

## 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 AND SMITH, JANUARY 9, 2013

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 3, 2013

## 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)

18 Section 2706 (relating to terroristic threats)

Chapter 29 (relating to kidnapping)  
Chapter 30 (relating to human trafficking [of  
persons])  
Chapter 33 (relating to arson, criminal mischief  
and other property destruction)  
Chapter 37 (relating to robbery)  
Chapter 39 (relating to theft and related  
offenses)  
Section 4108 (relating to commercial bribery and  
breach of duty to act disinterestedly)  
Section 4109 (relating to rigging publicly  
exhibited contest)  
Section 4117 (relating to insurance fraud)  
Chapter 47 (relating to bribery and corrupt  
influence)  
Chapter 49 (relating to falsification and  
intimidation)  
Section 5111 (relating to dealing in proceeds of  
unlawful activities)  
Section 5512 (relating to lotteries, etc.)  
Section 5513 (relating to gambling devices,  
gambling, etc.)  
Section 5514 (relating to pool selling and  
bookmaking)  
Chapter 59 (relating to public indecency).

\* \* \*

An act which otherwise would be considered racketeering  
activity by reason of the application of this paragraph,  
shall not be excluded from its application solely because the  
operative acts took place outside the jurisdiction of this

Commonwealth, if such acts would have been in violation of the law of the jurisdiction in which they occurred.

\* \* \*

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 The heading of Chapter 30 and sections 3001, 3002, 3003 and 3004 of Title 18 are repealed:

[CHAPTER 30

TRAFFICKING OF PERSONS

§ 3001. Definitions.

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

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

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

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

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

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

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

(5) engages in criminal coercion of another person.

"Traffics." Recruits, entices, harbors, transports or

1 provides or obtains by any means.

2 § 3002. Trafficking of persons.

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

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

12 § 3003. Restitution for offenses.

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

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

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

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

23 § 3004. Forfeiture.

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

27 (1) All assets, foreign or domestic:

28 (i) Of an individual, entity or organization engaged  
29 in planning or perpetrating an act in this Commonwealth  
30 which violates section 3002 (relating to trafficking of

1 persons) and all assets, foreign or domestic, affording a  
2 person a source of influence over such individual, entity  
3 or organization.

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

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

11 (2) All assets within this Commonwealth:

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

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

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

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

24 (c) Custody of property.--

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

30 (2) When property is seized under this section, the law

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

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

26 (1) A description of the property seized.

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

28 (3) The owner, if known.

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

30 (5) An allegation that the property is subject to

1 forfeiture pursuant to this section and an averment of  
2 material facts upon which forfeiture action is based.

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

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

11 To the claimant of within described property:

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

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

20 (g) Notice.--

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

1 notwithstanding.

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

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

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

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

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

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

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

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

30 (k) Burden of proof.--At the hearing, if the Commonwealth



1 produces evidence that the property in question was unlawfully  
2 used, possessed or otherwise subject to forfeiture under this  
3 section, the burden shall be upon the claimant to show by a  
4 preponderance of the evidence:

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

8           (2) That the claimant lawfully acquired the property.

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

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

circumstances presented. Otherwise, it shall be retained for official use or sold in accordance with this section.]

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

CHAPTER 30

HUMAN TRAFFICKING

Subchapter

A. General Provisions

B. Prosecution of Human Trafficking

C. Prevention of Human Trafficking

D. Protection of ~~Human Trafficking Victims~~ VICTIMS OF HUMAN <--

TRAFFICKING

E. Miscellaneous Provisions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

3001. Definitions.

§ 3001. Definitions.

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

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

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

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

"Debt coercion." Exploitation of the status or condition of 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

governing the payment of wages for labor or services.

"Human trafficking." Any activity in violation of section 3011 (relating to trafficking in individuals) either alone or in conjunction with an activity in violation of section 3012 (relating to involuntary servitude).

~~"Human trafficking victim" or "victim." An individual who has been subjected to human trafficking.~~ <--

"Involuntary servitude." Includes labor servitude and sexual servitude.

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

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

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

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

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

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

(2) Information stored or maintained electronically.

(3) A data-processed or image-processed document.

"Serious harm." Any harm, whether physical or nonphysical that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same

1 background and in the same circumstances as the ~~human~~ <--  
2 ~~trafficking victim~~ VICTIM OF HUMAN TRAFFICKING to perform or to <--  
3 continue performing labor or a service, a commercial sex act or  
4 a performance involving sexual conduct in order to avoid  
5 incurring that harm.

6 "Service." Any act committed at the behest of, under the  
7 supervision of or for the benefit of another.

8 "Sex act." Any touching of the sexual or other intimate  
9 parts of any individual for the purpose of gratifying sexual  
10 desire of any individual. The term includes any of the  
11 following:

12 (1) Touching the individual.

13 (2) Touching by the individual, whether directly or  
14 through clothing.

15 (3) Physical contact involving the genitalia of either  
16 the ~~human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING or <--  
17 the perpetrator.

18 (4) Deviate sexual intercourse, indecent contact or  
19 sexual intercourse as defined in section 3101 (relating to  
20 definitions).

21 (5) Indecent assault, as defined in section 3126  
22 (relating to indecent assault).

23 "Sexual conduct." As defined in section 5903(b) (relating to  
24 obscene and other sexual materials and performances). The term  
25 includes the following:

26 (1) With respect to a minor, any activity under section  
27 5903(c).

28 (2) A commercial sex act.

29 "Sexual servitude." Any sexual conduct or performance  
30 involving sexual conduct for which anything of value is directly

or indirectly given, promised to or received by any individual  
or which is performed or provided by any individual, and is  
induced or obtained from:

(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. ~~Nondefenses~~ EVIDENCE AND DEFENSES to human trafficking. <--

3019. Victim protection during prosecution.

3020. Restitution.

3021. Asset forfeiture.

3022. ~~Forfeiture of professional licenses and governmental~~ <--

~~contracts~~ PROFESSIONAL LICENSES. <--

3023. Cumulative remedies.

3024. Sentencing.

3025. Data collection.

1 § 3011. Trafficking in individuals.

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

4 (1) recruits, entices, solicits, harbors, transports,  
5 provides, obtains or maintains an individual if the person  
6 knows or recklessly disregards the possibility that the <--  
7 individual will be subject to involuntary servitude; OR <--

8 ~~(2) attempts to engage in any activity described in~~ <--  
9 ~~paragraph (1); or~~

10 ~~(3)~~ (2) KNOWINGLY benefits financially or receives <--  
11 anything of value from any act that facilitates any activity  
12 described in paragraph (1).

13 (b) Trafficking in minors.--A person commits a felony of the  
14 first degree if the person engages in any activity listed in  
15 subsection (a) that results in a minor's being subjected to  
16 sexual servitude.

17 (C) NONAPPLICABILITY.--THIS SECTION DOES NOT APPLY TO <--  
18 CUSTOMERS OF PERSONS ENGAGING IN OR OFFERING TO ENGAGE IN  
19 COMMERCIAL SEX ACTS OR PROSTITUTION.

20 § 3012. Involuntary servitude.

21 (a) Offense defined.--A person commits a felony of the first  
22 degree if the person KNOWINGLY, through any of the means <--  
23 described in subsection (b), subjects an individual to  
24 ~~involuntary servitude.~~ LABOR SERVITUDE OR SEXUAL SERVITUDE, <--  
25 EXCEPT WHERE SUCH CONDUCT IS PERMISSIBLE UNDER FEDERAL OR STATE  
26 LAW OTHER THAN THIS CHAPTER.

27 (b) Means of subjecting an individual to involuntary  
28 servitude.--A person may subject an individual to involuntary  
29 servitude through any of the following means:

30 (1) Causing or threatening to cause serious harm to any

individual.

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

(3) Kidnapping or attempting to kidnap any individual.

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

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

(6) Engaging in unlawful conduct with respect to  
documents, as defined in section 3014 (relating to unlawful  
conduct regarding documents).

(7) Extortion or blackmail.

(8) ~~Deception or fraud.~~ FRAUD.

<--

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

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

(11) Debt coercion.

~~(12) Causing or threatening to cause financial harm to  
or exerting or threatening to exert financial control over  
the individual.~~

<--

~~(13) Facilitating or controlling the individual's access  
to an addictive controlled substance.~~

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

<--

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

<--

(C) NONAPPLICABILITY.--THIS SECTION DOES NOT APPLY TO  
CUSTOMERS OF PERSONS ENGAGING IN OR OFFERING TO ENGAGE IN

<--



1 COMMERCIAL SEX ACTS OR PROSTITUTION.

2 § 3013. Patronizing a victim of sexual servitude.

3 (a) Offense defined.--A person commits a felony of the  
4 second degree if the person engages in any sexual conduct or  
5 performance with another individual knowing ~~or in reckless~~ <--  
6 ~~disregard of the fact that the individual is a human trafficking~~ <--  
7 ~~victim~~ VICTIM OF HUMAN TRAFFICKING. <--

8 (b) Investigation.--An individual arrested for a violation  
9 of section 5902(e) (relating to prostitution and related  
10 offenses) ~~shall~~ MAY be formally detained and questioned by law <--  
11 enforcement personnel to determine if the individual engaged in  
12 any sexual conduct or performance with the alleged prostitute  
13 knowing or in reckless disregard of the fact that the individual  
14 is a ~~human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING. <--

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

20 § 3014. Unlawful conduct regarding documents.

21 (a) Applicability.--This section applies to an action that  
22 is done:

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

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

30 (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:

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

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

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

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

§ 3016. Obstruction of justice.

A person who commits a violation of Subchapter B of Chapter  
49 (relating to victim and witness intimidation) or Chapter 51  
(relating to obstructing governmental operations) that in any  
way interferes with or prevents the enforcement of this chapter  
shall be subject to the same penalties that may be imposed for

1 the offense for which the person has been charged under this  
2 chapter.

3 § 3017. Violation by business entities.

4 (a) Penalty.--Any business entity, including a corporation  
5 or unincorporated association, limited liability partnership or  
6 company or other legal entity that aids or participates in any  
7 violation of this chapter, shall be subject to any of the  
8 following penalties:

9 ~~(1) Either or both of the following:~~ <--

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

11 ~~(ii) The suspension or revocation of any license,~~  
12 ~~permit or prior approval granted to it by a Commonwealth~~  
13 ~~or local government agency.~~

14 ~~(2) Either:~~

15 ~~(i) the revocation of the business entity's charter~~  
16 ~~if it is organized under the laws of this Commonwealth;~~  
17 ~~or~~

18 ~~(ii) the revocation of the business entity's~~  
19 ~~certificate to do business in this Commonwealth if the~~  
20 ~~business entity is not organized under the laws of this~~  
21 ~~Commonwealth.~~

22 ~~(1) A FINE OF NOT MORE THAN \$1,000,000.~~ <--

23 ~~(2) REVOCATION OF THE BUSINESS ENTITY'S:~~

24 ~~(I) CHARTER, IF IT IS ORGANIZED UNDER THE LAWS OF~~  
25 ~~THIS COMMONWEALTH; OR~~

26 ~~(II) CERTIFICATE TO DO BUSINESS IN THIS~~  
27 ~~COMMONWEALTH, IF THE BUSINESS ENTITY IS NOT ORGANIZED~~  
28 ~~UNDER THE LAWS OF THIS COMMONWEALTH.~~

29 ~~(3) Such other relief as the court deems equitable,~~  
30 ~~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. ~~Nondefenses~~ EVIDENCE AND DEFENSES to human trafficking. <--

(a) ~~Nondefenses to human trafficking involving sexual servitude~~ 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) A human trafficking victim's prior sexual history or history of participation in commercial sex acts or performances involving sexual conduct, as provided in section 3104 (relating to evidence of victim's sexual conduct).~~ <--

~~(2) A human trafficking victim's consent or permission, or the consent or permission of any other person on the human~~

~~trafficking victim's behalf to any sexual conduct or performance, as provided in section 311(c) (relating to consent).~~

(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.

~~(3) A human trafficking victim's age~~ (2) THE AGE OF THE VICTIM OF HUMAN TRAFFICKING with respect to the age of consent to sex or legal age of marriage.

~~(b) Nondefense to human trafficking involving~~ VICTIM'S CONSENT TO EMPLOYMENT CONTRACT IN labor servitude.--The ~~human trafficking victim's consent~~ 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

1 involved in the making of the contract.

2 (c) ~~Sexual servitude of minor~~ VICTIM'S AGE IN SEXUAL <--  
3 SERVITUDE.--Except as provided in section 3102 (relating to  
4 mistake as to age), evidence of a defendant's lack of knowledge  
5 of a person's age, or a reasonable mistake of age, is not a  
6 defense for a violation of this chapter involving the sexual  
7 servitude of a minor.

8 § 3019. Victim protection during prosecution.

9 (a) ~~Disclosure of human trafficking victim's name~~ NAME OF <--  
10 VICTIM OF HUMAN TRAFFICKING.--Notwithstanding any other  
11 provision of law to the contrary, unless the court otherwise  
12 orders in a prosecution involving a ~~human trafficking victim~~ <--  
13 VICTIM OF HUMAN TRAFFICKING, an officer or employee of the court <--  
14 may not disclose the identity of the ~~human trafficking victim~~ <--  
15 VICTIM OF HUMAN TRAFFICKING to the public. Any record revealing <--  
16 the name of the ~~human trafficking victim~~ VICTIM OF HUMAN <--  
17 TRAFFICKING shall not be open to public inspection.

18 (b) ~~Affirmative defense.--An individual who is a defendant~~ <--  
19 ~~in a criminal trial may offer a defense at trial that the~~  
20 ~~individual was a human trafficking victim and that the crime was~~  
21 ~~committed as a direct result of the individual's status as a~~  
22 ~~human trafficking victim.~~

23 ~~(c) ~~Documentation of human trafficking victim status.--~~~~  
24 ~~Official documentation of the defendant's status as a human~~  
25 ~~trafficking victim at the time of the offense from a Federal,~~  
26 ~~State or local government agency or a victim services agency or~~  
27 ~~organization.~~

28 ~~(1) ~~Shall create a presumption that the defendant's~~~~  
29 ~~participation in the offense was a result of having been a~~  
30 ~~human trafficking victim.~~

~~(2) Shall not be required for granting a motion under this section.~~

~~(d) Vacation of prior prostitution convictions. At any time after the entry of a judgment of conviction under section 5902 (relating to prostitution and related offenses), upon motion of the attorney for the Commonwealth, the court in which the judgment was entered may vacate the judgment against the defendant upon the ground that the defendant was a human trafficking victim under this chapter or under the Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7101 et seq.) and participation in the offense was a result of having been a human trafficking victim. The attorney for the Commonwealth in the county of such conviction shall forward information regarding the defendant's status as a human trafficking victim to the district attorney of another county in which the defendant faces similar charges. CHARGED WITH ANY VIOLATION UNDER SECTION 5902 (RELATING TO PROSTITUTION AND RELATED OFFENSES) MAY OFFER THE DEFENSE AT TRIAL THAT HE ENGAGED IN THE CONDUCT CHARGED TO CONSTITUTE AN OFFENSE BECAUSE HE WAS COMPELLED TO DO SO BY COERCION OR THE USE OF, OR A THREAT TO USE, UNLAWFUL FORCE AGAINST HIS PERSON OR THE PERSON OF ANOTHER, WHICH A PERSON OF REASONABLE FIRMNESS IN HIS SITUATION WOULD HAVE BEEN UNABLE TO RESIST.~~

~~(C) DIVERSIONARY PROGRAM.--AN INDIVIDUAL WHO IS CHARGED WITH VIOLATING A TRESPASSING, LOITERING, OBSTRUCTION OF HIGHWAY, DISORDERLY CONDUCT, OR SIMPLE POSSESSION OF A CONTROLLED SUBSTANCE STATUTE THAT DIRECTLY RESULTS FROM BEING A VICTIM OF HUMAN TRAFFICKING, WHERE THE VIOLATION IS HIS FIRST OFFENSE, SHALL BE GIVEN FIRST CONSIDERATION FOR A PRETRIAL DIVERSIONARY PROGRAM BY THE JUDICIAL AUTHORITY WITH JURISDICTION OVER THE~~

1 VIOLATIONS. IF THE INDIVIDUAL SUCCESSFULLY COMPLETES THE  
2 DIVERSIONARY PROGRAM, THE INDIVIDUAL'S RECORDS OF THE CHARGE OF  
3 VIOLATING THE STATUTE SHALL BE EXPUNGED AS PROVIDED FOR UNDER  
4 SECTION 9122 (RELATING TO EXPUNGEMENT).

5 (D) MOTION TO VACATE CONVICTION.--

6 (1) AN INDIVIDUAL CONVICTED UNDER SECTION 3503 (RELATING  
7 TO CRIMINAL TRESPASS), 5503 (RELATING TO DISORDERLY CONDUCT),  
8 5506 (RELATING TO LOITERING AND PROWLING AT NIGHT TIME), 5507  
9 (RELATING TO OBSTRUCTING HIGHWAYS AND OTHER PUBLIC PASSAGES)  
10 OR 5902, OR AN OFFENSE FOR SIMPLE POSSESSION OF A CONTROLLED  
11 SUBSTANCE COMMITTED AS A DIRECT RESULT OF BEING A VICTIM OF  
12 HUMAN TRAFFICKING MAY FILE A MOTION TO VACATE THE CONVICTION.

13 (2) A MOTION UNDER THIS SUBSECTION SHALL:

14 (I) BE IN WRITING.

15 (II) BE SIGNED AND CONSENTED TO BY ATTORNEY FOR THE  
16 COMMONWEALTH.

17 (III) DESCRIBE THE SUPPORTING EVIDENCE WITH  
18 PARTICULARITY.

19 (IV) INCLUDE COPIES OF ANY DOCUMENTS SHOWING THAT  
20 THE MOVING PARTY IS ENTITLED TO RELIEF UNDER THIS  
21 SECTION.

22 (E) OFFICIAL DOCUMENTATION.--NO OFFICIAL DETERMINATION OR  
23 DOCUMENTATION IS REQUIRED TO GRANT A MOTION UNDER THIS SECTION,  
24 BUT OFFICIAL DOCUMENTATION FROM A FEDERAL, STATE OR LOCAL  
25 GOVERNMENT AGENCY INDICATING THAT THE DEFENDANT WAS A VICTIM AT  
26 THE TIME OF THE OFFENSE CREATES A PRESUMPTION THAT THE  
27 DEFENDANT'S PARTICIPATION IN THE OFFENSE WAS A DIRECT RESULT OF  
28 BEING A VICTIM.

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



1       (1) THE MOVING PARTY WAS CONVICTED UNDER SECTION 5902 OR  
2       OTHER NONVIOLENT MISDEMEANOR OFFENSE.

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

5       (G) CONVICTION VACATED.--IF THE MOTION UNDER SUBSECTION (D)  
6       IS GRANTED, THE COURT SHALL VACATE THE CONVICTION, STRIKE THE  
7       ADJUDICATION OF GUILT AND ORDER THE EXPUNGEMENT OF THE RECORD OF  
8       THE CRIMINAL PROCEEDINGS. THE COURT SHALL ISSUE AN ORDER TO  
9       EXPUNGE ALL RECORDS AND FILES RELATED TO THE MOVING PARTY'S  
10      ARREST, CITATION, INVESTIGATION, CHARGE, ADJUDICATION OF GUILT,  
11      CRIMINAL PROCEEDINGS AND PROBATION FOR THE OFFENSE. THE COURT  
12      MAY TAKE ANY ADDITIONAL ACTION THAT IT DEEMS APPROPRIATE UNDER  
13      THE CIRCUMSTANCES OR THAT JUSTICE REQUIRES.

14      § 3020. Restitution.

15      (a) Order.--The court shall order a person found guilty of a  
16      violation of this chapter to pay restitution to the human <--  
17      trafficking victim, VICTIM OF HUMAN TRAFFICKING UNDER THE <--  
18      PROVISIONS OF SECTION 1106 (RELATING TO RESTITUTION FOR INJURIES  
19      TO PERSON OR PROPERTY) AND under the following conditions:

20              ~~(1) If the human trafficking victim dies as a result of~~ <--  
21              human trafficking, the following shall be entitled to  
22              restitution, in the following order:

23                      ~~(i) The surviving spouse of the human trafficking~~  
24                      victim.

25                      ~~(ii) The lineal descendants of the human trafficking~~  
26                      victim, per stirpes.

27                      ~~(iii) The estate of the human trafficking victim.~~

28              ~~(2) A person who violates this chapter shall be~~  
29              ineligible to receive restitution as set forth in paragraph  
30              ~~(1).~~

~~(3) A person ordered to pay restitution under this chapter may prove, by clear and convincing evidence, that an individual who would be entitled to restitution as a human trafficking victim under paragraph (1) knowingly participated in trafficking activities, in which case that individual shall not be eligible for restitution.~~

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

~~(4) (2) The following items may be included in an order of restitution:, in the discretion of the court:~~

~~(i) The costs of medical and psychological treatment, including:~~

~~(A) physical and occupational therapy and rehabilitation; and~~

~~(B) counseling for:~~

~~(I) a human trafficking victim;~~

~~(II) an individual responsible for the human trafficking victim's welfare;~~

~~(III) an individual related to the human trafficking victim within the second degree of consanguinity or affinity;~~

~~(IV) an individual maintaining a common law relationship with the human trafficking victim;~~

~~(V) an individual residing in the same household with the human trafficking victim; or~~

~~(VI) an individual engaged to be married to the human trafficking victim.~~

~~(ii) The costs of transportation, temporary housing and child care.~~

~~(iii) Attorney fees and other court related costs,~~

including victim advocate fees.

~~(iv)~~ (I) For the period during which the human <--  
trafficking victim VICTIM OF HUMAN TRAFFICKING was <--  
engaged in involuntary servitude, the greater of the  
following:

(A) The value of the human trafficking victim's <--  
services SERVICES OF THE VICTIM OF HUMAN TRAFFICKING <--  
as guaranteed under the minimum wage and overtime  
provisions of the laws of this Commonwealth.

(B) The gross income or value to the defendant  
of the human trafficking victim's services SERVICES <--  
OF THE VICTIM OF HUMAN TRAFFICKING.

(C) The amount the human trafficking victim <--  
VICTIM OF HUMAN TRAFFICKING was promised, or the <--  
amount someone in the human trafficking victim's <--  
position POSITION OF THE VICTIM OF HUMAN TRAFFICKING <--  
would have reasonably expected to earn.

~~(v)~~ (II) The return of property of the human <--  
trafficking victim VICTIM OF HUMAN TRAFFICKING, cost of <--  
damage to the property or the full REPLACEMENT value of <--  
the property if taken, destroyed or damaged beyond repair  
as a result of human trafficking.

~~(vi)~~ Relocation expenses for the human trafficking <--  
victim and members of the human trafficking victim's  
family or household if the relocation is verified as  
necessary by:

~~(A) a law enforcement official, for the personal~~  
~~safety of the human trafficking victim or the human~~  
~~trafficking victim's family or household members; or~~

~~(B) a mental health treatment provider, for the~~

~~emotional well-being of the human trafficking victim.~~

~~(vii) Repatriation of the human trafficking victim  
to the human trafficking victim's home country, if  
applicable.~~

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

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

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

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

~~(c) Limitation on restitution.--Other than amounts allowed~~ <--  
~~under subparagraph (a)(4)(iv), any ANY award made under this~~ <--  
section shall be in an amount not exceeding out-of-pocket  
expenses.

~~(d) Reduction.--Except as otherwise provided in this~~ <--  
~~chapter, an award made under this chapter shall be reduced by~~  
~~the amount of any payments that are received or to be received~~  
~~by the human trafficking victim as a result of the human~~  
~~trafficking and that are derived from one or more of the~~  
following:

~~(1) from or on behalf of the person who was convicted of trafficking the human trafficking victim;~~

~~(2) under any insurance or health and welfare programs, including those mandated by law;~~

~~(3) under any contract of insurance wherein the human trafficking victim is the beneficiary;~~

~~(4) from public funds;~~

~~(5) under any pension program, including those providing for disability or survivor's benefits; or~~

~~(6) under a settlement or award made by or on behalf of a party alleged to be responsible in whole or in part for the human trafficking victim's status as a human trafficking victim, without regard to the party's criminal culpability.~~

~~(c) Nongovernmental organizations. The court may order payment of restitution to a nongovernmental organization for all out of pocket expenses incurred in assisting a human trafficking victim.~~

~~(f) Definition. As used in this section, the term "relocation expenses" shall include deposits for utilities and phone services, deposits for rental housing, temporary lodging and food expenses, clothing expenses, expenses for personal items and other moving expenses.~~

#### § 3021. Asset forfeiture.

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

(1) All assets, foreign or domestic:

(i) Of an individual, entity or organization engaged in planning or perpetrating an act in this Commonwealth which violates section 3011 (relating to trafficking in

individuals) or 3012 (relating to involuntary servitude).

(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. Property subject to forfeiture~~ <--

~~(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

1 ADMINISTRATIVE INSPECTION WARRANT;

2 (II) THE PROPERTY SUBJECT TO SEIZURE HAS BEEN THE  
3 SUBJECT OF A PRIOR JUDGMENT IN FAVOR OF THE COMMONWEALTH  
4 IN A CRIMINAL INJUNCTION OR FORFEITURE PROCEEDING UNDER  
5 THIS CHAPTER;

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

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

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

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 agency, THE DISTRICT ATTORNEY OR THE <--  
18 ATTORNEY GENERAL subject only to the orders and decrees of  
19 the court of common pleas having jurisdiction over the  
20 forfeiture proceedings.

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

24 (i) remove the property to a place designated by it;  
25 or

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

29 (d) Transfer of property.--Whenever property is forfeited  
30 under this section, the property shall be transferred to the

1 custody of the district attorney. ~~The district attorney,~~ IF THE <--  
2 LAW ENFORCEMENT AUTHORITY SEIZING THE PROPERTY HAS COUNTY OR  
3 LOCAL JURISDICTION, OR THE ATTORNEY GENERAL IF THE LAW  
4 ENFORCEMENT AUTHORITY SEIZING THE PROPERTY HAS STATEWIDE  
5 JURISDICTION. THE ATTORNEY GENERAL OR DISTRICT ATTORNEY, where  
6 appropriate, ~~shall~~ MAY sell the property. The proceeds from ~~the~~ <--  
7 A sale shall first be used to pay all proper expenses of the <--  
8 proceedings for forfeiture and sale, including expenses of  
9 seizure, maintenance of custody, advertising and court costs.  
10 The balance of the proceeds shall be distributed under  
11 subsection (m).

12 (e) Proceedings and petition.--

13 (1) The proceedings for the forfeiture or condemnation  
14 of property shall be in rem, in which the Commonwealth shall  
15 be the plaintiff and the property the defendant.

16 (2) A petition shall:

17 (i) be filed in the court of common pleas of the  
18 judicial district where the property is located;

19 (ii) be verified by oath or affirmation of an  
20 officer or citizen; and

21 (iii) contain the following:

22 (A) A description of the property seized.

23 (B) A statement of the time and place where  
24 seized.

25 (C) The owner, if known.

26 (D) The person or persons in possession, if  
27 known.

28 (E) An allegation that the property is subject  
29 to forfeiture under this section and an averment of  
30 material facts upon which forfeiture action is based.



1           (F) A prayer for an order of forfeiture that the  
2           property be adjudged forfeited to the Commonwealth  
3           and condemned unless cause to the contrary is shown.

4   (f) Service.--

5           (1) A copy of the petition required under subsection (e)  
6           shall be served personally or by certified mail on the owner  
7           or the person or persons in possession at the time of the  
8           seizure.

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

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

17           (3) The notice shall be signed by the district attorney,  
18           deputy district attorney or assistant district attorney OR <--  
19           THE ATTORNEY GENERAL OR A DEPUTY ATTORNEY GENERAL.

20   (g) Notice.--

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

26           (i) the owner of the property is unknown;

27           (ii) there was no person in possession of the  
28           property when seized;

29           (iii) the owner or such person or persons in  
30           possession at the time of the seizure cannot be

1 personally served or located within the jurisdiction of  
2 the court.

3 (2) Notwithstanding any other law to the contrary, this <--  
4 section does not require any advertisement NO ADVERTISEMENT <--  
5 SHALL BE REQUIRED.

6 (3) The notice of the petition shall: <--

7 (i) contain a statement of the seizure of the  
8 property, a description of the property, the place and  
9 date of seizure; and

10 (ii) direct any claimants to the property to file a  
11 claim on or before a date given in the notice, which date  
12 shall not be less than 30 days from the date of the first  
13 publication.

14 (4) If no claims are filed within 30 days of  
15 publication, the property shall summarily forfeit to the  
16 Commonwealth.

17 (h) Unknown owner.--For purposes of this section, the owner  
18 or other such person cannot be found in the jurisdiction of the  
19 court if:

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

22 (2) Personal service is attempted once but cannot be  
23 made at the last known address.

24 (3) A copy of the petition is left at the last known  
25 address.

26 (i) Waiver of notice.--The notice provisions of this section  
27 are automatically waived if the owner, without good cause, fails  
28 to appear in court in response to a subpoena on the underlying  
29 criminal charges. If good cause has not been demonstrated and 45  
30 days have passed since the owner failed to appear, the property

1 shall summarily forfeit to the Commonwealth.

2 (j) Hearing date.--Upon the filing of a claim for the  
3 property setting forth a right of possession, the case shall be  
4 deemed at issue and a date and time shall be fixed for the  
5 hearing.

6 (k) Burden of proof.--If the Commonwealth produces evidence  
7 at the hearing under this section that the property in question  
8 was unlawfully used, possessed or otherwise subject to  
9 forfeiture under this section, the burden shall be upon the  
10 claimant to show by a preponderance of the evidence that:

11 (1) the claimant is the owner of the property or the  
12 holder of a chattel mortgage or contract of conditional sale  
13 thereon;

14 (2) the claimant lawfully acquired the property; and

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

22 (l) Claims of ownership.--

23 (1) A person may file a petition ~~to the court~~ OR ANSWER <--  
24 THE COMMONWEALTH'S PETITION alleging:

25 (i) Ownership of the property.

26 (ii) A right of possession to the property.

27 (iii) A lien or reservation of title to the property

28 as the holder of:

29 (A) a chattel mortgage upon the property; or

30 (B) a contract of conditional sale upon the

1 property.

2 (2) A public hearing shall be held, with due notice  
3 given to the district attorney OR ATTORNEY GENERAL. <--

4 (3) The court may order the property returned or  
5 delivered to the claimant upon proof by a preponderance of  
6 the evidence by the claimant that:

7 (i) the property was lawfully acquired, possessed  
8 and used by the claimant; or

9 (ii) if it appears that the property was unlawfully  
10 used by a person other than the claimant, the unlawful  
11 use was without the claimant's knowledge or consent. The  
12 absence of knowledge or consent must be reasonable under  
13 the circumstances presented.

14 (m) Disposition of proceeds.--Subject to subsection (d), all  
15 moneys forfeited and the proceeds from the sale of all property  
16 forfeited and seized under this section shall be paid as  
17 follows:

18 (1) Any ~~local~~ law enforcement agency shall be reimbursed <--  
19 if it has used its own funds in the detection, investigation,  
20 apprehension and prosecution of persons for violation of  
21 sections 3011 and 3012.

22 (2) Any amount remaining after reimbursement under  
23 paragraph (1) shall be distributed under the following  
24 formula:

25 (i) Thirty percent to the office of the ~~district~~ <--  
26 PROSECUTING attorney to be used to investigate and <--  
27 prosecute human trafficking cases.

28 (ii) Thirty-five percent to the ~~council~~ COMMISSION <--  
29 to fund the grant program established in section 3036  
30 (relating to grants).

1            (iii) Thirty-five percent to the Office of Victims'  
2            Services in the Pennsylvania Commission on Crime and <--  
3            Delinquency COMMISSION to provide services to human <--  
4            trafficking victims VICTIMS OF HUMAN TRAFFICKING in the <--  
5            manner set forth in Chapter 9 of the act of November 24,  
6            1998 (P.L.882, No.111), known as the Crime Victims Act.  
7            (n) Assets located outside United States.--Assets of persons  
8            convicted of violations of sections 3011 and 3012 that are  
9            located outside the United States shall also be subject to  
10           forfeiture to the extent they can be retrieved by the  
11           Commonwealth.  
12           § 3022. Forfeiture of professional licenses and governmental <--  
13           contracts PROFESSIONAL LICENSES. <--  
14           (a) Revocation SUSPENSION of professional license.--The <--  
15           professional license of a licensee who knowingly employs or  
16           permits the employment of a human trafficking victim VICTIM OF <--  
17           HUMAN TRAFFICKING shall be revoked SUSPENDED for a MINIMUM <--  
18           period of one year.  
19           (b) Administrative procedure.--Revocations under subsections <--  
20           (a) and (c) (2) (i) A SUSPENSION UNDER SUBSECTION (A) shall be <--  
21           subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and  
22           procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating  
23           to judicial review of Commonwealth agency action).  
24           (c) Loss of public works contract. A public works <--  
25           contractor or subcontractor who knowingly employs or permits the  
26           employment of a human trafficking victim is subject to the  
27           following:  
28           (1) For a first offense relating to the public contract,  
29           the Secretary of Labor and Industry shall issue a warning  
30           letter detailing the violation. The letter shall be posted on

~~the Department of Labor and Industry's Internet website.~~

~~(2) For a second offense relating to the public contract:~~

~~(i) At the discretion of the Commonwealth agency public body with which the public works contractor has contracted, the contractor may be subject to termination of the contract by the Commonwealth agency public body and a fine of up to \$2,000. The right of the Commonwealth agency public body to terminate the contract under this subparagraph may not be waived.~~

~~(ii) At the discretion of the public works contractor with whom the subcontractor has contracted, the subcontractor may be subject to termination of the subcontract by the public works contractor without recourse against or penalty to the public works contractor. The right of the public works contractor to terminate the subcontract under this subparagraph may not be waived.~~

~~(3) For a third or subsequent offense relating to the public contract, at the discretion of the Secretary of Labor and Industry, in addition to the sanctions in paragraph (2), the contractor or subcontractor shall be subject to debarment under 62 Pa.C.S. § 531 (relating to debarment or suspension) for one year.~~

~~(d) (C) Affirmative defense.--It shall be an affirmative defense to any proceeding for a violation of this chapter that a licensee or public works contractor or subcontractor:~~ <--

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

employment in the United States; or

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

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

~~"Licensee." An individual, corporation, partnership, limited~~

~~(D) DEFINITION.--AS USED IN THIS SECTION, "LICENSEE" SHALL MEAN AN INDIVIDUAL, CORPORATION, PARTNERSHIP, LIMITED liability company or other legal entity that holds a license issued by a departmental or AN administrative board or commission under the Bureau of Professional and Occupational Affairs in the Department of State.~~ <--

~~"Public body." The Commonwealth of Pennsylvania, any of its political subdivisions, any authority created by the General Assembly of the Commonwealth and any instrumentality or agency of the Commonwealth.~~ <--

~~"Public work." Construction, reconstruction, demolition, alteration and repair work other than maintenance work, done under contract and paid for in whole or in part out of the funds of a public body where the estimated cost of the total project is in excess of \$25,000. The term shall not include work performed under a rehabilitation or manpower training program.~~

~~"Public works contractor." A contractor that provides goods or services under a contract involving a public works project.~~

~~"Public works project." A project involving a public work.~~

~~"Subcontractor." A person, other than a natural person and including, but not limited to, a staffing agency, temporary~~

~~employment agency or placement agency that performs work for a  
public works contractor under a contract for a public work.~~

~~§ 3023. Cumulative remedies.~~

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

~~§ 3024. Sentencing.~~

~~(a) Sentencing enhancements.—In determining a sentence of <--  
imprisonment for any violation of this chapter, the court shall  
consider the following aggravating factors as justification for  
imposing the maximum sentence allowed under law:~~

~~(1) If a human trafficking victim suffered bodily  
injury, with increased penalties for:~~

~~(i) Serious bodily injury, as defined in section  
2301 (relating to definitions).~~

~~(ii) Permanent or life threatening bodily injury.~~

~~(iii) Death.~~

~~(2) The time the individual was held in involuntary  
servitude, with increased penalties for holding a human  
trafficking victim:~~

~~(i) For at least 180 days and less than one year.~~

~~(ii) For one year or more.~~

~~(3) The number of human trafficking victims, with  
increased penalties if violations involved more than one  
human trafficking victim.~~

~~(4) If the human trafficking victim was a minor at the  
time of the initial offense under this chapter.~~

~~(b) Victim impact statement.—Human trafficking victims  
under this chapter shall have the opportunity to offer prior  
comment on the sentencing of a defendant under the following~~



circumstances:

~~(1) The office of the district attorney shall provide notice of the opportunity to the human trafficking victim.~~

~~(2) The prior comment may include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the human trafficking victim and the human trafficking victim's family.~~

~~(3) The written statement or oral transcript shall be included in any predisposition or presentence report submitted to the court.~~

~~(4) Victim impact statements shall be considered by a court when determining a sentence.~~

~~(5) An interpreter who speaks a language that the human trafficking victim understands shall be made available to the human trafficking victim during the course of legal proceedings.~~

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

§ 3025. Data collection.

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

#### SUBCHAPTER C

#### PREVENTION OF HUMAN TRAFFICKING

Sec.

1 3031. Pennsylvania Council for the Prevention of Human  
2 Trafficking.  
3 3032. Commission responsibilities.  
4 3033. Training.  
5 3034. Public awareness.  
6 3035. National Human Trafficking Resource Center Hotline.  
7 3036. Grants.  
8 3037. Role of nongovernmental organizations.

9 § 3031. Pennsylvania Council for the Prevention of Human  
10 Trafficking.

11 ~~(a) Establishment. The Pennsylvania Council for the~~ <--

12 ~~(A) ESTABLISHMENT.--~~ <--

13 (1) PURSUANT TO THE PROVISIONS OF PARAGRAPH (2), THE  
14 PENNSYLVANIA COUNCIL FOR THE Prevention of Human Trafficking  
15 is established in the commission. <--

16 (2) THE COMMISSION MAY ESTABLISH THE COUNCIL IN THE <--  
17 COMMISSION, SUBJECT TO THE AVAILABILITY OF FUNDS, TO PROVIDE  
18 SUPPORT FOR THE ADMINISTRATION OF THE COUNCIL AND FOR THE  
19 IMPLEMENTATION OF THE COUNCIL'S RESPONSIBILITIES OR THE  
20 COMMISSION MAY ENTER INTO A CONTRACT, MEMORANDUM OF  
21 UNDERSTANDING OR OTHER AGREEMENT WITH ANOTHER GOVERNMENTAL OR  
22 A NONGOVERNMENTAL ENTITY TO ESTABLISH THE COUNCIL, PROVIDE  
23 SUPPORT FOR THE ADMINISTRATION OF THE COUNCIL AND IMPLEMENT  
24 THE COUNCIL'S RESPONSIBILITIES.

25 (b) Membership.--The council shall MAY include the <--  
26 following:

27 (1) A representative of the Office of the Governor.  
28 (2) A representative of the Office of Attorney General.  
29 (3) A representative of the Department of Labor and  
30 Industry.

1       (4) A representative of the Department of Health.  
2       (5) A representative of the Department of Public  
3 Welfare.  
4       (6) A representative of the Department of State.  
5       (7) A representative of the Pennsylvania State Police.  
6       (8) A representative of the Pennsylvania District  
7 Attorneys Association.  
8       (9) A representative of the Pennsylvania Chiefs of  
9 Police Association.  
10       (10) A representative of the Pennsylvania Sheriffs'  
11 Association.  
12       (11) A representative of the Pennsylvania Coalition  
13 Against Domestic Violence.  
14       (12) A representative of the Pennsylvania Coalition  
15 Against Rape.  
16       (13) Three representatives of local law enforcement  
17 agencies appointed by the Governor. <--  
18       (14) Ten representatives from nongovernmental  
19 organizations appointed by the Governor to include: <--  
20           (i) organizations with substantial experience  
21 serving human trafficking victims VICTIMS OF HUMAN <--  
22 TRAFFICKING;  
23           (ii) regional organizations, including task forces  
24 and coalitions devoted to human trafficking;  
25           (iii) agencies devoted to runaway services; and  
26           (iv) academic researchers dedicated to the subject  
27 of human trafficking.  
28       (15) A REPRESENTATIVE OF THE PENNSYLVANIA COMMISSION ON <--  
29 SENTENCING.  
30       (c) Federal government representation on council.--The <--

~~Governor shall invite a~~ A representative from each of the <--  
following organizations operating within the Commonwealth MAY BE <--  
INVITED BY THE COUNCIL to be members of the council:

(1) The United States Attorneys' offices.

(2) The Federal Bureau of Investigation.

(3) The United States Immigration and Customs  
Enforcement.

(4) The United States Department of Labor.

(d) Procedural matters.--

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

(2) The commission OR ENTITY, AS APPROPRIATE UNDER <--  
SUBSECTION (A) (2), shall call and organize the first meeting  
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 shall 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) ~~Administer the grant program established in section~~ <--  
~~3036 (relating to grants)~~ ENHANCE AND SUPPORT LOCAL AND <--

1 REGIONAL EFFORTS TO DETER HUMAN TRAFFICKING.

2 (3) Advise AND ASSIST the commission in carrying out its <--  
3 duties under this chapter.

4 (f) Annual report. The council shall submit an annual <--  
5 report of its findings and recommendations to the Governor, the  
6 President pro tempore of the Senate and the Speaker of the House  
7 of Representatives on or before December 31 of each calendar  
8 year.

9 § 3032. Commission responsibilities.

10 (a) Responsibilities. The commission shall, SUBJECT TO THE <--  
11 AVAILABILITY OF RESOURCES:

12 (1) Enhance and support local and regional efforts to <--  
13 combat human trafficking ADMINISTER THE GRANT PROGRAM <--  
14 ESTABLISHED IN SECTION 3036 (RELATING TO GRANTS).

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

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

19 (4) Explore the establishment of State policies for time  
20 limits for the issuance of law enforcement agency  
21 endorsements as described in Federal regulations found at 8  
22 CFR § 214.11(f)(1) (relating to alien victims of severe forms  
23 of trafficking in persons).

24 (5) Establish policies to work with nongovernmental <--  
25 organizations to prevent human trafficking and provide  
26 assistance to human trafficking victims.

27 (6) Review existing services and facilities to meet the  
28 needs of human trafficking victims and recommend improved  
29 coordination efforts involving:

30 (i) Health services, including mental health

services.

~~(ii) Housing.~~

~~(iii) Education and job training.~~

~~(iv) English as a Second Language classes.~~

~~(v) Interpreting services.~~

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

~~(vii) Victim compensation.~~

~~(viii) Processes and procedures to protect human  
trafficking victims after identification as a human  
trafficking victim.~~

~~(7) Evaluate various approaches used by State and local  
governments to increase public awareness of human  
trafficking.~~

~~(8) Develop screening protocols for use by emergency  
medical services providers as defined in 35 Pa.C.S. § 8103  
(relating to definitions).~~

~~(9) Compile and publish a Statewide directory of  
agencies that provide services to human trafficking victims.~~

~~(10) Develop guidelines for size and display of public  
information materials developed under section 3034 (relating  
to public awareness).~~

(5) RECOMMEND POLICIES AND PROCEDURES FOR THE <--  
COORDINATION OF THE FOLLOWING SERVICES FOR HUMAN TRAFFICKING  
VICTIMS:

(I) HEALTHCARE SERVICES, INCLUDING MENTAL HEALTH  
SERVICES, TESTING FOR SEXUALLY TRANSMITTED DISEASES,  
IMMUNODEFICIENCY VIRUSES AND SUBSTANCE ABUSE COUNSELING.

(II) APPROPRIATE HOUSING, TAKING INTO ACCOUNT THE  
VICTIM'S STATUS AS A VICTIM OF AN OFFENSE ENUMERATED  
UNDER THIS CHAPTER.

(III) EMPLOYMENT, EDUCATION AND TRAINING  
OPPORTUNITIES.

(IV) ENGLISH AS A SECOND LANGUAGE CLASSES.

(V) INTERPRETING SERVICES.

(VI) LEGAL AND IMMIGRATION SERVICES.

(VII) CHILD CARE SERVICES.

~~(11) (6) Provide administrative support or other~~  
~~assistance to the council.~~

<--

~~(b) Delegation of responsibilities. The commission may~~  
~~delegate any or all of its duties to nongovernmental~~  
~~organizations.~~

<--

§ 3033. Training.

~~(a) Law enforcement personnel~~ COURSE OF TRAINING.--The  
commission shall develop a course of training in all aspects of  
human trafficking to be included as a component of in-service  
training for the following:

<--

~~(1) Members of the Pennsylvania State Police.~~

~~(2) Municipal police officers, as defined in 53 Pa.C.S.~~

~~Ch. 21 (relating to employees).~~

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

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

~~(b) Juvenile detention center staff. The commission shall~~  
~~develop a course of training in all aspects of human trafficking~~  
~~to be presented as an annual workshop for all juvenile detention~~  
~~center staff., WHICH MAY INCLUDE VIRTUAL TRAINING. THE TRAINING~~  
SHALL BE INCLUDED AS A COMPONENT OF CERTIFICATION OR IN-SERVICE  
TRAINING BY, BUT NOT LIMITED TO:

<--

(1) THE MEMBERS OF THE PENNSYLVANIA STATE POLICE.

(2) MUNICIPAL POLICE OFFICERS AS DEFINED IN 53 PA.C.S.

CH. 21 (RELATING TO EMPLOYEES).

1           (3) COUNTY SHERIFFS AND DEPUTY SHERIFFS.  
2           (4) ADULT AND JUVENILE PAROLE AND PROBATION OFFICERS.  
3           (5) AGENTS OF THE OFFICE OF ATTORNEY GENERAL.  
4           (6) JUVENILE DETENTION CENTER STAFF.  
5           (c) Other agencies.--The following ~~shall~~ GOVERNMENT ENTITIES <--  
6 MAY add a training component to identify ~~human trafficking~~ <--  
7 ~~victims~~ VICTIMS OF HUMAN TRAFFICKING for use by their personnel: <--  
8           (1) The Department of Corrections.  
9           (2) The Department of Health.  
10           (3) The Department of Public Welfare.  
11           (4) The Department of Education.  
12           (5) The Department of Labor and Industry.  
13           (6) The Office of Victim Advocate.  
14           (7) The commission.  
15           (d) ~~Victims in shelters~~ SHELTER PERSONNEL.--The commission <--  
16 shall develop training materials, WHICH MAY INCLUDE VIRTUAL <--  
17 TRAINING MATERIALS, for use by staff working in domestic  
18 violence, sexual violence and human trafficking shelters to  
19 ensure the safety of ~~human trafficking victims~~ VICTIMS OF HUMAN <--  
20 TRAFFICKING residing in shelters.  
21 § 3034. Public awareness.  
22           (a) Potential victims and content.--In cooperation with  
23 appropriate nongovernmental organizations AND THE COUNCIL, the <--  
24 commission shall prepare public awareness programs designed to  
25 educate ~~potential victims and their families~~ THE COMMUNITY on <--  
26 the risks of human trafficking, including information regarding:  
27           (1) Common recruitment techniques.  
28           (2) The use of debt bondage.  
29           (3) Common coercive tactics.  
30           (4) The health risks of maltreatment, rape, exposure to



1 HIV/AIDS and sexually transmitted diseases.

2 (5) The potential psychological harm.

3 (6) The risks of engaging in commercial sex acts and  
4 possible punishment.

5 (7) ~~Human trafficking victims' rights~~ THE RIGHTS OF <--  
6 VICTIMS OF HUMAN TRAFFICKING under Federal and State law.

7 (8) Methods for reporting suspected recruitment  
8 activities.

9 (9) Types of services available to victims and how to  
10 access such services.

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

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

23 (c) Content.--General public awareness programs and  
24 materials under this section shall recognize and be sensitive to  
25 ethnic and cultural differences among ~~human trafficking victims~~ <--  
26 VICTIMS OF HUMAN TRAFFICKING and may include: <--

27 (1) The impact of human trafficking on individual  
28 victims.

29 (2) Aggregate information on human trafficking worldwide  
30 and domestically.

1       (3) Warnings of the criminal consequences of engaging in  
2       human trafficking.

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

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

9       (e) Privacy protected.--All programs and materials developed  
10      under this section shall preserve the privacy of ~~human~~       <--  
11      ~~trafficking victims~~ VICTIMS OF HUMAN TRAFFICKING and their       <--  
12      families.

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

16      § 3035. National Human Trafficking Resource Center Hotline.

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

21      § 3036. Grants.

22      (a) General rule.--Subject to the availability of funds, the  
23      ~~council~~ COMMISSION shall make grants to units of local       <--  
24      government and nongovernmental organizations to:

25              (1) Develop, expand or strengthen programs for victims  
26              OF HUMAN TRAFFICKING.       <--

27              (2) Ensure prevention of human trafficking.

28              (3) Ensure protection of victims OF HUMAN TRAFFICKING.       <--

29      (b) Conflict of interest.--Whenever a member of the council  
30      is a representative of an applicant for a grant under this

1 section, the member shall fully disclose the nature of the  
2 interest and withdraw from discussion, lobbying and voting on  
3 the matter. Any transaction or vote involving a potential  
4 conflict of interest shall be approved only when a majority of  
5 disinterested council members determines that it is in the best  
6 interests of the grant program to do so.

7 § 3037. Role of nongovernmental organizations.

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

14 (1) Organizations with substantial experience serving  
15 victims of human trafficking, sexual violence or domestic  
16 violence.

17 (2) Regional organizations, including task forces and  
18 coalitions devoted to human trafficking.

19 (3) Agencies devoted to runaway services.

20 (4) Agencies providing shelter and secure housing for  
21 victims.

22 (5) Academic researchers dedicated to the subject of  
23 human trafficking.

24 SUBCHAPTER D

25 PROTECTION OF ~~HUMAN TRAFFICKING VICTIMS~~ VICTIMS OF HUMAN

<--

26 TRAFFICKING

27 Sec.

28 3051. State Plan for the Prevention of Human Trafficking.

29 3052. Civil causes of action.

30 3053. Protection of victims.

1 3054. Appropriate implementation for minor ~~human trafficking~~ <--  
2 ~~victims~~ VICTIMS OF HUMAN TRAFFICKING. <--  
3 3055. Services.  
4 3056. Victims in shelters.  
5 § 3051. State Plan for the Prevention of Human Trafficking.  
6 (a) Development of plan.--The council shall assist the  
7 commission in the development of the plan for a coordinated  
8 response system to provide services to ~~human trafficking victims~~ <--  
9 VICTIMS OF HUMAN TRAFFICKING as provided in section 9 of the act <--  
10 of October 24, 2012 (P.L.1618, No.197), known as the National  
11 Human Trafficking Resource Center Hotline Notification Act.  
12 (b) Personal characteristics to be considered.--In the  
13 development of the State plan under this section, the council  
14 shall consider the following factors relevant to the ~~human~~ <--  
15 ~~trafficking victim~~ VICTIM OF HUMAN TRAFFICKING and the victim's <--  
16 dependent children:  
17 (1) Age.  
18 (2) Gender.  
19 (3) Special needs.  
20 (4) Sexual orientation.  
21 (5) Gender identity.  
22 (6) Racial and ethnic background.  
23 (c) Implementation.--The State plan shall be submitted to  
24 the commission, which shall implement the plan in compliance  
25 with the requirements of this section and ensure that all ~~human~~ <--  
26 ~~trafficking victims~~ VICTIMS OF HUMAN TRAFFICKING are treated <--  
27 with respect for their human rights and dignity. The council  
28 shall review the State plan annually to ensure that it continues  
29 to meet the needs of victims of human trafficking.  
30 § 3052. Civil causes of action.

1 (a) General rule.--

2 (1) An individual who is a ~~human trafficking victim~~ <--  
3 VICTIM OF HUMAN TRAFFICKING may bring a civil action against <--  
4 any person that participated in the human trafficking of the  
5 individual in the court of common pleas of the county where  
6 the individual resides or where any of the alleged violations  
7 of this chapter occurred.

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

11 (i) recruits, profits from or maintains the victim  
12 in any sex trade act;

13 (ii) abuses or causes bodily harm to the victim in  
14 any sex trade act; and

15 (iii) knowingly advertises or publishes  
16 advertisements for purposes of recruitment into sex trade  
17 activity.

18 (b) Exception.--This section shall not be construed to  
19 create liability for any person who provides goods or services  
20 to the general public and to a person who would be liable under  
21 ~~paragraph~~ SUBSECTION (a)(2), absent a showing that the person: <--

22 (1) knowingly markets or provides its goods or services  
23 to a person liable under ~~paragraph~~ SUBSECTION (a)(2); <--

24 (2) knowingly receives a higher level of compensation  
25 from a person liable under ~~paragraph~~ SUBSECTION (a)(2); or <--

26 (3) supervises or exercises control over a person liable  
27 under ~~paragraph~~ SUBSECTION (a)(2). <--

28 (c) Damages.--The court may award any of the following forms  
29 of relief:

30 (1) Actual damages.

1       (2) Compensatory damages.

2       (3) Punitive damages.

3       (4) Injunctive relief.

4       (5) Any other appropriate relief.

5       (d) Attorney fees and costs.--A prevailing plaintiff who is  
6 a ~~human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING shall be <--  
7 awarded reasonable attorney fees and costs.

8       (e) Treble damages.--Treble damages shall be awarded to a  
9 ~~human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING on proof of <--  
10 actual damages where the defendant's acts were willful and  
11 malicious.

12       (f) Joinder of actions.--In the discretion of the court:

13           (1) Two or more individuals may join in one action under  
14 this section as plaintiffs if their respective actions  
15 involve at least one defendant in common.

16           (2) Two or more persons may be joined in one action  
17 under this section as defendants if those persons may be  
18 liable to at least one plaintiff in common.

19       (g) Attempts at avoidance of liability.--No person may avoid  
20 liability under this section by:

21           (1) a conveyance of any right, title or interest in real  
22 property; or

23           (2) an agreement, including an indemnification agreement  
24 or hold harmless agreement, that purports to show the consent  
25 of the ~~human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING. <--

26       (h) Statute of limitations.--The statute of limitations for  
27 an action under this section may be tolled under any of the  
28 following circumstances:

29           (1) Until the plaintiff discovers that the human  
30 trafficking incident occurred and that the defendant caused,

1 was responsible for or profited from the incident.

2 (2) Until a minor victim has attained the age of  
3 majority.

4 (3) If a plaintiff is under a disability that makes it  
5 impossible or impracticable for the plaintiff to bring an  
6 action at the time the cause of action accrues, until the  
7 disability has been removed.

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

12 (5) If the plaintiff is subject to threats,  
13 intimidation, manipulation or fraud perpetrated by the  
14 defendant or any person acting on the defendant's behalf,  
15 until such actions have ceased.

16 (i) Estoppel.--A defendant is estopped from asserting a  
17 defense of the statute of limitations when the expiration of the  
18 statute is due to conduct by the defendant inducing the  
19 plaintiff to delay the filing of the action or placing the  
20 plaintiff under duress.

21 (j) Nondefenses.--It shall not be a defense to an action  
22 under this section that the following occurred:

23 (1) The victim of the sex trade and the defendant had a  
24 consensual sexual relationship.

25 (2) The defendant is related to the victim of the sex  
26 trade by blood or marriage.

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

29 (4) The victim of the sex trade was paid or otherwise  
30 compensated for sex trade activity.

1       (5) The victim of the sex trade engaged in sex trade  
2       activity prior to any involvement with the defendant.

3       (6) The victim of the sex trade continued to engage in  
4       sex trade activity following any involvement with the  
5       defendant.

6       (7) The victim of the sex trade made no attempt to  
7       escape, flee or otherwise terminate the contact with the  
8       defendant.

9       (8) The victim of the sex trade consented to engage in  
10       sex trade activity.

11       (9) The victim of the sex trade engaged in only a single  
12       incident of sex trade activity.

13       (10) There was no physical contact involved in the sex  
14       trade activity.

15       (11) As a condition of employment, the defendant  
16       required the victim of the sex trade to agree not to engage  
17       in prostitution.

18       (12) The defendant's place of business was posted with  
19       signs prohibiting prostitution or prostitution-related  
20       activities.

21       (13) The victim of the sex trade has been convicted or  
22       charged with prostitution or prostitution-related offenses.

23       (14) The victim of labor trafficking made no attempt to  
24       escape, flee or otherwise terminate the contact with the  
25       defendant.

26       (k) Definitions.--The following words and phrases when used  
27       in this section shall have the meanings given to them in this  
28       subsection unless the context clearly indicates otherwise:

29       "Disability." Includes insanity, imprisonment or other  
30       incapacity or intellectual disability.



1 "Sex trade." An act, which if proven beyond a reasonable  
2 doubt, could support a conviction for violation or attempted  
3 violation of Ch. 59 (relating to public indecency) or section  
4 6312 (relating to sexual abuse of children).

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

6 (1) The object of a solicitation for prostitution.

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

8 (3) Intended or compelled to engage in an act of  
9 prostitution.

10 (4) Intended or compelled to engage in a commercial sex  
11 act.

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

14 (6) In the case of obscenity or child pornography, has  
15 appeared in or been described or depicted in the offending  
16 conduct or material.

17 § 3053. Protection of victims.

18 Law enforcement agencies shall take all REASONABLE steps <--  
19 necessary to identify and protect human trafficking victims, <--  
20 including: PROTECT AND ASSIST VICTIMS OF HUMAN TRAFFICKING. <--

21 (1) Interviewing all individuals arrested on charges of <--  
22 prostitution to identify if they are victims.

23 (2) Upon identification as a human trafficking victim  
24 and subject to the consent of the victim and the victim's  
25 family, where family consent is appropriate, by:

26 (i) providing reasonable protection to prevent  
27 recapture by human traffickers and their associates;

28 (ii) securing the victim and the victim's family  
29 known to be living in this Commonwealth from threats,  
30 reprisals or intimidation by the human traffickers and

~~their associates; and~~

~~(iii) ensuring that the victim has an opportunity to  
consult with a victim advocate or other appropriate  
person to develop a safety plan and for advocacy  
purposes.~~

~~§ 3054. Appropriate implementation for minor human trafficking~~ <--  
~~victims~~ VICTIMS OF HUMAN TRAFFICKING. <--

(a) Best interest standard.--The provision of services to a  
~~minor human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING by <--  
the Commonwealth or by any institution or person established or  
licensed by the Commonwealth shall be carried out in a manner  
that is in the best interest of the minor and appropriate to the  
particular situation.

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

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

(2) Reuniting the minor with family members, whether  
within or without the United States, whenever safe, possible  
and in the best interest of the minor.

(3) Formally investigate the home situation of a minor  
who became a ~~human trafficking victim~~ VICTIM OF HUMAN <--  
TRAFFICKING after running away or being cast out of the  
minor's home or foster care.

§ 3055. Services.

(a) Effect of guilty plea. ~~Any plea of guilty entered under~~ <--  
CONVICTION.--ANY CONVICTION OF section 3011 (relating to <--

1 trafficking in individuals) or 3012 (relating to involuntary  
2 servitude) by a defendant shall automatically entitle the human <--  
3 trafficking victim VICTIM OF HUMAN TRAFFICKING to all benefits, <--  
4 rights and compensation granted under this chapter AND THE ACT <--  
5 OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME  
6 VICTIMS ACT.

7 (b) Information for victims.--The commission shall prepare a  
8 model informational form to be used by any person having contact  
9 with human trafficking victims VICTIMS OF HUMAN TRAFFICKING that <--  
10 informs human trafficking victims VICTIMS OF HUMAN TRAFFICKING, <--  
11 in a language they can understand, of the following:

12 (1) Progress in the prosecution of the defendants. <--

13 (2) Information on prison release dates of persons  
14 convicted of offenses under this chapter.

15 (3) Their right to provide a victim impact statement.

16 (4) Their right to a victim advocate.

17 (5) (1) The procedure for repatriation to the human <--  
18 trafficking victim's country of citizenship or lawful  
19 residence OF THE VICTIM OF HUMAN TRAFFICKING. <--

20 (6) (2) A directory of local human trafficking victim <--  
21 service organizations FOR VICTIMS OF HUMAN TRAFFICKING. <--

22 (7) (3) A directory of legal services organizations that <--  
23 can assist human trafficking victims VICTIMS OF HUMAN <--  
24 TRAFFICKING in obtaining or maintaining legal immigration  
25 status.

26 (c) Access to crime victims' services. <--

27 (1) Human trafficking victims shall be eligible for  
28 benefits and compensation under the act of November 24, 1998  
29 (P.L.882, No.111), known as the Crime Victims Act.

30 (2) Law enforcement agencies shall inform human

~~trafficking victims of benefits they may receive under  
Federal and State laws, and may assist those human  
trafficking victims in obtaining such benefits where law  
enforcement assistance is required in order to obtain those  
benefits.~~

~~(3) A human trafficking victim who is charged with a  
violation under Ch. 59 (relating to public indecency) shall  
not be precluded from receiving benefits under the Crime  
Victims Act on the basis of those charges only.~~

~~(4) A DIRECTORY OF BENEFITS FOR VICTIMS OF HUMAN~~ <--  
~~TRAFFICKING UNDER FEDERAL AND STATE LAWS.~~

~~(d) Refugee benefits BENEFITS FOR VICTIMS OF HUMAN~~ <--  
~~TRAFFICKING.--Foreign national human trafficking victims VICTIMS~~ <--  
~~OF HUMAN TRAFFICKING and their accompanying dependent children~~  
~~shall be eligible to receive benefits in the same manner and to~~ <--  
~~the same extent as refugees. AS SPECIFIED UNDER THE TRAFFICKING~~ <--  
~~VICTIMS PROTECTION ACT OF 2000 (114 STAT. 1466, 22 U.S.C. § 7101~~  
~~ET SEQ.).~~

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

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

~~(2) Investigate complaints of unlawful working~~ <--  
~~conditions without regard to the immigration status of the~~  
~~complainants and without regard to the nature of the work or~~  
~~services involved.~~

~~(2) REPORT TO THE APPROPRIATE LAW ENFORCEMENT AGENCY ANY~~ <--  
~~EVIDENCE OF HUMAN TRAFFICKING THAT MAY BE DISCOVERED DURING~~

1 THE COURSE OF AN INVESTIGATION OF WAGES, HOURS OF WORK AND  
2 WORKING CONDITIONS.

3 (f) Immigration certification.--

4 (1) The Attorney General, a district attorney or any  
5 representative of a law enforcement agency may certify in  
6 writing to the United States Department of Justice or other  
7 Federal agency, including the United States Department of  
8 Homeland Security, that:

9 (i) an investigation or prosecution under this  
10 chapter has begun; and

11 (ii) an individual who may be a ~~human trafficking~~ <--  
12 ~~victim~~ VICTIM OF HUMAN TRAFFICKING is willing to <--  
13 cooperate or is cooperating with the investigation to  
14 enable the individual, if eligible under Federal law, to  
15 qualify for an appropriate special immigrant visa and to  
16 access available Federal benefits.

17 (2) Cooperation with law enforcement agencies shall not  
18 be required of a ~~human trafficking victim~~ VICTIM OF HUMAN <--  
19 TRAFFICKING who is a minor.

20 (3) Certification under this subsection may be made  
21 available to the ~~human trafficking victim~~ VICTIM OF HUMAN <--  
22 TRAFFICKING and the ~~human trafficking victim's~~ designated <--  
23 legal representative OF THE VICTIM OF HUMAN TRAFFICKING. <--

24 § 3056. Victims in shelters.

25 (a) Voluntary placement.--Residence of a ~~human trafficking~~ <--  
26 ~~victim~~ VICTIM OF HUMAN TRAFFICKING in a shelter or other <--  
27 facility shall be voluntary, and a ~~human trafficking victim~~ <--  
28 VICTIM OF HUMAN TRAFFICKING may decline to stay in a shelter or <--  
29 other facility.

30 (b) Restrictions on admission.--Admission to a shelter:

1       (1) shall be made without regard to race, religion,  
2       ethnic background, sexual orientation, country of origin or  
3       culture; and

4       (2) may not be conditioned on whether the human <--  
5       trafficking victim VICTIM OF HUMAN TRAFFICKING is cooperating <--  
6       with a law enforcement agency in its attempts to prosecute  
7       persons under this chapter.

8                               SUBCHAPTER E

9                               MISCELLANEOUS PROVISIONS

10   Sec.

11   ~~3071. Appropriations.~~ <--

12   ~~3072. Other funding.~~

13   3071. FUNDING. <--

14   ~~3073. 3072. Nonexclusivity.~~ <--

15   ~~§ 3071. Appropriations.~~ <--

16       ~~The General Assembly shall appropriate funds as necessary to~~  
17       ~~support the activities of the council.~~

18   ~~§ 3072. Other funding. § 3071. FUNDING.~~ <--

19       (a) Grant applications.--In addition to the ANY money <--  
20       ~~appropriated in section 3071 (relating to appropriations) and~~ <--  
21       ~~any other money~~ that may be appropriated from time to time by  
22       the General Assembly for its work, the council, in conjunction  
23       with the commission, is authorized to MAY apply for and expend <--  
24       Federal grants and grants and contributions from other public,  
25       quasi-public or private sources to assist in implementing this  
26       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 § ~~3073~~ 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 4. Section 5708(1) of Title 18 is amended to read:

12 § 5708. Order authorizing interception of wire, electronic or  
13 oral communications.

14 The Attorney General, or, during the absence or incapacity of  
15 the Attorney General, a deputy attorney general designated in  
16 writing by the Attorney General, or the district attorney or,  
17 during the absence or incapacity of the district attorney, an  
18 assistant district attorney designated in writing by the  
19 district attorney of the county wherein the suspected criminal  
20 activity has been, is or is about to occur, may make written  
21 application to any Superior Court judge for an order authorizing  
22 the interception of a wire, electronic or oral communication by  
23 the investigative or law enforcement officers or agency having  
24 responsibility for an investigation involving suspected criminal  
25 activities when such interception may provide evidence of the  
26 commission of any of the following offenses, or may provide  
27 evidence aiding in the apprehension of the perpetrator or  
28 perpetrators of any of the following offenses:

29 (1) Under this title:

30 Section 911 (relating to corrupt organizations)

1           Section 2501 (relating to criminal homicide)  
2           Section 2502 (relating to murder)  
3           Section 2503 (relating to voluntary manslaughter)  
4           Section 2702 (relating to aggravated assault)  
5           Section 2706 (relating to terroristic threats)  
6           Section 2709.1 (relating to stalking)  
7           Section 2716 (relating to weapons of mass  
8           destruction)  
9           Section 2901 (relating to kidnapping)  
10          Section [3002] 3011 (relating to trafficking [of  
11          persons] in individuals)  
12          Section 3121 (relating to rape)  
13          Section 3123 (relating to involuntary deviate sexual  
14          intercourse)  
15          Section 3124.1 (relating to sexual assault)  
16          Section 3125 (relating to aggravated indecent  
17          assault)  
18          Section 3301 (relating to arson and related offenses)  
19          Section 3302 (relating to causing or risking  
20          catastrophe)  
21          Section 3502 (relating to burglary)  
22          Section 3701 (relating to robbery)  
23          Section 3921 (relating to theft by unlawful taking or  
24          disposition)  
25          Section 3922 (relating to theft by deception)  
26          Section 3923 (relating to theft by extortion)  
27          Section 4701 (relating to bribery in official and  
28          political matters)  
29          Section 4702 (relating to threats and other improper  
30          influence in official and political matters)



1           Section 5512 (relating to lotteries, etc.)  
2           Section 5513 (relating to gambling devices, gambling,  
3           etc.)  
4           Section 5514 (relating to pool selling and  
5           bookmaking)  
6           Section 5516 (relating to facsimile weapons of mass  
7           destruction)  
8           Section 6318 (relating to unlawful contact with  
9           minor)  
10          \* \* \*

11       Section 5. Sections 4415 and 4436 of Title 42 are amended by  
12       adding paragraphs to read:

13       § 4415. Confidential communications in presence of interpreter.

14       An interpreter appointed under this subchapter shall not be  
15       compelled to testify in any judicial proceeding or  
16       administrative proceeding to any statements made by the person  
17       with limited English proficiency and interpreted by the  
18       interpreter when the person with limited English proficiency is  
19       engaged in a confidential communication as provided by any  
20       statute or general rule, including, but not limited to:

21       \* \* \*

22       (9) Section 5945.3 (relating to confidential  
23       communications with human trafficking caseworkers).

24       § 4436. 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       who is deaf and interpreted by the interpreter when the person  
29       who is deaf is engaged in a confidential communication as  
30       provided by any statute or general rule, including, but not

1 limited to:

2 \* \* \*

3 (9) Section 5945.3 (relating to confidential  
4 communications with human trafficking caseworkers).

5 Section 6. Section 5552(c)(3) of Title 42 is amended and the  
6 subsection is amended by adding a paragraph to read:

7 § 5552. Other offenses.

8 \* \* \*

9 (c) Exceptions.--If the period prescribed in subsection (a),  
10 (b) or (b.1) has expired, a prosecution may nevertheless be  
11 commenced for:

12 \* \* \*

13 (3) Any sexual offense committed against a minor who is  
14 less than 18 years of age any time up to the later of the  
15 period of limitation provided by law after the minor has  
16 reached 18 years of age or the date the minor reaches 50  
17 years of age. As used in this paragraph, the term "sexual  
18 offense" means a crime under the following provisions of  
19 Title 18 (relating to crimes and offenses):

20 Section 3011(b) (relating to trafficking in  
21 individuals).

22 Section 3012 (relating to involuntary servitude).

23 Section 3121 (relating to rape).

24 Section 3122.1 (relating to statutory sexual  
25 assault).

26 Section 3123 (relating to involuntary deviate sexual  
27 intercourse).

28 Section 3124.1 (relating to sexual assault).

29 Section 3125 (relating to aggravated indecent  
30 assault).

Section 3126 (relating to indecent assault).  
Section 3127 (relating to indecent exposure).  
Section 4302 (relating to incest).  
Section 4304 (relating to endangering welfare of  
children).

Section 6301 (relating to corruption of minors).  
Section 6312(b) (relating to sexual abuse of  
children).

Section 6320 (relating to sexual exploitation of  
children).

\* \* \*

(5) An offense under 18 Pa.C.S. § 3011 or 3012 in which  
the ~~human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING was  
not a minor any time up to five years from the date the human  
trafficking victim escaped from the human trafficking  
situation. <--

\* \* \*

Section 7. Section 5554(2) and (3) of Title 42 are amended  
and the section is amended by adding a paragraph to read:  
§ 5554. Tolling of statute.

Except as provided by section 5553(e) (relating to  
disposition of proceedings within two years), the period of  
limitation does not run during any time when:

\* \* \*

(2) a prosecution against the accused for the same  
conduct is pending in this Commonwealth; [or]

(3) a child is under 18 years of age, where the crime  
involves injuries to the person of the child caused by the  
wrongful act, or neglect, or unlawful violence, or negligence  
of the child's parents or by a person responsible for the

child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent[.]; or

(4) a person entitled to prosecute an offense under 18 Pa.C.S. Ch. 30 (relating to human trafficking) could not have reasonably discovered the offense due to circumstances resulting from the human trafficking situation, such as psychological trauma, social, cultural and linguistic isolation and the inability to access services.

Section 8. Title 42 is amended by adding a section to read:

§ 5945.3. Confidential communications with human trafficking caseworkers.

(a) Sexual assault counselors.--An individual qualified as a sexual assault counselor under section 5945.1(a) (relating to confidential communications with sexual assault counselors) may serve as a human trafficking counselor under this section.

(b) Privilege.--

(1) This subsection applies to all of the following:

(i) A human trafficking caseworker.

(ii) An interpreter.

(2) An individual designated in paragraph (1) may not disclose a confidential communication without the written consent of the ~~human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING who made the confidential communication.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Confidential communication." All information, oral or written, transmitted between a victim of human trafficking and a human trafficking caseworker in the course of their relationship. The term includes advice, reports, statistical

<--

data, memoranda, working papers and records, given or made during that relationship, including matters transmitted between the human trafficking caseworker and the victim through the use of an interpreter.

"Human trafficking caseworker." An individual:

(1) who is engaged by any organization whether financially compensated or not;

(2) whose primary purpose is the rendering of advice or assistance to a ~~human trafficking victim~~ VICTIM OF HUMAN TRAFFICKING, as defined in 18 Pa.C.S. § 3001 (relating to definitions); and

<--

(3) who:

(i) holds a master's degree or higher in counseling or a related field;

(ii) has an undergraduate degree or equivalent in a human services profession; or

(iii) is supervised by an individual qualified under subparagraph (i) or (ii) and has at least 80 hours of training received under that supervision in:

(A) the history of human trafficking;

(B) civil law and criminal law as they relate to human trafficking;

(C) societal attitudes toward human trafficking;

(D) peer counseling techniques;

(E) housing, public assistance and other financial resources available to meet the needs of ~~human trafficking victims~~ VICTIMS OF HUMAN

<--

TRAFFICKING;

(F) referral services available to human trafficking victims;

1                   (G) privileged communications; or

2                   (H) human trauma therapy counseling.

3       "Interpreter." An individual who translates communications  
4 between a human trafficking caseworker and a victim of human  
5 trafficking through the use of sign language, visual, oral or  
6 written translation.

7       Section 9. Sections 9720.2 and 9738(b) of Title 42 are  
8 amended to read:

9       § 9720.2. Sentencing for trafficking of persons.

10       Notwithstanding any other provision of law, a person who  
11 commits a violation of 18 Pa.C.S. § [3002] 3011 (relating to  
12 trafficking [of persons] in individuals) while violating:

13           (1) 18 Pa.C.S. § 2901 (relating to kidnapping);

14           (2) 18 Pa.C.S. § 3121 (relating to rape); or

15           (3) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
16 sexual intercourse);

17 shall be sentenced up to a maximum term of life imprisonment.

18 § 9738. Victim impact statements.

19       \* \* \*

20       (b) Definition.--As used in this section, the term "victim"  
21 shall [have the same meaning as in section 479.1 of the act of  
22 April 9, 1929 (P.L.177, No.175), known as The Administrative  
23 Code of 1929.] mean a "victim" as defined in:

24           (1) section 103 of the act of November 24, 1998  
25 (P.L.882, No.111), known as the Crime Victims Act; or

26           (2) 18 Pa.C.S. § 3001 (relating to definitions).

27       Section 10. Applicability is as follows:

28           (1) The addition of 18 Pa.C.S. Ch. 30 shall apply to  
29 offenses committed on or after the effective date of this  
30 section.

1           (2) Section 2 {repeal of 18 Pa.C.S. §§ 3001, 3002, 3003  
2     and 3004} of this act shall not affect the validity of a  
3     prosecution initiated under the repealed sections.  
4     Section 11. This act shall take effect in 60 days.