

## AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for trafficking of persons, for  
4 prostitution and related offenses and for sexual exploitation  
5 of children; providing for Assisting Victims of Child Sexual  
6 Exploitation Fund; and further providing for sexual offenses  
7 and tier system.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Sections 3002, 5902 and 6320 of Title 18 of the  
11 Pennsylvania Consolidated Statutes are amended to read:

12 § 3002. Trafficking of persons.

13 (a) Offense defined.--A person commits an offense if the  
14 person knowingly traffics or knowingly attempts to traffic  
15 another person, knowing that the other person will be subjected  
16 to forced labor or services.

17 (b) Grading.--An offense under subsection (a) shall be  
18 graded a felony of the second degree unless the other person  
19 suffers bodily injury or the other person is an individual under  
20 18 years of age, in which case it shall be graded as a felony of

1 the first degree.

2 (c) Fines.--Any person convicted of trafficking of persons  
3 under 18 years of age shall be ordered by the court, in addition  
4 to any other penalty or fine imposed, to pay an additional fine  
5 in an amount not to exceed \$25,000. Every fine imposed and  
6 collected pursuant to this section shall be deposited into the  
7 Assisting Victims of Child Sexual Exploitation Fund.

8 § 5902. Prostitution and related offenses.

9 (a) Prostitution.--A person is guilty of prostitution if he  
10 or she:

11 (1) is an inmate of a house of prostitution or otherwise  
12 engages in sexual activity as a business; or

13 (2) loiters in or within view of any public place for  
14 the purpose of being hired to engage in sexual activity.

15 (a.1) Grading of offenses under subsection (a).--An offense  
16 under subsection (a) constitutes a:

17 (1) Misdemeanor of the third degree when the offense is  
18 a first or second offense.

19 (2) Misdemeanor of the second degree when the offense is  
20 a third offense.

21 (3) Misdemeanor of the first degree when the offense is  
22 a fourth or subsequent offense.

23 (4) Felony of the third degree if the person who  
24 committed the offense knew that he or she was human  
25 immunodeficiency virus (HIV) positive or manifesting acquired  
26 immune deficiency syndrome (AIDS).

27 (b) Promoting prostitution.--A person who knowingly promotes  
28 prostitution of another commits a misdemeanor or felony as  
29 provided in subsection (c) of this section. The following acts  
30 shall, without limitation of the foregoing, constitute promoting

1 prostitution:

2 (1) owning, controlling, managing, supervising or  
3 otherwise keeping, alone or in association with others, a  
4 house of prostitution or a prostitution business;

5 (2) procuring an inmate for a house of prostitution or a  
6 place in a house of prostitution for one who would be an  
7 inmate;

8 (3) encouraging, inducing, or otherwise intentionally  
9 causing another to become or remain a prostitute;

10 (4) soliciting a person to patronize a prostitute;

11 (5) procuring a prostitute for a patron;

12 (6) transporting a person into or within this  
13 Commonwealth with intent to promote the engaging in  
14 prostitution by that person, or procuring or paying for  
15 transportation with that intent;

16 (7) leasing or otherwise permitting a place controlled  
17 by the actor, alone or in association with others, to be  
18 regularly used for prostitution or the promotion of  
19 prostitution, or failure to make reasonable effort to abate  
20 such use by ejecting the tenant, notifying law enforcement  
21 authorities, or other legally available means; or

22 (8) soliciting, receiving, or agreeing to receive any  
23 benefit for doing or agreeing to do anything forbidden by  
24 this subsection.

25 (b.1) Promoting prostitution of minor.--A person who  
26 knowingly promotes prostitution of a minor commits a felony of  
27 the [third] first degree. The following acts shall, without  
28 limitation of the foregoing, constitute promoting prostitution  
29 of a minor:

30 (1) owning, controlling, managing, supervising or

1 otherwise keeping, alone or in association with others, a  
2 house of prostitution or a prostitution business in which a  
3 victim is a minor;

4 (2) procuring an inmate who is a minor for a house of  
5 prostitution or a place in a house of prostitution where a  
6 minor would be an inmate;

7 (3) encouraging, inducing or otherwise intentionally  
8 causing a minor to become or remain a prostitute;

9 (4) soliciting a minor to patronize a prostitute;

10 (5) procuring a prostitute who is a minor for a patron;

11 (6) transporting a minor into or within this  
12 Commonwealth with intent to promote the engaging in  
13 prostitution by that minor, or procuring or paying for  
14 transportation with that intent;

15 (7) leasing or otherwise permitting a place controlled  
16 by the actor, alone or in association with others, to be  
17 regularly used for prostitution of a minor or the promotion  
18 of prostitution of a minor, or failure to make reasonable  
19 effort to abate such use by ejecting the tenant, notifying  
20 law enforcement authorities or other legally available means;  
21 [or]

22 (8) soliciting, receiving or agreeing to receive any  
23 benefit for doing or agreeing to do anything forbidden by  
24 this subsection[.]; or

25 (9) advertising the prostitution of a minor through any  
26 paid or unpaid medium.

27 (c) Grading of offenses under subsection (b).--

28 (1) An offense under subsection (b) constitutes a felony  
29 of the third degree if:

30 (i) the offense falls within paragraphs (b) (1), (b)

1 (2) or (b)(3);

2 (ii) the actor compels another to engage in or  
3 promote prostitution;

4 (iv) the actor promotes prostitution of his spouse,  
5 child, ward or any person for whose care, protection or  
6 support he is responsible; or

7 (v) the person knowingly promoted prostitution of  
8 another who was HIV positive or infected with the AIDS  
9 virus.

10 (2) Otherwise the offense is a misdemeanor of the second  
11 degree.

12 (d) Living off prostitutes.--A person, other than the  
13 prostitute or the prostitute's minor child or other legal  
14 dependent incapable of self-support, who is knowingly supported  
15 in whole or substantial part by the proceeds of prostitution is  
16 promoting prostitution in violation of subsection (b) of this  
17 section.

18 (e) Patronizing prostitutes.--A person commits the offense  
19 of patronizing prostitutes if that person hires a prostitute or  
20 any other person to engage in sexual activity with him or her or  
21 if that person enters or remains in a house of prostitution for  
22 the purpose of engaging in sexual activity.

23 (e.1) Grading of offenses under subsection (e).--An offense  
24 under subsection (e) constitutes a:

25 (1) Misdemeanor of the third degree when the offense is  
26 a first or second offense.

27 (2) Misdemeanor of the second degree when the offense is  
28 a third offense.

29 (3) Misdemeanor of the first degree when the offense is  
30 a fourth or subsequent offense.

1 (4) Felony of the third degree if the person who  
2 committed the offense knew that he or she was human  
3 immunodeficiency virus (HIV) positive or manifesting acquired  
4 immune deficiency syndrome (AIDS).

5 (5) Felony of the first degree if the person who  
6 committed the offense engages in sexual activity with a  
7 prostitute who is a minor.

8 (e.2) Publication of sentencing order.--A court imposing a  
9 sentence for a second or subsequent offense committed under  
10 subsection (e) shall publish the sentencing order in a newspaper  
11 of general circulation in the judicial district in which the  
12 court sits, and the court costs imposed on the person sentenced  
13 shall include the cost of publishing the sentencing order.

14 (e.3) Additional fines.--Any person convicted of patronizing  
15 prostitutes under subsection (e.1)(5) shall be ordered by the  
16 court, in addition to any other penalty or fine imposed, to pay  
17 a fine in an amount not to exceed \$25,000. Any fine imposed and  
18 collected pursuant to this subsection shall be deposited into  
19 the fund provided under section 6320.1 (relating to Assisting  
20 Victims of Child Sexual Exploitation Fund).

21 (f) Definitions.--As used in this section the following  
22 words and phrases shall have the meanings given to them in this  
23 subsection:

24 "House of prostitution." Any place where prostitution or  
25 promotion of prostitution is regularly carried on by one person  
26 under the control, management or supervision of another.

27 "Inmate." A person who engages in prostitution in or through  
28 the agency of a house of prostitution.

29 "Minor." An individual under 18 years of age.

30 "Public place." Any place to which the public or any

1 substantial group thereof has access.

2 "Sexual activity." [Includes homosexual and other deviate  
3 sexual relations.] The intentional touching, either directly or  
4 through clothing, of the sexual parts of any individual,  
5 including, but not limited to the genitalia, anus, groin, breast  
6 or buttocks, with the intent of gratifying sexual desire in  
7 either person. The term includes any of the following:

8 (1) sexual intercourse, which includes penetration,  
9 however slight, of any body part or object into the sex organ  
10 of another;

11 (2) deviate sexual intercourse, which includes sexual  
12 intercourse per os or per anus; and

13 (3) indecent contact.

14 § 6320. Sexual exploitation of children.

15 (a) Offense defined.--A person commits the offense of sexual  
16 exploitation of children if he procures for another person a  
17 child under 18 years of age for the purpose of sexual  
18 exploitation.

19 (b) Penalty.--An offense under this section is a felony of  
20 the [second] first degree.

21 (c) Definitions.--As used in this section, the following  
22 words and phrases shall have the meanings given to them in this  
23 subsection:

24 "Procure." To obtain or make available for sexual  
25 exploitation.

26 "Sexual exploitation." Actual or simulated sexual activity  
27 or nudity arranged for the purpose of sexual stimulation or  
28 gratification of any person.

29 Section 2. Title 18 is amended by adding a section to read:

30 § 6320.1. Assisting Victims of Child Sexual Exploitation Fund.

1     (a) Legislative purpose.--The General Assembly recognizes  
2 the following public policy purpose and declares that the  
3 following objective of the Commonwealth is to be served by this  
4 chapter which is to protect the children of this Commonwealth  
5 who are victims of sexual exploitation. It is the intent of the  
6 General Assembly that the financial penalties assessed for those  
7 who engage in promoting the sexual exploitation of children be  
8 deposited in the Assisting Victims of Child Sexual Exploitation  
9 Fund to ensure that these victimized children are given access  
10 to proper treatment and the resources they need to be safe from  
11 the men and women who exploit them.

12     (b) Establishment.--There is hereby established in the State  
13 Treasury a special fund to be known as the Assisting Victims of  
14 Child Sexual Exploitation Fund.

15     (c) Fund administration and distribution.--The fund shall be  
16 administered by the Pennsylvania Commission on Crime and  
17 Delinquency and shall be used to fund programs and services for  
18 sexually exploited minors.

19     (d) Regulations.--The commission may promulgate regulations  
20 on the administration of the fund.

21     (e) Grants.--Notwithstanding any other provision of law, the  
22 commission shall, upon written application and subsequent  
23 approval, use moneys received under this section to annually  
24 award grants to approved applicants. The commission shall  
25 develop guidelines to produce grant programs.

26     (f) Definitions.--As used in this section, the following  
27 words and phrases shall have the meanings given to them in this  
28 subsection unless the context clearly indicates otherwise:

29     "Commission." The Pennsylvania Commission on Crime and  
30 Delinquency.



1 "Eligible organization." A Statewide organization that meets  
2 all of the following requirements:

3 (1) Possesses five or more consecutive years of working  
4 to reduce the impact and incidence of child abuse and  
5 exploitation.

6 (2) Works with law enforcement, educational  
7 institutions, community groups, the courts and other agencies  
8 to help keep children safe.

9 (3) Has as its purpose the reduction of child  
10 exploitation.

11 "Fund." The Assisting Victims of Child Sexual Exploitation  
12 Fund established under subsection (b).

13 Section 3. Section 9799.14 of Title 42 is amended to read:  
14 § 9799.14. Sexual offenses and tier system.

15 (a) Tier system established.--Sexual offenses shall be  
16 classified in a three-tiered system composed of Tier I sexual  
17 offenses, Tier II sexual offenses and Tier III sexual offenses.

18 (b) Tier I sexual offenses.--The following offenses shall be  
19 classified as Tier I sexual offenses:

20 (1) 18 Pa.C.S. § 2902(b) (relating to unlawful  
21 restraint).

22 (2) 18 Pa.C.S. § 2903(b) (relating to false  
23 imprisonment).

24 (3) 18 Pa.C.S. § 2904 (relating to interference with  
25 custody of children).

26 (4) 18 Pa.C.S. § 2910 (relating to luring a child into a  
27 motor vehicle or structure).

28 (5) 18 Pa.C.S. § 3124.2(a) (relating to institutional  
29 sexual assault).

30 (6) 18 Pa.C.S. § 3126(a)(1) (relating to indecent

- 1 assault).
- 2 (7) (Reserved).
- 3 (8) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption  
4 of minors).
- 5 (9) 18 Pa.C.S. § 6312(d) (relating to sexual abuse of  
6 children).
- 7 (10) 18 Pa.C.S. § 7507.1. (relating to invasion of  
8 privacy).
- 9 (11) 18 U.S.C. § 1801 (relating to video voyeurism).
- 10 (12) 18 U.S.C. § 2252(a)(4) (relating to certain  
11 activities relating to material involving the sexual  
12 exploitation of minors).
- 13 (13) 18 U.S.C. § 2252A (relating to certain activities  
14 relating to material constituting or containing child  
15 pornography).
- 16 (14) 18 U.S.C. § 2252B (relating to misleading domain  
17 names on the Internet).
- 18 (15) 18 U.S.C. § 2252C (relating to misleading words or  
19 digital images on the Internet).
- 20 (16) 18 U.S.C. § 2422(a) (relating to coercion and  
21 enticement).
- 22 (17) 18 U.S.C. § 2423(b) (relating to transportation of  
23 minors).
- 24 (18) 18 U.S.C. § 2423(c).
- 25 (19) 18 U.S.C. § 2424 (relating to filing factual  
26 statement about alien individual).
- 27 (20) 18 U.S.C. § 2425 (relating to use of interstate  
28 facilities to transmit information about a minor).
- 29 (21) A comparable military offense or similar offense  
30 under the laws of another jurisdiction or foreign country or

1 under a former law of this Commonwealth.

2 (22) An attempt, conspiracy or solicitation to commit an  
3 offense listed in paragraph (1), (2), (3), (4), (5), (6),  
4 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16),  
5 (17), (18), (19), (20) or (21).

6 (23) A conviction for a sexual offense in another  
7 jurisdiction or foreign country that is not set forth in this  
8 section, but nevertheless requires registration under a  
9 sexual offender statute in the jurisdiction or foreign  
10 country.

11 (c) Tier II sexual offenses.--The following offenses shall  
12 be classified as Tier II sexual offenses:

13 (1) 18 Pa.C.S. § 3122.1(a)(2) (relating to statutory  
14 sexual assault).

15 (1.1) 18 Pa.C.S. § 3124.2(a.2) and (a.3).

16 (1.2) 18 Pa.C.S. § 3126(a)(2), (3), (4), (5), (6) or  
17 (8).

18 [(2) 18 Pa.C.S. § 5902(b.1) (relating to prostitution  
19 and related offenses).]

20 (3) 18 Pa.C.S. § 5903(a)(3)(ii), (4)(ii), (5)(ii) or (6)  
21 (relating to obscene and other sexual materials and  
22 performances).

23 (4) 18 Pa.C.S. § 6312(b) and (c).

24 (5) 18 Pa.C.S. § 6318 (relating to unlawful contact with  
25 minor).

26 [(6) 18 Pa.C.S. § 6320 (relating to sexual exploitation  
27 of children).]

28 (7) 18 U.S.C. § 1591 (relating to sex trafficking of  
29 children by force, fraud, or coercion).

30 (8) 18 U.S.C. § 2243 (relating to sexual abuse of a

1 minor or ward).

2 (9) 18 U.S.C. § 2244 (relating to abusive sexual  
3 contact) where the victim is 13 years of age or older but  
4 under 18 years of age.

5 (10) 18 U.S.C. § 2251 (relating to sexual exploitation  
6 of children).

7 (11) 18 U.S.C. § 2251A (relating to selling or buying of  
8 children).

9 (12) 18 U.S.C. § 2252(a)(1), (2) or (3).

10 (13) 18 U.S.C. § 2260 (relating to production of  
11 sexually explicit depictions of a minor for importation into  
12 the United States).

13 (14) 18 U.S.C. § 2421 (relating to transportation  
14 generally).

15 (15) 18 U.S.C. § 2422(b).

16 (16) 18 U.S.C. § 2423(a).

17 (17) A comparable military offense or similar offense  
18 under the laws of another jurisdiction or foreign country or  
19 under a former law of this Commonwealth.

20 (18) An attempt, conspiracy or solicitation to commit an  
21 offense listed in paragraph (1), (2), (3), (4), (5), (6),  
22 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16) or  
23 (17).

24 (d) Tier III sexual offenses.--The following offenses shall  
25 be classified as Tier III sexual offenses:

26 (1) 18 Pa.C.S. § 2901(a.1) (relating to kidnapping).

27 (2) 18 Pa.C.S. § 3121 (relating to rape).

28 (3) 18 Pa.C.S. § 3122.1(b) (relating to statutory sexual  
29 assault).

30 (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate

1 sexual intercourse).

2 (5) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

3 (6) 18 Pa.C.S. § 3124.2(a.1).

4 (7) 18 Pa.C.S. § 3125 (relating to aggravated indecent  
5 assault).

6 (8) 18 Pa.C.S. § 3126(a)(7).

7 (9) 18 Pa.C.S. § 4302(b) (relating to incest).

8 (10) 18 U.S.C. § 2241 (relating to aggravated sexual  
9 abuse).

10 (11) 18 U.S.C. § 2242 (relating to sexual abuse).

11 (12) 18 U.S.C. § 2244 where the victim is under 13 years  
12 of age.

13 (13) A comparable military offense or similar offense  
14 under the laws of another jurisdiction or country or under a  
15 former law of this Commonwealth.

16 (14) An attempt, conspiracy or solicitation to commit an  
17 offense listed in paragraph (1), (2), (3), (4), (5), (6),  
18 (7), (8), (9), (10), (11), (12) or (13).

19 (15) (Reserved).

20 (16) Two or more convictions of offenses listed as Tier  
21 I or Tier II sexual offenses.

22 (17) 18 Pa.C.S. § 5902(b.1) and (e.1)(5) (relating to  
23 prostitution and related offenses).

24 (18) 18 Pa.C.S. § 6320 (relating to sexual exploitation  
25 of children).

26 Section 4. This act shall take effect in 60 days.