

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 44

PRINTER NO. 976

AMOUNT

See Fiscal Impact

FUND

General Fund
Prevention of Human Trafficking (restricted account)

DATE INTRODUCED

June 6, 2023

PRIME SPONSOR

Senator Dush

DESCRIPTION

Senate Bill 44 amends Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for an additional offense under the trafficking in individuals and patronizing a victim of sexual servitude statutes and provide for additional Address Confidentiality Program affidavit criteria.

Title 18

Section 3001 (relating to trafficking in individuals) is amended by making the following changes to the definitions:

- Defines "commercial sex act" as a sex act for which anything of value is given to or received by a person;
- Makes a technical change to the definition of "sexual servitude;" and
- Includes a victim of an offense under Chapter 30 (Human Trafficking) to the definition of "victim of human trafficking" or "victim."

Section 3011 (relating to trafficking in individuals) is amended by providing that a person commits a felony of the first degree if the person patronizes an individual if the person knows or recklessly disregards that the individual will be subject to sexual servitude.

Section 3013 (relating to patronizing a victim of sexual servitude) is amended by adding an additional paragraph providing that a person commits an offense if the person patronizes an individual who is under 18 years of age, causing the individual to engage in a commercial sex act. A conviction under this paragraph is graded as follows:

- 1) A felony of the second degree when the offense is a first offense; and
- 2) A felony of the first degree when the offense is a second or subsequent offense.

Section 6318 (relating to unlawful contact with minor) is amended to include that a person commits an offense if the person is intentionally in contact with another individual having direct contact with children, as defined under 23 Pa.C.S. § 6303(a) (relating to definitions).

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Title 23

Section 6702 (relating to definitions) is amended by making a technical change to the definition of "victim of human trafficking."

Section 6704 (7) is amended to include that a victim of human trafficking who files an affidavit with the Office of Victim Advocate describing the perpetrator's course of conduct or repeated actions toward the affiant meeting the criteria enumerated in 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude) and further stating that the affiant fears future violent acts by the perpetrator of the human trafficking shall be eligible to apply to become a participant of the Address Confidentiality Program.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to data from the Pennsylvania Commission on Sentencing, following are the 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

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

- 0 – 299 additional inmates = \$41.68 per inmate per day
- 300 - 599 additional inmates = \$67.49 per inmate per day
- 600 - 899 additional inmates = \$97.93 per inmate per day
- 900 + additional inmates = \$158.80 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 \$152,132 in the first year, increasing to \$924,587 in year 5 when 50 additional individuals would be in state custody.

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		Annual Costs to Pennsylvania Department of Corrections				
		1	2	3	4	5
Year						
Per. Diem - Small Population Increases		\$41.68	\$43.76	\$45.95	\$48.25	\$50.66
	1	10	10	10	10	10
	2		10	10	10	10
	3			10	10	10
	4				10	10
	5					10
Total Inmates		10	20	30	40	50
Annual Cost		\$152,132	\$319,477	\$503,177	\$704,447	\$924,587