

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. Senate Bill 60

PRINTER NO. 1391

AMOUNT

See Fiscal Impact

FUND

General Fund
Prevention of Human Trafficking (restricted account)

DATE INTRODUCED

January 23, 2019

PRIME SPONSOR

Senator Phillips-Hill

DESCRIPTION

Senate Bill 60 amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for increased penalties and asset forfeiture in regards to human trafficking and patronizing a victim of sexual servitude.

Title 18

Section 3011 (trafficking in individuals) is amended by providing that a person commits a felony:

- 1) Of the first degree if the person recruits, entices, solicits, advertises, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to sexual servitude;
- 2) Of the first degree if the person knowingly benefits financially or receives anything of value from any act that facilitates any activity described above;
- 3) Of the second degree if the person recruits, entices, solicits, advertises, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to labor servitude; or
- 4) Of the second degree if the person knowingly benefits financially or receives anything of value from an act which facilitates activity under paragraph (3).

The legislation provides that despite the sentencing limitations on terms of imprisonment for felonies provided by Section 1103, a person shall be sentenced to a term of imprisonment fixed by the court at not more than 40 years if:

- 1) The person is guilty of a violation listed in paragraph (1) or (2) above; and:
- 2) The violation results in a minor being subject to sexual servitude and the violation is part of a course of conduct subjecting individuals to sexual servitude.

Section 3013 (patronizing a victim of sexual servitude) is amended by increasing the grade of the offense from a felony of the second degree to a felony of the first degree if the person engages in any sex act or performance with another individual knowing that it results in the individual being a victim of human trafficking. Additionally, a new subparagraph (2) provides that if the sex act or performance is done with reckless disregard, the offense is graded as a felony of the third degree when the

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offense is a first offense and a felony of the first degree when the offense is a second or subsequent offense.

Section 3013(c) is amended by increasing the fine for a violation from \$500 to:

- 1) Not less than \$1,000 nor more than the maximum amount applicable under § 1101 (relating to fines).
- 2) Not less than \$5,000 nor more than \$25,000 for conviction of a second offense.
- 3) Not less than \$10,000 nor more than \$50,000 for conviction of a third or subsequent offense.

A person shall pay a fine of not less than \$10,000 nor more than \$50,000 if the victim of sexual servitude was a minor at the time of the offense.

Fines shall be distributed equally to the Safe Harbor for Sexually Exploited Children Fund and a newly established Prevention of Human Trafficking restricted account in the General Fund, for the purposes of funding grant programs under Title 18, Section 3031 made by the Pennsylvania Commission on Crime and Delinquency (PCCD).

Section 3021 (relating to asset forfeiture) is amended by providing that all moneys forfeited and proceeds from the sale of all property forfeited and seized shall be paid as follows:

- 1) Law enforcement agencies shall be reimbursed funds used in the detection, investigation, apprehension and prosecution of persons for violation of sections 3011 and 3012.
- 2) Any amounts remaining after reimbursement shall be distributed as follows:
 - a. 30% to the office of the prosecuting attorney to be used to investigate and prosecute human trafficking cases; and
 - b. 70% to PCCD, one-half of which shall be deposited in the newly established restricted account mentioned above, and one-half to be used by the Office of Victims' Services to provide services to victims of human trafficking.

Title 42

Section 5982 (definitions) is amended by increasing the age of a "child" or "children" from "under 16 years of age" to "under 18 years of age."

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania Commission on Sentencing, data indicates the following number of convictions and state prison sentences for human trafficking and sexual servitude offenses in 2018:

Offense:	# of Convictions:	# Sentenced to State Prison
18 Pa. C.S. § 3011 (Human Trafficking)	9	8
18 Pa. C.S. § 3013 (Sexual Servitude)	1	1

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Increasing some of the provisions and grading of the above mentioned offenses may result in additional individuals being charged with and convicted of these offenses. The fiscal impact will depend primarily on the actual number of cases tried in the courts and the number of individuals sentenced to a State Correctional Institution.

The variable per inmate/per day rates for an inmate in a State Correctional Institution is determined by the additional number of inmates being sentenced to a State Correctional Institution. The variable per inmate/per day rates for the State Correctional Institutions are as follows:

- 0 – 299 additional inmates = \$18.34 per inmate per day
- 300 - 599 additional inmates = \$43.60 per inmate per day
- 600 - 900 additional inmates = \$71.78 per inmate per day
- 900 + additional inmates = \$128.13 per inmate per day

If the provisions of this legislation annually result in the conviction of 10 additional individuals who are sentenced to state confinement, additional costs to the Department of Corrections would be approximately \$67,000 in the first year, increasing to \$1 million in year 10 when 100 additional individuals would be in state custody. The total cost under this assumed model is estimated at \$4,968,000 over the ten-year period.

Year		1	2	3	4	5	6	7	8	9	10
Per. Diem – Small Population Increases		\$18.34	\$19.26	\$20.22	\$21.23	\$22.29	\$23.41	\$24.58	\$25.81	\$27.10	\$28.45
	1	10	10	10	10	10	10	10	10	10	10
	2		10	10	10	10	10	10	10	10	10
	3			10	10	10	10	10	10	10	10
	4				10	10	10	10	10	10	10
	5					10	10	10	10	10	10
	6						10	10	10	10	10
	7							10	10	10	10
	8								10	10	10
	9									10	10
	10										10
Total Inmates:		10	20	30	40	50	60	70	80	90	100
Annual Cost:		\$66,941	\$140,576	\$221,407	\$309,970	\$406,836	\$512,613	\$627,951	\$753,542	\$890,121	\$1,038,475
Cumulative:		\$66,941	\$207,517	\$428,924	\$738,895	\$1,145,731	\$1,658,344	\$2,286,296	\$3,039,837	\$3,929,958	\$4,968,433