

CRIMES CODE (18 PA.C.S.) - EVIDENCE AND DEFENSES TO HUMAN  
TRAFFICKING

Act of Jun. 30, 2021, P.L. 179, No. 32

Cl. 18

Session of 2021

No. 2021-32

HB 246

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in human trafficking, further providing for evidence and defenses to human trafficking.

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

Section 1. Section 3018(a) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 3018. Evidence and defenses to human trafficking.

(a) General rule.--Evidence of the [following facts or conditions] **age of the victim of human trafficking with respect to the age of consent to sex or legal age of marriage** shall not constitute a defense in a prosecution for a violation under this chapter, nor shall the evidence preclude a finding of a violation under this chapter.[:

(1) Specific instances of past sexual conduct of the victim of human trafficking, opinion evidence of the alleged victim's past sexual conduct and reputation evidence of the alleged victim's past sexual conduct shall not be admissible in a prosecution under this chapter, except evidence of the alleged victim's past sexual conduct with the defendant shall be admissible where consent of the alleged victim is at issue and the evidence is otherwise admissible under the rules of evidence. A defendant who proposes to offer evidence of the alleged victim's past sexual conduct under this paragraph shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence under the standards of this paragraph.

(2) The age of the victim of human trafficking with respect to the age of consent to sex or legal age of marriage.]

**(a.1) Evidence of victim's sexual conduct.--The provisions of section 3104 (relating to evidence of victim's sexual conduct) shall apply to prosecutions under this chapter.**

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Section 2. This act shall take effect in 60 days.

APPROVED--The 30th day of June, A.D. 2021.

TOM WOLF