

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 851

**PRINTER NO.** 965

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund  
Motor License Fund

**DATE INTRODUCED**

May 28, 2015

**PRIME SPONSOR**

Senator Greenleaf

**DESCRIPTION AND PURPOSE OF BILL**

**SYNOPSIS:**

Senate Bill 851 amends Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) to address the procedures applicable to victims of human trafficking who are encountered by law enforcement officers.

**SUMMARY:**

Defines "sexually exploited child" as any person under 18 years of age who has been subject to sexual exploitation because the person:

1. is a victim of human trafficking;
2. is a victim of an offense committed under 18 U.S.C. § 1591 (relating to sex trafficking of children or by force, fraud or coercion.)

Repeals section 3053 of Title 18 (relating to appropriate implementation for minor victims of human trafficking.)

Tattoo Removal. Adds a new section 3056 to Title 18 that provides relief in the form of reimbursement for the covering up or removal of tattoos applied by traffickers with an identifying mark. The reimbursement occurs only if the tattoo removal costs \$100 or more to be paid out of the Safe Harbor for Sexually Exploited Children Fund (Fund). If any expenses related to tattoo removal are subsequently covered by restitution or the proceeds of insurance or a civil suit, the claimant must reimburse the Fund for the full amount of tattoo removal expenses.

**SAFE HARBOR FOR SEXUALLY EXPLOITED CHILDREN:**

Establishes the general rule that a law enforcement officer must report to the Department of Human Services (DHS) any instance where a child under the age of 18 is engaged in prostitution or prostitution-related offenses, is a victim of human trafficking, or is otherwise suspected of being a sexually exploited child.

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Requires DHS to develop a statewide protocol and, in conjunction with county agencies, coordinate specialized services for sexually exploited children. The specialized services must include safe long-term housing, access to education, employment and life-skills training, trauma therapy, counseling, treatment for addictions, medical and dental care, and access to personal care items.

DHS may, to the extent funds are available, operate or contract with an appropriate nongovernmental agency with experience working with sexually exploited children to operate one or more safe houses.

Requires the Municipal Police Officers' Education and Training Commission and the Pennsylvania State Police, in consultation with the Pennsylvania District Attorney Association to arrange for or provide training to intake officers, law enforcement, prosecutors and any other appropriate staff. Training shall focus on methods to identify and interview a sexually exploited child.

Establishes the Safe Harbor for Sexually Exploited Children Fund (Fund) in the State Treasury to be administered by DHS. Requires the Fund to be used for victim services and to finance a public awareness campaign to reduce demand for sex trafficking. Imposes monetary assessments on offenders who are convicted of trafficking offenses which shall be paid into the Fund, along with appropriations by the General Assembly and any money obtained by the DHS through application for Federal grants and grants and contributions from other public, quasi-public or private sources.

Amends section 5902 of Title 18 (relating to prostitution and related offenses) to create a safe harbor for underage victims of human trafficking. After a reasonable detention for investigative purposes, a person suspected or charged with a prostitution offense will be immune from prosecution and may not be jailed, fined, or charged.

Amends the definition of "delinquent act" under Title 42 (Judiciary and Judicial Procedure) to include a non-exhaustive list of prostitution-related offenses for which charges may not be filed against an underage victim of human trafficking.

Effective Date: 60 days.

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### **FISCAL IMPACT:**

SB 851 will have no additional fiscal impact on the Department of Human Services. Based upon statistics from the National Human Trafficking Resource Center, there is a four-year average of 28 minor victims every year that were victims of human trafficking. The Federal Preventing Sex Trafficking and Strengthening Families Act requires Title IV-E agencies to develop policies and procedures to identify, document, and determine appropriate services for children under the placement, care, or supervision of a child welfare agency and who are at risk of becoming sex trafficking victims or who are victims of sex trafficking.

Monies deposited in the Safe Harbor for Sexually Exploited Children Fund will be dependent on the number of offenders convicted of a human trafficking offense, future appropriations by the General Assembly and the possible receipt of federal funds.

According to the Pennsylvania State Police, the Bureau of Training and Education estimates a cost of \$10,000 in salary and benefits for members to develop a one-hour training module on the subjects of human trafficking and identifying sexually exploited children. This cost would also include the filming, narration and editing. The training module would then be disseminated through the Learning Management System to all Troopers of the Pennsylvania State Police. A "one-hour" salary and benefit cost for these Troopers is estimated at \$366,750.

It's assumed that the Municipal Police Officers' Education & Training Commission (MPOETC) would utilize the same training module for the Commonwealth's municipal police officers.

The estimated costs mentioned above are assumed to be capable of being absorbed within existing fiscal resources of the Pennsylvania State Police.