CHILD AS DEFINED IN SECTION 3001

10 (RELATING TO DEFINITIONS), THE INDIVIDUAL SHALL BE IMMUNE FROM:

11 (1) PROSECUTION OR ADJUDICATION AS A DELINQUENT CHILD
12 FOR A VIOLATION OF SECTIONS 5507 (RELATING TO OBSTRUCTING
13 HIGHWAYS AND OTHER PUBLIC PASSAGES) AND 5902(A) (RELATING TO
14 PROSTITUTION AND RELATED OFFENSES).

15 (2) REVOCATION OF AN EXISTING TERM OF PROBATION OR
16 PAROLE ARISING FROM A CONVICTION OR ADJUDICATION FOR ANOTHER
17 OFFENSE, IF THE REVOCATION IS BASED ON CONDUCT UNDER
18 PARAGRAPH (1).

19 (B) EXCEPTIONS TO SAFE HARBOR.--THE SAFE HARBOR UNDER
20 SUBSECTION (A) SHALL NOT:

21 (1) INTERFERE WITH OR PREVENT AN INVESTIGATION, ARREST,
22 CHARGE, PROSECUTION, DELINQUENCY ADJUDICATION OR REVOCATION
23 FOR VIOLATIONS OTHER THAN A VIOLATION UNDER SUBSECTION (A).

24 (2) BAR THE ADMISSION OF EVIDENCE IN CONNECTION WITH THE
25 INVESTIGATION AND PROSECUTION FOR A VIOLATION OTHER THAN A
26 VIOLATION UNDER SUBSECTION (A).

27 (3) BAR THE ADMISSION OF EVIDENCE IN CONNECTION WITH AN
28 INVESTIGATION AND PROSECUTION OF AN INDIVIDUAL WHO DOES NOT
29 QUALIFY FOR SAFE HARBOR AS PROVIDED UNDER THIS SECTION.

30 (C) DETAINMENT.--AN INDIVIDUAL DETERMINED TO BE A SEXUALLY

1 EXPLOITED CHILD AS DEFINED IN SECTION 3001 (RELATING TO
2 DEFINITIONS) SHALL BE DETAINED NO LONGER THAN NECESSARY AND ONLY
3 TO ASSIST THE CHILD IN SECURING SPECIALIZED SERVICES AVAILABLE
4 UNDER SECTION 3062 (RELATING TO SPECIALIZED SERVICES FOR
5 SEXUALLY EXPLOITED CHILDREN) OR TO REFER THE CHILD TO A COUNTY
6 AGENCY IF REQUIRED UNDER 42 PA.C.S. § 6329 (RELATING TO
7 DEPENDENCY IN LIEU OF DELINQUENCY).

8 (D) IMMUNITY.--IN ADDITION TO ANY OTHER IMMUNITY OR
9 LIMITATION ON CIVIL LIABILITY, A LAW ENFORCEMENT OFFICER OR
10 PROSECUTING ATTORNEY WHO, ACTING IN GOOD FAITH, INVESTIGATES,
11 DETAINS, CHARGES OR INSTITUTES DELINQUENCY PROCEEDINGS AGAINST
12 AN INDIVIDUAL WHO IS THEREAFTER DETERMINED TO BE ENTITLED TO
13 IMMUNITY UNDER THIS SECTION, SHALL NOT BE SUBJECT TO CIVIL
14 LIABILITY FOR THE ACTIONS.

15 SECTION 5 6. TITLE 42 IS AMENDED BY ADDING A SECTION TO <--
16 READ:

17 § ~~6329~~ 6328. Dependency in lieu of delinquency. <--

18 (a) Referral to county agency.--The offenses provided under
19 subsection (b) shall be referred to a county agency under 23
20 Pa.C.S. §§ 6362 (relating to responsibilities of county agency
21 for child protective services) and 6375 (relating to county
22 agency requirements for general protective services) if the
23 offense:

24 (1) Is committed by a child as a direct result of being
25 a sexually exploited child as defined in 18 Pa.C.S. § 3001
26 (relating to definitions).

27 ~~(2) Is committed by a child under 18 years of age.~~ <--

28 ~~(3)~~ (2) Is directly related to having been subject to <--
29 human trafficking as defined in 18 Pa.C.S. § 3001.

30 (b) Eligible offenses.--Eligible offenses for referral to a

1 county agency include the following:

2 (1) 18 Pa.C.S. § 3503 (relating to criminal trespass).

3 (2) 18 Pa.C.S. § 4914 (relating to false identification
4 to law enforcement authorities).

5 (3) 18 Pa.C.S. § 5503 (relating to disorderly conduct).

6 (4) 18 Pa.C.S. § 5506 (relating to loitering and
7 prowling at night time).

8 (5) An offense for simple possession of a controlled
9 substance under section 13(a)(16) and (31) of the act of
10 April 14, 1972 (P.L.233, No.64), known as The Controlled
11 Substance, Drug, Device and Cosmetic Act.

12 (c) Delinquency proceedings.--

13 (1) If an offense listed in subsection (b) is referred
14 to a county agency, delinquency proceedings under Chapter 63
15 (relating to juvenile matters) may not be commenced
16 immediately.

17 (2) If treatment and social services are unsuccessful
18 while the dependency petition is pending, as evidenced by the
19 child's behavior, and the county agency believes that
20 juvenile justice services are necessary and warranted, the
21 county agency shall refer the child's case to the juvenile
22 probation department or district attorney's office for the
23 commencement of delinquency proceedings.

24 (d) Record expungement.--Upon the final discharge of
25 supervision, juvenile court records relating to an offense
26 listed in subsection (b) shall be expunged by the court under 18
27 Pa.C.S. § 9123 (relating to juvenile records).

28 Section 7 6 7. This act shall take effect in 60 days.

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