



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 60

PRINTERS NO. 1391

PRIME SPONSOR: Phillips-Hill

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	See Fiscal Impact	

SUMMARY:

Senate Bill 60, Printer's Number 1391 amends Title 18 (Crimes and Offenses), Chapter 30 (Human Trafficking), Sections 3011 (Trafficking in individuals), 3013 (Patronizing a victim of sexual servitude), 3021 (Asset forfeiture) and Title 42 (Judiciary and Judicial Procedures), Section 5982 (Definitions) further providing for increased penalties for human trafficking and increased funding for programs/services to human trafficking victims.

ANALYSIS:

SB 60 amends the Crimes Code, Section 3011 (Trafficking in individuals) by increasing the grading of the offense of human trafficking (current law; F2) as follows:

- F1, if a person recruits, entices, solicits, advertises, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual is subject to sexual servitude,
- F1, if the person knowingly benefits financially or receives anything of value from any act of recruitment, enticement, solicitation, advertisement, harboring, transportation of an individual subject to sexual servitude,
- F2, if a person recruits, entices, solicits, advertises, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual is subject to labor servitude; and
- F2, if the person knowingly benefits financially or receives anything of value from any act of recruitment, enticement, solicitation, advertisement, harboring, transportation of an individual subject to labor servitude.

In addition, SB 60 increases the maximum imprisonment penalty for the trafficking of minors to a term of imprisonment of not more than 40 years if certain criteria are met, as well as, the actions result in a minor being subjected to sexual servitude.

Section 3013 (Patronizing a victim of sexual servitude) is amended by increasing the grading of the offense from an F2, as follows:

- F1, if the person knowingly engages in any sex act or performance with another individual that the act or performance is the result of the individual being a victim of human trafficking; and
- F3, the first offense of a person who engages in any sex act or performance with another individual with reckless disregard for whether the act is a result of human trafficking and F1 for second and subsequent offenses.

Section 3013 (c) (Fine) is further amended to provide the following increases to fines for violations of Section 3013 as follows:

- No less than \$1,000 for a first offense,
- 2nd offense, no less than \$5,000 and no more than \$25,000; and
- 3rd and subsequent offenses no less than \$10,000 and no more than \$50,000.

From all the fines collected under this Section, 50% of the funds will be deposited in the Safe Harbor for Sexually Exploited Children Fund and 50% will be deposited in The Prevention of Human Trafficking Restricted Account (established in Section 3013 (d)(2)).

Section 3021 (Asset Forfeiture) is further amended providing that the disposition of certain asset forfeitures will be deposited into The Prevention of Human Trafficking Restricted Account.

Section 5982 (Definitions) of the Judicial Code is amended to provide that the definition of "child" will apply to individuals under the age of 18.

This act will take effect in 60 days.

FISCAL IMPACT:

Increasing some of the provisions and grading of the offenses may result in additional individuals being charged, convicted and sentenced. The fiscal impact is unknown and will depend on the actual number of cases tried, convicted and sentenced.

According to the Pennsylvania Commission on Sentencing, in 2018 there have been the following:

- 9 convictions of Title 18, Sections 3011 (Trafficking in individuals- F2-7; F1-2),
- 3 convictions of a Title 18, Section 3012 (Involuntary servitude- F1-3); and
- 1 conviction of Title 18, Section 3013 (Patronizing a victim of sexual servitude-F2- 1).

Under current law a conviction of an F1 will result in a fine of up to \$25,000 and up to 20 years of imprisonment; and a conviction of an F2 will result in a fine of up to \$25,000 and up to 10 years of imprisonment. Increasing the grading of certain offenses in Chapter 30 may result in increased costs to the Commonwealth. However, it would be difficult to determine how many

individuals would be charged, convicted and sentenced under the expanded provisions of the offenses in Chapter 30 (Human Trafficking).

The increase to the fines established in Section 3013(c) will be deposited in the Safe Harbor for Sexually Exploited Children Fund and The Prevention of Human Trafficking Restricted Account to support programs and services to victims subject to the offenses of human trafficking; therefore the increase of these fines will not result in an adverse fiscal impact to the Commonwealth.

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House Appropriations Committee (R)

DATE: January 22, 2020

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