



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 235

PRINTERS NO. 4233

PRIME SPONSOR: Clymer

COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	\$0	\$0
Motor License Fund	\$0	\$0
Municipal Funds	\$0	\$0

SUMMARY: Establishes the National Human Trafficking Resource Center Hotline Notification Act. This legislation would take effect in 60 days.

ANALYSIS: This legislation would establish penalties for certain entities which fail to post signs containing information about the National Human Trafficking Resource Center Hotline and requires the PA Commission on Crime and Delinquency (PCCD) to develop a plan for providing certain services to trafficking victims.

Posting of Sign: This legislation would require designated "establishments" to post at least one sign, in various languages, "in a conspicuous manner clearly visible to the public and employees". The Department of Labor and Industry shall design the sign and may consult with human trafficking victim advocates. The signs must include the National Human Trafficking Resources Center Hotline number and notice that victims of human trafficking are protected under federal and state law.

"Establishments" are defined to include:

- Drinking establishments
- Personal service establishment (Massage parlors, spas or a similar enterprise)
- Adult entertainment enterprises
- Hotels or motels found to be a drug-related nuisance or common nuisance
- Airports, train stations and bus stations
- Welcome centers and rest areas operated by PennDOT or the Turnpike
- Full-service truck stops

Enforcement: A complaint regarding a possible violation may be made to the appropriate law enforcement agency or the appropriate licensing authority. If the establishment is subject to licensure by an agency of the Commonwealth, the licensing authority shall refer the complaint to the appropriate Commonwealth licensing agency for investigation and enforcement. If the complaint is made to a law enforcement agency, the agency shall investigate the complaint and enforce this act.

Administrative Penalties: The legislation would establish civil penalties ranging from a warning for a first violation to \$250 for a second within a year and \$500 for a third within the next year. Administrative penalties collected shall be payable to the licensing authority.

Criminal Penalties: A first violation of the Act would be a summary offense and a fine of up to \$100 could be imposed. A second violation is also a summary, with a fine of up to \$250. A third offense within a year of the second is a misdemeanor and a fine of up to \$500 could be imposed.

Fines would be retained by the municipality which employs the law enforcement agency that issued the citation. When enforcement action is initiated by the Pennsylvania State Police, the State Police shall retain the penalties.

PCCD Response System: This legislation further provides that, subject to the availability of state or federal funds, the PCCD shall develop a plan, in consultation with public and private agencies, for a coordinated response system to provide victims of human trafficking with a range of services including:

- Appropriate housing
- Psychological counseling
- Medical Assistance
- Substance abuse counseling
- Child care
- Access to employment, education and training opportunities
- Legal assistance
- Social case management

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth funds. Any costs incurred by a licensing authority could be recouped by administrative penalties.

In the event that funds are available for the PCCD, the Commission indicates that the opportunity to create the response system would cost between \$10,000 and \$20,000. The Commission would hire contractors to convene and facilitate a planning process, develop a draft plan, and secure a final group sign-off on the final plan. These efforts typically require 6 hours of facilitation and another 6 hours for drafting and finalization. These expenses include consultation about scope of the meeting, meeting preparation, travel, accommodation, mileage, and subsistence.

Any costs incurred by municipal police action or by State Police enforcement could be recouped via criminal penalties.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: October 17, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.