
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 915 Session of
2013

INTRODUCED BY LEACH, TEPLITZ, WASHINGTON, GREENLEAF, FARNESE,
SOLOBAY, WOZNIAK, BROWNE, COSTA, HUGHES AND BREWSTER,
MAY 29, 2013

REFERRED TO JUDICIARY, MAY 29, 2013

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in public indecency, further providing for the
4 offense of prostitution and related offenses; and, in
5 juvenile matters, further providing for short title and
6 purposes of chapter, for definitions, and for informal
7 adjustment; adding provisions relating to safe harbor for
8 sexually exploited children; and establishing the Sexually
9 Exploited Children Special Fund.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 5902 of Title 18 of the Pennsylvania
13 Consolidated Statutes is amended by adding a subsection to read:

14 § 5902. Prostitution and related offenses.

15 * * *

16 (a.2) Presumption of child sex trafficking.--Notwithstanding
17 the provisions of subsection (a), if it is determined, after a
18 reasonable detention for investigative purposes, that a person
19 suspected of or charged with a violation of subsection (a) is a
20 person under 18 years of age, there shall be a presumption that
21 the person is a victim of child sex trafficking and should be

1 treated as a dependent child under 42 Pa.C.S. § 6323 (relating
2 to informal adjustment).

3 * * *

4 Section 2. Section 6301 heading of Title 42 is amended and
5 the section is amended by adding a subsection to read:

6 § 6301. Short title, findings and purposes of chapter.

7 * * *

8 (a.1) Legislative findings and special purpose.--

9 (1) The legislature finds that:

10 (i) Arresting, prosecuting and incarcerating
11 victimized children serves to re-traumatize them and to
12 increase their feelings of low-self esteem, which only
13 makes the process of recovery more difficult.

14 (ii) Both Federal and international law recognize
15 that sexually exploited children are the victims of crime
16 and should be treated as such.

17 (iii) Therefore, sexually exploited children should
18 not be prosecuted for criminal acts related to
19 prostitution.

20 (iv) Instead, sexually exploited children should,
21 where possible, be diverted into services that address
22 the needs of these children outside of the justice
23 system.

24 (v) Sexually exploited children deserve the
25 protection of child welfare services, including
26 diversion, crisis intervention, counseling and emergency
27 housing services.

28 (2) (i) In addition to the purposes enumerated in
29 subsection (b), the purpose of this chapter is to protect
30 a child from further victimization after the child is

1 discovered to be a sexually exploited child by ensuring
2 that a child protective response is in place in the
3 Commonwealth. This purpose is to be accomplished by
4 presuming that any child engaged in prostitution related
5 activity is a victim of sex trafficking and providing
6 these children with the appropriate care and services
7 where possible.

8 (ii) In determining the need for and capacity of
9 services that may be provided, the Department of Public
10 Welfare should recognize that sexually exploited children
11 have separate and distinct service needs according to
12 gender and every effort should be made within the
13 juvenile court system to divert sexually exploited
14 children away from prosecution and into appropriate
15 social services.

16 * * *

17 Section 3. The definition of "dependent child" in section
18 6302 of Title 42, amended October 25, 2012 (P.L.1655, No.204),
19 is amended and the section is amended by adding a definition to
20 read:

21 § 6302. Definitions.

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

25 * * *

26 "Dependent child." A child who:

27 (1) is without proper parental care or control,
28 subsistence, education as required by law, or other care or
29 control necessary for his physical, mental, or emotional
30 health, or morals. A determination that there is a lack of

1 proper parental care or control may be based upon evidence of
2 conduct by the parent, guardian or other custodian that
3 places the health, safety or welfare of the child at risk,
4 including evidence of the parent's, guardian's or other
5 custodian's use of alcohol or a controlled substance that
6 places the health, safety or welfare of the child at risk;

7 (2) has been placed for care or adoption in violation of
8 law;

9 (3) has been abandoned by his parents, guardian, or
10 other custodian;

11 (4) is without a parent, guardian, or legal custodian;

12 (5) while subject to compulsory school attendance is
13 habitually and without justification truant from school;

14 (6) has committed a specific act or acts of habitual
15 disobedience of the reasonable and lawful commands of his
16 parent, guardian or other custodian and who is ungovernable
17 and found to be in need of care, treatment or supervision;

18 (7) has committed a delinquent act or crime, other than
19 a summary offense, while under the age of ten years;

20 (8) has been formerly adjudicated dependent, and is
21 under the jurisdiction of the court, subject to its
22 conditions or placements and who commits an act which is
23 defined as ungovernable in paragraph (6);

24 (9) has been referred pursuant to section 6323 (relating
25 to informal adjustment), and who commits an act which is
26 defined as ungovernable in paragraph (6); [or]

27 (10) is born to a parent whose parental rights with
28 regard to another child have been involuntarily terminated
29 under 23 Pa.C.S. § 2511 (relating to grounds for involuntary
30 termination) within three years immediately preceding the

1 date of birth of the child and conduct of the parent poses a
2 risk to the health, safety or welfare of the child[.]; or

3 (11) is a sexually exploited child who has been referred
4 pursuant to section 6323 (relating to informal adjustment).

5 * * *

6 "Sexually exploited child." A person under 18 years of age
7 who has been subject to sexual exploitation because the person:

8 (1) is a victim of trafficking of persons under 18
9 Pa.C.S. § 3002 (relating to trafficking of persons);

10 (2) is a victim of child sex trafficking under 18 U.S.C.
11 § 1591 (relating to sex trafficking of children by force,
12 fraud or coercion); or

13 (3) engages in an act of prostitution pursuant to 18
14 Pa.C.S. § 5902(a) (relating to prostitution and related
15 offenses).

16 * * *

17 Section 4. Section 6323(a) of Title 42 is amended by adding
18 a paragraph to read:

19 § 6323. Informal adjustment.

20 (a) General rule.--

21 * * *

22 (4) (i) Where a petition involves a delinquency
23 violation of 18 Pa.C.S. § 5902(a) (relating to
24 prostitution and related offenses), it is the child's
25 first offense, and the child expresses a willingness to
26 cooperate and receive specialized services for sexually
27 exploited children, a petition for dependency shall be
28 substituted and the court shall order specialized
29 services for the child in accordance with section 6351
30 (relating to disposition of dependent child).

1 context clearly indicates otherwise:

2 "Department." The Department of Public Welfare of the
3 Commonwealth.

4 "Fund." The Sexually Exploited Children Special Fund
5 established by this subchapter.

6 "Office." The Office of Children, Youth and Families of the
7 Department of Public Welfare of the Commonwealth.

8 § 6382. Sexually Exploited Children Special Fund.

9 (a) Assessment.--

10 (1) Any person who is convicted, pleads guilty or nolo
11 contendere to an offense involving trafficking of persons
12 under 18 Pa.C.S. § 3002 (relating to trafficking of persons),
13 promoting prostitution under 18 Pa.C.S. § 5902(b) (relating
14 to prostitution and related offenses) or promoting
15 prostitution or minor under 18 Pa.C.S. § 5902(b.1) shall be
16 ordered to pay a mandatory monetary assessment of \$2,500.

17 (2) Any person who is convicted, pleads guilty or nolo
18 contendere to an offense involving patronizing prostitutes
19 under 18 Pa.C.S. § 5902(e) shall be ordered to pay a
20 mandatory monetary assessment of \$1,000.

21 (3) Notwithstanding any law to the contrary, the
22 assessments provided by this subsection shall be in addition
23 to and not in lieu of and shall not be used to offset or
24 reduce any fine authorized or required by law.

25 (b) Establishment of fund.--

26 (1) The Sexually Exploited Children Special Fund is
27 established in the State Treasury and shall be administered
28 by the department.

29 (2) Appropriations by the General Assembly and all
30 monetary assessments paid and interest accrued on funds

1 collected pursuant to subsection (a) shall be deposited into
2 the fund.

3 (3) Moneys in the fund shall be used for the provision
4 of services and treatment, such as securing residential
5 housing, health services and social services to sexually
6 exploited children.

7 (4) The department may also use the funds for grants or
8 to provide services for sexually exploited children as well
9 as costs of operating and maintaining the fund.

10 § 6383. Safe house for sexually exploited children.

11 (a) General rule.--The office may, to the extent funds are
12 available, operate or contract with an appropriate
13 nongovernmental agency with experience working with sexually
14 exploited children to operate one or more safe houses in a
15 geographically appropriate area of this Commonwealth. Each safe
16 house shall provide safe and secure housing and specialized
17 services for sexually exploited children.

18 (b) Construction.--Nothing in this section shall be
19 construed to preclude the department from applying for and
20 accepting grants, gifts and bequests for funds from private
21 individuals, foundations and the Federal Government for the
22 purpose of creating or carrying out the duties of a safe house
23 for sexually exploited children.

24 § 6384. Statewide protocol.

25 The office, working in conjunction with the county agencies
26 for child welfare services and juvenile probation, shall develop
27 a Statewide protocol for helping to coordinate the delivery of
28 services to sexually exploited children.

29 § 6385. Services for sexually exploited youth.

30 The office, working in conjunction with the county agencies

1 for child welfare services and juvenile probation, may, to the
2 extent funds are available, develop specialized programs and
3 services for sexually exploited children that address needs for
4 safe and adequate housing, education, job training, counseling
5 and mental health services as well as any other needs that
6 sexually exploited children may have.

7 Section 6. This act shall take effect in 60 days.