

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 235

PRINTER'S NO. 4233

AMOUNT

Minimal Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 26, 2011

PRIME SPONSOR

Representative Clymer

HISTORY OF BILL

Referred to JUDICIARY, Jan. 26, 2011

Reported as amended, Dec. 6, 2011

First consideration, Dec. 6, 2011

Laid on the table, Dec. 6, 2011

Removed from table, Feb. 6, 2012

Laid on the table, Feb. 6, 2012

Removed from table, May 8, 2012

Second consideration, with amendments, May 22, 2012

Re-committed to APPROPRIATIONS, May 22, 2012

(Remarks see House Journal Page), May 22, 2012

Re-reported as committed, May 23, 2012

Laid on the table, June 23, 2012

Removed from table, June 23, 2012

Third consideration, with amendments, Oct. 2, 2012

Final passage, Oct. 2, 2012 (191-0)

(Remarks see House Journal Page), Oct. 2, 2012

In the Senate

Referred to LABOR AND INDUSTRY, Oct. 10, 2012

Reported as amended, Oct. 15, 2012

First consideration, Oct. 15, 2012

Re-referred to APPROPRIATIONS, Oct. 15, 2012

Re-reported as amended, Oct. 16, 2012

Second consideration, Oct. 16, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 235 requires certain establishments to post signs providing information regarding the National Human Trafficking Resource Center Hotline. These establishments include but are not limited to drinking establishments, personal service establishments, and adult entertainment enterprises, each as defined in the legislation. Establishments also include certain categories of hotels and motels, airports, train and bus stations, welcome centers and rest areas owned by the Pennsylvania Department of Transportation, and full-service commercial truck stops. Any other establishment may post a sign.

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The sign must be clearly visible to the public and to employees. It must meet certain size requirements and contain specific information including the National Human Trafficking Resource Center Hotline number. The sign must be posted in appropriate languages for the county in which it is displayed.

The Department of Labor and Industry (L & I) must design the sign and may consult with human trafficking victim advocates to determine what other information may be included on the sign. The Department must make the sign available on their website so that the establishments may access and print the sign as needed. Licensing authorities are required to provide notice of the posting requirements on its internet website.

Complaints regarding possible violations of this act shall be made to the licensing authority under which the establishment is licensed or the appropriate law enforcement agency. The licensing authority must investigate the complaints and enforce the act.

The licensing authorities may assess administrative penalties for violations of the act, by giving notice to the person and providing the opportunity for a hearing. A schedule of sanctions is provided for such violations. Any penalties assessed shall be payable to the licensing authority and shall be collectible in a manner provided by law for the collection of debt.

Criminal penalties shall also be assessed for violations of the posting requirements of the act. Collection of fines resulting from a first offense, an offense following sentencing and a misdemeanor shall be retained by the municipality in which the law enforcement agency initiating the enforcement action is located. Should the Pennsylvania State Police initiate enforcement, that agency shall retain the penalties collected.

The legislation also requires the Pennsylvania Commission on Crime and Delinquency (PCCD) to develop a plan for a coordinated response system, in consultation with other appropriate government agencies, including law enforcement, nongovernmental organizations and victim advocacy groups to provide victims of trafficking with certain services enumerated in the legislation. PCCD is only directed to do so to the extent that federal or state funds are available for this purpose.

The act shall take effect in 60 days.

FISCAL IMPACT:

The Department expects to incur some costs to design the sign and maintain its availability on its website but does not have an actual dollar estimate of such costs.

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Licensing authorities may incur costs to enforce the provisions of the act but such costs can be offset by the licensing authorities' authorization to assess administrative penalties for violations through the schedule of sanctions provided for in the legislation.

Costs incurred by municipal law enforcement agencies investigating complaints and violations of the act can be offset by the agencies' collection and retention of criminal fines and penalties, as authorized under the act.

Should the Pennsylvania State Police initiate enforcement, the agency is authorized to retain all criminal penalties collected as a result of their enforcement proceedings.

If federal or state funds become available to PCCD for the development of a coordinated response system, the Commission indicates the system would cost between \$10,000 and \$20,000. Staff would work with contractors to convene and facilitate the planning process, develop a draft plan and finalize the plan. Expenses would also include meetings, accommodations, mileage and subsistence.