

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 75 Session of 2013

INTRODUCED BY GREENLEAF, DINNIMAN, WASHINGTON, VOGEL, FARNESE, YUDICHAK, TARTAGLIONE, VULAKOVICH, ERICKSON, RAFFERTY, FERLO, SOLOBAY, VANCE, PILEGGI, HUGHES, BRUBAKER, LEACH, BREWSTER, BOSCOLA, COSTA, WILLIAMS, TEPLITZ, STACK, BROWNE, SCHWANK, WILEY, KASUNIC, SMITH, BLAKE AND WOZNIAK, JANUARY 9, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 10, 2014

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, extensively revising the law on human trafficking
4 in the areas of prosecution, prevention, victim protection,
5 evidentiary confidentiality, limitation of actions and victim
6 impact statements; and making editorial changes.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Section 911(h) (1) (i) of Title 18 of the~~ <--
10 ~~Pennsylvania Consolidated Statutes is amended to read:~~

11 ~~§ 911. Corrupt organizations.~~

12 * * *

13 ~~(h) Definitions. As used in this section:~~

14 ~~(1) "Racketeering activity" means all of the following:~~

15 ~~(i) An act which is indictable under any of the~~
16 ~~following provisions of this title:~~

17 ~~Chapter 25 (relating to criminal homicide)~~

1 ~~Section 2706 (relating to terroristic threats)~~

2 ~~Chapter 29 (relating to kidnapping)~~

3 ~~Chapter 30 (relating to human trafficking [of-~~
4 ~~persons])~~

5 ~~Chapter 33 (relating to arson, criminal mischief-~~
6 ~~and other property destruction)~~

7 ~~Chapter 37 (relating to robbery)~~

8 ~~Chapter 39 (relating to theft and related-~~
9 ~~offenses)~~

10 ~~Section 4108 (relating to commercial bribery and-~~
11 ~~breach of duty to act disinterestedly)~~

12 ~~Section 4109 (relating to rigging publicly-~~
13 ~~exhibited contest)~~

14 ~~Section 4117 (relating to insurance fraud)~~

15 ~~Chapter 47 (relating to bribery and corrupt-~~
16 ~~influence)~~

17 ~~Chapter 49 (relating to falsification and-~~
18 ~~intimidation)~~

19 ~~Section 5111 (relating to dealing in proceeds of-~~
20 ~~unlawful activities)~~

21 ~~Section 5512 (relating to lotteries, etc.)~~

22 ~~Section 5513 (relating to gambling devices,-~~
23 ~~gambling, etc.)~~

24 ~~Section 5514 (relating to pool selling and-~~
25 ~~bookmaking)~~

26 ~~Chapter 59 (relating to public indecency).~~

27 ~~* * *~~

28 ~~An act which otherwise would be considered racketeering-~~
29 ~~activity by reason of the application of this paragraph,~~

30 ~~shall not be excluded from its application solely because the~~

1 ~~operative acts took place outside the jurisdiction of this~~
2 ~~Commonwealth, if such acts would have been in violation of~~
3 ~~the law of the jurisdiction in which they occurred.~~

4 * * *

5 ~~Section 2. The heading of Chapter 30 and sections 3001,~~
6 ~~3002, 3003 and 3004 of Title 18 are repealed:~~

7 ~~{CHAPTER 30~~

8 ~~TRAFFICKING OF PERSONS~~

9 ~~§ 3001. Definitions.~~

10 ~~The following words and phrases when used in this chapter~~
11 ~~shall have the meanings given to them in this section unless the~~
12 ~~context clearly indicates otherwise:~~

13 ~~"Criminal coercion." The term includes conduct defined as~~
14 ~~criminal coercion by section 2906 (relating to criminal~~
15 ~~coercion).~~

16 ~~"Forced labor or services." Labor or services that are~~
17 ~~performed or provided by another person which are obtained or~~
18 ~~maintained when a person:~~

19 ~~(1) attempts to cause, causes or by threat of physical~~
20 ~~menace puts another person in fear of bodily injury;~~

21 ~~(2) physically restrains or threatens to physically~~
22 ~~restrain another person unlawfully;~~

23 ~~(3) abuses or threatens to abuse the law or legal~~
24 ~~process;~~

25 ~~(4) possesses except as required by Federal immigration~~
26 ~~law or regulation, destroys, conceals, removes or confiscates~~
27 ~~any actual or purported passport or other immigration~~
28 ~~document of another person, or any other actual or purported~~
29 ~~government identification document of another person; or~~

30 ~~(5) engages in criminal coercion of another person.~~

1 ~~"Traffics." Recruits, entices, harbors, transports or~~
2 ~~provides or obtains by any means.~~

3 ~~§ 3002. Trafficking of persons.~~

4 ~~(a) Offense defined. A person commits an offense if the~~
5 ~~person knowingly traffics or knowingly attempts to traffic~~
6 ~~another person, knowing that the other person will be subjected~~
7 ~~to forced labor or services.~~

8 ~~(b) Grading. An offense under subsection (a) shall be~~
9 ~~graded a felony of the second degree unless the other person~~
10 ~~suffers bodily injury or the other person is an individual under~~
11 ~~18 years of age, in which case it shall be graded as a felony of~~
12 ~~the first degree.~~

13 ~~§ 3003. Restitution for offenses.~~

14 ~~(a) General rule. A person convicted of an offense under~~
15 ~~this chapter shall, in addition to any other remedy deemed~~
16 ~~appropriate by the court, be sentenced to pay the victim~~
17 ~~restitution, including the greater of:~~

18 ~~(1) the gross income or value to the person to whom the~~
19 ~~labor or services were performed by the victim; or~~

20 ~~(2) the value of the victim's labor based on the minimum~~
21 ~~wage of this Commonwealth.~~

22 ~~(b) Private remedies. Nothing in this section shall be~~
23 ~~construed to preclude any other remedy at law or in equity.~~

24 ~~§ 3004. Forfeiture.~~

25 ~~(a) General rule. The following shall be subject to~~
26 ~~forfeitures to the Commonwealth, and no property right shall~~
27 ~~exist in them:~~

28 ~~(1) All assets, foreign or domestic:~~

29 ~~(i) Of an individual, entity or organization engaged~~
30 ~~in planning or perpetrating an act in this Commonwealth~~

1 ~~which violates section 3002 (relating to trafficking of~~
2 ~~persons) and all assets, foreign or domestic, affording a~~
3 ~~person a source of influence over such individual, entity~~
4 ~~or organization.~~

5 ~~(ii) Acquired or maintained by a person with the~~
6 ~~intent and for the purpose of supporting, planning,~~
7 ~~conducting or concealing an act in this Commonwealth~~
8 ~~which violates section 3002.~~

9 ~~(iii) Derived from, involved in or used or intended~~
10 ~~to be used to commit an act in this Commonwealth which~~
11 ~~violates section 3002.~~

12 ~~(2) All assets within this Commonwealth:~~

13 ~~(i) Of an individual, entity or organization engaged~~
14 ~~in planning or perpetrating an act which violates section~~
15 ~~3002.~~

16 ~~(ii) Acquired or maintained with the intent and for~~
17 ~~the purpose of supporting, planning, conducting or~~
18 ~~concealing an act which violates section 3002.~~

19 ~~(iii) Derived from, involved in or used or intended~~
20 ~~to be used to commit an act which violates section 3002.~~

21 ~~(b) Process and seizures. Property subject to forfeiture~~
22 ~~under this section may be seized by the law enforcement~~
23 ~~authority upon process issued by any court of common pleas~~
24 ~~having jurisdiction over the property.~~

25 ~~(c) Custody of property.~~

26 ~~(1) Property taken or detained under this section shall~~
27 ~~not be subject to replevin but is deemed to be in the custody~~
28 ~~of the law enforcement authority subject only to the orders~~
29 ~~and decrees of the court of common pleas having jurisdiction~~
30 ~~over the forfeiture proceedings and of the district attorney.~~

1 ~~(2) When property is seized under this section, the law~~
2 ~~enforcement authority shall place the property under seal and~~
3 ~~either:~~

4 ~~(i) remove the property to a place designated by it;~~
5 ~~or~~

6 ~~(ii) require that the district attorney take custody~~
7 ~~of the property and remove it to an appropriate location~~
8 ~~for disposition in accordance with law.~~

9 ~~(d) Transfer of property. Whenever property is forfeited~~
10 ~~under this section, the property shall be transferred to the~~
11 ~~custody of the district attorney. The district attorney, where~~
12 ~~appropriate, may retain the property for official use or sell~~
13 ~~the property, but the proceeds from any such sale shall be used~~
14 ~~to pay all proper expenses of the proceedings for forfeiture and~~
15 ~~sale, including expenses of seizure, maintenance of custody,~~
16 ~~advertising and court costs. The balance of the proceeds shall~~
17 ~~be used for the enforcement of the criminal laws of~~
18 ~~Pennsylvania.~~

19 ~~(e) Proceedings and petition. The proceedings for the~~
20 ~~forfeiture or condemnation of property, the retention or sale of~~
21 ~~which is provided for in this section, shall be in rem, in which~~
22 ~~the Commonwealth shall be the plaintiff and the property the~~
23 ~~defendant. A petition shall be filed in the court of common~~
24 ~~pleas of the judicial district where the property is located,~~
25 ~~verified by oath or affirmation of an officer or citizen,~~
26 ~~containing the following:~~

27 ~~(1) A description of the property seized.~~

28 ~~(2) A statement of the time and place where seized.~~

29 ~~(3) The owner, if known.~~

30 ~~(4) The person or persons in possession, if known.~~

1 ~~(5) An allegation that the property is subject to~~
2 ~~forfeiture pursuant to this section and an averment of~~
3 ~~material facts upon which forfeiture action is based.~~

4 ~~(6) A prayer for an order of forfeiture that the~~
5 ~~property be adjudged forfeited to the Commonwealth and~~
6 ~~condemned unless cause be shown to the contrary.~~

7 ~~(f) Service. A copy of the petition required under~~
8 ~~subsection (e) shall be served personally or by certified mail~~
9 ~~on the owner or the person or persons in possession at the time~~
10 ~~of the seizure. The copy shall have endorsed a notice as~~
11 ~~follows:~~

12 ~~To the claimant of within described property:~~

13 ~~You are required to file an answer to this petition,~~
14 ~~setting forth your title in and right to possession of the~~
15 ~~property within 30 days from the service of this notice. You~~
16 ~~are also notified that, if you fail to file the answer, a~~
17 ~~decree of forfeiture and condemnation will be entered against~~
18 ~~the property.~~

19 ~~The notice shall be signed by the district attorney, deputy~~
20 ~~district attorney or assistant district attorney.~~

21 ~~(g) Notice.—~~

22 ~~(1) If the owner of the property is unknown or there was~~
23 ~~no person in possession of the property when seized or if the~~
24 ~~owner or such person or persons in possession at the time of~~
25 ~~the seizure cannot be personally served or located within the~~
26 ~~jurisdiction of the court, notice of the petition shall be~~
27 ~~given by the Commonwealth through an advertisement in only~~
28 ~~one newspaper of general circulation published in the county~~
29 ~~where the property shall have been seized, once a week for~~
30 ~~two successive weeks. No other advertisement of any sort~~

1 ~~shall be necessary, any other law to the contrary~~
2 ~~notwithstanding.~~

3 ~~(2) The notice shall contain a statement of the seizure~~
4 ~~of the property with a description of the property and the~~
5 ~~place and date of seizure and shall direct any claimants to~~
6 ~~the property to file a claim on or before a date given in the~~
7 ~~notice, which date shall not be less than 30 days from the~~
8 ~~date of the first publication.~~

9 ~~(3) If no claims are filed within 30 days of~~
10 ~~publication, the property shall summarily forfeit to the~~
11 ~~Commonwealth.~~

12 ~~(h) Unknown owner. For purposes of this section, the owner~~
13 ~~or other such person cannot be found in the jurisdiction of the~~
14 ~~court if:~~

15 ~~(1) a copy of the petition is mailed to the last known~~
16 ~~address by certified mail and is returned without delivery;~~

17 ~~(2) personal service is attempted once but cannot be~~
18 ~~made at the last known address; and~~

19 ~~(3) a copy of the petition is left at the last known~~
20 ~~address.~~

21 ~~(i) Waiver of notice. The notice provisions of this section~~
22 ~~are automatically waived if the owner, without good cause, fails~~
23 ~~to appear in court in response to a subpoena on the underlying~~
24 ~~criminal charges. Forty five days after such a failure to~~
25 ~~appear, if good cause has not been demonstrated, the property~~
26 ~~shall summarily forfeit to the Commonwealth.~~

27 ~~(j) Hearing date. Upon the filing of a claim for the~~
28 ~~property setting forth a right of possession, the case shall be~~
29 ~~deemed at issue, and a date and time shall be fixed for the~~
30 ~~hearing.~~

1 ~~(k) Burden of proof. At the hearing, if the Commonwealth~~
2 ~~produces evidence that the property in question was unlawfully~~
3 ~~used, possessed or otherwise subject to forfeiture under this~~
4 ~~section, the burden shall be upon the claimant to show by a~~
5 ~~preponderance of the evidence:~~

6 ~~(1) That the claimant is the owner of the property or~~
7 ~~the holder of a chattel mortgage or contract of conditional~~
8 ~~sale thereon.~~

9 ~~(2) That the claimant lawfully acquired the property.~~

10 ~~(3) That the property was not unlawfully used or~~
11 ~~possessed by the claimant. If it appears that the property~~
12 ~~was unlawfully used or possessed by a person other than the~~
13 ~~claimant, then the claimant shall show that the unlawful use~~
14 ~~or possession was without his knowledge or consent. Such~~
15 ~~absence of knowledge or consent must be reasonable under the~~
16 ~~circumstances presented.~~

17 ~~(l) Claims of ownership. If a person claiming the ownership~~
18 ~~of or right of possession to or claiming to be the holder of a~~
19 ~~chattel mortgage or contract of conditional sale upon the~~
20 ~~property, the disposition of which is provided for in this~~
21 ~~section, prior to the sale presents a petition to the court~~
22 ~~alleging lawful ownership, right of possession, a lien or~~
23 ~~reservation of title to the property and if, on public hearing,~~
24 ~~due notice of which having been given to the district attorney,~~
25 ~~the claimant shall prove by a preponderance of the evidence that~~
26 ~~the property was lawfully acquired, possessed and used by him~~
27 ~~or, it appearing that the property was unlawfully used by a~~
28 ~~person other than the claimant, that the unlawful use was~~
29 ~~without the claimant's knowledge or consent, then the court may~~
30 ~~order the property returned or delivered to the claimant. Such~~

1 ~~absence of knowledge or consent must be reasonable under the~~
2 ~~circumstances presented. Otherwise, it shall be retained for~~
3 ~~official use or sold in accordance with this section.]~~

4 Section 3. ~~Title 18 is amended by adding a chapter to read:~~

5 CHAPTER 30

6 HUMAN TRAFFICKING

7 Subchapter

8 A. General Provisions

9 B. Prosecution of Human Trafficking

10 C. Prevention of Human Trafficking

11 D. Protection of Victims of Human Trafficking

12 E. Miscellaneous Provisions

13 SUBCHAPTER A

14 GENERAL PROVISIONS

15 Sec.

16 3001. Definitions.

17 § 3001. Definitions.

18 The following words and phrases when used in this chapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Commercial sex act." Any sex act on account of which
22 anything of value is given, promised to or received, directly or
23 indirectly, by an individual.

24 "Commission." The Pennsylvania Commission on Crime and
25 Delinquency.

26 "Council." The Pennsylvania Council for the Prevention of
27 Human Trafficking, established under section 3031 (relating to
28 Pennsylvania Council for the Prevention of Human Trafficking).

29 "Debt coercion." Exploitation of the status or condition of
30 a debtor arising from a pledge by the debtor of the personal

1 ~~services of the debt or an individual under the debtor's control~~
2 ~~as a security or payment for debt, if any of the following~~
3 ~~apply:~~

4 ~~(1) The value of those services as reasonably assessed~~
5 ~~is not applied toward the liquidation of the debt.~~

6 ~~(2) The length and nature of those services are not~~
7 ~~respectively limited and defined.~~

8 ~~(3) The principal amount of the debt does not reasonably~~
9 ~~reflect the value of the items or services for which the debt~~
10 ~~was incurred.~~

11 ~~(4) The individual is coerced to perform sex acts as~~
12 ~~payment for the debt.~~

13 ~~(5) The debtor controls and determines the movement,~~
14 ~~housing and services performed by the individual until~~
15 ~~repayment of the debt.~~

16 ~~"Extortion." As defined in section 3923 (relating to theft~~
17 ~~by extortion).~~

18 ~~"Financial harm." Includes any of the following:~~

19 ~~(1) A violation of the act of March 30, 1859 (P.L.318,~~
20 ~~No.318), referred to as the Payment of the Wages of Labor~~
21 ~~Law.~~

22 ~~(2) A violation of the act of May 23, 1887 (P.L.181,~~
23 ~~No.122), referred to as the Employment of Labor Regulated~~
24 ~~Law.~~

25 ~~(3) A criminal violation of the act of January 30, 1974~~
26 ~~(P.L.13, No.6), referred to as the Loan Interest and~~
27 ~~Protection Law (Usury Law).~~

28 ~~(4) A violation of Chapter 2 of the act of June 23, 1978~~
29 ~~(P.L.537, No.93), known as the Seasonal Farm Labor Act.~~

30 ~~(5) A violation of any other law of this Commonwealth~~

1 ~~governing the payment of wages for labor or services.~~
2 ~~"Human trafficking." Any activity in violation of section~~
3 ~~3011 (relating to trafficking in individuals) either alone or in~~
4 ~~conjunction with an activity in violation of section 3012-~~
5 ~~(relating to involuntary servitude).~~

6 ~~"Involuntary servitude." Includes labor servitude and sexual~~
7 ~~servitude.~~

8 ~~"Labor." Work or service of economic or financial value.~~

9 ~~"Labor servitude." Labor which is performed or provided by~~
10 ~~another individual and is induced or obtained by any of the~~
11 ~~means set forth in section 3012(b) (relating to involuntary~~
12 ~~servitude).~~

13 ~~"Minor." An individual less than 18 years of age.~~

14 ~~"Performance involving sexual conduct." Any performance that~~
15 ~~is described in section 5903 (relating to obscene and other~~
16 ~~sexual materials and performances).~~

17 ~~"Record." Information, regardless of physical form or~~
18 ~~characteristics, that documents a transaction or activity and~~
19 ~~that is created, received or retained pursuant to law or in~~
20 ~~connection with a transaction, business or activity. The term~~
21 ~~includes any of the following:~~

22 ~~(1) A document, paper, letter, map, book, tape,~~
23 ~~photograph, film or sound recording.~~

24 ~~(2) Information stored or maintained electronically.~~

25 ~~(3) A data processed or image processed document.~~

26 ~~"Serious harm." Any harm, whether physical or nonphysical~~
27 ~~that is sufficiently serious, under all the surrounding~~
28 ~~circumstances, to compel a reasonable person of the same~~
29 ~~background and in the same circumstances as the victim of human~~
30 ~~trafficking to perform or to continue performing labor or a~~

1 ~~service, a commercial sex act or a performance involving sexual~~
2 ~~conduct in order to avoid incurring that harm.~~

3 ~~"Service." Any act committed at the behest of, under the~~
4 ~~supervision of or for the benefit of another.~~

5 ~~"Sex act." Any touching of the sexual or other intimate~~
6 ~~parts of any individual for the purpose of gratifying sexual~~
7 ~~desire of any individual. The term includes any of the~~
8 ~~following:~~

9 ~~(1) Touching the individual.~~

10 ~~(2) Touching by the individual, whether directly or~~
11 ~~through clothing.~~

12 ~~(3) Physical contact involving the genitalia of either~~
13 ~~the victim of human trafficking or the perpetrator.~~

14 ~~(4) Deviate sexual intercourse, indecent contact or~~
15 ~~sexual intercourse as defined in section 3101 (relating to~~
16 ~~definitions).~~

17 ~~(5) Indecent assault, as defined in section 3126~~
18 ~~(relating to indecent assault).~~

19 ~~"Sexual conduct." As defined in section 5903(b) (relating to~~
20 ~~obscene and other sexual materials and performances). The term~~
21 ~~includes the following:~~

22 ~~(1) With respect to a minor, any activity under section~~
23 ~~5903(c).~~

24 ~~(2) A commercial sex act.~~

25 ~~"Sexual servitude." Any sexual conduct or performance~~
26 ~~involving sexual conduct for which anything of value is directly~~
27 ~~or indirectly given, promised to or received by any individual~~
28 ~~or which is performed or provided by any individual, and is~~
29 ~~induced or obtained from:~~

30 ~~(1) A minor.~~

~~(2) Any other individual by any of the means set forth in section 3012(b) (relating to involuntary servitude).~~

~~"State plan." The State Plan for the Prevention of Human Trafficking developed in section 3051 (relating to State Plan for the Prevention of Human Trafficking).~~

~~"Victim of human trafficking" or "victim." An individual who has been subjected to human trafficking.~~

SUBCHAPTER B

PROSECUTION OF HUMAN TRAFFICKING

Sec.

~~3011. Trafficking in individuals.~~

~~3012. Involuntary servitude.~~

~~3013. Patronizing a victim of sexual servitude.~~

~~3014. Unlawful conduct regarding documents.~~

~~3015. Nonpayment of wages.~~

~~3016. Obstruction of justice.~~

~~3017. Violation by business entities.~~

~~3018. Evidence and defenses to human trafficking.~~

~~3019. Victim protection during prosecution.~~

~~3020. Restitution.~~

~~3021. Asset forfeiture.~~

~~3022. Professional licenses.~~

~~3023. Cumulative remedies.~~

~~3024. Sentencing.~~

~~3025. Data collection.~~

~~§ 3011. Trafficking in individuals.~~

~~(a) Offense defined. A person commits a felony of the second degree if the person:~~

~~(1) recruits, entices, solicits, harbors, transports, provides, obtains or maintains an individual if the person~~

~~1 knows or recklessly disregards that the individual will be
2 subject to involuntary servitude; or~~

~~3 (2) Knowingly benefits financially or receives anything
4 of value from any act that facilitates any activity described
5 in paragraph (1).~~

~~6 (b) Trafficking in minors. A person commits a felony of the
7 first degree if the person engages in any activity listed in
8 subsection (a) that results in a minor's being subjected to
9 sexual servitude.~~

~~10 (c) Nonapplicability. This section does not apply to
11 customers of persons engaging in or offering to engage in
12 commercial sex acts or prostitution.~~

~~13 § 3012. Involuntary servitude.~~

~~14 (a) Offense defined. A person commits a felony of the first
15 degree if the person knowingly, through any of the means
16 described in subsection (b), subjects an individual to labor
17 servitude or sexual servitude, except where such conduct is
18 permissible under Federal or State law other than this chapter.~~

~~19 (b) Means of subjecting an individual to involuntary
20 servitude. A person may subject an individual to involuntary
21 servitude through any of the following means:~~

~~22 (1) Causing or threatening to cause serious harm to any
23 individual.~~

~~24 (2) Physically restraining or threatening to physically
25 restrain another individual.~~

~~26 (3) Kidnapping or attempting to kidnap any individual.~~

~~27 (4) Abusing or threatening to abuse the legal process.~~

~~28 (5) Taking or retaining the individual's personal
29 property or real property as a means of coercion.~~

~~30 (6) Engaging in unlawful conduct with respect to~~

1 ~~documents, as defined in section 3014 (relating to unlawful~~
2 ~~conduct regarding documents).~~

3 ~~(7) Extortion or blackmail.~~

4 ~~(8) Fraud.~~

5 ~~(9) Criminal coercion, as defined in section 2906~~
6 ~~(relating to criminal coercion).~~

7 ~~(10) Duress, under section 309 (relating to duress).~~

8 ~~(11) Debt coercion.~~

9 ~~(12) Facilitating or controlling the individual's access~~
10 ~~to a controlled substance.~~

11 ~~(13) Using any scheme, plan or pattern intended to cause~~
12 ~~the individual to believe that, if the individual does not~~
13 ~~perform such labor, services, acts or performances, that~~
14 ~~individual or another individual will suffer serious harm or~~
15 ~~physical restraint.~~

16 ~~(c) Nonapplicability. This section does not apply to~~
17 ~~customers of persons engaging in or offering to engage in~~
18 ~~commercial sex acts or prostitution.~~

19 ~~§ 3013. Patronizing a victim of sexual servitude.~~

20 ~~(a) Offense defined. A person commits a felony of the~~
21 ~~second degree if the person engages in any sexual conduct or~~
22 ~~performance with another individual knowing that the individual~~
23 ~~is a victim of human trafficking.~~

24 ~~(b) Investigation. An individual arrested for a violation~~
25 ~~of section 5902(e) (relating to prostitution and related~~
26 ~~offenses) may be formally detained and questioned by law~~
27 ~~enforcement personnel to determine if the individual engaged in~~
28 ~~any sexual conduct or performance with the alleged prostitute~~
29 ~~knowing or in reckless disregard of the fact that the individual~~
30 ~~is a victim of human trafficking.~~

~~(c) Fine. A person whose violation of this subsection results in a judicial disposition other than acquittal or dismissal shall also pay a fine of \$500 to the court, to be distributed to the council to fund the grant program established under section 3036 (relating to grants).~~

~~§ 3014. Unlawful conduct regarding documents.~~

~~(a) Applicability. This section applies to an action that is done:~~

~~(1) in the course of a violation of or with intent to violate section 3011 (relating to trafficking in individuals) or 3012 (relating to involuntary servitude); or~~

~~(2) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the ability of an individual to move or travel, in order to maintain the involuntary servitude of that individual.~~

~~(b) Offense defined. A person commits a felony of the third degree if the person knowingly destroys, conceals, removes, confiscates or possesses an actual or purported:~~

~~(1) passport or other immigration document of an individual; or~~

~~(2) government identification document of an individual.~~

~~§ 3015. Nonpayment of wages.~~

~~(a) Offense defined. A person who in connection with, as a part of or in addition to engaging in human trafficking, willfully or with intent to defraud, fails or refuses to pay wages or otherwise causes financial harm to an individual for labor services rendered is guilty of:~~

~~(1) A misdemeanor of the third degree if the amount owed to the individual is less than \$2,000.~~

~~(2) A felony of the third degree, if:~~

1 ~~(i) the amount owed to the individual is equal to or~~
2 ~~greater than \$2,000;~~

3 ~~(ii) the failure or refusal constitutes a second or~~
4 ~~subsequent violation of this section; or~~

5 ~~(iii) the person falsely denies the amount due or~~
6 ~~the validity of the debt.~~

7 ~~(b) Offenses cumulative. A person commits a separate~~
8 ~~offense under this section for each calendar month during which~~
9 ~~the individual earned wages that the person failed to pay or was~~
10 ~~otherwise financially harmed.~~

11 ~~§ 3016. Obstruction of justice.~~

12 ~~A person who commits a violation of Subchapter B of Chapter~~
13 ~~49 (relating to victim and witness intimidation) or Chapter 51~~
14 ~~(relating to obstructing governmental operations) that in any~~
15 ~~way interferes with or prevents the enforcement of this chapter~~
16 ~~shall be subject to the same penalties that may be imposed for~~
17 ~~the offense for which the person has been charged under this~~
18 ~~chapter.~~

19 ~~§ 3017. Violation by business entities.~~

20 ~~(a) Penalty. Any business entity, including a corporation~~
21 ~~or unincorporated association, limited liability partnership or~~
22 ~~company or other legal entity that aids or participates in any~~
23 ~~violation of this chapter, shall be subject to any of the~~
24 ~~following penalties:~~

25 ~~(1) A fine of not more than \$1,000,000.~~

26 ~~(2) Revocation of the business entity's:~~

27 ~~(i) charter, if it is organized under the laws of~~
28 ~~this Commonwealth; or~~

29 ~~(ii) certificate to do business in this~~
30 ~~Commonwealth, if the business entity is not organized~~

~~under the laws of this Commonwealth.~~

~~(3) Such other relief as the court deems equitable, including the forfeiture of assets or other provision for restitution as provided in this chapter.~~

~~(b) Disposition of fines. Fines imposed under this section shall be paid to the council to fund the grant program established under section 3036 (relating to grants).~~

~~(c) Knowledge. Notwithstanding any exemption from liability provided for in 15 Pa.C.S. §§ 8523 (relating to liability of limited partners to third parties) and 8922 (relating to liability of members), an officer, director, partner, manager or member of any entity found liable under this section:~~

~~(1) Shall not be liable under this section if the person acted in good faith, in a manner that the person reasonably believed to be in the best interests of the corporation, partnership or company, and with such care, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances.~~

~~(2) Shall be liable under this section if the person has knowledge of such other facts as in the circumstances shows bad faith.~~

~~§ 3018. Evidence and defenses to human trafficking.~~

~~(a) General rule. Evidence of the following facts or conditions shall not constitute a defense in a prosecution for a violation under this chapter, nor shall such evidence preclude a finding of a violation under this chapter:~~

~~(1) Specific instances of past sexual conduct of the victim of human trafficking, opinion evidence of the alleged victim's past sexual conduct and reputation evidence of the alleged victim's past sexual conduct shall not be admissible~~

~~in a prosecution under this chapter, except evidence of the alleged victim's past sexual conduct with the defendant shall be admissible where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence. A defendant who proposes to offer evidence of the alleged victim's past sexual conduct pursuant to this paragraph shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards of this paragraph.~~

~~(2) The age of the victim of human trafficking with respect to the age of consent to sex or legal age of marriage.~~

~~(b) Victim's consent to employment contract in labor servitude. The consent of the victim of human trafficking to an employment contract, even if there was not fraud involved in the contract's formation, shall not be a defense to labor trafficking if force or coercion as described in section 3012(b) (relating to involuntary servitude) were involved in the making of the contract.~~

~~(c) Victim's age in sexual servitude. Except as provided in section 3102 (relating to mistake as to age), evidence of a defendant's lack of knowledge of a person's age, or a reasonable mistake of age, is not a defense for a violation of this chapter involving the sexual servitude of a minor.~~

~~§ 3019. Victim protection during prosecution.~~

~~(a) Disclosure of name of victim of human trafficking.~~

1 ~~Notwithstanding any other provision of law to the contrary,~~
2 ~~unless the court otherwise orders in a prosecution involving a~~
3 ~~victim of human trafficking, an officer or employee of the court~~
4 ~~may not disclose the identity of the victim of human trafficking~~
5 ~~to the public. Any record revealing the name of the victim of~~
6 ~~human trafficking shall not be open to public inspection.~~

7 ~~(b) Affirmative defense. An individual who is charged with~~
8 ~~any violation under section 5902 (relating to prostitution and~~
9 ~~related offenses) may offer the defense at trial that he engaged~~
10 ~~in the conduct charged to constitute an offense because he was~~
11 ~~compelled to do so by coercion or the use of, or a threat to~~
12 ~~use, unlawful force against his person or the person of another,~~
13 ~~which a person of reasonable firmness in his situation would~~
14 ~~have been unable to resist.~~

15 ~~(c) Diversionary program. An individual who is charged with~~
16 ~~violating a trespassing, loitering, obstruction of highway,~~
17 ~~disorderly conduct, or simple possession of a controlled~~
18 ~~substance statute that directly results from being a victim of~~
19 ~~human trafficking, where the violation is his first offense,~~
20 ~~shall be given first consideration for a pretrial diversionary~~
21 ~~program by the judicial authority with jurisdiction over the~~
22 ~~violations. If the individual successfully completes the~~
23 ~~diversionary program, the individual's records of the charge of~~
24 ~~violating the statute shall be expunged as provided for under~~
25 ~~section 9122 (relating to expungement).~~

26 ~~(d) Motion to vacate conviction.~~

27 ~~(1) An individual convicted under section 3503 (relating~~
28 ~~to criminal trespass), 5503 (relating to disorderly conduct),~~
29 ~~5506 (relating to loitering and prowling at night time), 5507~~
30 ~~(relating to obstructing highways and other public passages)~~

~~or 5902, or an offense for simple possession of a controlled substance committed as a direct result of being a victim of human trafficking may file a motion to vacate the conviction.~~

~~(2) A motion under this subsection shall:~~

~~(i) Be in writing.~~

~~(ii) Be signed and consented to by attorney for the Commonwealth.~~

~~(iii) Describe the supporting evidence with particularity.~~

~~(iv) Include copies of any documents showing that the moving party is entitled to relief under this section.~~

~~(e) Official documentation. No official determination or documentation is required to grant a motion under this section, but official documentation from a Federal, state or local government agency indicating that the defendant was a victim at the time of the offense creates a presumption that the defendant's participation in the offense was a direct result of being a victim.~~

~~(f) Grant of motion. The court shall grant the motion if it finds that:~~

~~(1) The moving party was convicted under section 5902 or other nonviolent misdemeanor offense.~~

~~(2) The conviction was obtained as a result of the moving party's having been a victim of human trafficking.~~

~~(g) Conviction vacated. If the motion under subsection (d) is granted, the court shall vacate the conviction, strike the adjudication of guilt and order the expungement of the record of the criminal proceedings. The court shall issue an order to expunge all records and files related to the moving party's~~

1 ~~arrest, citation, investigation, charge, adjudication of guilt,~~
2 ~~criminal proceedings and probation for the offense. The court~~
3 ~~may take any additional action that it deems appropriate under~~
4 ~~the circumstances or that justice requires.~~

5 ~~§ 3020. Restitution.~~

6 ~~(a) Order. The court shall order a person found guilty of a~~
7 ~~violation of this chapter to pay restitution to the victim of~~
8 ~~human trafficking under the provisions of section 1106 (relating~~
9 ~~to restitution for injuries to person or property) and under the~~
10 ~~following conditions:~~

11 ~~(1) A person who violates this chapter shall be~~
12 ~~ineligible to receive restitution.~~

13 ~~(2) The following items may be included in an order of~~
14 ~~restitution:~~

15 ~~(i) For the period during which the victim of human~~
16 ~~trafficking was engaged in involuntary servitude, the~~
17 ~~greater of the following:~~

18 ~~(A) The value of the services of the victim of~~
19 ~~human trafficking as guaranteed under the minimum~~
20 ~~wage and overtime provisions of the laws of this~~
21 ~~Commonwealth.~~

22 ~~(B) The gross income or value to the defendant~~
23 ~~of the services of the victim of human trafficking.~~

24 ~~(C) The amount the victim of human trafficking~~
25 ~~was promised, or the amount someone in the position~~
26 ~~of the victim of human trafficking would have~~
27 ~~reasonably expected to earn.~~

28 ~~(ii) The return of property of the victim of human~~
29 ~~trafficking, cost of damage to the property or the~~
30 ~~replacement value of the property if taken, destroyed or~~

1 ~~damaged beyond repair as a result of human trafficking.~~

2 ~~(3) Collection and distribution of restitution payments~~
3 ~~shall be governed by the provisions of 42 Pa.C.S. §§ 9728~~
4 ~~(relating to collection of restitution, reparation, fees,~~
5 ~~costs, fines and penalties), 9730 (relating to payment of~~
6 ~~court costs, restitution and fines) and 9730.1 (relating to~~
7 ~~collection of court costs, restitution and fines by private~~
8 ~~collection agency).~~

9 ~~(b) Special rule for sexual servitude victims. An~~
10 ~~individual who is a victim of sexual servitude:~~

11 ~~(1) Shall not receive restitution as replacement for~~
12 ~~income earned in an illegal activity.~~

13 ~~(2) Shall be entitled to restitution in the form of~~
14 ~~tuition and fees, not to exceed the average costs of a two~~
15 ~~year degree program at a Pennsylvania community college, in~~
16 ~~order to obtain training or education necessary to become~~
17 ~~gainfully and legally employed.~~

18 ~~(c) Limitation on restitution. Any award made under this~~
19 ~~section shall be in an amount not exceeding out of pocket~~
20 ~~expenses.~~

21 ~~§ 3021. Asset forfeiture.~~

22 ~~(a) General rule. The following shall be subject to~~
23 ~~forfeiture to this Commonwealth, and no property right shall~~
24 ~~exist in them:~~

25 ~~(1) All assets, foreign or domestic:~~

26 ~~(i) Of an individual, entity or organization engaged~~
27 ~~in planning or perpetrating an act in this Commonwealth~~
28 ~~which violates section 3011 (relating to trafficking in~~
29 ~~individuals) or 3012 (relating to involuntary servitude).~~

30 ~~(ii) Affording a person a source of influence over~~

~~such individual, entity or organization under
subparagraph (i).~~

~~(iii) Acquired or maintained by a person with the
intent and for the purpose of supporting, planning,
conducting or concealing an act in this Commonwealth
which violates section 3011 or 3012.~~

~~(iv) Derived from, involved in or used or intended
to be used to commit an act in this Commonwealth which
violates section 3011 or 3012.~~

~~(2) All assets within this Commonwealth:~~

~~(i) Of an individual, entity or organization engaged
in planning or perpetrating an act which violates section
3011 or 3012.~~

~~(ii) Acquired or maintained with the intent and for
the purpose of supporting, planning, conducting or
concealing an act which violates section 3011 or 3012.~~

~~(iii) Derived from, involved in or used or intended
to be used to commit an act which violates section 3011
or 3012.~~

~~(b) Process and seizures.~~

~~(1) Property subject to forfeiture under this section
may be seized by a law enforcement agency upon process issued
by any court of common pleas having jurisdiction over the
property.~~

~~(2) Seizure without process may be made if:~~

~~(i) the seizure is incident to an arrest or a search
under a search warrant or inspection under an
administrative inspection warrant;~~

~~(ii) the property subject to seizure has been the
subject of a prior judgment in favor of the Commonwealth~~

~~in a criminal injunction or forfeiture proceeding under this chapter;~~

~~(iii) there is probable cause to believe that the property is dangerous to health or safety; or~~

~~(iv) there is probable cause to believe that the property has been used or is intended to be used in violation of this chapter.~~

~~(3) In the event that seizure without process occurs as provided for in paragraph (2), proceedings for the issuance of process shall be instituted promptly.~~

~~(c) Custody of property.~~

~~(1) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the law enforcement agency, the district attorney or the Attorney General subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings.~~

~~(2) When property is seized under this section, the law enforcement agency shall place the property under seal and either:~~

~~(i) remove the property to a place designated by it;~~

~~or~~

~~(ii) require that the district attorney take custody of the property and remove it to an appropriate location for disposition in accordance with law.~~

~~(d) Transfer of property. Whenever property is forfeited under this section, the property shall be transferred to the custody of the district attorney if the law enforcement authority seizing the property has county or local jurisdiction, or the Attorney General if the law enforcement authority seizing~~

1 ~~the property has Statewide jurisdiction. The Attorney General or~~
2 ~~district attorney, where appropriate, may sell the property. The~~
3 ~~proceeds from a sale shall first be used to pay all proper~~
4 ~~expenses of the proceedings for forfeiture and sale, including~~
5 ~~expenses of seizure, maintenance of custody, advertising and~~
6 ~~court costs. The balance of the proceeds shall be distributed~~
7 ~~under subsection (m).~~

8 ~~(e) Proceedings and petition.~~

9 ~~(1) The proceedings for the forfeiture or condemnation~~
10 ~~of property shall be in rem, in which the Commonwealth shall~~
11 ~~be the plaintiff and the property the defendant.~~

12 ~~(2) A petition shall:~~

13 ~~(i) be filed in the court of common pleas of the~~
14 ~~judicial district where the property is located;~~

15 ~~(ii) be verified by oath or affirmation of an~~
16 ~~officer or citizen; and~~

17 ~~(iii) contain the following:~~

18 ~~(A) A description of the property seized.~~

19 ~~(B) A statement of the time and place where~~
20 ~~seized.~~

21 ~~(C) The owner, if known.~~

22 ~~(D) The person or persons in possession, if~~
23 ~~known.~~

24 ~~(E) An allegation that the property is subject~~
25 ~~to forfeiture under this section and an averment of~~
26 ~~material facts upon which forfeiture action is based.~~

27 ~~(F) A prayer for an order of forfeiture that the~~
28 ~~property be adjudged forfeited to the Commonwealth~~
29 ~~and condemned unless cause to the contrary is shown.~~

30 ~~(f) Service.~~

1 ~~(1) A copy of the petition required under subsection (e)~~
2 ~~shall be served personally or by certified mail on the owner~~
3 ~~or the person or persons in possession at the time of the~~
4 ~~seizure.~~

5 ~~(2) The copy shall have endorsed a notice as follows:~~

6 ~~To the claimant of the within described property:~~

7 ~~You are required to file an answer to this petition,~~
8 ~~setting forth your title in and right to possession~~
9 ~~of the property within 30 days from the service of~~
10 ~~this notice. You are also notified that, if you fail~~
11 ~~to file the answer, a decree of forfeiture and~~
12 ~~condemnation will be entered against the property.~~

13 ~~(3) The notice shall be signed by the district attorney,~~
14 ~~deputy district attorney or assistant district attorney or~~
15 ~~the Attorney General or a deputy attorney general.~~

16 ~~(g) Notice.—~~

17 ~~(1) Notice of the petition shall be given by the~~
18 ~~Commonwealth through an advertisement in only one newspaper~~
19 ~~of general circulation published in the county where the~~
20 ~~property shall have been seized, once a week for two~~
21 ~~successive weeks if:~~

22 ~~(i) the owner of the property is unknown;~~

23 ~~(ii) there was no person in possession of the~~
24 ~~property when seized;~~

25 ~~(iii) the owner or such person or persons in~~
26 ~~possession at the time of the seizure cannot be~~
27 ~~personally served or located within the jurisdiction of~~
28 ~~the court.~~

29 ~~(2) Notwithstanding any other law to the contrary, no~~
30 ~~advertisement shall be required.~~

1 ~~(3) The notice shall:~~

2 ~~(i) contain a statement of the seizure of the~~
3 ~~property, a description of the property, the place and~~
4 ~~date of seizure; and~~

5 ~~(ii) direct any claimants to the property to file a~~
6 ~~claim on or before a date given in the notice, which date~~
7 ~~shall not be less than 30 days from the date of the first~~
8 ~~publication.~~

9 ~~(4) If no claims are filed within 30 days of~~
10 ~~publication, the property shall summarily forfeit to the~~
11 ~~Commonwealth.~~

12 ~~(h) Unknown owner. For purposes of this section, the owner~~
13 ~~or other such person cannot be found in the jurisdiction of the~~
14 ~~court if:~~

15 ~~(1) A copy of the petition is mailed to the last known~~
16 ~~address by certified mail and is returned without delivery.~~

17 ~~(2) Personal service is attempted once but cannot be~~
18 ~~made at the last known address.~~

19 ~~(3) A copy of the petition is left at the last known~~
20 ~~address.~~

21 ~~(i) Waiver of notice. The notice provisions of this section~~
22 ~~are automatically waived if the owner, without good cause, fails~~
23 ~~to appear in court in response to a subpoena on the underlying~~
24 ~~criminal charges. If good cause has not been demonstrated and 45~~
25 ~~days have passed since the owner failed to appear, the property~~
26 ~~shall summarily forfeit to the Commonwealth.~~

27 ~~(j) Hearing date. Upon the filing of a claim for the~~
28 ~~property setting forth a right of possession, the case shall be~~
29 ~~deemed at issue and a date and time shall be fixed for the~~
30 ~~hearing.~~

1 ~~(k) Burden of proof. If the Commonwealth produces evidence~~
2 ~~at the hearing under this section that the property in question~~
3 ~~was unlawfully used, possessed or otherwise subject to~~
4 ~~forfeiture under this section, the burden shall be upon the~~
5 ~~claimant to show by a preponderance of the evidence that:~~

6 ~~(1) the claimant is the owner of the property or the~~
7 ~~holder of a chattel mortgage or contract of conditional sale~~
8 ~~thereon;~~

9 ~~(2) the claimant lawfully acquired the property; and~~

10 ~~(3) the property was not unlawfully used or possessed by~~
11 ~~the claimant. If it appears that the property was unlawfully~~
12 ~~used or possessed by a person other than the claimant, then~~
13 ~~the claimant shall show that the unlawful use or possession~~
14 ~~was without his knowledge or consent. Such absence of~~
15 ~~knowledge or consent must be reasonable under the~~
16 ~~circumstances presented.~~

17 ~~(l) Claims of ownership.~~

18 ~~(1) A person may file a petition or answer the~~
19 ~~Commonwealth's petition alleging:~~

20 ~~(i) Ownership of the property.~~

21 ~~(ii) A right of possession to the property.~~

22 ~~(iii) A lien or reservation of title to the property~~
23 ~~as the holder of:~~

24 ~~(A) a chattel mortgage upon the property; or~~

25 ~~(B) a contract of conditional sale upon the~~
26 ~~property.~~

27 ~~(2) A public hearing shall be held, with due notice~~
28 ~~given to the district attorney or Attorney General.~~

29 ~~(3) The court may order the property returned or~~
30 ~~delivered to the claimant upon proof by a preponderance of~~

1 ~~the evidence by the claimant that:~~

2 ~~(i) the property was lawfully acquired, possessed~~
3 ~~and used by the claimant; or~~

4 ~~(ii) if it appears that the property was unlawfully~~
5 ~~used by a person other than the claimant, the unlawful~~
6 ~~use was without the claimant's knowledge or consent. The~~
7 ~~absence of knowledge or consent must be reasonable under~~
8 ~~the circumstances presented.~~

9 ~~(m) Disposition of proceeds. Subject to subsection (d), all~~
10 ~~moneys forfeited and the proceeds from the sale of all property~~
11 ~~forfeited and seized under this section shall be paid as~~
12 ~~follows:~~

13 ~~(1) Any law enforcement agency shall be reimbursed if it~~
14 ~~has used its own funds in the detection, investigation,~~
15 ~~apprehension and prosecution of persons for violation of~~
16 ~~sections 3011 and 3012.~~

17 ~~(2) Any amount remaining after reimbursement under~~
18 ~~paragraph (1) shall be distributed under the following~~
19 ~~formula:~~

20 ~~(i) Thirty percent to the office of the prosecuting~~
21 ~~attorney to be used to investigate and prosecute human~~
22 ~~trafficking cases.~~

23 ~~(ii) Thirty five percent to the commission to fund~~
24 ~~the grant program established in section 3036 (relating~~
25 ~~to grants).~~

26 ~~(iii) Thirty five percent to the Office of Victims'~~
27 ~~Services in the commission to provide services to~~
28 ~~victims of human trafficking in the manner set forth in~~
29 ~~Chapter 9 of the act of November 24, 1998 (P.L.882,~~
30 ~~No.111), known as the Crime Victims Act.~~

1 ~~(n) Assets located outside United States. Assets of persons~~
2 ~~convicted of violations of sections 3011 and 3012 that are~~
3 ~~located outside the United States shall also be subject to~~
4 ~~forfeiture to the extent they can be retrieved by the~~
5 ~~Commonwealth.~~

6 ~~§ 3022. Professional licenses.~~

7 ~~(a) Suspension of professional license. The professional~~
8 ~~license of a licensee who knowingly employs or permits the~~
9 ~~employment of a victim of human trafficking shall be suspended~~
10 ~~for a minimum period of one year.~~

11 ~~(b) Administrative procedure. A suspension under subsection~~
12 ~~(a) shall be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to~~
13 ~~practice and procedure of Commonwealth agencies) and Ch. 7~~
14 ~~Subch. A (relating to judicial review of Commonwealth agency~~
15 ~~action).~~

16 ~~(c) Affirmative defense. It shall be an affirmative defense~~
17 ~~to any proceeding for a violation of this chapter that a~~
18 ~~licensee :~~

19 ~~(1) complied with section 274A of the Immigration and~~
20 ~~Nationality Act (66 Stat. 163, 8 U.S.C. § 1324a) with respect~~
21 ~~to hiring, recruiting or referring an individual for~~
22 ~~employment in the United States; or~~

23 ~~(2) required a contractor or subcontractor to certify~~
24 ~~compliance with section 274A of the Immigration and~~
25 ~~Nationality Act with respect to hiring, recruiting or~~
26 ~~referring an individual for employment in the United States.~~

27 ~~(d) Definition. As used in this section, "licensee" shall~~
28 ~~mean an individual, corporation, partnership, limited liability~~
29 ~~company or other legal entity that holds a license issued by an~~
30 ~~administrative board or commission under the Bureau of~~

1 ~~Professional and Occupational Affairs in the Department of~~
2 ~~State.~~

3 ~~§ 3023. Cumulative remedies.~~

4 ~~Any remedies under this chapter shall be in addition to any~~
5 ~~other criminal penalties or forfeitures authorized under the~~
6 ~~laws of this Commonwealth.~~

7 ~~§ 3024. Sentencing.~~

8 ~~The Pennsylvania Commission on Sentencing, in accordance with~~
9 ~~42 Pa.C.S. § 2154 (relating to adoption of guidelines for~~
10 ~~sentencing), shall provide for sentencing enhancements for~~
11 ~~courts to consider in cases involving trafficking in individuals~~
12 ~~and involuntary servitude.~~

13 ~~§ 3025. Data collection.~~

14 ~~The Pennsylvania Commission on Sentencing established in 42~~
15 ~~Pa.C.S. § 2151.2 (relating to commission) shall collect data and~~
16 ~~other relevant information on sentences imposed under this~~
17 ~~subchapter.~~

18 SUBCHAPTER C

19 PREVENTION OF HUMAN TRAFFICKING

20 Sec.

21 ~~3031. Pennsylvania Council for the Prevention of Human~~
22 ~~Trafficking.~~

23 ~~3032. Commission responsibilities.~~

24 ~~3033. Training.~~

25 ~~3034. Public awareness.~~

26 ~~3035. National Human Trafficking Resource Center Hotline.~~

27 ~~3036. Grants.~~

28 ~~3037. Role of nongovernmental organizations.~~

29 ~~§ 3031. Pennsylvania Council for the Prevention of Human~~
30 ~~Trafficking.~~

1 ~~(a) Establishment.~~

2 ~~(1) Pursuant to the provisions of paragraph (2), the~~
3 ~~Pennsylvania Council for the Prevention of Human Trafficking~~
4 ~~is established.~~

5 ~~(2) The commission may establish the council in the~~
6 ~~commission, subject to the availability of funds, to provide~~
7 ~~support for the administration of the council and for the~~
8 ~~implementation of the council's responsibilities or the~~
9 ~~commission may enter into a contract, memorandum of~~
10 ~~understanding or other agreement with another governmental or~~
11 ~~a nongovernmental entity to establish the council, provide~~
12 ~~support for the administration of the council and implement~~
13 ~~the council's responsibilities.~~

14 ~~(b) Membership. The council may include the following:~~

15 ~~(1) A representative of the Office of the Governor.~~

16 ~~(2) A representative of the Office of Attorney General.~~

17 ~~(3) A representative of the Department of Labor and~~
18 ~~Industry.~~

19 ~~(4) A representative of the Department of Health.~~

20 ~~(5) A representative of the Department of Public~~
21 ~~Welfare.~~

22 ~~(6) A representative of the Department of State.~~

23 ~~(7) A representative of the Pennsylvania State Police.~~

24 ~~(8) A representative of the Pennsylvania District~~
25 ~~Attorneys Association.~~

26 ~~(9) A representative of the Pennsylvania Chiefs of~~
27 ~~Police Association.~~

28 ~~(10) A representative of the Pennsylvania Sheriffs'~~
29 ~~Association.~~

30 ~~(11) A representative of the Pennsylvania Coalition~~

1 ~~Against Domestic Violence.~~

2 ~~(12) A representative of the Pennsylvania Coalition~~
3 ~~Against Rape.~~

4 ~~(13) Three representatives of local law enforcement~~
5 ~~agencies.~~

6 ~~(14) Ten representatives from nongovernmental~~
7 ~~organizations to include:~~

8 ~~(i) organizations with substantial experience~~
9 ~~serving victims of human trafficking;~~

10 ~~(ii) regional organizations, including task forces~~
11 ~~and coalitions devoted to human trafficking;~~

12 ~~(iii) agencies devoted to runaway services; and~~

13 ~~(iv) academic researchers dedicated to the subject~~
14 ~~of human trafficking.~~

15 ~~(15) A representative of the Pennsylvania Commission on~~
16 ~~Sentencing.~~

17 ~~(c) Federal government representation on council. A~~
18 ~~representative from each of the following organizations~~
19 ~~operating within the Commonwealth may be invited by the council~~
20 ~~to be members of the council:~~

21 ~~(1) The United States Attorneys' offices.~~

22 ~~(2) The Federal Bureau of Investigation.~~

23 ~~(3) The United States Immigration and Customs~~
24 ~~Enforcement.~~

25 ~~(4) The United States Department of Labor.~~

26 ~~(d) Procedural matters.~~

27 ~~(1) The council shall meet at least four times annually.~~

28 ~~(2) The commission or entity, as appropriate under~~
29 ~~subsection (a) (2), shall call and organize the first meeting~~
30 ~~of the council, at which time the council shall elect from~~

~~among the membership a chair, who shall serve for two years,
or until a successor is elected.~~

~~(3) A simple majority of the council members shall
constitute a quorum.~~

~~(4) Members of the council shall serve without
compensation, but each member may be reimbursed for any
actual and necessary expenses incurred in the performance of
council related duties. Expenses may include reimbursement of
travel and living expenses while engaged in council business.~~

~~(5) The council shall establish rules for the conduct of
its meetings.~~

~~(e) Responsibilities. The council shall:~~

~~(1) Develop and assist the commission in implementing
the State plan developed in section 3051 (relating to State
Plan for the Prevention of Human Trafficking).~~

~~(2) Enhance and support local and regional efforts to
deter human trafficking.~~

~~(3) Advise and assist the commission in carrying out its
duties under this chapter.~~

~~§ 3032. Commission responsibilities.~~

~~The commission shall, subject to the availability of
resources:~~

~~(1) Administer the grant program established in section
3036 (relating to grants).~~

~~(2) Coordinate the implementation of the State plan.~~

~~(3) Coordinate the sharing of information between
agencies for the purposes of detecting persons engaged in
human trafficking.~~

~~(4) Explore the establishment of State policies for time
limits for the issuance of law enforcement agency~~

1 ~~endorsements as described in Federal regulations found at 8-~~
2 ~~CFR § 214.11(f)(1) (relating to alien victims of severe forms~~
3 ~~of trafficking in persons).~~

4 ~~(5) Recommend policies and procedures for the~~
5 ~~coordination of the following services for human trafficking~~
6 ~~victims:~~

7 ~~(i) Healthcare services, including mental health~~
8 ~~services, testing for sexually transmitted diseases,~~
9 ~~immunodeficiency viruses and substance abuse counseling.~~

10 ~~(ii) Appropriate housing, taking into account the~~
11 ~~victim's status as a victim of an offense enumerated~~
12 ~~under this chapter.~~

13 ~~(iii) Employment, education and training~~
14 ~~opportunities.~~

15 ~~(iv) English as a second language classes.~~

16 ~~(v) Interpreting services.~~

17 ~~(vi) Legal and immigration services.~~

18 ~~(vii) Child care services.~~

19 ~~(6) Provide administrative support or other assistance~~
20 ~~to the council.~~

21 ~~§ 3033. Training.~~

22 ~~(a) Course of training. The commission shall develop a~~
23 ~~course of training in all aspects of human trafficking, which~~
24 ~~may include virtual training. The training shall be included as~~
25 ~~a component of certification or in service training by, but not~~
26 ~~limited to:~~

27 ~~(1) The members of the Pennsylvania State Police.~~

28 ~~(2) Municipal police officers as defined in 53 Pa.C.S.~~
29 ~~Ch. 21 (relating to employees).~~

30 ~~(3) County sheriffs and deputy sheriffs.~~

1 ~~(4) Adult and juvenile parole and probation officers.~~

2 ~~(5) Agents of the Office of Attorney General.~~

3 ~~(6) Juvenile detention center staff.~~

4 ~~(c) Other agencies. The following government entities may~~
5 ~~add a training component to identify victims of human~~
6 ~~trafficking for use by their personnel:~~

7 ~~(1) The Department of Corrections.~~

8 ~~(2) The Department of Health.~~

9 ~~(3) The Department of Public Welfare.~~

10 ~~(4) The Department of Education.~~

11 ~~(5) The Department of Labor and Industry.~~

12 ~~(6) The Office of Victim Advocate.~~

13 ~~(7) The commission.~~

14 ~~(d) Shelter personnel. The commission shall develop~~
15 ~~training materials, which may include virtual training~~
16 ~~materials, for use by staff working in domestic violence, sexual~~
17 ~~violence and human trafficking shelters to ensure the safety of~~
18 ~~victims of human trafficking residing in shelters.~~

19 ~~§ 3034. Public awareness.~~

20 ~~(a) Potential victims and content. In cooperation with~~
21 ~~appropriate nongovernmental organizations and the council, the~~
22 ~~commission shall prepare public awareness programs designed to~~
23 ~~educate the community on the risks of human trafficking,~~
24 ~~including information regarding:~~

25 ~~(1) Common recruitment techniques.~~

26 ~~(2) The use of debt bondage.~~

27 ~~(3) Common coercive tactics.~~

28 ~~(4) The health risks of maltreatment, rape, exposure to~~
29 ~~HIV/AIDS and sexually transmitted diseases.~~

30 ~~(5) The potential psychological harm.~~

1 ~~(6) The risks of engaging in commercial sex acts and~~
2 ~~possible punishment.~~

3 ~~(7) The rights of victims of human trafficking under~~
4 ~~Federal and State law.~~

5 ~~(8) Methods for reporting suspected recruitment~~
6 ~~activities.~~

7 ~~(9) Types of services available to victims and how to~~
8 ~~access such services.~~

9 ~~(10) Relevant hotlines, including the National Human~~
10 ~~Trafficking Resource Center Hotline under section 3035~~
11 ~~(relating to National Human Trafficking Resource Center~~
12 ~~Hotline).~~

13 ~~(b) General public awareness programs. In cooperation with~~
14 ~~other appropriate governmental agencies and nongovernmental~~
15 ~~organizations, the commission shall prepare and disseminate~~
16 ~~general public awareness programs and materials to educate the~~
17 ~~public on the extent of human trafficking of both United States~~
18 ~~citizens and foreign nationals and to discourage the demand that~~
19 ~~fosters the exploitation of persons that leads to human~~
20 ~~trafficking.~~

21 ~~(c) Content. General public awareness programs and~~
22 ~~materials under this section shall recognize and be sensitive to~~
23 ~~ethnic and cultural differences among victims of human~~
24 ~~trafficking and may include:~~

25 ~~(1) The impact of human trafficking on individual~~
26 ~~victims.~~

27 ~~(2) Aggregate information on human trafficking worldwide~~
28 ~~and domestically.~~

29 ~~(3) Warnings of the criminal consequences of engaging in~~
30 ~~human trafficking.~~

~~(4) Information described in paragraphs (a) (4), (5), (6), (7), (8), (9) and (10).~~

~~(d) Types of materials. Materials described in subsections (b) and (c) may include pamphlets, brochures, posters, advertisements in mass media, public service announcements and any other appropriate media.~~

~~(e) Privacy protected. All programs and materials developed under this section shall preserve the privacy of victims of human trafficking and their families.~~

~~(f) Periodic evaluation. All public awareness programs prepared under this section shall be evaluated periodically to ensure their effectiveness.~~

~~§ 3035. National Human Trafficking Resource Center Hotline.~~

~~Information regarding the National Human Trafficking Resource Center Hotline shall be disseminated pursuant to the act of October 24, 2012 (P.L.1618, No.197), known as the National Human Trafficking Resource Center Hotline Notification Act.~~

~~§ 3036. Grants.~~

~~(a) General rule. Subject to the availability of funds, the commission shall make grants to units of local government and nongovernmental organizations to:~~

~~(1) Develop, expand or strengthen programs for victims of human trafficking.~~

~~(2) Ensure prevention of human trafficking.~~

~~(3) Ensure protection of victims of human trafficking.~~

~~(b) Conflict of interest. Whenever a member of the council is a representative of an applicant for a grant under this section, the member shall fully disclose the nature of the interest and withdraw from discussion, lobbying and voting on the matter. Any transaction or vote involving a potential~~

1 ~~conflict of interest shall be approved only when a majority of~~
2 ~~disinterested council members determines that it is in the best~~
3 ~~interests of the grant program to do so.~~

4 ~~§ 3037. Role of nongovernmental organizations.~~

5 ~~In implementing the responsibilities assigned under sections~~
6 ~~3031 (relating to Pennsylvania Council for the Prevention of~~
7 ~~Human Trafficking), 3033 (relating to training) and 3034~~
8 ~~(relating to public awareness), the commission shall enlist the~~
9 ~~cooperation of nongovernmental organizations, including the~~
10 ~~following:~~

11 ~~(1) Organizations with substantial experience serving~~
12 ~~victims of human trafficking, sexual violence or domestic~~
13 ~~violence.~~

14 ~~(2) Regional organizations, including task forces and~~
15 ~~coalitions devoted to human trafficking.~~

16 ~~(3) Agencies devoted to runaway services.~~

17 ~~(4) Agencies providing shelter and secure housing for~~
18 ~~victims.~~

19 ~~(5) Academic researchers dedicated to the subject of~~
20 ~~human trafficking.~~

21 SUBCHAPTER D

22 PROTECTION OF VICTIMS OF HUMAN TRAFFICKING

23 Sec.

24 ~~3051. State Plan for the Prevention of Human Trafficking.~~

25 ~~3052. Civil causes of action.~~

26 ~~3053. Protection of victims.~~

27 ~~3054. Appropriate implementation for minor victims of human~~
28 ~~trafficking.~~

29 ~~3055. Services.~~

30 ~~3056. Victims in shelters.~~

1 ~~§ 3051. State Plan for the Prevention of Human Trafficking.~~

2 ~~(a) Development of plan. The council shall assist the~~
3 ~~commission in the development of the plan for a coordinated~~
4 ~~response system to provide services to victims of human~~
5 ~~trafficking as provided in section 9 of the act of October 24,~~
6 ~~2012 (P.L.1618, No.197), known as the National Human Trafficking~~
7 ~~Resource Center Hotline Notification Act.~~

8 ~~(b) Personal characteristics to be considered. In the~~
9 ~~development of the State plan under this section, the council~~
10 ~~shall consider the following factors relevant to the victim of~~
11 ~~human trafficking and the victim's dependent children:~~

12 ~~(1) Age.~~

13 ~~(2) Gender.~~

14 ~~(3) Special needs.~~

15 ~~(4) Sexual orientation.~~

16 ~~(5) Gender identity.~~

17 ~~(6) Racial and ethnic background.~~

18 ~~(c) Implementation. The State plan shall be submitted to~~
19 ~~the commission, which shall implement the plan in compliance~~
20 ~~with the requirements of this section and ensure that all~~
21 ~~victims of human trafficking are treated with respect for their~~
22 ~~human rights and dignity. The council shall review the State~~
23 ~~plan annually to ensure that it continues to meet the needs of~~
24 ~~victims of human trafficking.~~

25 ~~§ 3052. Civil causes of action.~~

26 ~~(a) General rule.~~

27 ~~(1) An individual who is a victim of human trafficking~~
28 ~~may bring a civil action against any person that participated~~
29 ~~in the human trafficking of the individual in the court of~~
30 ~~common pleas of the county where the individual resides or~~

1 ~~where any of the alleged violations of this chapter occurred.~~

2 ~~(2) An individual who is a victim of the sex trade may~~
3 ~~bring a civil action in the court of common pleas of the~~
4 ~~county where the individual resides against a person that:~~

5 ~~(i) recruits, profits from or maintains the victim~~
6 ~~in any sex trade act;~~

7 ~~(ii) abuses or causes bodily harm to the victim in~~
8 ~~any sex trade act; and~~

9 ~~(iii) knowingly advertises or publishes~~
10 ~~advertisements for purposes of recruitment into sex trade~~
11 ~~activity.~~

12 ~~(b) Exception. This section shall not be construed to~~
13 ~~create liability for any person who provides goods or services~~
14 ~~to the general public and to a person who would be liable under~~
15 ~~subsection (a) (2), absent a showing that the person:~~

16 ~~(1) knowingly markets or provides its goods or services~~
17 ~~to a person liable under subsection (a) (2);~~

18 ~~(2) knowingly receives a higher level of compensation~~
19 ~~from a person liable under subsection (a) (2); or~~

20 ~~(3) supervises or exercises control over a person liable~~
21 ~~under subsection (a) (2).~~

22 ~~(c) Damages. The court may award any of the following forms~~
23 ~~of relief:~~

24 ~~(1) Actual damages.~~

25 ~~(2) Compensatory damages.~~

26 ~~(3) Punitive damages.~~

27 ~~(4) Injunctive relief.~~

28 ~~(5) Any other appropriate relief.~~

29 ~~(d) Attorney fees and costs. A prevailing plaintiff who is~~
30 ~~a victim of human trafficking shall be awarded reasonable~~

1 ~~attorney fees and costs.~~

2 ~~(e) Treble damages. Treble damages shall be awarded to a~~
3 ~~victim of human trafficking on proof of actual damages where the~~
4 ~~defendant's acts were willful and malicious.~~

5 ~~(f) Joinder of actions. In the discretion of the court:~~

6 ~~(1) Two or more individuals may join in one action under~~
7 ~~this section as plaintiffs if their respective actions~~
8 ~~involve at least one defendant in common.~~

9 ~~(2) Two or more persons may be joined in one action~~
10 ~~under this section as defendants if those persons may be~~
11 ~~liable to at least one plaintiff in common.~~

12 ~~(g) Attempts at avoidance of liability. No person may avoid~~
13 ~~liability under this section by:~~

14 ~~(1) a conveyance of any right, title or interest in real~~
15 ~~property; or~~

16 ~~(2) an agreement, including an indemnification agreement~~
17 ~~or hold harmless agreement, that purports to show the consent~~
18 ~~of the victim of human trafficking.~~

19 ~~(h) Statute of limitations. The statute of limitations for~~
20 ~~an action under this section may be tolled under any of the~~
21 ~~following circumstances:~~

22 ~~(1) Until the plaintiff discovers that the human~~
23 ~~trafficking incident occurred and that the defendant caused,~~
24 ~~was responsible for or profited from the incident.~~

25 ~~(2) Until a minor victim has attained the age of~~
26 ~~majority.~~

27 ~~(3) If a plaintiff is under a disability that makes it~~
28 ~~impossible or impracticable for the plaintiff to bring an~~
29 ~~action at the time the cause of action accrues, until the~~
30 ~~disability has been removed.~~

1 ~~(4) If the plaintiff's injury is caused by two or more~~
2 ~~incidents that are part of a human trafficking situation~~
3 ~~created by the same defendant, until the last human~~
4 ~~trafficking incident in the continuing series occurs.~~

5 ~~(5) If the plaintiff is subject to threats,~~
6 ~~intimidation, manipulation or fraud perpetrated by the~~
7 ~~defendant or any person acting on the defendant's behalf,~~
8 ~~until such actions have ceased.~~

9 ~~(i) Estoppel. A defendant is estopped from asserting a~~
10 ~~defense of the statute of limitations when the expiration of the~~
11 ~~statute is due to conduct by the defendant inducing the~~
12 ~~plaintiff to delay the filing of the action or placing the~~
13 ~~plaintiff under duress.~~

14 ~~(j) Nondefenses. It shall not be a defense to an action~~
15 ~~under this section that the following occurred:~~

16 ~~(1) The victim of the sex trade and the defendant had a~~
17 ~~consensual sexual relationship.~~

18 ~~(2) The defendant is related to the victim of the sex~~
19 ~~trade by blood or marriage.~~

20 ~~(3) The defendant has lived with the victim of the sex~~
21 ~~trade in any formal or informal household arrangement.~~

22 ~~(4) The victim of the sex trade was paid or otherwise~~
23 ~~compensated for sex trade activity.~~

24 ~~(5) The victim of the sex trade engaged in sex trade~~
25 ~~activity prior to any involvement with the defendant.~~

26 ~~(6) The victim of the sex trade continued to engage in~~
27 ~~sex trade activity following any involvement with the~~
28 ~~defendant.~~

29 ~~(7) The victim of the sex trade made no attempt to~~
30 ~~escape, flee or otherwise terminate the contact with the~~

1 ~~defendant.~~

2 ~~(8) The victim of the sex trade consented to engage in~~
3 ~~sex trade activity.~~

4 ~~(9) The victim of the sex trade engaged in only a single~~
5 ~~incident of sex trade activity.~~

6 ~~(10) There was no physical contact involved in the sex~~
7 ~~trade activity.~~

8 ~~(11) As a condition of employment, the defendant~~
9 ~~required the victim of the sex trade to agree not to engage~~
10 ~~in prostitution.~~

11 ~~(12) The defendant's place of business was posted with~~
12 ~~signs prohibiting prostitution or prostitution related~~
13 ~~activities.~~

14 ~~(13) The victim of the sex trade has been convicted or~~
15 ~~charged with prostitution or prostitution related offenses.~~

16 ~~(14) The victim of labor trafficking made no attempt to~~
17 ~~escape, flee or otherwise terminate the contact with the~~
18 ~~defendant.~~

19 ~~(k) Definitions. The following words and phrases when used~~
20 ~~in this section shall have the meanings given to them in this~~
21 ~~subsection unless the context clearly indicates otherwise:~~

22 ~~"Disability." Includes insanity, imprisonment or other~~
23 ~~incapacity or intellectual disability.~~

24 ~~"Sex trade." An act, which if proven beyond a reasonable~~
25 ~~doubt, could support a conviction for violation or attempted~~
26 ~~violation of Ch. 59 (relating to public indecency) or section~~
27 ~~6312 (relating to sexual abuse of children).~~

28 ~~"Victim of the sex trade." An individual who has been:~~

29 ~~(1) The object of a solicitation for prostitution.~~

30 ~~(2) The object of a transaction in a commercial sex act.~~

1 ~~(3) Intended or compelled to engage in an act of~~
2 ~~prostitution.~~

3 ~~(4) Intended or compelled to engage in a commercial sex~~
4 ~~act.~~

5 ~~(5) Described or depicted in material that advertises an~~
6 ~~intent or compulsion to engage in commercial sex acts.~~

7 ~~(6) In the case of obscenity or child pornography, has~~
8 ~~appeared in or been described or depicted in the offending~~
9 ~~conduct or material.~~

10 ~~§ 3053. Protection of victims.~~

11 ~~Law enforcement agencies shall take reasonable steps~~
12 ~~necessary to identify, protect and assist victims of human~~
13 ~~trafficking.~~

14 ~~§ 3054. Appropriate implementation for minor victims of human~~
15 ~~trafficking.~~

16 ~~(a) Best interest standard. The provision of services to a~~
17 ~~minor victim of human trafficking by the Commonwealth or by any~~
18 ~~institution or person established or licensed by the~~
19 ~~Commonwealth shall be carried out in a manner that is in the~~
20 ~~best interest of the minor and appropriate to the particular~~
21 ~~situation.~~

22 ~~(b) Special procedures. Special procedures shall be~~
23 ~~developed to accommodate minor witnesses during the~~
24 ~~investigation and prosecution of violations of this chapter,~~
25 ~~including:~~

26 ~~(1) The presence of the parent, legal guardian, foster~~
27 ~~parent or attorney during all testimony and court~~
28 ~~proceedings, if it is in the best interest of the minor.~~

29 ~~(2) Reuniting the minor with family members, whether~~
30 ~~within or without the United States, whenever safe, possible~~

1 ~~and in the best interest of the minor.~~

2 ~~(3) Formally investigate the home situation of a minor~~
3 ~~who became a victim of human trafficking after running away~~
4 ~~or being cast out of the minor's home or foster care.~~

5 ~~§ 3055. Services.~~

6 ~~(a) Effect of conviction. Any conviction of section 3011~~
7 ~~(relating to trafficking in individuals) or 3012 (relating to~~
8 ~~involuntary servitude) shall automatically entitle the victim~~
9 ~~of human trafficking to all benefits, rights and compensation~~
10 ~~granted under this chapter and the act of November 24, 1998~~
11 ~~(P.L.882, No.111), known as the Crime Victims Act.~~

12 ~~(b) Information for victims. The commission shall prepare a~~
13 ~~model informational form to be used by any person having contact~~
14 ~~with victims of human trafficking that informs victims of human~~
15 ~~trafficking, in a language they can understand, of the~~
16 ~~following:~~

17 ~~(1) The procedure for repatriation to the country of~~
18 ~~citizenship or lawful residence of the victim of human~~
19 ~~trafficking.~~

20 ~~(2) A directory of local service organizations for~~
21 ~~victims of human trafficking.~~

22 ~~(3) A directory of legal services organizations that can~~
23 ~~assist victims of human trafficking in obtaining or~~
24 ~~maintaining legal immigration status.~~

25 ~~(4) A directory of benefits for victims of human~~
26 ~~trafficking under Federal and State laws.~~

27 ~~(d) Benefits for victims of human trafficking. Foreign~~
28 ~~national victims of human trafficking and their accompanying~~
29 ~~dependent children shall be eligible to receive benefits as~~
30 ~~specified under the Trafficking Victims Protection Act of 2000~~

1 ~~(114 Stat. 1466, 22 U.S.C. § 7101 et seq.)~~.

2 ~~(e) Labor standards and working conditions. The Department~~
3 ~~of Labor and Industry shall:~~

4 ~~(1) Administer labor standards regarding wages, hours of~~
5 ~~work and working conditions under its jurisdiction without~~
6 ~~regard to the legal status of the individual's right to work~~
7 ~~in the United States.~~

8 ~~(2) Report to the appropriate law enforcement agency any~~
9 ~~evidence of human trafficking that may be discovered during~~
10 ~~the course of an investigation of wages, hours of work and~~
11 ~~working conditions.~~

12 ~~(f) Immigration certification.~~

13 ~~(1) The Attorney General, a district attorney or any~~
14 ~~representative of a law enforcement agency may certify in~~
15 ~~writing to the United States Department of Justice or other~~
16 ~~Federal agency, including the United States Department of~~
17 ~~Homeland Security, that:~~

18 ~~(i) an investigation or prosecution under this~~
19 ~~chapter has begun; and~~

20 ~~(ii) an individual who may be a victim of human~~
21 ~~trafficking is willing to cooperate or is cooperating~~
22 ~~with the investigation to enable the individual, if~~
23 ~~eligible under Federal law, to qualify for an appropriate~~
24 ~~special immigrant visa and to access available Federal~~
25 ~~benefits.~~

26 ~~(2) Cooperation with law enforcement agencies shall not~~
27 ~~be required of a victim of human trafficking who is a minor.~~

28 ~~(3) Certification under this subsection may be made~~
29 ~~available to the victim of human trafficking and the~~
30 ~~designated legal representative of the victim of human~~

1 ~~trafficking.~~

2 ~~§ 3056. Victims in shelters.~~

3 ~~(a) Voluntary placement. Residence of a victim of human~~
4 ~~trafficking in a shelter or other facility shall be voluntary,~~
5 ~~and a victim of human trafficking may decline to stay in a~~
6 ~~shelter or other facility.~~

7 ~~(b) Restrictions on admission. Admission to a shelter:~~

8 ~~(1) shall be made without regard to race, religion,~~
9 ~~ethnic background, sexual orientation, country of origin or~~
10 ~~culture; and~~

11 ~~(2) may not be conditioned on whether the victim of~~
12 ~~human trafficking is cooperating with a law enforcement~~
13 ~~agency in its attempts to prosecute persons under this~~
14 ~~chapter.~~

15 SUBCHAPTER E

16 MISCELLANEOUS PROVISIONS

17 Sec.

18 3071. Funding.

19 3072. Nonexclusivity.

20 ~~§ 3071. Funding.~~

21 ~~(a) Grant applications. In addition to any money that may~~
22 ~~be appropriated from time to time by the General Assembly for~~
23 ~~its work, the council, in conjunction with the commission, may~~
24 ~~apply for and expend Federal grants and grants and contributions~~
25 ~~from other public, quasi public or private sources to assist in~~
26 ~~implementing this chapter.~~

27 ~~(b) Commission support. The commission shall provide~~
28 ~~adequate resources to the council to implement this chapter~~
29 ~~subject to the availability of resources to provide support for~~
30 ~~the administration of the council and for the implementation of~~

~~1 the council's responsibilities, or the commission may enter into
2 a contract, memorandum of understanding or other agreement with
3 another governmental or a nongovernmental entity to establish
4 the council and to provide support for the administration of the
5 council and for the implementation of the council's
6 responsibilities.~~

~~7 § 3072. Nonexclusivity.~~

~~8 Remedies under this chapter are not exclusive and shall be in
9 addition to other procedures or remedies for a violation or
10 conduct provided for in other law.~~

11 SECTION 1. SECTION 911(H) (1) (I) OF TITLE 18 OF THE
12 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

<--

13 § 911. CORRUPT ORGANIZATIONS.

14 * * *

15 (H) DEFINITIONS.--AS USED IN THIS SECTION:

16 (1) "RACKETEERING ACTIVITY" MEANS ALL OF THE FOLLOWING:

17 (I) AN ACT WHICH IS INDICTABLE UNDER ANY OF THE
18 FOLLOWING PROVISIONS OF THIS TITLE:

19 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE)

20 SECTION 2706 (RELATING TO TERRORISTIC THREATS)

21 CHAPTER 29 (RELATING TO KIDNAPPING)

22 CHAPTER 30 (RELATING TO HUMAN TRAFFICKING [OF
23 PERSONS])

24 CHAPTER 33 (RELATING TO ARSON, CRIMINAL MISCHIEF
25 AND OTHER PROPERTY DESTRUCTION)

26 CHAPTER 37 (RELATING TO ROBBERY)

27 CHAPTER 39 (RELATING TO THEFT AND RELATED
28 OFFENSES)

29 SECTION 4108 (RELATING TO COMMERCIAL BRIBERY AND
30 BREACH OF DUTY TO ACT DISINTERESTEDLY)

1 SECTION 4109 (RELATING TO RIGGING PUBLICLY
2 EXHIBITED CONTEST)
3 SECTION 4117 (RELATING TO INSURANCE FRAUD)
4 CHAPTER 47 (RELATING TO BRIBERY AND CORRUPT
5 INFLUENCE)
6 CHAPTER 49 (RELATING TO FALSIFICATION AND
7 INTIMIDATION)
8 SECTION 5111 (RELATING TO DEALING IN PROCEEDS OF
9 UNLAWFUL ACTIVITIES)
10 SECTION 5512 (RELATING TO LOTTERIES, ETC.)
11 SECTION 5513 (RELATING TO GAMBLING DEVICES,
12 GAMBLING, ETC.)
13 SECTION 5514 (RELATING TO POOL SELLING AND
14 BOOKMAKING)
15 CHAPTER 59 (RELATING TO PUBLIC INDECENCY).

16 * * *

17 AN ACT WHICH OTHERWISE WOULD BE CONSIDERED RACKETEERING
18 ACTIVITY BY REASON OF THE APPLICATION OF THIS PARAGRAPH,
19 SHALL NOT BE EXCLUDED FROM ITS APPLICATION SOLELY BECAUSE THE
20 OPERATIVE ACTS TOOK PLACE OUTSIDE THE JURISDICTION OF THIS
21 COMMONWEALTH, IF SUCH ACTS WOULD HAVE BEEN IN VIOLATION OF
22 THE LAW OF THE JURISDICTION IN WHICH THEY OCCURRED.

23 * * *

24 SECTION 2. THE HEADING OF CHAPTER 30 AND SECTIONS 3001,
25 3002, 3003 AND 3004 OF TITLE 18 ARE REPEALED:

26 [CHAPTER 30

27 TRAFFICKING OF PERSONS

28 § 3001. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "CRIMINAL COERCION." THE TERM INCLUDES CONDUCT DEFINED AS
3 CRIMINAL COERCION BY SECTION 2906 (RELATING TO CRIMINAL
4 COERCION).

5 "FORCED LABOR OR SERVICES." LABOR OR SERVICES THAT ARE
6 PERFORMED OR PROVIDED BY ANOTHER PERSON WHICH ARE OBTAINED OR
7 MAINTAINED WHEN A PERSON:

8 (1) ATTEMPTS TO CAUSE, CAUSES OR BY THREAT OF PHYSICAL
9 MENACE PUTS ANOTHER PERSON IN FEAR OF BODILY INJURY;

10 (2) PHYSICALLY RESTRAINS OR THREATENS TO PHYSICALLY
11 RESTRAIN ANOTHER PERSON UNLAWFULLY;

12 (3) ABUSES OR THREATENS TO ABUSE THE LAW OR LEGAL
13 PROCESS;

14 (4) POSSESSES EXCEPT AS REQUIRED BY FEDERAL IMMIGRATION
15 LAW OR REGULATION, DESTROYS, CONCEALS, REMOVES OR CONFISCATES
16 ANY ACTUAL OR PURPORTED PASSPORT OR OTHER IMMIGRATION
17 DOCUMENT OF ANOTHER PERSON, OR ANY OTHER ACTUAL OR PURPORTED
18 GOVERNMENT IDENTIFICATION DOCUMENT OF ANOTHER PERSON; OR

19 (5) ENGAGES IN CRIMINAL COERCION OF ANOTHER PERSON.

20 "TRAFFICS." RECRUITS, ENTICES, HARBORS, TRANSPORTS OR
21 PROVIDES OR OBTAINS BY ANY MEANS.

22 § 3002. TRAFFICKING OF PERSONS.

23 (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF THE
24 PERSON KNOWINGLY TRAFFICS OR KNOWINGLY ATTEMPTS TO TRAFFIC
25 ANOTHER PERSON, KNOWING THAT THE OTHER PERSON WILL BE SUBJECTED
26 TO FORCED LABOR OR SERVICES.

27 (B) GRADING.--AN OFFENSE UNDER SUBSECTION (A) SHALL BE
28 GRADED A FELONY OF THE SECOND DEGREE UNLESS THE OTHER PERSON
29 SUFFERS BODILY INJURY OR THE OTHER PERSON IS AN INDIVIDUAL UNDER
30 18 YEARS OF AGE, IN WHICH CASE IT SHALL BE GRADED AS A FELONY OF

1 THE FIRST DEGREE.

2 § 3003. RESTITUTION FOR OFFENSES.

3 (A) GENERAL RULE.--A PERSON CONVICTED OF AN OFFENSE UNDER
4 THIS CHAPTER SHALL, IN ADDITION TO ANY OTHER REMEDY DEEMED
5 APPROPRIATE BY THE COURT, BE SENTENCED TO PAY THE VICTIM
6 RESTITUTION, INCLUDING THE GREATER OF:

7 (1) THE GROSS INCOME OR VALUE TO THE PERSON TO WHOM THE
8 LABOR OR SERVICES WERE PERFORMED BY THE VICTIM; OR

9 (2) THE VALUE OF THE VICTIM'S LABOR BASED ON THE MINIMUM
10 WAGE OF THIS COMMONWEALTH.

11 (B) PRIVATE REMEDIES.--NOTHING IN THIS SECTION SHALL BE
12 CONSTRUED TO PRECLUDE ANY OTHER REMEDY AT LAW OR IN EQUITY.

13 § 3004. FORFEITURE.

14 (A) GENERAL RULE.--THE FOLLOWING SHALL BE SUBJECT TO
15 FORFEITURES TO THE COMMONWEALTH, AND NO PROPERTY RIGHT SHALL
16 EXIST IN THEM:

17 (1) ALL ASSETS, FOREIGN OR DOMESTIC:

18 (I) OF AN INDIVIDUAL, ENTITY OR ORGANIZATION ENGAGED
19 IN PLANNING OR PERPETRATING AN ACT IN THIS COMMONWEALTH
20 WHICH VIOLATES SECTION 3002 (RELATING TO TRAFFICKING OF
21 PERSONS) AND ALL ASSETS, FOREIGN OR DOMESTIC, AFFORDING A
22 PERSON A SOURCE OF INFLUENCE OVER SUCH INDIVIDUAL, ENTITY
23 OR ORGANIZATION.

24 (II) ACQUIRED OR MAINTAINED BY A PERSON WITH THE
25 INTENT AND FOR THE PURPOSE OF SUPPORTING, PLANNING,
26 CONDUCTING OR CONCEALING AN ACT IN THIS COMMONWEALTH
27 WHICH VIOLATES SECTION 3002.

28 (III) DERIVED FROM, INVOLVED IN OR USED OR INTENDED
29 TO BE USED TO COMMIT AN ACT IN THIS COMMONWEALTH WHICH
30 VIOLATES SECTION 3002.

1 (2) ALL ASSETS WITHIN THIS COMMONWEALTH:

2 (I) OF AN INDIVIDUAL, ENTITY OR ORGANIZATION ENGAGED
3 IN PLANNING OR PERPETRATING AN ACT WHICH VIOLATES SECTION
4 3002.

5 (II) ACQUIRED OR MAINTAINED WITH THE INTENT AND FOR
6 THE PURPOSE OF SUPPORTING, PLANNING, CONDUCTING OR
7 CONCEALING AN ACT WHICH VIOLATES SECTION 3002.

8 (III) DERIVED FROM, INVOLVED IN OR USED OR INTENDED
9 TO BE USED TO COMMIT AN ACT WHICH VIOLATES SECTION 3002.

10 (B) PROCESS AND SEIZURES.--PROPERTY SUBJECT TO FORFEITURE
11 UNDER THIS SECTION MAY BE SEIZED BY THE LAW ENFORCEMENT
12 AUTHORITY UPON PROCESS ISSUED BY ANY COURT OF COMMON PLEAS
13 HAVING JURISDICTION OVER THE PROPERTY.

14 (C) CUSTODY OF PROPERTY.--

15 (1) PROPERTY TAKEN OR DETAINED UNDER THIS SECTION SHALL
16 NOT BE SUBJECT TO REPLEVIN BUT IS DEEMED TO BE IN THE CUSTODY
17 OF THE LAW ENFORCEMENT AUTHORITY SUBJECT ONLY TO THE ORDERS
18 AND DECREES OF THE COURT OF COMMON PLEAS HAVING JURISDICTION
19 OVER THE FORFEITURE PROCEEDINGS AND OF THE DISTRICT ATTORNEY.

20 (2) WHEN PROPERTY IS SEIZED UNDER THIS SECTION, THE LAW
21 ENFORCEMENT AUTHORITY SHALL PLACE THE PROPERTY UNDER SEAL AND
22 EITHER:

23 (I) REMOVE THE PROPERTY TO A PLACE DESIGNATED BY IT;

24 OR

25 (II) REQUIRE THAT THE DISTRICT ATTORNEY TAKE CUSTODY
26 OF THE PROPERTY AND REMOVE IT TO AN APPROPRIATE LOCATION
27 FOR DISPOSITION IN ACCORDANCE WITH LAW.

28 (D) TRANSFER OF PROPERTY.--WHENEVER PROPERTY IS FORFEITED
29 UNDER THIS SECTION, THE PROPERTY SHALL BE TRANSFERRED TO THE
30 CUSTODY OF THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY, WHERE

1 APPROPRIATE, MAY RETAIN THE PROPERTY FOR OFFICIAL USE OR SELL
2 THE PROPERTY, BUT THE PROCEEDS FROM ANY SUCH SALE SHALL BE USED
3 TO PAY ALL PROPER EXPENSES OF THE PROCEEDINGS FOR FORFEITURE AND
4 SALE, INCLUDING EXPENSES OF SEIZURE, MAINTENANCE OF CUSTODY,
5 ADVERTISING AND COURT COSTS. THE BALANCE OF THE PROCEEDS SHALL
6 BE USED FOR THE ENFORCEMENT OF THE CRIMINAL LAWS OF
7 PENNSYLVANIA.

8 (E) PROCEEDINGS AND PETITION.--THE PROCEEDINGS FOR THE
9 FORFEITURE OR CONDEMNATION OF PROPERTY, THE RETENTION OR SALE OF
10 WHICH IS PROVIDED FOR IN THIS SECTION, SHALL BE IN REM, IN WHICH
11 THE COMMONWEALTH SHALL BE THE PLAINTIFF AND THE PROPERTY THE
12 DEFENDANT. A PETITION SHALL BE FILED IN THE COURT OF COMMON
13 PLEAS OF THE JUDICIAL DISTRICT WHERE THE PROPERTY IS LOCATED,
14 VERIFIED BY OATH OR AFFIRMATION OF AN OFFICER OR CITIZEN,
15 CONTAINING THE FOLLOWING:

16 (1) A DESCRIPTION OF THE PROPERTY SEIZED.

17 (2) A STATEMENT OF THE TIME AND PLACE WHERE SEIZED.

18 (3) THE OWNER, IF KNOWN.

19 (4) THE PERSON OR PERSONS IN POSSESSION, IF KNOWN.

20 (5) AN ALLEGATION THAT THE PROPERTY IS SUBJECT TO
21 FORFEITURE PURSUANT TO THIS SECTION AND AN AVERMENT OF
22 MATERIAL FACTS UPON WHICH FORFEITURE ACTION IS BASED.

23 (6) A PRAYER FOR AN ORDER OF FORFEITURE THAT THE
24 PROPERTY BE ADJUDGED FORFEITED TO THE COMMONWEALTH AND
25 CONDEMNED UNLESS CAUSE BE SHOWN TO THE CONTRARY.

26 (F) SERVICE.--A COPY OF THE PETITION REQUIRED UNDER
27 SUBSECTION (E) SHALL BE SERVED PERSONALLY OR BY CERTIFIED MAIL
28 ON THE OWNER OR THE PERSON OR PERSONS IN POSSESSION AT THE TIME
29 OF THE SEIZURE. THE COPY SHALL HAVE ENDORSED A NOTICE AS
30 FOLLOWS:

1 TO THE CLAIMANT OF WITHIN DESCRIBED PROPERTY:

2 YOU ARE REQUIRED TO FILE AN ANSWER TO THIS PETITION,
3 SETTING FORTH YOUR TITLE IN AND RIGHT TO POSSESSION OF THE
4 PROPERTY WITHIN 30 DAYS FROM THE SERVICE OF THIS NOTICE. YOU
5 ARE ALSO NOTIFIED THAT, IF YOU FAIL TO FILE THE ANSWER, A
6 DECREE OF FORFEITURE AND CONDEMNATION WILL BE ENTERED AGAINST
7 THE PROPERTY.

8 THE NOTICE SHALL BE SIGNED BY THE DISTRICT ATTORNEY, DEPUTY
9 DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY.

10 (G) NOTICE.--

11 (1) IF THE OWNER OF THE PROPERTY IS UNKNOWN OR THERE WAS
12 NO PERSON IN POSSESSION OF THE PROPERTY WHEN SEIZED OR IF THE
13 OWNER OR SUCH PERSON OR PERSONS IN POSSESSION AT THE TIME OF
14 THE SEIZURE CANNOT BE PERSONALLY SERVED OR LOCATED WITHIN THE
15 JURISDICTION OF THE COURT, NOTICE OF THE PETITION SHALL BE
16 GIVEN BY THE COMMONWEALTH THROUGH AN ADVERTISEMENT IN ONLY
17 ONE NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY
18 WHERE THE PROPERTY SHALL HAVE BEEN SEIZED, ONCE A WEEK FOR
19 TWO SUCCESSIVE WEEKS. NO OTHER ADVERTISEMENT OF ANY SORT
20 SHALL BE NECESSARY, ANY OTHER LAW TO THE CONTRARY
21 NOTWITHSTANDING.

22 (2) THE NOTICE SHALL CONTAIN A STATEMENT OF THE SEIZURE
23 OF THE PROPERTY WITH A DESCRIPTION OF THE PROPERTY AND THE
24 PLACE AND DATE OF SEIZURE AND SHALL DIRECT ANY CLAIMANTS TO
25 THE PROPERTY TO FILE A CLAIM ON OR BEFORE A DATE GIVEN IN THE
26 NOTICE, WHICH DATE SHALL NOT BE LESS THAN 30 DAYS FROM THE
27 DATE OF THE FIRST PUBLICATION.

28 (3) IF NO CLAIMS ARE FILED WITHIN 30 DAYS OF
29 PUBLICATION, THE PROPERTY SHALL SUMMARILY FORFEIT TO THE
30 COMMONWEALTH.

1 (H) UNKNOWN OWNER.--FOR PURPOSES OF THIS SECTION, THE OWNER
2 OR OTHER SUCH PERSON CANNOT BE FOUND IN THE JURISDICTION OF THE
3 COURT IF:

4 (1) A COPY OF THE PETITION IS MAILED TO THE LAST KNOWN
5 ADDRESS BY CERTIFIED MAIL AND IS RETURNED WITHOUT DELIVERY;

6 (2) PERSONAL SERVICE IS ATTEMPTED ONCE BUT CANNOT BE
7 MADE AT THE LAST KNOWN ADDRESS; AND

8 (3) A COPY OF THE PETITION IS LEFT AT THE LAST KNOWN
9 ADDRESS.

10 (I) WAIVER OF NOTICE.--THE NOTICE PROVISIONS OF THIS SECTION
11 ARE AUTOMATICALLY WAIVED IF THE OWNER, WITHOUT GOOD CAUSE, FAILS
12 TO APPEAR IN COURT IN RESPONSE TO A SUBPOENA ON THE UNDERLYING
13 CRIMINAL CHARGES. FORTY-FIVE DAYS AFTER SUCH A FAILURE TO
14 APPEAR, IF GOOD CAUSE HAS NOT BEEN DEMONSTRATED, THE PROPERTY
15 SHALL SUMMARILY FORFEIT TO THE COMMONWEALTH.

16 (J) HEARING DATE.--UPON THE FILING OF A CLAIM FOR THE
17 PROPERTY SETTING FORTH A RIGHT OF POSSESSION, THE CASE SHALL BE
18 DEEMED AT ISSUE, AND A DATE AND TIME SHALL BE FIXED FOR THE
19 HEARING.

20 (K) BURDEN OF PROOF.--AT THE HEARING, IF THE COMMONWEALTH
21 PRODUCES EVIDENCE THAT THE PROPERTY IN QUESTION WAS UNLAWFULLY
22 USED, POSSESSED OR OTHERWISE SUBJECT TO FORFEITURE UNDER THIS
23 SECTION, THE BURDEN SHALL BE UPON THE CLAIMANT TO SHOW BY A
24 PREPONDERANCE OF THE EVIDENCE:

25 (1) THAT THE CLAIMANT IS THE OWNER OF THE PROPERTY OR
26 THE HOLDER OF A CHATTEL MORTGAGE OR CONTRACT OF CONDITIONAL
27 SALE THEREON.

28 (2) THAT THE CLAIMANT LAWFULLY ACQUIRED THE PROPERTY.

29 (3) THAT THE PROPERTY WAS NOT UNLAWFULLY USED OR
30 POSSESSED BY THE CLAIMANT. IF IT APPEARS THAT THE PROPERTY

1 WAS UNLAWFULLY USED OR POSSESSED BY A PERSON OTHER THAN THE
2 CLAIMANT, THEN THE CLAIMANT SHALL SHOW THAT THE UNLAWFUL USE
3 OR POSSESSION WAS WITHOUT HIS KNOWLEDGE OR CONSENT. SUCH
4 ABSENCE OF KNOWLEDGE OR CONSENT MUST BE REASONABLE UNDER THE
5 CIRCUMSTANCES PRESENTED.

6 (L) CLAIMS OF OWNERSHIP.--IF A PERSON CLAIMING THE OWNERSHIP
7 OF OR RIGHT OF POSSESSION TO OR CLAIMING TO BE THE HOLDER OF A
8 CHATTEL MORTGAGE OR CONTRACT OF CONDITIONAL SALE UPON THE
9 PROPERTY, THE DISPOSITION OF WHICH IS PROVIDED FOR IN THIS
10 SECTION, PRIOR TO THE SALE PRESENTS A PETITION TO THE COURT
11 ALLEGING LAWFUL OWNERSHIP, RIGHT OF POSSESSION, A LIEN OR
12 RESERVATION OF TITLE TO THE PROPERTY AND IF, ON PUBLIC HEARING,
13 DUE NOTICE OF WHICH HAVING BEEN GIVEN TO THE DISTRICT ATTORNEY,
14 THE CLAIMANT SHALL PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT
15 THE PROPERTY WAS LAWFULLY ACQUIRED, POSSESSED AND USED BY HIM
16 OR, IT APPEARING THAT THE PROPERTY WAS UNLAWFULLY USED BY A
17 PERSON OTHER THAN THE CLAIMANT, THAT THE UNLAWFUL USE WAS
18 WITHOUT THE CLAIMANT'S KNOWLEDGE OR CONSENT, THEN THE COURT MAY
19 ORDER THE PROPERTY RETURNED OR DELIVERED TO THE CLAIMANT. SUCH
20 ABSENCE OF KNOWLEDGE OR CONSENT MUST BE REASONABLE UNDER THE
21 CIRCUMSTANCES PRESENTED. OTHERWISE, IT SHALL BE RETAINED FOR
22 OFFICIAL USE OR SOLD IN ACCORDANCE WITH THIS SECTION.]

23 SECTION 3. TITLE 18 IS AMENDED BY ADDING A CHAPTER TO READ:

24 CHAPTER 30

25 HUMAN TRAFFICKING

26 SUBCHAPTER

27 A. GENERAL PROVISIONS

28 B. PROSECUTION OF HUMAN TRAFFICKING

29 C. PREVENTION OF HUMAN TRAFFICKING

30 D. PROTECTION OF VICTIMS OF HUMAN TRAFFICKING

1 E. MISCELLANEOUS PROVISIONS

2 SUBCHAPTER A

3 GENERAL PROVISIONS

4 SEC.

5 3001. DEFINITIONS.

6 § 3001. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND
11 DELINQUENCY.

12 "DEBT COERCION." EXPLOITATION OF THE STATUS OR CONDITION OF
13 A DEBTOR ARISING FROM A PLEDGE BY THE DEBTOR OF THE PERSONAL
14 SERVICES OF THE DEBTOR OR AN INDIVIDUAL UNDER THE DEBTOR'S
15 CONTROL AS A SECURITY OR PAYMENT FOR DEBT, IF ANY OF THE
16 FOLLOWING APPLY:

17 (1) THE VALUE OF THOSE SERVICES AS REASONABLY ASSESSED
18 IS NOT APPLIED TOWARD THE LIQUIDATION OF THE DEBT.

19 (2) THE LENGTH AND NATURE OF THOSE SERVICES ARE NOT
20 RESPECTIVELY LIMITED AND DEFINED.

21 (3) THE PRINCIPAL AMOUNT OF THE DEBT DOES NOT REASONABLY
22 REFLECT THE VALUE OF THE ITEMS OR SERVICES FOR WHICH THE DEBT
23 WAS INCURRED.

24 (4) THE DEBTOR IS COERCED TO PERFORM SEX ACTS AS PAYMENT
25 FOR THE DEBT.

26 (5) THE CREDITOR CONTROLS AND DETERMINES THE MOVEMENT,
27 HOUSING AND SERVICES PERFORMED BY THE DEBTOR UNTIL REPAYMENT
28 OF THE DEBT.

29 "EXTORTION." AS DEFINED IN SECTION 3923 (RELATING TO THEFT
30 BY EXTORTION).

1 "FINANCIAL HARM." INCLUDES ANY OF THE FOLLOWING:

2 (1) A VIOLATION OF THE ACT OF MARCH 30, 1859 (P.L.318,
3 NO.318) ENTITLED "AN ACT FOR THE BETTER SECURING THE PAYMENT
4 OF THE WAGES OF LABOR IN CERTAIN COUNTIES OF THIS
5 COMMONWEALTH."

6 (2) A VIOLATION OF THE ACT OF MAY 23, 1887 (P.L.181,
7 NO.122) ENTITLED "AN ACT TO REGULATE THE EMPLOYMENT OF
8 LABOR."

9 (3) A CRIMINAL VIOLATION OF THE ACT OF JANUARY 30, 1974
10 (P.L.13, NO.6), REFERRED TO AS THE LOAN INTEREST AND
11 PROTECTION LAW (USURY LAW).

12 (4) A VIOLATION OF CHAPTER 2 OF THE ACT OF JUNE 23, 1978
13 (P.L.537, NO.93), KNOWN AS THE SEASONAL FARM LABOR ACT.

14 (5) A VIOLATION OF ANY OTHER LAW OF THIS COMMONWEALTH
15 GOVERNING THE PAYMENT OF WAGES FOR LABOR OR SERVICES.

16 "HUMAN TRAFFICKING." ANY ACTIVITY IN VIOLATION OF SECTION
17 3011 (RELATING TO TRAFFICKING IN INDIVIDUALS) EITHER ALONE OR IN
18 CONJUNCTION WITH AN ACTIVITY IN VIOLATION OF SECTION 3012
19 (RELATING TO INVOLUNTARY SERVITUDE).

20 "INVOLUNTARY SERVITUDE." LABOR SERVITUDE OR SEXUAL
21 SERVITUDE.

22 "LABOR." WORK OR SERVICE OF ECONOMIC OR FINANCIAL VALUE.

23 "LABOR SERVITUDE." LABOR WHICH IS PERFORMED OR PROVIDED BY
24 ANOTHER INDIVIDUAL AND IS INDUCED OR OBTAINED BY ANY OF THE
25 MEANS SET FORTH IN SECTION 3012(B) (RELATING TO INVOLUNTARY
26 SERVITUDE).

27 "MINOR." AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF AGE.

28 "RECORD." INFORMATION, REGARDLESS OF PHYSICAL FORM OR
29 CHARACTERISTICS, THAT DOCUMENTS A TRANSACTION OR ACTIVITY AND
30 THAT IS CREATED, RECEIVED OR RETAINED UNDER LAW OR IN CONNECTION

1 WITH A TRANSACTION, BUSINESS OR ACTIVITY. THE TERM INCLUDES ANY
2 OF THE FOLLOWING:

3 (1) A DOCUMENT, PAPER, LETTER, MAP, BOOK, TAPE,
4 PHOTOGRAPH, FILM OR SOUND RECORDING.

5 (2) INFORMATION STORED OR MAINTAINED ELECTRONICALLY.

6 (3) A DATA-PROCESSED OR IMAGE-PROCESSED DOCUMENT.

7 "SERIOUS HARM." ANY HARM, WHETHER PHYSICAL OR NONPHYSICAL
8 THAT IS SUFFICIENTLY SERIOUS, UNDER ALL THE SURROUNDING
9 CIRCUMSTANCES, TO COMPEL A REASONABLE PERSON OF THE SAME
10 BACKGROUND AND IN THE SAME CIRCUMSTANCES AS THE VICTIM OF HUMAN
11 TRAFFICKING TO PERFORM OR TO CONTINUE PERFORMING LABOR OR A
12 SERVICE, A COMMERCIAL SEX ACT OR A PERFORMANCE INVOLVING SEX
13 ACTS IN ORDER TO AVOID INCURRING THAT HARM.

14 "SERVICE." ANY ACT COMMITTED AT THE BEHEST OF, UNDER THE
15 SUPERVISION OF OR FOR THE BENEFIT OF ANOTHER.

16 "SEX ACT." ANY TOUCHING OR EXPOSURE OF THE SEXUAL OR OTHER
17 INTIMATE PARTS OF ANY INDIVIDUAL FOR THE PURPOSE OF GRATIFYING
18 SEXUAL DESIRE OF ANY INDIVIDUAL.

19 "SEXUAL SERVITUDE." ANY SEX ACT OR PERFORMANCE INVOLVING A
20 SEX ACT FOR WHICH ANYTHING OF VALUE IS DIRECTLY OR INDIRECTLY
21 GIVEN, PROMISED TO OR RECEIVED BY ANY INDIVIDUAL OR WHICH IS
22 PERFORMED OR PROVIDED BY ANY INDIVIDUAL, AND IS INDUCED OR
23 OBTAINED FROM:

24 (1) A MINOR.

25 (2) ANY OTHER INDIVIDUAL BY ANY OF THE MEANS SET FORTH
26 IN SECTION 3012(B) (RELATING TO INVOLUNTARY SERVITUDE).

27 "VICTIM OF HUMAN TRAFFICKING" OR "VICTIM." AN INDIVIDUAL WHO
28 HAS BEEN SUBJECTED TO HUMAN TRAFFICKING.

29 SUBCHAPTER B
30 PROSECUTION OF HUMAN TRAFFICKING

1 SEC.
2 3011. TRAFFICKING IN INDIVIDUALS.
3 3012. INVOLUNTARY SERVITUDE.
4 3013. PATRONIZING A VICTIM OF SEXUAL SERVITUDE.
5 3014. UNLAWFUL CONDUCT REGARDING DOCUMENTS.
6 3015. NONPAYMENT OF WAGES.
7 3016. OBSTRUCTION OF JUSTICE.
8 3017. VIOLATION BY BUSINESS ENTITIES.
9 3018. EVIDENCE AND DEFENSES TO HUMAN TRAFFICKING.
10 3019. VICTIM PROTECTION DURING PROSECUTION.
11 3020. RESTITUTION.
12 3021. ASSET FORFEITURE.
13 3022. PROFESSIONAL LICENSES.
14 3023. CUMULATIVE REMEDIES.
15 3024. SENTENCING.
16 3025. DATA COLLECTION.
17 § 3011. TRAFFICKING IN INDIVIDUALS.

18 (A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE
19 SECOND DEGREE IF THE PERSON:

20 (1) RECRUITS, ENTICES, SOLICITS, HARBORS, TRANSPORTS,
21 PROVIDES, OBTAINS OR MAINTAINS AN INDIVIDUAL IF THE PERSON
22 KNOWS OR RECKLESSLY DISREGARDS THAT THE INDIVIDUAL WILL BE
23 SUBJECT TO INVOLUNTARY SERVITUDE; OR

24 (2) KNOWINGLY BENEFITS FINANCIALLY OR RECEIVES ANYTHING
25 OF VALUE FROM ANY ACT THAT FACILITATES ANY ACTIVITY DESCRIBED
26 IN PARAGRAPH (1).

27 (B) TRAFFICKING IN MINORS.--A PERSON COMMITS A FELONY OF THE
28 FIRST DEGREE IF THE PERSON ENGAGES IN ANY ACTIVITY LISTED IN
29 SUBSECTION (A) THAT RESULTS IN A MINOR'S BEING SUBJECTED TO
30 SEXUAL SERVITUDE.

1 § 3012. INVOLUNTARY SERVITUDE.

2 (A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE FIRST
3 DEGREE IF THE PERSON KNOWINGLY, THROUGH ANY OF THE MEANS
4 DESCRIBED IN SUBSECTION (B), SUBJECTS AN INDIVIDUAL TO LABOR
5 SERVITUDE OR SEXUAL SERVITUDE, EXCEPT WHERE THE CONDUCT IS
6 PERMISSIBLE UNDER FEDERAL OR STATE LAW OTHER THAN THIS CHAPTER.

7 (B) MEANS OF SUBJECTING AN INDIVIDUAL TO INVOLUNTARY
8 SERVITUDE.--A PERSON MAY SUBJECT AN INDIVIDUAL TO INVOLUNTARY
9 SERVITUDE THROUGH ANY OF THE FOLLOWING MEANS:

10 (1) CAUSING OR THREATENING TO CAUSE SERIOUS HARM TO ANY
11 INDIVIDUAL.

12 (2) PHYSICALLY RESTRAINING OR THREATENING TO PHYSICALLY
13 RESTRAIN ANOTHER INDIVIDUAL.

14 (3) KIDNAPPING OR ATTEMPTING TO KIDNAP ANY INDIVIDUAL.

15 (4) ABUSING OR THREATENING TO ABUSE THE LEGAL PROCESS.

16 (5) TAKING OR RETAINING THE INDIVIDUAL'S PERSONAL
17 PROPERTY OR REAL PROPERTY AS A MEANS OF COERCION.

18 (6) ENGAGING IN UNLAWFUL CONDUCT WITH RESPECT TO
19 DOCUMENTS, AS DEFINED IN SECTION 3014 (RELATING TO UNLAWFUL
20 CONDUCT REGARDING DOCUMENTS).

21 (7) EXTORTION.

22 (8) FRAUD.

23 (9) CRIMINAL COERCION, AS DEFINED IN SECTION 2906
24 (RELATING TO CRIMINAL COERCION).

25 (10) DURESS, THROUGH THE USE OF OR THREAT TO USE
26 UNLAWFUL FORCE AGAINST THE PERSON OR ANOTHER.

27 (11) DEBT COERCION.

28 (12) FACILITATING OR CONTROLLING THE INDIVIDUAL'S ACCESS
29 TO A CONTROLLED SUBSTANCE.

30 (13) USING ANY SCHEME, PLAN OR PATTERN INTENDED TO CAUSE

1 THE INDIVIDUAL TO BELIEVE THAT, IF THE INDIVIDUAL DOES NOT
2 PERFORM THE LABOR, SERVICES, ACTS OR PERFORMANCES, THAT
3 INDIVIDUAL OR ANOTHER INDIVIDUAL WILL SUFFER SERIOUS HARM OR
4 PHYSICAL RESTRAINT.

5 § 3013. PATRONIZING A VICTIM OF SEXUAL SERVITUDE.

6 (A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE
7 SECOND DEGREE IF THE PERSON ENGAGES IN ANY SEX ACT OR
8 PERFORMANCE WITH ANOTHER INDIVIDUAL KNOWING THAT THE ACT OR
9 PERFORMANCE IS THE RESULT OF THE INDIVIDUAL BEING A VICTIM OF
10 HUMAN TRAFFICKING.

11 (B) INVESTIGATION.--AN INDIVIDUAL ARRESTED FOR A VIOLATION
12 OF SECTION 5902 (E) (RELATING TO PROSTITUTION AND RELATED
13 OFFENSES) MAY BE FORMALLY DETAINED AND QUESTIONED BY LAW
14 ENFORCEMENT PERSONNEL TO DETERMINE IF THE INDIVIDUAL ENGAGED IN
15 ANY SEX ACT OR PERFORMANCE WITH THE ALLEGED PROSTITUTE KNOWING
16 THAT THE INDIVIDUAL IS A VICTIM OF HUMAN TRAFFICKING.

17 (C) FINE.--A PERSON WHOSE VIOLATION OF THIS SUBSECTION
18 RESULTS IN A JUDICIAL DISPOSITION OTHER THAN ACQUITTAL OR
19 DISMISSAL SHALL ALSO PAY A FINE OF \$500 TO THE COURT, TO BE
20 DISTRIBUTED TO THE COMMISSION TO FUND THE GRANT PROGRAM
21 ESTABLISHED UNDER SECTION 3031 (RELATING TO GRANTS).

22 § 3014. UNLAWFUL CONDUCT REGARDING DOCUMENTS.

23 A PERSON COMMITS A FELONY OF THE THIRD DEGREE IF, TO PREVENT
24 OR RESTRICT OR ATTEMPT TO PREVENT OR RESTRICT, WITHOUT LAWFUL
25 AUTHORITY, THE ABILITY OF AN INDIVIDUAL TO MOVE OR TRAVEL, THE
26 PERSON KNOWINGLY DESTROYS, CONCEALS, REMOVES, CONFISCATES OR
27 POSSESSES AN ACTUAL OR PURPORTED:

28 (1) PASSPORT OR OTHER IMMIGRATION DOCUMENT OF AN
29 INDIVIDUAL; OR

30 (2) GOVERNMENT IDENTIFICATION DOCUMENT OF AN INDIVIDUAL.

1 § 3015. NONPAYMENT OF WAGES.

2 (A) OFFENSE DEFINED.--A PERSON WHO, IN CONNECTION WITH, AS A
3 PART OF OR IN ADDITION TO ENGAGING IN HUMAN TRAFFICKING,
4 WILLFULLY OR WITH INTENT TO DEFRAUD, FAILS OR REFUSES TO PAY
5 WAGES FOR OR OTHERWISE CAUSES FINANCIAL HARM TO AN INDIVIDUAL IN
6 CONNECTION WITH LABOR SERVICES RENDERED COMMITS:

7 (1) A MISDEMEANOR OF THE THIRD DEGREE IF THE AMOUNT OWED
8 TO THE INDIVIDUAL IS LESS THAN \$2,000.

9 (2) A FELONY OF THE THIRD DEGREE, IF:

10 (I) THE AMOUNT OWED TO THE INDIVIDUAL IS EQUAL TO OR
11 GREATER THAN \$2,000;

12 (II) THE FAILURE OR REFUSAL CONSTITUTES A SECOND OR
13 SUBSEQUENT VIOLATION OF THIS SECTION; OR

14 (III) THE PERSON FALSELY DENIES THE AMOUNT DUE OR
15 THE VALIDITY OF THE DEBT.

16 (B) OFFENSES CUMULATIVE.--A PERSON COMMITS A SEPARATE
17 OFFENSE UNDER THIS SECTION FOR EACH CALENDAR MONTH DURING WHICH
18 THE INDIVIDUAL EARNED WAGES THAT THE PERSON FAILED TO PAY OR WAS
19 OTHERWISE FINANCIALLY HARMED.

20 § 3016. OBSTRUCTION OF JUSTICE.

21 A PERSON WHO COMMITS A VIOLATION OF SUBCHAPTER B OF CHAPTER
22 49 (RELATING TO VICTIM AND WITNESS INTIMIDATION) OR CHAPTER 51
23 (RELATING TO OBSTRUCTING GOVERNMENTAL OPERATIONS) THAT IN ANY
24 WAY INTERFERES WITH OR PREVENTS THE ENFORCEMENT OF THIS CHAPTER
25 SHALL BE SUBJECT TO THE SAME PENALTIES THAT MAY BE IMPOSED FOR
26 THE OFFENSE FOR WHICH THE PERSON HAS BEEN CHARGED UNDER THIS
27 CHAPTER.

28 § 3017. VIOLATION BY BUSINESS ENTITIES.

29 (A) PENALTY.--ANY BUSINESS ENTITY, INCLUDING A CORPORATION
30 OR UNINCORPORATED ASSOCIATION, LIMITED LIABILITY PARTNERSHIP OR

1 COMPANY OR OTHER LEGAL ENTITY THAT KNOWINGLY AIDS OR
2 PARTICIPATES IN ANY VIOLATION OF THIS CHAPTER, SHALL BE SUBJECT
3 TO ANY OF THE FOLLOWING PENALTIES:

4 (1) A FINE OF NOT MORE THAN \$1,000,000.

5 (2) REVOCATION OF THE BUSINESS ENTITY'S:

6 (I) CHARTER, IF IT IS ORGANIZED UNDER THE LAWS OF
7 THIS COMMONWEALTH; OR

8 (II) CERTIFICATE OF AUTHORITY TO DO BUSINESS IN THIS
9 COMMONWEALTH, IF THE BUSINESS ENTITY IS NOT ORGANIZED
10 UNDER THE LAWS OF THIS COMMONWEALTH.

11 (3) OTHER RELIEF AS THE COURT DEEMS EQUITABLE, INCLUDING
12 FORFEITURE OF ASSETS OR RESTITUTION AS PROVIDED IN THIS
13 CHAPTER.

14 (B) DISPOSITION OF FINES.--FINES IMPOSED UNDER THIS SECTION
15 SHALL BE DEPOSITED AS PROVIDED IN SECTION 3031 (RELATING TO
16 GRANTS).

17 § 3018. EVIDENCE AND DEFENSES TO HUMAN TRAFFICKING.

18 (A) GENERAL RULE.--EVIDENCE OF THE FOLLOWING FACTS OR
19 CONDITIONS SHALL NOT CONSTITUTE A DEFENSE IN A PROSECUTION FOR A
20 VIOLATION UNDER THIS CHAPTER, NOR SHALL THE EVIDENCE PRECLUDE A
21 FINDING OF A VIOLATION UNDER THIS CHAPTER:

22 (1) SPECIFIC INSTANCES OF PAST SEXUAL CONDUCT OF THE
23 VICTIM OF HUMAN TRAFFICKING, OPINION EVIDENCE OF THE ALLEGED
24 VICTIM'S PAST SEXUAL CONDUCT AND REPUTATION EVIDENCE OF THE
25 ALLEGED VICTIM'S PAST SEXUAL CONDUCT SHALL NOT BE ADMISSIBLE
26 IN A PROSECUTION UNDER THIS CHAPTER, EXCEPT EVIDENCE OF THE
27 ALLEGED VICTIM'S PAST SEXUAL CONDUCT WITH THE DEFENDANT SHALL
28 BE ADMISSIBLE WHERE CONSENT OF THE ALLEGED VICTIM IS AT ISSUE
29 AND THE EVIDENCE IS OTHERWISE ADMISSIBLE UNDER THE RULES OF
30 EVIDENCE. A DEFENDANT WHO PROPOSES TO OFFER EVIDENCE OF THE

1 ALLEGED VICTIM'S PAST SEXUAL CONDUCT UNDER THIS PARAGRAPH
2 SHALL FILE A WRITTEN MOTION AND OFFER OF PROOF AT THE TIME OF
3 TRIAL. IF, AT THE TIME OF TRIAL, THE COURT DETERMINES THAT
4 THE MOTION AND OFFER OF PROOF ARE SUFFICIENT ON THEIR FACES,
5 THE COURT SHALL ORDER AN IN CAMERA HEARING AND SHALL MAKE
6 FINDINGS ON THE RECORD AS TO THE RELEVANCE AND ADMISSIBILITY
7 OF THE PROPOSED EVIDENCE UNDER THE STANDARDS OF THIS
8 PARAGRAPH.

9 (2) THE AGE OF THE VICTIM OF HUMAN TRAFFICKING WITH
10 RESPECT TO THE AGE OF CONSENT TO SEX OR LEGAL AGE OF
11 MARRIAGE.

12 (B) VICTIM'S CONSENT TO EMPLOYMENT CONTRACT IN LABOR
13 SERVITUDE.--THE CONSENT OF THE VICTIM OF HUMAN TRAFFICKING TO AN
14 EMPLOYMENT CONTRACT, NOTWITHSTANDING IF THERE WAS NOT FRAUD
15 INVOLVED IN THE CONTRACT'S FORMATION, SHALL NOT BE A DEFENSE TO
16 LABOR TRAFFICKING IF FORCE OR COERCION AS DESCRIBED IN SECTION
17 3012(B) (RELATING TO INVOLUNTARY SERVITUDE) WERE INVOLVED IN THE
18 MAKING OF THE CONTRACT.

19 (C) VICTIM'S AGE IN SEXUAL SERVITUDE.--EXCEPT AS PROVIDED IN
20 SECTION 3102 (RELATING TO MISTAKE AS TO AGE), EVIDENCE OF A
21 DEFENDANT'S LACK OF KNOWLEDGE OF A PERSON'S AGE, OR A REASONABLE
22 MISTAKE OF AGE, IS NOT A DEFENSE FOR A VIOLATION OF THIS CHAPTER
23 INVOLVING THE SEXUAL SERVITUDE OF A MINOR.

24 § 3019. VICTIM PROTECTION DURING PROSECUTION.

25 (A) DISCLOSURE OF NAME OF VICTIM OF HUMAN TRAFFICKING.--
26 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
27 UNLESS THE COURT OTHERWISE ORDERS IN A PROSECUTION INVOLVING A
28 VICTIM OF HUMAN TRAFFICKING, AN OFFICER OR EMPLOYEE OF THE COURT
29 MAY NOT DISCLOSE THE IDENTITY OF THE VICTIM OF HUMAN TRAFFICKING
30 TO THE PUBLIC. ANY RECORD REVEALING THE NAME OF THE VICTIM OF

1 HUMAN TRAFFICKING SHALL NOT BE OPEN TO PUBLIC INSPECTION.

2 (B) AFFIRMATIVE DEFENSE.--AN INDIVIDUAL WHO IS CHARGED WITH
3 ANY VIOLATION UNDER SECTION 5902 (RELATING TO PROSTITUTION AND
4 RELATED OFFENSES) MAY OFFER THE DEFENSE AT TRIAL THAT HE ENGAGED
5 IN THE CONDUCT CHARGED BECAUSE HE WAS COMPELLED TO DO SO BY
6 COERCION OR THE USE OF, OR A THREAT TO USE, UNLAWFUL FORCE
7 AGAINST HIS PERSON OR THE PERSON OF ANOTHER, WHICH A PERSON OF
8 REASONABLE FIRMNESS IN HIS SITUATION WOULD HAVE BEEN UNABLE TO
9 RESIST.

10 (C) DIVERSIONARY PROGRAM.--AN INDIVIDUAL WHO IS CHARGED WITH
11 VIOLATING A TRESPASSING, LOITERING, OBSTRUCTION OF HIGHWAY,
12 DISORDERLY CONDUCT OR SIMPLE POSSESSION OF A CONTROLLED
13 SUBSTANCE STATUTE AS A DIRECT RESULT OF BEING A VICTIM OF HUMAN
14 TRAFFICKING, WHERE THE VIOLATION IS HIS FIRST OFFENSE, SHALL BE
15 GIVEN FIRST CONSIDERATION FOR A PRETRIAL DIVERSIONARY PROGRAM BY
16 THE JUDICIAL AUTHORITY WITH JURISDICTION OVER THE VIOLATIONS. IF
17 THE INDIVIDUAL SUCCESSFULLY COMPLETES THE DIVERSIONARY PROGRAM,
18 THE COURT SHALL ORDER THAT INDIVIDUAL'S RECORDS OF THE CHARGE OF
19 VIOLATING THE STATUTE SHALL BE EXPUNGED AS PROVIDED FOR UNDER
20 SECTION 9122 (RELATING TO EXPUNGEMENT).

21 (D) MOTION TO VACATE CONVICTION.--

22 (1) AN INDIVIDUAL CONVICTED UNDER SECTION 3503 (RELATING
23 TO CRIMINAL TRESPASS), 5503 (RELATING TO DISORDERLY CONDUCT),
24 5506 (RELATING TO LOITERING AND PROWLING AT NIGHT TIME), 5507
25 (RELATING TO OBSTRUCTING HIGHWAYS AND OTHER PUBLIC PASSAGES)
26 OR 5902, OR AN OFFENSE FOR SIMPLE POSSESSION OF A CONTROLLED
27 SUBSTANCE COMMITTED AS A DIRECT RESULT OF BEING A VICTIM OF
28 HUMAN TRAFFICKING MAY FILE A MOTION TO VACATE THE CONVICTION.

29 (2) IN ORDER TO BE CONSIDERED, A MOTION UNDER THIS
30 SUBSECTION MUST:

1 (I) BE IN WRITING.

2 (II) BE CONSENTED TO BY THE ATTORNEY FOR THE
3 COMMONWEALTH.

4 (III) DESCRIBE THE SUPPORTING EVIDENCE WITH
5 PARTICULARITY.

6 (IV) INCLUDE COPIES OF ANY DOCUMENTS SHOWING THAT
7 THE MOVING PARTY IS ENTITLED TO RELIEF UNDER THIS
8 SECTION.

9 (E) OFFICIAL DOCUMENTATION.--NO OFFICIAL DETERMINATION OR
10 DOCUMENTATION IS REQUIRED TO GRANT A MOTION UNDER THIS SECTION,
11 BUT OFFICIAL DOCUMENTATION FROM A FEDERAL, STATE OR LOCAL
12 GOVERNMENT AGENCY INDICATING THAT THE DEFENDANT WAS A VICTIM AT
13 THE TIME OF THE OFFENSE CREATES A PRESUMPTION THAT THE
14 DEFENDANT'S PARTICIPATION IN THE OFFENSE WAS A DIRECT RESULT OF
15 BEING A VICTIM.

16 (F) GRANT OF MOTION.--THE COURT SHALL GRANT THE MOTION IF IT
17 FINDS THAT:

18 (1) THE MOVING PARTY WAS CONVICTED OF AN OFFENSE
19 DESCRIBED IN SUBSECTION (D) (1).

20 (2) THE CONVICTION WAS OBTAINED AS A RESULT OF THE
21 MOVING PARTY'S HAVING BEEN A VICTIM OF HUMAN TRAFFICKING.

22 (G) CONVICTION VACATED.--IF THE MOTION UNDER SUBSECTION (D)
23 IS GRANTED, THE COURT SHALL VACATE THE CONVICTION, STRIKE THE
24 ADJUDICATION OF GUILT AND ORDER THE EXPUNGEMENT OF THE RECORD OF
25 THE CRIMINAL PROCEEDINGS. THE COURT SHALL ISSUE AN ORDER TO
26 EXPUNGE ALL RECORDS AND FILES RELATED TO THE MOVING PARTY'S
27 ARREST, CITATION, INVESTIGATION, CHARGE, ADJUDICATION OF GUILT,
28 CRIMINAL PROCEEDINGS AND PROBATION FOR THE OFFENSE.

29 § 3020. RESTITUTION.

30 IN ADDITION TO THE PROVISIONS OF SECTION 1106 (RELATING TO

1 RESTITUTION FOR INJURIES TO PERSON OR PROPERTY), THE FOLLOWING
2 SHALL APPLY:

3 (1) A PERSON WHO VIOLATES THIS CHAPTER SHALL BE
4 INELIGIBLE TO RECEIVE RESTITUTION.

5 (2) THE FOLLOWING ITEMS MAY BE INCLUDED IN AN ORDER OF
6 RESTITUTION:

7 (I) FOR THE PERIOD DURING WHICH THE VICTIM OF HUMAN
8 TRAFFICKING WAS ENGAGED IN INVOLUNTARY SERVITUDE, THE
9 GREATER OF THE FOLLOWING:

10 (A) THE VALUE OF THE VICTIM'S TIME DURING THE
11 PERIOD OF INVOLUNTARY SERVITUDE AS GUARANTEED UNDER
12 THE MINIMUM WAGE AND OVERTIME PROVISIONS OF THE LAWS
13 OF THIS COMMONWEALTH.

14 (B) THE GROSS INCOME OR VALUE TO THE DEFENDANT
15 OF THE SERVICES OF THE VICTIM.

16 (C) THE AMOUNT THE VICTIM WAS PROMISED OR THE
17 AMOUNT AN INDIVIDUAL IN THE POSITION OF THE VICTIM
18 WOULD HAVE REASONABLY EXPECTED TO EARN. THIS CLAUSE
19 SHALL NOT APPLY TO THE AMOUNT AN INDIVIDUAL WOULD
20 HAVE REASONABLY EXPECTED TO EARN IN AN ILLEGAL
21 ACTIVITY.

22 (II) THE RETURN OF PROPERTY OF THE VICTIM OF HUMAN
23 TRAFFICKING, COST OF DAMAGE TO THE PROPERTY OR THE
24 REPLACEMENT VALUE OF THE PROPERTY IF TAKEN, DESTROYED OR
25 DAMAGED BEYOND REPAIR AS A RESULT OF HUMAN TRAFFICKING.

26 (3) COLLECTION AND DISTRIBUTION OF RESTITUTION PAYMENTS
27 SHALL BE GOVERNED BY THE PROVISIONS OF 42 PA.C.S. §§ 9728
28 (RELATING TO COLLECTION OF RESTITUTION, REPARATION, FEES,
29 COSTS, FINES AND PENALTIES), 9730 (RELATING TO PAYMENT OF
30 COURT COSTS, RESTITUTION AND FINES) AND 9730.1 (RELATING TO

1 COLLECTION OF COURT COSTS, RESTITUTION AND FINES BY PRIVATE
2 COLLECTION AGENCY).

3 § 3021. ASSET FORFEITURE.

4 (A) GENERAL RULE.--THE FOLLOWING SHALL BE SUBJECT TO
5 FORFEITURE TO THIS COMMONWEALTH, AND NO PROPERTY RIGHT SHALL
6 EXIST IN THEM:

7 (1) ALL ASSETS, FOREIGN OR DOMESTIC:

8 (I) OF AN INDIVIDUAL, ENTITY OR ORGANIZATION ENGAGED
9 IN PLANNING OR PERPETRATING AN ACT IN THIS COMMONWEALTH
10 WHICH VIOLATES SECTION 3011 (RELATING TO TRAFFICKING IN
11 INDIVIDUALS) OR 3012 (RELATING TO INVOLUNTARY SERVITUDE).

12 (II) AFFORDING A PERSON A SOURCE OF INFLUENCE OVER
13 THE INDIVIDUAL, ENTITY OR ORGANIZATION UNDER SUBPARAGRAPH
14 (I).

15 (III) ACQUIRED OR MAINTAINED BY A PERSON WITH THE
16 INTENT AND FOR THE PURPOSE OF SUPPORTING, PLANNING,
17 CONDUCTING OR CONCEALING AN ACT IN THIS COMMONWEALTH
18 WHICH VIOLATES SECTION 3011 OR 3012.

19 (IV) DERIVED FROM, INVOLVED IN OR USED OR INTENDED
20 TO BE USED TO COMMIT AN ACT IN THIS COMMONWEALTH WHICH
21 VIOLATES SECTION 3011 OR 3012.

22 (2) ALL ASSETS WITHIN THIS COMMONWEALTH:

23 (I) OF AN INDIVIDUAL, ENTITY OR ORGANIZATION ENGAGED
24 IN PLANNING OR PERPETRATING AN ACT WHICH VIOLATES SECTION
25 3011 OR 3012.

26 (II) ACQUIRED OR MAINTAINED WITH THE INTENT AND FOR
27 THE PURPOSE OF SUPPORTING, PLANNING, CONDUCTING OR
28 CONCEALING AN ACT WHICH VIOLATES SECTION 3011 OR 3012.

29 (III) DERIVED FROM, INVOLVED IN OR USED OR INTENDED
30 TO BE USED TO COMMIT AN ACT WHICH VIOLATES SECTION 3011

1 OR 3012.

2 (B) PROCESS AND SEIZURES.--

3 (1) PROPERTY SUBJECT TO FORFEITURE UNDER THIS SECTION
4 MAY BE SEIZED BY A LAW ENFORCEMENT AGENCY UPON PROCESS ISSUED
5 BY ANY COURT OF COMMON PLEAS HAVING JURISDICTION OVER THE
6 PROPERTY.

7 (2) SEIZURE WITHOUT PROCESS MAY BE MADE IF:

8 (I) THE SEIZURE IS INCIDENT TO AN ARREST OR A SEARCH
9 UNDER A SEARCH WARRANT OR INSPECTION UNDER AN
10 ADMINISTRATIVE INSPECTION WARRANT;

11 (II) THE PROPERTY SUBJECT TO SEIZURE HAS BEEN THE
12 SUBJECT OF A PRIOR JUDGMENT IN FAVOR OF THE COMMONWEALTH
13 IN A CRIMINAL INJUNCTION OR FORFEITURE PROCEEDING UNDER
14 THIS CHAPTER;

15 (III) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE
16 PROPERTY IS DANGEROUS TO HEALTH OR SAFETY; OR

17 (IV) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE
18 PROPERTY HAS BEEN USED OR IS INTENDED TO BE USED IN
19 VIOLATION OF THIS CHAPTER.

20 (3) IN THE EVENT THAT SEIZURE WITHOUT PROCESS OCCURS AS
21 PROVIDED FOR IN PARAGRAPH (2), PROCEEDINGS FOR THE ISSUANCE
22 OF PROCESS SHALL BE INSTITUTED PROMPTLY.

23 (C) CUSTODY OF PROPERTY.--

24 (1) PROPERTY TAKEN OR DETAINED UNDER THIS SECTION SHALL
25 NOT BE SUBJECT TO REPLEVIN BUT IS DEEMED TO BE IN THE CUSTODY
26 OF THE LAW ENFORCEMENT AGENCY, THE DISTRICT ATTORNEY OR THE
27 ATTORNEY GENERAL SUBJECT ONLY TO THE ORDERS AND DECREES OF
28 THE COURT OF COMMON PLEAS HAVING JURISDICTION OVER THE
29 FORFEITURE PROCEEDINGS.

30 (2) WHEN PROPERTY IS SEIZED UNDER THIS SECTION, THE LAW

1 ENFORCEMENT AGENCY SHALL PLACE THE PROPERTY UNDER SEAL AND

2 EITHER:

3 (I) REMOVE THE PROPERTY TO A PLACE DESIGNATED BY IT;

4 OR

5 (II) REQUIRE THAT THE DISTRICT ATTORNEY TAKE CUSTODY
6 OF THE PROPERTY AND REMOVE IT TO AN APPROPRIATE LOCATION
7 FOR DISPOSITION IN ACCORDANCE WITH LAW.

8 (D) TRANSFER OF PROPERTY.--IF PROPERTY IS FORFEITED UNDER
9 THIS SECTION, THE PROPERTY SHALL BE TRANSFERRED TO THE CUSTODY
10 OF THE DISTRICT ATTORNEY IF THE LAW ENFORCEMENT AUTHORITY
11 SEIZING THE PROPERTY HAS COUNTY OR LOCAL JURISDICTION, OR THE
12 ATTORNEY GENERAL IF THE LAW ENFORCEMENT AUTHORITY SEIZING THE
13 PROPERTY HAS STATEWIDE JURISDICTION. THE ATTORNEY GENERAL OR
14 DISTRICT ATTORNEY, WHERE APPROPRIATE, MAY SELL THE PROPERTY. THE
15 PROCEEDS FROM A SALE SHALL FIRST BE USED TO PAY ALL PROPER
16 EXPENSES OF THE PROCEEDINGS FOR FORFEITURE AND SALE, INCLUDING
17 EXPENSES OF SEIZURE, MAINTENANCE OF CUSTODY, ADVERTISING AND
18 COURT COSTS. THE BALANCE OF THE PROCEEDS SHALL BE DISTRIBUTED
19 UNDER SUBSECTION (M).

20 (E) PROCEEDINGS AND PETITION.--

21 (1) THE PROCEEDINGS FOR THE FORFEITURE OR CONDEMNATION
22 OF PROPERTY SHALL BE IN REM, IN WHICH THE COMMONWEALTH SHALL
23 BE THE PLAINTIFF AND THE PROPERTY THE DEFENDANT.

24 (2) A PETITION SHALL:

25 (I) BE FILED IN THE COURT OF COMMON PLEAS OF THE
26 JUDICIAL DISTRICT WHERE THE PROPERTY IS LOCATED;

27 (II) BE VERIFIED BY OATH OR AFFIRMATION OF AN
28 OFFICER OR CITIZEN; AND

29 (III) CONTAIN THE FOLLOWING:

30 (A) A DESCRIPTION OF THE PROPERTY SEIZED.

1 (B) A STATEMENT OF THE TIME AND PLACE WHERE
2 SEIZED.

3 (C) THE OWNER, IF KNOWN.

4 (D) THE PERSON OR PERSONS IN POSSESSION, IF
5 KNOWN.

6 (E) AN ALLEGATION THAT THE PROPERTY IS SUBJECT
7 TO FORFEITURE UNDER THIS SECTION AND AN AVERMENT OF
8 MATERIAL FACTS UPON WHICH FORFEITURE ACTION IS BASED.

9 (F) A PRAYER FOR AN ORDER OF FORFEITURE THAT THE
10 PROPERTY BE ADJUDGED FORFEITED TO THE COMMONWEALTH
11 AND CONDEMNED UNLESS CAUSE TO THE CONTRARY IS SHOWN.

12 (F) SERVICE.--

13 (1) A COPY OF THE PETITION REQUIRED UNDER SUBSECTION (E)
14 SHALL BE SERVED PERSONALLY OR BY CERTIFIED MAIL ON THE OWNER
15 OR THE PERSON OR PERSONS IN POSSESSION AT THE TIME OF THE
16 SEIZURE.

17 (2) THE COPY SHALL HAVE ENDORSED A NOTICE AS FOLLOWS:
18 TO THE CLAIMANT OF THE WITHIN DESCRIBED PROPERTY:
19 YOU ARE REQUIRED TO FILE AN ANSWER TO THIS PETITION,
20 SETTING FORTH YOUR TITLE IN AND RIGHT TO POSSESSION
21 OF THE PROPERTY WITHIN 30 DAYS FROM THE SERVICE OF
22 THIS NOTICE. YOU ARE ALSO NOTIFIED THAT, IF YOU FAIL
23 TO FILE THE ANSWER, A DECREE OF FORFEITURE AND
24 CONDEMNATION WILL BE ENTERED AGAINST THE PROPERTY.

25 (3) THE NOTICE SHALL BE SIGNED BY THE DISTRICT ATTORNEY,
26 DEPUTY DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY OR
27 THE ATTORNEY GENERAL OR A DEPUTY ATTORNEY GENERAL.

28 (G) NOTICE.--

29 (1) NOTICE OF THE PETITION SHALL BE GIVEN BY THE
30 COMMONWEALTH THROUGH AN ADVERTISEMENT IN ONLY ONE NEWSPAPER

1 OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY WHERE THE
2 PROPERTY SHALL HAVE BEEN SEIZED, ONCE A WEEK FOR TWO
3 SUCCESSIVE WEEKS IF:

4 (I) THE OWNER OF THE PROPERTY IS UNKNOWN;

5 (II) THERE WAS NO PERSON IN POSSESSION OF THE
6 PROPERTY WHEN SEIZED;

7 (III) THE OWNER OR THE PERSON OR PERSONS IN
8 POSSESSION AT THE TIME OF THE SEIZURE CANNOT BE
9 PERSONALLY SERVED OR LOCATED WITHIN THE JURISDICTION OF
10 THE COURT.

11 (2) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, NO
12 ADVERTISEMENT SHALL BE REQUIRED.

13 (3) THE NOTICE SHALL:

14 (I) CONTAIN A STATEMENT OF THE SEIZURE OF THE
15 PROPERTY, A DESCRIPTION OF THE PROPERTY AND THE PLACE AND
16 DATE OF SEIZURE; AND

17 (II) DIRECT ANY CLAIMANTS TO THE PROPERTY TO FILE A
18 CLAIM ON OR BEFORE A DATE GIVEN IN THE NOTICE, WHICH DATE
19 SHALL NOT BE LESS THAN 30 DAYS FROM THE DATE OF THE FIRST
20 PUBLICATION.

21 (4) IF NO CLAIMS ARE FILED WITHIN 30 DAYS OF
22 PUBLICATION, THE PROPERTY SHALL SUMMARILY FORFEIT TO THE
23 COMMONWEALTH.

24 (H) UNKNOWN OWNER.--FOR PURPOSES OF THIS SECTION, THE OWNER
25 OR OTHER PERSON CANNOT BE FOUND IN THE JURISDICTION OF THE COURT
26 IF:

27 (1) A COPY OF THE PETITION IS MAILED TO THE LAST KNOWN
28 ADDRESS BY CERTIFIED MAIL AND IS RETURNED WITHOUT DELIVERY.

29 (2) PERSONAL SERVICE IS ATTEMPTED ONCE BUT CANNOT BE
30 MADE AT THE LAST KNOWN ADDRESS.

1 (3) A COPY OF THE PETITION IS LEFT AT THE LAST KNOWN
2 ADDRESS.

3 (I) WAIVER OF NOTICE.--THE NOTICE PROVISIONS OF THIS SECTION
4 ARE AUTOMATICALLY WAIVED IF THE OWNER, WITHOUT GOOD CAUSE, FAILS
5 TO APPEAR IN COURT IN RESPONSE TO A SUBPOENA ON THE UNDERLYING
6 CRIMINAL CHARGES. IF GOOD CAUSE HAS NOT BEEN DEMONSTRATED AND 45
7 DAYS HAVE PASSED SINCE THE OWNER FAILED TO APPEAR, THE PROPERTY
8 SHALL SUMMARILY FORFEIT TO THE COMMONWEALTH.

9 (J) HEARING DATE.--UPON THE FILING OF A CLAIM FOR THE
10 PROPERTY SETTING FORTH A RIGHT OF POSSESSION, THE CASE SHALL BE
11 DEEMED AT ISSUE AND A DATE AND TIME SHALL BE FIXED FOR THE
12 HEARING.

13 (K) BURDEN OF PROOF.--IF THE COMMONWEALTH PRODUCES EVIDENCE
14 AT THE HEARING UNDER THIS SECTION THAT THE PROPERTY IN QUESTION
15 WAS UNLAWFULLY USED, POSSESSED OR OTHERWISE SUBJECT TO
16 FORFEITURE UNDER THIS SECTION, THE BURDEN SHALL BE UPON THE
17 CLAIMANT TO SHOW BY A PREPONDERANCE OF THE EVIDENCE THAT:

18 (1) THE CLAIMANT IS THE OWNER OF THE PROPERTY OR THE
19 HOLDER OF A CHATTEL MORTGAGE OR CONTRACT OF CONDITIONAL SALE
20 THEREON;

21 (2) THE CLAIMANT LAWFULLY ACQUIRED THE PROPERTY; AND

22 (3) THE PROPERTY WAS NOT UNLAWFULLY USED OR POSSESSED BY
23 THE CLAIMANT. IF IT APPEARS THAT THE PROPERTY WAS UNLAWFULLY
24 USED OR POSSESSED BY A PERSON OTHER THAN THE CLAIMANT, THE
25 CLAIMANT SHALL SHOW THAT THE UNLAWFUL USE OR POSSESSION WAS
26 WITHOUT HIS KNOWLEDGE OR CONSENT. THE ABSENCE OF KNOWLEDGE OR
27 CONSENT MUST BE REASONABLE UNDER THE CIRCUMSTANCES PRESENTED.

28 (L) CLAIMS OF OWNERSHIP.--

29 (1) A PERSON MAY FILE A PETITION OR ANSWER THE
30 COMMONWEALTH'S PETITION ALLEGING:

1 (I) OWNERSHIP OF THE PROPERTY.

2 (II) A RIGHT OF POSSESSION TO THE PROPERTY.

3 (III) A LIEN OR RESERVATION OF TITLE TO THE PROPERTY

4 AS THE HOLDER OF:

5 (A) A CHATTEL MORTGAGE UPON THE PROPERTY; OR

6 (B) A CONTRACT OF CONDITIONAL SALE UPON THE
7 PROPERTY.

8 (2) A PUBLIC HEARING SHALL BE HELD, WITH DUE NOTICE
9 GIVEN TO THE DISTRICT ATTORNEY OR ATTORNEY GENERAL.

10 (3) THE COURT MAY ORDER THE PROPERTY RETURNED OR
11 DELIVERED TO THE CLAIMANT UPON PROOF BY A PREPONDERANCE OF
12 THE EVIDENCE BY THE CLAIMANT THAT:

13 (I) THE PROPERTY WAS LAWFULLY ACQUIRED, POSSESSED
14 AND USED BY THE CLAIMANT; OR

15 (II) IF IT APPEARS THAT THE PROPERTY WAS UNLAWFULLY
16 USED BY A PERSON OTHER THAN THE CLAIMANT, THE UNLAWFUL
17 USE WAS WITHOUT THE CLAIMANT'S KNOWLEDGE OR CONSENT. THE
18 ABSENCE OF KNOWLEDGE OR CONSENT MUST BE REASONABLE UNDER
19 THE CIRCUMSTANCES PRESENTED.

20 (M) DISPOSITION OF PROCEEDS.--SUBJECT TO SUBSECTION (D), ALL
21 MONEYS FORFEITED AND THE PROCEEDS FROM THE SALE OF ALL PROPERTY
22 FORFEITED AND SEIZED UNDER THIS SECTION SHALL BE PAID AS
23 FOLLOWS:

24 (1) ANY LAW ENFORCEMENT AGENCY SHALL BE REIMBURSED IF IT
25 HAS USED ITS OWN FUNDS IN THE DETECTION, INVESTIGATION,
26 APPREHENSION AND PROSECUTION OF PERSONS FOR VIOLATION OF
27 SECTIONS 3011 AND 3012.

28 (2) ANY AMOUNT REMAINING AFTER REIMBURSEMENT UNDER
29 PARAGRAPH (1) SHALL BE DISTRIBUTED UNDER THE FOLLOWING
30 FORMULA:

1 (I) THIRTY PERCENT TO THE OFFICE OF THE PROSECUTING
2 ATTORNEY TO BE USED TO INVESTIGATE AND PROSECUTE HUMAN
3 TRAFFICKING CASES.

4 (II) SEVENTY PERCENT TO THE COMMISSION, ONE-HALF OF
5 WHICH SHALL BE USED TO FUND THE GRANT PROGRAMS
6 ESTABLISHED UNDER SECTION 3031 (RELATING TO GRANTS) AND
7 ONE-HALF TO BE USED BY THE OFFICE OF VICTIMS' SERVICES
8 WITHIN THE COMMISSION TO PROVIDE SERVICES TO VICTIMS OF
9 HUMAN TRAFFICKING IN THE MANNER SET FORTH IN CHAPTER 9 OF
10 THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS
11 THE CRIME VICTIMS ACT.

12 (N) ASSETS LOCATED OUTSIDE UNITED STATES.--ASSETS OF PERSONS
13 CONVICTED OF VIOLATIONS OF SECTIONS 3011 AND 3012 THAT ARE
14 LOCATED OUTSIDE THE UNITED STATES SHALL ALSO BE SUBJECT TO
15 FORFEITURE TO THE EXTENT THEY CAN BE RETRIEVED BY THE
16 COMMONWEALTH.
17 § 3022. PROFESSIONAL LICENSES.

18 (A) SUSPENSION OF PROFESSIONAL LICENSE.--THE PROFESSIONAL
19 LICENSE OF A LICENSEE WHO IN THE COURSE OF A VIOLATION OF THIS
20 CHAPTER KNOWINGLY EMPLOYS OR PERMITS THE EMPLOYMENT OF A VICTIM
21 OF HUMAN TRAFFICKING SHALL BE SUSPENDED FOR A MINIMUM PERIOD OF
22 ONE YEAR.

23 (B) ADMINISTRATIVE PROCEDURE.--A SUSPENSION UNDER SUBSECTION
24 (A) SHALL BE SUBJECT TO 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO
25 PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES) AND CH. 7
26 SUBCH. A (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY
27 ACTION).

28 (C) DEFINITION.--AS USED IN THIS SECTION, "LICENSEE" SHALL
29 MEAN AN INDIVIDUAL, CORPORATION, PARTNERSHIP, LIMITED LIABILITY
30 COMPANY OR OTHER LEGAL ENTITY THAT HOLDS A LICENSE ISSUED BY AN

1 ADMINISTRATIVE BOARD OR COMMISSION UNDER THE BUREAU OF
2 PROFESSIONAL AND OCCUPATIONAL AFFAIRS IN THE DEPARTMENT OF
3 STATE.

4 § 3023. CUMULATIVE REMEDIES.

5 ANY REMEDIES UNDER THIS CHAPTER SHALL BE IN ADDITION TO ANY
6 OTHER CRIMINAL PENALTIES OR FORFEITURES AUTHORIZED UNDER THE
7 LAWS OF THIS COMMONWEALTH.

8 § 3024. SENTENCING.

9 THE PENNSYLVANIA COMMISSION ON SENTENCING, IN ACCORDANCE WITH
10 42 PA.C.S. § 2154 (RELATING TO ADOPTION OF GUIDELINES FOR
11 SENTENCING), SHALL PROVIDE FOR SENTENCING ENHANCEMENTS FOR
12 COURTS TO CONSIDER IN CASES INVOLVING TRAFFICKING IN INDIVIDUALS
13 AND INVOLUNTARY SERVITUDE.

14 § 3025. DATA COLLECTION.

15 THE PENNSYLVANIA COMMISSION ON SENTENCING ESTABLISHED IN 42
16 PA.C.S. § 2151.2 (RELATING TO COMMISSION) SHALL COLLECT DATA AND
17 OTHER RELEVANT INFORMATION ON SENTENCES IMPOSED UNDER THIS
18 SUBCHAPTER.

19 SUBCHAPTER C

20 PREVENTION OF HUMAN TRAFFICKING

21 SEC.

22 3031. GRANTS.

23 3032. (RESERVED).

24 § 3031. GRANTS.

25 SUBJECT TO THE AVAILABILITY OF FUNDS, THE COMMISSION SHALL
26 MAKE GRANTS TO STATE AGENCIES, UNITS OF LOCAL GOVERNMENT AND
27 NONGOVERNMENTAL ORGANIZATIONS TO:

28 (1) DEVELOP, EXPAND OR STRENGTHEN PROGRAMS FOR VICTIMS
29 OF HUMAN TRAFFICKING. SUCH PROGRAMS MAY INCLUDE:

30 (I) HEALTH SERVICES, INCLUDING MENTAL HEALTH

1 SERVICES.
2 (II) TEMPORARY AND PERMANENT HOUSING PLACEMENT.
3 (III) LEGAL AND IMMIGRATION SERVICES.
4 (IV) EMPLOYMENT PLACEMENT, EDUCATION AND TRAINING.
5 (2) ENSURE PREVENTION OF HUMAN TRAFFICKING, INCLUDING
6 INCREASING PUBLIC AWARENESS.
7 (3) ENSURE PROTECTION OF VICTIMS OF HUMAN TRAFFICKING,
8 INCLUDING TRAINING OF FIRST RESPONDERS.
9 § 3032. (RESERVED).

10 SUBCHAPTER D
11 PROTECTION OF VICTIMS OF
12 HUMAN TRAFFICKING
13 SEC.

14 3051. CIVIL CAUSES OF ACTION.
15 3052. PROTECTION OF VICTIMS.
16 3053. APPROPRIATE IMPLEMENTATION FOR MINOR VICTIMS OF HUMAN
17 TRAFFICKING.
18 3054. SERVICES.
19 3055. VICTIMS IN SHELTERS.

20 § 3051. CIVIL CAUSES OF ACTION.
21 (A) GENERAL RULE.--
22 (1) AN INDIVIDUAL WHO IS A VICTIM OF HUMAN TRAFFICKING
23 MAY BRING A CIVIL ACTION AGAINST ANY PERSON THAT PARTICIPATED
24 IN THE HUMAN TRAFFICKING OF THE INDIVIDUAL IN THE COURT OF
25 COMMON PLEAS OF THE COUNTY WHERE THE INDIVIDUAL RESIDES OR
26 WHERE ANY OF THE ALLEGED VIOLATIONS OF THIS CHAPTER OCCURRED.
27 (2) AN INDIVIDUAL WHO IS A VICTIM OF THE SEX TRADE MAY
28 BRING A CIVIL ACTION IN THE COURT OF COMMON PLEAS OF THE
29 COUNTY WHERE THE INDIVIDUAL RESIDES AGAINST A PERSON THAT:
30 (I) RECRUITS, PROFITS FROM OR MAINTAINS THE VICTIM

1 IN ANY SEX TRADE ACT;

2 (II) ABUSES OR CAUSES BODILY HARM TO THE VICTIM IN
3 ANY SEX TRADE ACT; AND

4 (III) KNOWINGLY ADVERTISES OR PUBLISHES
5 ADVERTISEMENTS FOR PURPOSES OF RECRUITMENT INTO SEX TRADE
6 ACTIVITY.

7 (B) EXCEPTION.--THIS SECTION SHALL NOT BE CONSTRUED TO
8 CREATE LIABILITY FOR ANY PERSON WHO PROVIDES GOODS OR SERVICES
9 TO THE GENERAL PUBLIC AND TO A PERSON WHO WOULD BE LIABLE UNDER
10 SUBSECTION (A) (2), ABSENT A SHOWING THAT THE PERSON:

11 (1) KNOWINGLY MARKETS OR PROVIDES ITS GOODS OR SERVICES
12 TO A PERSON LIABLE UNDER SUBSECTION (A) (2);

13 (2) KNOWINGLY RECEIVES A HIGHER LEVEL OF COMPENSATION
14 FROM A PERSON LIABLE UNDER SUBSECTION (A) (2); OR

15 (3) SUPERVISES OR EXERCISES CONTROL OVER A PERSON LIABLE
16 UNDER SUBSECTION (A) (2).

17 (C) DAMAGES.--THE COURT MAY AWARD ANY OF THE FOLLOWING FORMS
18 OF RELIEF:

19 (1) ACTUAL DAMAGES.

20 (2) COMPENSATORY DAMAGES.

21 (3) PUNITIVE DAMAGES.

22 (4) INJUNCTIVE RELIEF.

23 (5) ANY OTHER APPROPRIATE RELIEF.

24 (D) ATTORNEY FEES AND COSTS.--A PREVAILING PLAINTIFF WHO IS
25 A VICTIM OF HUMAN TRAFFICKING SHALL BE AWARDED REASONABLE
26 ATTORNEY FEES AND COSTS.

27 (E) TREBLE DAMAGES.--TREBLE DAMAGES SHALL BE AWARDED TO A
28 VICTIM OF HUMAN TRAFFICKING ON PROOF OF ACTUAL DAMAGES WHERE THE
29 DEFENDANT'S ACTS WERE WILLFUL AND MALICIOUS.

30 (F) JOINDER OF ACTIONS.--IN THE DISCRETION OF THE COURT:

1 (1) TWO OR MORE INDIVIDUALS MAY JOIN IN ONE ACTION UNDER
2 THIS SECTION AS PLAINTIFFS IF THEIR RESPECTIVE ACTIONS
3 INVOLVE AT LEAST ONE DEFENDANT IN COMMON.

4 (2) TWO OR MORE PERSONS MAY BE JOINED IN ONE ACTION
5 UNDER THIS SECTION AS DEFENDANTS IF THOSE PERSONS MAY BE
6 LIABLE TO AT LEAST ONE PLAINTIFF IN COMMON.

7 (G) ATTEMPTS AT AVOIDANCE OF LIABILITY.--NO PERSON MAY AVOID
8 LIABILITY UNDER THIS SECTION BY:

9 (1) A CONVEYANCE OF ANY RIGHT, TITLE OR INTEREST IN REAL
10 PROPERTY; OR

11 (2) AN AGREEMENT, INCLUDING AN INDEMNIFICATION AGREEMENT
12 OR HOLD HARMLESS AGREEMENT, THAT PURPORTS TO SHOW THE CONSENT
13 OF THE VICTIM OF HUMAN TRAFFICKING.

14 (H) STATUTE OF LIMITATIONS.--

15 (1) AN ACTION MAY BE BROUGHT UNDER THIS SECTION BY AN
16 INDIVIDUAL WHO WAS THE VICTIM OF HUMAN TRAFFICKING WHILE AN
17 ADULT WITHIN FIVE YEARS OF THE LAST ACT AGAINST THAT
18 INDIVIDUAL THAT CONSTITUTES AN OFFENSE UNDER THIS CHAPTER.

19 (2) AN ACTION MAY BE BROUGHT UNDER THIS SECTION BY AN
20 INDIVIDUAL WHO WAS A VICTIM OF HUMAN TRAFFICKING WHILE A
21 MINOR FOR ANY OFFENSE COMMITTED AGAINST THE VICTIM WHILE THE
22 VICTIM WAS UNDER 18 YEARS OF AGE UNTIL THAT VICTIM REACHES 30
23 YEARS OF AGE.

24 (I) ESTOPPEL.--A DEFENDANT IS ESTOPPED FROM ASSERTING A
25 DEFENSE OF THE STATUTE OF LIMITATIONS WHEN THE EXPIRATION OF THE
26 STATUTE IS DUE TO INTENTIONAL CONDUCT BY THE DEFENDANT KNOWINGLY
27 INDUCING OR COERCING THE PLAINTIFF TO DELAY THE FILING OF THE
28 ACTION.

29 (J) NONDEFENSES.--IT SHALL NOT BE A DEFENSE TO AN ACTION
30 UNDER THIS SECTION THAT THE FOLLOWING OCCURRED:

1 (1) THE VICTIM OF THE SEX TRADE AND THE DEFENDANT HAD A
2 CONSENSUAL SEXUAL RELATIONSHIP.

3 (2) THE DEFENDANT IS RELATED TO THE VICTIM OF THE SEX
4 TRADE BY BLOOD OR MARRIAGE.

5 (3) THE DEFENDANT HAS LIVED WITH THE VICTIM OF THE SEX
6 TRADE IN ANY FORMAL OR INFORMAL HOUSEHOLD ARRANGEMENT.

7 (4) THE VICTIM OF THE SEX TRADE WAS PAID OR OTHERWISE
8 COMPENSATED FOR SEX TRADE ACTIVITY.

9 (5) THE VICTIM OF THE SEX TRADE ENGAGED IN SEX TRADE
10 ACTIVITY PRIOR TO ANY INVOLVEMENT WITH THE DEFENDANT.

11 (6) THE VICTIM OF THE SEX TRADE CONTINUED TO ENGAGE IN
12 SEX TRADE ACTIVITY FOLLOWING ANY INVOLVEMENT WITH THE
13 DEFENDANT.

14 (7) THE VICTIM OF THE SEX TRADE MADE NO ATTEMPT TO
15 ESCAPE, FLEE OR OTHERWISE TERMINATE THE CONTACT WITH THE
16 DEFENDANT.

17 (8) THE VICTIM OF THE SEX TRADE CONSENTED TO ENGAGE IN
18 SEX TRADE ACTIVITY.

19 (9) THE VICTIM OF THE SEX TRADE ENGAGED IN ONLY A SINGLE
20 INCIDENT OF SEX TRADE ACTIVITY.

21 (10) THERE WAS NO PHYSICAL CONTACT INVOLVED IN THE SEX
22 TRADE ACTIVITY.

23 (11) AS A CONDITION OF EMPLOYMENT, THE DEFENDANT
24 REQUIRED THE VICTIM OF THE SEX TRADE TO AGREE NOT TO ENGAGE
25 IN PROSTITUTION.

26 (12) THE DEFENDANT'S PLACE OF BUSINESS WAS POSTED WITH
27 SIGNS PROHIBITING PROSTITUTION OR PROSTITUTION-RELATED
28 ACTIVITIES.

29 (13) THE VICTIM OF THE SEX TRADE HAS BEEN CONVICTED OR
30 CHARGED WITH PROSTITUTION OR PROSTITUTION-RELATED OFFENSES.

1 (14) THE VICTIM OF LABOR TRAFFICKING MADE NO ATTEMPT TO
2 ESCAPE, FLEE OR OTHERWISE TERMINATE THE CONTACT WITH THE
3 DEFENDANT.

4 (K) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
5 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
6 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

7 "SEX TRADE." AN ACT, WHICH IF PROVEN BEYOND A REASONABLE
8 DOUBT, COULD SUPPORT A CONVICTION FOR VIOLATION OR ATTEMPTED
9 VIOLATION OF CHAPTER 59 (RELATING TO PUBLIC INDECENCY) OR
10 SECTION 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

11 "VICTIM OF THE SEX TRADE." AN INDIVIDUAL WHO HAS:

12 (1) BEEN THE OBJECT OF A SOLICITATION FOR PROSTITUTION;

13 (2) BEEN THE OBJECT OF A TRANSACTION IN A SEX ACT;

14 (3) BEEN INTENDED OR COMPELLED TO ENGAGE IN AN ACT OF
15 PROSTITUTION;

16 (4) BEEN INTENDED OR COMPELLED TO ENGAGE IN A SEX ACT;

17 (5) BEEN DESCRIBED OR DEPICTED IN MATERIAL THAT
18 ADVERTISES AN INTENT OR COMPULSION TO ENGAGE IN SEX ACTS; OR

19 (6) IN THE CASE OF OBSCENITY OR CHILD PORNOGRAPHY, HAS
20 APPEARED IN OR BEEN DESCRIBED OR DEPICTED IN THE OFFENDING
21 CONDUCT OR MATERIAL.

22 § 3052. PROTECTION OF VICTIMS.

23 LAW ENFORCEMENT AGENCIES SHALL TAKE REASONABLE STEPS
24 NECESSARY TO IDENTIFY, PROTECT AND ASSIST VICTIMS OF HUMAN
25 TRAFFICKING.

26 § 3053. APPROPRIATE IMPLEMENTATION FOR MINOR VICTIMS OF HUMAN
27 TRAFFICKING.

28 THE PROVISION OF SERVICES TO A MINOR VICTIM OF HUMAN
29 TRAFFICKING BY THE COMMONWEALTH OR BY ANY INSTITUTION OR PERSON
30 ESTABLISHED OR LICENSED BY THE COMMONWEALTH SHALL BE CARRIED OUT

1 IN A MANNER THAT IS IN THE BEST INTEREST OF THE MINOR AND
2 APPROPRIATE TO THE PARTICULAR SITUATION.

3 § 3054. SERVICES.

4 (A) INFORMATION FOR VICTIMS.--SUBJECT TO THE AVAILABILITY OF
5 FUNDING, THE COMMISSION SHALL PREPARE A MODEL INFORMATIONAL FORM
6 TO BE USED BY ANY PERSON HAVING CONTACT WITH VICTIMS OF HUMAN
7 TRAFFICKING THAT INFORMS VICTIMS OF HUMAN TRAFFICKING, IN A
8 LANGUAGE THEY CAN UNDERSTAND, OF THE FOLLOWING:

9 (1) THE PROCEDURE FOR REPATRIATION TO THE COUNTRY OF
10 CITIZENSHIP OR LAWFUL RESIDENCE OF THE VICTIM OF HUMAN
11 TRAFFICKING.

12 (2) A DIRECTORY OF LOCAL SERVICE ORGANIZATIONS FOR
13 VICTIMS OF HUMAN TRAFFICKING.

14 (3) A DIRECTORY OF LEGAL SERVICES ORGANIZATIONS THAT CAN
15 ASSIST VICTIMS OF HUMAN TRAFFICKING IN OBTAINING OR
16 MAINTAINING LEGAL IMMIGRATION STATUS.

17 (4) A DIRECTORY OF BENEFITS FOR VICTIMS OF HUMAN
18 TRAFFICKING UNDER FEDERAL AND STATE LAWS.

19 (B) LABOR STANDARDS AND WORKING CONDITIONS.--THE DEPARTMENT
20 OF LABOR AND INDUSTRY SHALL:

21 (1) ADMINISTER LABOR STANDARDS REGARDING WAGES, HOURS OF
22 WORK AND WORKING CONDITIONS UNDER ITS JURISDICTION WITHOUT
23 REGARD TO THE LEGAL STATUS OF THE INDIVIDUAL'S RIGHT TO WORK
24 IN THE UNITED STATES.

25 (2) REPORT TO THE APPROPRIATE LAW ENFORCEMENT AGENCY ANY
26 EVIDENCE OF HUMAN TRAFFICKING THAT MAY BE DISCOVERED DURING
27 THE COURSE OF AN INVESTIGATION OF WAGES, HOURS OF WORK AND
28 WORKING CONDITIONS.

29 (C) IMMIGRATION CERTIFICATION.--

30 (1) THE ATTORNEY GENERAL, A DISTRICT ATTORNEY OR ANY

1 REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY MAY CERTIFY IN
2 WRITING TO THE UNITED STATES DEPARTMENT OF JUSTICE OR OTHER
3 FEDERAL AGENCY, INCLUDING THE UNITED STATES DEPARTMENT OF
4 HOMELAND SECURITY, THAT:

5 (I) AN INVESTIGATION OR PROSECUTION UNDER THIS
6 CHAPTER HAS BEGUN; AND

7 (II) AN INDIVIDUAL WHO MAY BE A VICTIM OF HUMAN
8 TRAFFICKING IS WILLING TO COOPERATE OR IS COOPERATING
9 WITH THE INVESTIGATION TO ENABLE THE INDIVIDUAL, IF
10 ELIGIBLE UNDER FEDERAL LAW, TO QUALIFY FOR AN APPROPRIATE
11 SPECIAL IMMIGRANT VISA AND TO ACCESS AVAILABLE FEDERAL
12 BENEFITS.

13 (2) COOPERATION WITH LAW ENFORCEMENT AGENCIES SHALL NOT
14 BE REQUIRED OF A VICTIM OF HUMAN TRAFFICKING WHO IS A MINOR.

15 (3) CERTIFICATION UNDER THIS SUBSECTION MAY BE MADE
16 AVAILABLE TO THE VICTIM OF HUMAN TRAFFICKING AND THE
17 DESIGNATED LEGAL REPRESENTATIVE OF THE VICTIM OF HUMAN
18 TRAFFICKING.

19 (D) ACCESS TO CRIME VICTIMS SERVICES.--VICTIMS OF HUMAN
20 TRAFFICKING SHALL BE ELIGIBLE FOR BENEFITS AND COMPENSATION
21 UNDER THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS
22 THE CRIME VICTIMS ACT.

23 § 3055. VICTIMS IN SHELTERS.

24 (A) VOLUNTARY PLACEMENT.--RESIDENCE OF A VICTIM OF HUMAN
25 TRAFFICKING IN A SHELTER OR OTHER FACILITY SHALL BE VOLUNTARY,
26 AND A VICTIM OF HUMAN TRAFFICKING MAY DECLINE TO STAY IN A
27 SHELTER OR OTHER FACILITY.

28 (B) RESTRICTIONS ON ADMISSION.--ADMISSION TO A SHELTER:

29 (1) SHALL BE MADE WITHOUT REGARD TO RACE, RELIGION,
30 ETHNIC BACKGROUND, SEXUAL ORIENTATION, COUNTRY OF ORIGIN OR

1 CULTURE; AND

2 (2) MAY NOT BE CONDITIONED ON WHETHER THE VICTIM OF
3 HUMAN TRAFFICKING IS COOPERATING WITH A LAW ENFORCEMENT
4 AGENCY IN ITS ATTEMPTS TO PROSECUTE PERSONS UNDER THIS
5 CHAPTER.

6 SUBCHAPTER E

7 MISCELLANEOUS PROVISIONS

8 SEC.

9 3071. FUNDING.

10 3072. NONEXCLUSIVITY.

11 § 3071. FUNDING.

12 IN ADDITION TO ANY MONEY THAT MAY BE APPROPRIATED FROM TIME
13 TO TIME BY THE GENERAL ASSEMBLY FOR ITS WORK, THE COMMISSION
14 MAY APPLY FOR AND EXPEND FEDERAL GRANTS AND GRANTS AND
15 CONTRIBUTIONS FROM OTHER PUBLIC, QUASI-PUBLIC OR PRIVATE SOURCES
16 TO ASSIST IN IMPLEMENTING THIS CHAPTER.

17 § 3072. NONEXCLUSIVITY.

18 REMEDIES UNDER THIS CHAPTER ARE NOT EXCLUSIVE AND SHALL BE IN
19 ADDITION TO OTHER PROCEDURES OR REMEDIES FOR A VIOLATION OR
20 CONDUCT PROVIDED FOR IN OTHER LAW.

21 Section 4. Section 5708(1) of Title 18 is amended to read:

22 § 5708. Order authorizing interception of wire, electronic or
23 oral communications.

24 The Attorney General, or, during the absence or incapacity of
25 the Attorney General, a deputy attorney general designated in
26 writing by the Attorney General, or the district attorney or,
27 during the absence or incapacity of the district attorney, an
28 assistant district attorney designated in writing by the
29 district attorney of the county wherein the suspected criminal
30 activity has been, is or is about to occur, may make written

1 application to any Superior Court judge for an order authorizing
2 the interception of a wire, electronic or oral communication by
3 the investigative or law enforcement officers or agency having
4 responsibility for an investigation involving suspected criminal
5 activities when such interception may provide evidence of the
6 commission of any of the following offenses, or may provide
7 evidence aiding in the apprehension of the perpetrator or
8 perpetrators of any of the following offenses:

9 (1) Under this title:

10 Section 911 (relating to corrupt organizations)

11 Section 2501 (relating to criminal homicide)

12 Section 2502 (relating to murder)

13 Section 2503 (relating to voluntary manslaughter)

14 Section 2702 (relating to aggravated assault)

15 Section 2706 (relating to terroristic threats)

16 Section 2709.1 (relating to stalking)

17 Section 2716 (relating to weapons of mass

18 destruction)

19 Section 2901 (relating to kidnapping)

20 Section [3002] 3011 (relating to trafficking [of
21 persons] in individuals)

22 SECTION 3012 (RELATING TO INVOLUNTARY SERVITUDE) <--

23 Section 3121 (relating to rape)

24 Section 3123 (relating to involuntary deviate sexual
25 intercourse)

26 Section 3124.1 (relating to sexual assault)

27 Section 3125 (relating to aggravated indecent
28 assault)

29 Section 3301 (relating to arson and related offenses)

30 Section 3302 (relating to causing or risking

1 catastrophe)
2 Section 3502 (relating to burglary)
3 Section 3701 (relating to robbery)
4 Section 3921 (relating to theft by unlawful taking or
5 disposition)
6 Section 3922 (relating to theft by deception)
7 Section 3923 (relating to theft by extortion)
8 Section 4701 (relating to bribery in official and
9 political matters)
10 Section 4702 (relating to threats and other improper
11 influence in official and political matters)
12 Section 5512 (relating to lotteries, etc.)
13 Section 5513 (relating to gambling devices, gambling,
14 etc.)
15 Section 5514 (relating to pool selling and
16 bookmaking)
17 Section 5516 (relating to facsimile weapons of mass
18 destruction)
19 Section 6318 (relating to unlawful contact with
20 minor)

21 * * *

22 Section 5. Sections 4415 and 4436 of Title 42 are amended by
23 adding paragraphs to read:

24 § 4415. Confidential communications in presence of interpreter.

25 An interpreter appointed under this subchapter shall not be
26 compelled to testify in any judicial proceeding or
27 administrative proceeding to any statements made by the person
28 with limited English proficiency and interpreted by the
29 interpreter when the person with limited English proficiency is
30 engaged in a confidential communication as provided by any

1 statute or general rule, including, but not limited to:

2 * * *

3 (9) Section 5945.3 (relating to confidential
4 communications with human trafficking caseworkers).

5 § 4436. Confidential communications in presence of interpreter.

6 An interpreter appointed under this subchapter shall not be
7 compelled to testify in any judicial proceeding or
8 administrative proceeding to any statements made by the person
9 who is deaf and interpreted by the interpreter when the person
10 who is deaf is engaged in a confidential communication as
11 provided by any statute or general rule, including, but not
12 limited to:

13 * * *

14 (9) Section 5945.3 (relating to confidential
15 communications with human trafficking caseworkers).

16 Section 6. Section 5552(c)(3) of Title 42 is amended and the
17 subsection is amended by adding a paragraph to read:

18 § 5552. Other offenses.

19 * * *

20 (c) Exceptions.--If the period prescribed in subsection (a),
21 (b) or (b.1) has expired, a prosecution may nevertheless be
22 commenced for:

23 * * *

24 (3) Any sexual offense committed against a minor who is
25 less than 18 years of age any time up to the later of the
26 period of limitation provided by law after the minor has
27 reached 18 years of age or the date the minor reaches 50
28 years of age. As used in this paragraph, the term "sexual
29 offense" means a crime under the following provisions of
30 Title 18 (relating to crimes and offenses):

1 Section 3011(b) (relating to trafficking in
2 individuals).

3 Section 3012 (relating to involuntary servitude) AS <--
4 IT RELATES TO SEXUAL SERVITUDE.

5 Section 3121 (relating to rape).

6 Section 3122.1 (relating to statutory sexual
7 assault).

8 Section 3123 (relating to involuntary deviate sexual
9 intercourse).

10 Section 3124.1 (relating to sexual assault).

11 Section 3125 (relating to aggravated indecent
12 assault).

13 Section 3126 (relating to indecent assault).

14 Section 3127 (relating to indecent exposure).

15 Section 4302 (relating to incest).

16 Section 4304 (relating to endangering welfare of
17 children).

18 Section 6301 (relating to corruption of minors).

19 Section 6312(b) (relating to sexual abuse of
20 children).

21 Section 6320 (relating to sexual exploitation of
22 children).

23 * * *

24 (5) An offense under 18 Pa.C.S. § 3011 or 3012 in which
25 the victim of human trafficking was not a minor any time up
26 to five years from the date the human trafficking victim <--
27 escaped from the human trafficking situation. OF THE LAST <--
28 OFFENSE UNDER THIS PARAGRAPH COMMITTED AGAINST THE VICTIM.

29 (6) AN OFFENSE UNDER SECTION 3012 INVOLVING LABOR
30 SERVITUDE WHILE THE VICTIM WAS A MINOR, ANY TIME UP TO FIVE

1 YEARS AFTER THE VICTIM REACHES 18 YEARS OF AGE.

2 * * *

3 ~~Section 7. Section 5554(2) and (3) of Title 42 are amended~~ <--
4 ~~and the section is amended by adding a paragraph to read:~~

5 ~~§ 5554. Tolling of statute.~~

6 ~~Except as provided by section 5553(e) (relating to~~
7 ~~disposition of proceedings within two years), the period of~~
8 ~~limitation does not run during any time when:~~

9 * * *

10 ~~(2) a prosecution against the accused for the same~~
11 ~~conduct is pending in this Commonwealth; [or]~~

12 ~~(3) a child is under 18 years of age, where the crime~~
13 ~~involves injuries to the person of the child caused by the~~
14 ~~wrongful act, or neglect, or unlawful violence, or negligence~~
15 ~~of the child's parents or by a person responsible for the~~
16 ~~child's welfare, or any individual residing in the same home~~
17 ~~as the child, or a paramour of the child's parent[.]; or~~

18 ~~(4) a person entitled to prosecute an offense under 18~~
19 ~~Pa.C.S. Ch. 30 (relating to human trafficking) could not have~~
20 ~~reasonably discovered the offense due to circumstances~~
21 ~~resulting from the human trafficking situation, such as~~
22 ~~psychological trauma, social, cultural and linguistic~~
23 ~~isolation and the inability to access services.~~

24 Section 7. Title 42 is amended by adding a section to <--
25 read:

26 § 5945.3. Confidential communications with human trafficking
27 caseworkers.

28 (a) Sexual assault counselors.--An individual qualified as a
29 sexual assault counselor under section 5945.1(a) (relating to
30 confidential communications with sexual assault counselors) may

1 serve as a human trafficking counselor under this section.

2 (b) Privilege.--

3 (1) This subsection applies to all of the following:

4 (i) A human trafficking caseworker.

5 (ii) An interpreter.

6 (2) An individual designated in paragraph (1) may not
7 disclose a confidential communication without the written
8 consent of the victim of human trafficking who made the
9 confidential communication.

10 (c) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Confidential communication." All information, oral or
14 written, transmitted between a victim of human trafficking and a
15 human trafficking caseworker in the course of their
16 relationship. The term includes advice, reports, statistical
17 data, memoranda, working papers and records, given or made
18 during that relationship, including matters transmitted between
19 the human trafficking caseworker and the victim through the use
20 of an interpreter.

21 "Human trafficking caseworker." An individual:

22 (1) who is engaged by any organization whether
23 financially compensated or not;

24 (2) whose primary purpose is the rendering of advice or
25 assistance to a victim of human trafficking, as defined in 18
26 Pa.C.S. § 3001 (relating to definitions); and

27 (3) who:

28 (i) holds a master's degree or higher in counseling
29 or a related field;

30 (ii) has an undergraduate degree or equivalent in a

1 human services profession; or

2 (iii) is supervised by an individual qualified under
3 subparagraph (i) or (ii) and has at least 80 hours of
4 training received under that supervision in:

5 (A) the history of human trafficking;

6 (B) civil law and criminal law as they relate to
7 human trafficking;

8 (C) societal attitudes toward human trafficking;

9 (D) peer counseling techniques;

10 (E) housing, public assistance and other
11 financial resources available to meet the needs of
12 victims of human trafficking;

13 (F) referral services available to VICTIMS OF <--
14 human trafficking victims; <--

15 (G) privileged communications; or

16 (H) human trauma therapy counseling.

17 "Interpreter." An individual who translates communications
18 between a human trafficking caseworker and a victim of human
19 trafficking through the use of sign language, visual, oral or
20 written translation.

21 Section 9 8. Sections 9720.2 and 9738(b) of Title 42 are <--
22 amended to read:

23 § 9720.2. Sentencing for trafficking of persons.

24 Notwithstanding any other provision of law, a person who
25 commits a violation of 18 Pa.C.S. § [3002] 3011 (relating to
26 trafficking [of persons] in individuals) OR 3012 (RELATING TO <--
27 INVOLUNTARY SERVITUDE) while violating:

28 (1) 18 Pa.C.S. § 2901 (relating to kidnapping);

29 (2) 18 Pa.C.S. § 3121 (relating to rape); or

30 (3) 18 Pa.C.S. § 3123 (relating to involuntary deviate

1 sexual intercourse);
2 shall be sentenced up to a maximum term of life imprisonment.
3 § 9738. Victim impact statements.

4 * * *

5 (b) Definition.--As used in this section, the term "victim"
6 shall [have the same meaning as in section 479.1 of the act of
7 April 9, 1929 (P.L.177, No.175), known as The Administrative
8 Code of 1929.] mean a "victim" as defined in:

9 (1) section 103 of the act of November 24, 1998
10 (P.L.882, No.111), known as the Crime Victims Act; or

11 (2) 18 Pa.C.S. § 3001 (relating to definitions).

12 Section ~~10~~ 9. Applicability is as follows: <--

13 (1) The addition of 18 Pa.C.S. Ch. 30 shall apply to
14 offenses committed on or after the effective date of this
15 section.

16 (2) Section 2 {repeal of 18 Pa.C.S. §§ 3001, 3002, 3003
17 and 3004} of this act shall not affect the validity of a
18 prosecution initiated under the repealed sections.

19 Section ~~11~~ 10. This act shall take effect in 60 days. <--