



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 554

PRINTERS NO. 2054

PRIME SPONSOR: Greenleaf

COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

Senate Bill 554, Printer's Number 2054 amends Title 18 (Crimes and Offenses), Chapter 30 (Human Trafficking) to address issues relating to human trafficking and establishes a new Subchapter D.1 (Safe Harbor for Sexually Exploited Children). Title 42 (Judiciary and Judicial Procedure), Chapter 63 (Juvenile Matters) is further amended by adding a new Section 6328 (Dependency in lieu of delinquency) that provides when certain offenses are committed, county general protective services will be referred.

ANALYSIS:

SB 554 amends the Crimes Code, Chapter 30 (Human trafficking), Section 3001 (Definitions) by adding the following definitions to law: "County agency", "Department", "Fund" and "Sexually exploited child." Section 3026 (Concurrent Jurisdiction) is added to provide for the Pennsylvania Attorney General and the local district attorney to have concurrent authority to investigate and institute criminal proceedings. Section 3053 (Appropriate implementation for minor victims of human trafficking) is repealed. New Section 3056 (Special relief to restore victim's dignity and autonomy) is added to provide that a victim of human trafficking that has been tattooed with an identifying mark as a result of being trafficked may be eligible to be reimbursed for the cost of removing or covering up the identifying mark. Reimbursements will be made from the fund established in new Section 3064 (Safe Harbor for Sexually Exploited Children Fund). No reimbursement will be made if the cost of removal is less than \$100 and no reimbursement may exceed \$10,000 per individual. If an individual receives an insurance settlement, civil suit settlement or restitution, the individual shall be required to repay the fund equal to the reimbursement.

New Subchapter D.1 (Safe Harbor for Sexually Exploited Children) establishes safe harbor for sexually exploited children; requiring statewide protocols, specialized services for sexually exploited children, law enforcement training and the Safe Harbor for Sexually Exploited Children Fund. New Section 3062 (Specialized services for sexually exploited children) is added requiring the Department of Human Services (DHS) to work in conjunction with the county agencies to develop and provide specialized services for sexually exploited children that address the victim's needs. New Section 3063 (Law enforcement training) requires that the Municipal Police Officer's

Education and Training Commission (MPOETC) and the Pennsylvania State Police (PSP) to develop and provide law enforcement training on methods used to identify, interview and how to minimize trauma in the detention of sexually exploited children. In addition, the training will include methods of how to assist sexually exploited children with getting access to specialized programs and services. New Section 3064 (Safe Harbor for Sexually Exploited Children Fund) (fund) establishes the fund in the State Treasury and the fund will be administered by DHS. In addition to any money that may be appropriated by the General Assembly, DHS may apply for Federal grants and contributions from public, quasi-public or private sources to assist in the implementation of Subchapter D.1. In addition to any fine authorized by current law, individuals convicted of the following offenses will be required to pay additional fines which will be deposited into the fund as follows:

- \$5,000 for each offense:
 - Section 3011 (relating to trafficking in individuals),
 - Section 3012 (relating to involuntary servitude),
 - Section 3013 (relating to patronizing a victim of sexual servitude); or
 - Section 5902 (b) or (b.1) (relating to prostitution and related offenses)
- \$2,500 for each offense:
 - Section 5902 (e) (relating to prostitution and related offenses-patronizing prostitution)
- \$5,000 for each offense:
 - Section 5902 (e) (relating to prostitution and related offenses-patronizing prostitution) when the individual knew the victim was under 18 years of age.

New Section 3065 (Safe harbor for sexually exploited children) provides for policies and procedures for establishing safe harbor for sexually exploited children. The section outlines procedures and policy provisions relating to immunity from prosecution, exceptions and detainment.

SB 554 amends the Judicial Code, by adding a new Section 6328 (Dependency in lieu of delinquency) that when a child commits certain offenses as a result of being sexually exploited or a victim of human trafficking; rather than being charged through the juvenile justice system, the child will receive a direct referral to the county child protective services for treatment. In the event it is determined that treatment is unsuccessful, and it is determined that the juvenile justice system is warranted, the child's case may be referred to the juvenile probation department or district attorney's office to start formal proceedings.

This legislation would take effect in 60 days.

FISCAL IMPACT:

SB 554 mandates that the Department of Human Services (DHS) work in conjunction with county agencies to address the needs of exploited children. DHS is required to develop training programs and protocols for providers that offer services to address the needs of exploited children. Existing federal law requires certain agencies to provide, develop and implement

policies and procedures for services being provided to exploited children. In addition, the legislation mandates referrals to county protective service agencies when a child commits certain offenses as a result of being sexually exploited or a victim of human trafficking.

Insufficient data is available to determine the exact number of new referrals this would generate for county Children and Youth services. According to DHS, enactment of these provisions will have no fiscal impact, therefore any costs related to providing training or the mandated referrals would be absorbed within current DHS funding.

SB 554 requires MPOETC to work with the PSP to provide training to law enforcement on methods used to identify, interview and how to minimize trauma in the detention of sexually exploited children. Any costs associated with the development and implementation of training law enforcement would be absorbed within existing PSP appropriations. It is assumed that MPOETC would use the same training materials for municipal law enforcement; therefore, there would be minimal to no cost to local governments.

The Safe Harbor for Sexually Exploited Children Fund will be made up of deposits from additional fines imposed on individuals convicted of certain offenses, any direct appropriations made to the fund from the General Assembly and the possible receipt of any federal funds. Any deposited funds must be used in accordance with the provisions in the legislation.

PREPARED BY: Jenny P. Stratton
Jeffrey Clukey
Ann Bertolino
House Appropriations Committee (R)

DATE: October 5, 2018

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