

**NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE NOTIFICATION  
ACT - ENACTMENT**

**Act of Oct. 25, 2012, P.L. 1618, No. 197**

**Cl. 43**

An Act

Providing for the National Human Trafficking Resource Center Hotline Notification Act; imposing duties on the Department of Labor and Industry; and prescribing penalties.

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

TABLE OF CONTENTS

Section 1. Short title.  
Section 2. Definitions.  
Section 3. Required posting.  
Section 4. Enforcement.  
Section 5. Violation.  
Section 6. Affirmative defenses.  
Section 7. Administrative penalties.  
Section 8. Criminal penalties.  
Section 9. Victim services.  
Section 20. Effective date.  
Section 1. Short title.

This act shall be known and may be cited as the National Human Trafficking Resource Center Hotline Notification Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Drinking establishment." Any bar, tavern or club which:

(1) operates pursuant to an eating place retail dispenser's license, restaurant liquor license or retail dispenser's license under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code; and

(2) has been found to be a drug-related nuisance under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or declared a common nuisance under section 1 of the act of June 23, 1931 (P.L.1178, No.319), entitled "An act declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts thereof, for such purposes; and providing penalties for violations of this act."

"Establishment." Includes:

(1) A personal service establishment.

(2) A drinking establishment.

(3) An adult entertainment enterprise featuring nude or partially nude dancing or providing live adult entertainment.

(4) A hotel or motel found to be a drug-related nuisance under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or declared a common nuisance under section 1 of the act of June 23, 1931 (P.L.1178, No.319), entitled "An act declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings,

or parts thereof, for such purposes; and providing penalties for violations of this act."

(5) An airport, train station or bus station.

(6) A welcome center or rest area operated by the Department of Transportation or the Pennsylvania Turnpike Commission.

(7) A full-service truck stop as defined in section 2 of the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act.

"Licensing authority." The governmental agency authorized by law to license any aspect of the business of an establishment.

"Personal service establishment." A place which:

(1) allows physical contact with another individual in a closed door setting for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition through the physical contact regardless of whether the place is required to obtain a license or permit from the Commonwealth for its operation; and

(2) has been found to be a drug-related nuisance under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or declared a common nuisance under section 1 of the act of June 23, 1931 (P.L.1178, No.319), entitled "An act declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts thereof, for such purposes; and providing penalties for violations of this act."

Section 3. Required posting.

(a) Sign.--An establishment shall post a sign containing information regarding the National Human Trafficking Resource Center Hotline. Any other establishment or business may post a sign.

(b) Posting.--Establishments shall post at least one sign in a conspicuous manner clearly visible to the public and employees of the establishment.

(c) Size, information and design.--The sign shall be no smaller than 8 1/2 by 11 inches.

(1) The Department of Labor and Industry shall design the sign to include the following information:

(i) The National Human Trafficking Resource Center Hotline at 1-888-373-7888.

(ii) Victims of human trafficking are protected under United States and Pennsylvania law.

(2) The Department of Labor and Industry may consult with human trafficking victim advocates to determine other information that may be included on the sign.

(3) The Department of Labor and Industry shall design the sign to draw attention to the telephone number of the National Human Trafficking Resource Center Hotline by showing the number in bold type and large font.

(4) The sign shall be posted in English, Spanish and any other language mandated by the Voting Rights Act of 1965 (Public Law 89-110, 42 U.S.C. § 1973 et seq.) in the county where the sign will be posted.

(d) Notice.--

(1) The licensing authority shall provide notice of this section on its Internet website.

(2) The Department of Labor and Industry shall provide the sign required by subsection (a) on its Internet website for establishments to print as needed.

#### Section 4. Enforcement.

(a) Complaints.--A complaint regarding a possible violation of this act may be made to the appropriate law enforcement agency or the licensing authority if the establishment is subject to licensure. A complaint to the licensing authority shall be made in one of the following manners:

(1) In writing.

(2) By telephone call to the licensing authority's toll-free telephone number.

(3) By an electronic submission to the licensing authority's regularly maintained Internet website.

(b) Responsibilities.--

(1) Except as provided under paragraph (2), upon receipt of a complaint by the licensing authority, the following apply:

(i) Except as set forth under subparagraph (ii), the licensing authority shall investigate the complaint and enforce this act.

(ii) 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 of this act.

(2) If the complaint is made to a law enforcement agency, the agency shall investigate the complaint and enforce this act.

#### Section 5. Violation.

It is a violation of this act to fail to post a sign as required by section 3.

#### Section 6. Affirmative defenses.

(a) General rule.--Any of the following shall be an affirmative defense by an owner, operator or manager to a prosecution or imposition of an administrative penalty under this act:

(1) When the violation occurred, the actual control of the establishment was not exercised by the owner, operator or manager, but by a lessee.

(2) The owner, operator or manager made a good faith effort to post the required signs.

(b) Affidavit.--An owner, operator or manager asserting an affirmative defense shall do so in the form of a sworn affidavit setting forth the relevant information under subsection (a)(1) or (2).

#### Section 7. Administrative penalties.

(a) Penalty.--In addition to another remedy available at law or in equity for a violation of the posting requirements of section 3, the licensing authority may, under subsection (b), assess an administrative penalty upon a person for the violation. In assessing the penalty, the licensing authority must give notice to the person and provide an opportunity for a hearing. The penalty shall be payable to the licensing authority and shall be collectible in a manner provided by law for the collection of debt.

(b) Schedule of sanctions.--

(1) If the licensing authority determines that a person has violated the posting requirements of section 3, the person shall be given a warning.

(2) If the licensing authority determines that a person has violated the posting requirements of section 3 within

one year of receiving a warning under paragraph (1), the person shall be subject to a penalty of not more than \$250.

(3) If the licensing authority determines that a person has violated the posting requirements of section 3 within one year of receiving a penalty under paragraph (2), the person shall be subject to a penalty of not more than \$500.

(c) Penalties collected.--The penalties collected under this section shall be retained by the licensing authority initiating the enforcement action.

(d) Procedure.--This section is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 8. Criminal penalties.

(a) First offense.--A person that violates the posting requirements of section 3 commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100.

(b) Offense following sentencing.--A person that violates the posting requirements of section 3 within one year of being sentenced under subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$250.

(c) Misdemeanor.--A person that violates the posting requirements of section 3 within one year of being sentenced under subsection (b) commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$500.

(d) Municipal enforcement.--Except as set forth in subsection (e), the penalties collected under this section shall be retained by the municipality in which the law enforcement agency initiating the enforcement action is located.

(e) Pennsylvania State Police enforcement.--If an enforcement action is initiated by the Pennsylvania State Police, the Pennsylvania State Police shall retain the penalties collected under this section.

Section 9. Victim services.

(a) Development of plan.--To the extent that Federal or State funds are available, the Pennsylvania Commission on Crime and Delinquency shall 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 under 18 Pa.C.S. Ch. 30 (relating to trafficking of persons) with the following services:

(1) Appropriate housing, taking into account the victim's status as a victim of an offense enumerated under 18 Pa.C.S. § 3002 (relating to trafficking of persons) and including safe conditions for sleeping, food and personal hygiene.

(2) Psychological counseling.

(3) Medical assistance, including confidential testing for sexually transmitted diseases and the human immunodeficiency virus.

(4) Substance abuse counseling.

(5) Child care.

(6) Access to employment, educational and training opportunities.

(7) Legal assistance and case management.

(8) Social case management, including information about and help with access to victim services.

(b) Condition.--Housing services provided under subsection (a)(1) must ensure that, to the extent possible, the victim is not held in a detention facility.

Section 20. Effective date.

This act shall take effect in 60 days.