

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 44

Session of
2023

INTRODUCED BY DUSH, COLLETT, PHILLIPS-HILL, ROTHMAN, COSTA,
BARTOLOTTA, CAPPELLETTI, HUGHES, STEFANO AND AUMENT,
JUNE 6, 2023

SENATOR BAKER, JUDICIARY, AS AMENDED, JUNE 27, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic
2 Relations) of the Pennsylvania Consolidated Statutes, in
3 human trafficking, further providing for definitions, for the
4 offense of trafficking in individuals and for the offense of
5 patronizing a victim of sexual servitude; in minors, further
6 providing for unlawful contact with minor; and, in domestic
7 and sexual violence victim address confidentiality, further
8 providing for definitions and for persons eligible to apply.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. The definitions of "sexual servitude" and "victim
12 of human trafficking" or "victim" in section 3001 of Title 18 of
13 the Pennsylvania Consolidated Statutes are amended and the
14 section is amended by adding a definition to read:

15 § 3001. Definitions.

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

19 "Commercial sex act." A sex act for which anything of value
20 is given to or received by a person.

1 * * *

2 "Sexual servitude." [Any sex act or performance involving a
3 sex act for which anything of value is directly or indirectly
4 given, promised to or received by any individual or] A
5 commercial sex act or a sex act which is performed or provided
6 by any individual and is induced or obtained from:

7 (1) A minor.

8 (2) Any other individual by any of the means set forth
9 in section 3012(b).

10 * * *

11 "Victim of human trafficking" or "victim." An individual who
12 has been subjected to human trafficking. The term includes any <--
13 of the following:

14 ~~(1) A victim of the offense under section 3011.~~

15 ~~(2) A victim of the offense under section 3012.~~

16 ~~(3) A victim of the offense under section 3013. A VICTIM~~ <--

17 OF AN OFFENSE UNDER THIS CHAPTER.

18 Section 2. Section 3011(a)(1) of Title 18 is amended to
19 read:

20 § 3011. Trafficking in individuals.

21 (a) Offense defined.--A person commits a felony:

22 (1) of the first degree if the person recruits, entices,
23 solicits, patronizes, advertises, harbors, transports,
24 provides, obtains or maintains an individual if the person
25 knows or recklessly disregards that the individual will be
26 subject to sexual servitude;

27 * * *

28 Section 3. Section 3013(a) of Title 18 is amended by adding
29 a paragraph to read:

30 § 3013. Patronizing a victim of sexual servitude.

(a) Offense defined.--

* * *

(3) A person commits an offense if the person patronizes an individual who is under 18 years of age, causing the individual to engage in a commercial sex act. An offense under this paragraph constitutes:

(i) A felony of the second degree when the offense is a first offense.

(ii) A felony of the first degree when the offense is a second or subsequent offense.

* * *

Section 4. Section 6318(a) introductory paragraph of Title 18 is amended to read:

§ 6318. Unlawful contact with minor.

(a) Offense defined.--A person commits an offense if [he] the person is intentionally in contact with a minor, or a law enforcement officer acting in the performance of [his] duties who has assumed the identity of a minor or of another individual having direct contact with children, as defined under 23 Pa.C.S. § 6303(a) (relating to definitions), for the purpose of engaging in an activity prohibited under any of the following, and either the person initiating the contact or the person being contacted is within this Commonwealth:

* * *

Section 5. The definition of "victim of human trafficking" in section 6702 of Title 23, added July 7, 2022 (P.L.501, No.50), is amended to read:

§ 6702. Definitions.

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

1 context clearly indicates otherwise:

2 * * *

3 "Victim of human trafficking." [A victim of an offense
4 enumerated in either 18 Pa.C.S. § 3011 (relating to trafficking
5 in individuals) or 3012 (relating to involuntary servitude).] As
6 defined in 18 Pa.C.S. § 3001 (relating to definitions).

7 * * *

8 Section 6. Section 6704(7) of Title 23, added July 7, 2022
9 (P.L.501, No.50), is amended to read:

10 § 6704. Persons eligible to apply.

11 The following persons shall be eligible to apply to become
12 program participants:

13 * * *

14 (7) A victim of human trafficking who files an affidavit
15 with the Office of Victim Advocate describing the
16 perpetrator's course of conduct or repeated actions toward
17 the affiant meeting the criteria enumerated in [either] 18
18 Pa.C.S. § 3011 (relating to trafficking in individuals) [or],
19 3012 (relating to involuntary servitude) or 3013 (relating to
20 patronizing a victim of sexual servitude) and further stating
21 that the affiant fears future violent acts by the perpetrator
22 of the human trafficking.

23 Section 7. This act shall take effect in 60 days.