AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extensively revising the law on human trafficking in the areas of prosecution, prevention, victim protection, evidentiary confidentiality, limitation of actions and victim impact statements; and making editorial changes.

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

Section 1. Section 911(h)(1)(i) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 911. Corrupt organizations.

* * *

(h) Definitions.--As used in this section:

(1) "Racketeering activity" means all of the following:

(i) An act which is indictable under any of the following provisions of this title:

Chapter 25 (relating to criminal homicide)
Section 2706 (relating to terroristic threats)
Chapter 29 (relating to kidnapping)
Chapter 30 (relating to human trafficking [of persons])

Chapter 33 (relating to arson, criminal mischief and other property destruction)

Chapter 37 (relating to robbery)

Chapter 39 (relating to theft and related offenses)

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly)

Section 4109 (relating to rigging publicly exhibited contest)

Section 4117 (relating to insurance fraud)

Chapter 47 (relating to bribery and corrupt influence)

Chapter 49 (relating to falsification and intimidation)

Section 5111 (relating to dealing in proceeds of unlawful activities)

Section 5512 (relating to lotteries, etc.)

Section 5513 (relating to gambling devices, gambling, etc.)

Section 5514 (relating to pool selling and bookmaking)

Chapter 59 (relating to public indecency).

* * *

An act which otherwise would be considered racketeering activity by reason of the application of this paragraph, shall not be excluded from its application solely because the operative acts took place outside the jurisdiction of this Commonwealth, if such acts would have been in violation of...
the law of the jurisdiction in which they occurred.

* * *

Section 2. The heading of Chapter 30 and sections 3001, 3002, 3003 and 3004 of Title 18 are repealed:

[CHAPTER 30
TRAFFICKING OF PERSONS

§ 3001. Definitions.
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:
"Criminal coercion." The term includes conduct defined as criminal coercion by section 2906 (relating to criminal coercion).
"Forced labor or services." Labor or services that are performed or provided by another person which are obtained or maintained when a person:
(1) attempts to cause, causes or by threat of physical menace puts another person in fear of bodily injury;
(2) physically restrains or threatens to physically restrain another person unlawfully;
(3) abuses or threatens to abuse the law or legal process;
(4) possesses except as required by Federal immigration law or regulation, destroys, conceals, removes or confiscates any actual or purported passport or other immigration document of another person, or any other actual or purported government identification document of another person; or
(5) engages in criminal coercion of another person.
"Traffics." Recruits, entices, harbors, transports or provides or obtains by any means.
§ 3002. Trafficking of persons.

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

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

§ 3003. Restitution for offenses.

(a) General rule.--A person convicted of an offense under this chapter shall, in addition to any other remedy deemed appropriate by the court, be sentenced to pay the victim restitution, including the greater of:

(1) the gross income or value to the person to whom the labor or services were performed by the victim; or

(2) the value of the victim's labor based on the minimum wage of this Commonwealth.

(b) Private remedies.--Nothing in this section shall be construed to preclude any other remedy at law or in equity.

§ 3004. Forfeiture.

(a) General rule.--The following shall be subject to forfeitures to the Commonwealth, and no property right shall exist in them:

(1) All assets, foreign or domestic:

   (i) Of an individual, entity or organization engaged in planning or perpetrating an act in this Commonwealth which violates section 3002 (relating to trafficking of persons) and all assets, foreign or domestic, affording a
person a source of influence over such individual, entity
or organization.

   (ii) Acquired or maintained by a person with the
intent and for the purpose of supporting, planning,
conducting or concealing an act in this Commonwealth
which violates section 3002.

   (iii) Derived from, involved in or used or intended
to be used to commit an act in this Commonwealth which
violates section 3002.

(2) All assets within this Commonwealth:

   (i) Of an individual, entity or organization engaged
in planning or perpetrating an act which violates section
3002.

   (ii) Acquired or maintained with the intent and for
the purpose of supporting, planning, conducting or
concealing an act which violates section 3002.

   (iii) Derived from, involved in or used or intended
to be used to commit an act which violates section 3002.

(b) Process and seizures.--Property subject to forfeiture
under this section may be seized by the law enforcement
authority upon process issued by any court of common pleas
having jurisdiction over the property.

(c) Custody of property.--

   (1) Property taken or detained under this section shall
not be subject to replevin but is deemed to be in the custody
of the law enforcement authority subject only to the orders
and decrees of the court of common pleas having jurisdiction
over the forfeiture proceedings and of the district attorney.

   (2) When property is seized under this section, the law
enforcement authority shall place the property under seal and
either:

(i) remove the property to a place designated by it;

or

(ii) require that the district attorney take custody
of the property and remove it to an appropriate location
for disposition in accordance with law.

(d) Transfer of property.--Whenever property is forfeited
under this section, the property shall be transferred to the
custody of the district attorney. The district attorney, where
appropriate, may retain the property for official use or sell
the property, but the proceeds from any such sale shall be used
to pay all proper expenses of the proceedings for forfeiture and
sale, including expenses of seizure, maintenance of custody,
advertising and court costs. The balance of the proceeds shall
be used for the enforcement of the criminal laws of
Pennsylvania.

(e) Proceedings and petition.--The proceedings for the
forfeiture or condemnation of property, the retention or sale of
which is provided for in this section, shall be in rem, in which
the Commonwealth shall be the plaintiff and the property the
defendant. A petition shall be filed in the court of common
pleas of the judicial district where the property is located,
verified by oath or affirmation of an officer or citizen,
containing the following:

(1) A description of the property seized.

(2) A statement of the time and place where seized.

(3) The owner, if known.

(4) The person or persons in possession, if known.

(5) An allegation that the property is subject to
forfeiture pursuant to this section and an averment of
material facts upon which forfeiture action is based.

(6) A prayer for an order of forfeiture that the property be adjudged forfeited to the Commonwealth and condemned unless cause be shown to the contrary.

(f) Service.--A copy of the petition required under subsection (e) shall be served personally or by certified mail on the owner or the person or persons in possession at the time of the seizure. The copy shall have endorsed a notice as follows:

To the claimant of within described property:

You are required to file an answer to this petition, setting forth your title in and right to possession of the property within 30 days from the service of this notice. You are also notified that, if you fail to file the answer, a decree of forfeiture and condemnation will be entered against the property.

The notice shall be signed by the district attorney, deputy district attorney or assistant district attorney.

(g) Notice.--

(1) If the owner of the property is unknown or there was no person in possession of the property when seized or if the owner or such person or persons in possession at the time of the seizure cannot be personally served or located within the jurisdiction of the court, notice of the petition shall be given by the Commonwealth through an advertisement in only one newspaper of general circulation published in the county where the property shall have been seized, once a week for two successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding.

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(2) The notice shall contain a statement of the seizure of the property with a description of the property and the place and date of seizure and shall direct any claimants to the property to file a claim on or before a date given in the notice, which date shall not be less than 30 days from the date of the first publication.

(3) If no claims are filed within 30 days of publication, the property shall summarily forfeit to the Commonwealth.

(h) Unknown owner.--For purposes of this section, the owner or other such person cannot be found in the jurisdiction of the court if:

(1) a copy of the petition is mailed to the last known address by certified mail and is returned without delivery;
(2) personal service is attempted once but cannot be made at the last known address; and
(3) a copy of the petition is left at the last known address.

(i) Waiver of notice.--The notice provisions of this section are automatically waived if the owner, without good cause, fails to appear in court in response to a subpoena on the underlying criminal charges. Forty-five days after such a failure to appear, if good cause has not been demonstrated, the property shall summarily forfeit to the Commonwealth.

(j) Hearing date.--Upon the filing of a claim for the property setting forth a right of possession, the case shall be deemed at issue, and a date and time shall be fixed for the hearing.

(k) Burden of proof.--At the hearing, if the Commonwealth produces evidence that the property in question was unlawfully
used, possessed or otherwise subject to forfeiture under this
section, the burden shall be upon the claimant to show by a
preponderance of the evidence:

(1) That the claimant is the owner of the property or
the holder of a chattel mortgage or contract of conditional
sale thereon.

(2) That the claimant lawfully acquired the property.

(3) That the property was not unlawfully used or
possessed by the claimant. If it appears that the property
was unlawfully used or possessed by a person other than the
claimant, then the claimant shall show that the unlawful use
or possession was without his knowledge or consent. Such
absence of knowledge or consent must be reasonable under the
circumstances presented.

(1) Claims of ownership.--If a person claiming the ownership
of or right of possession to or claiming to be the holder of a
chattel mortgage or contract of conditional sale upon the
property, the disposition of which is provided for in this
section, prior to the sale presents a petition to the court
alleging lawful ownership, right of possession, a lien or
reservation of title to the property and if, on public hearing,
due notice of which having been given to the district attorney,
the claimant shall prove by a preponderance of the evidence that
the property was lawfully acquired, possessed and used by him
or, it appearing that the property was unlawfully used by a
person other than the claimant, that the unlawful use was
without the claimant's knowledge or consent, then the court may
order the property returned or delivered to the claimant. Such
absence of knowledge or consent must be reasonable under the
circumstances presented. Otherwise, it shall be retained for
official use or sold in accordance with this section.]

Section 3. Title 18 is amended by adding a chapter to read:

CHAPTER 30

HUMAN TRAFFICKING

Subchapter

A. General Provisions

B. Prosecution of Human Trafficking

C. Prevention of Human Trafficking

D. Protection of Human Trafficking Victims

E. Miscellaneous Provisions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

3001. Definitions.

§ 3001. Definitions.

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

"Commercial sex act." Any sex act on account of which anything of value is given, promised to or received, directly or indirectly, by an individual.


"Debt coercion." Exploitation of the status or condition of a debtor arising from a pledge by the debtor of the personal services of the debt or an individual under the debtor's control as a security or payment for debt, if any of the following
apply:

(1) The value of those services as reasonably assessed is not applied toward the liquidation of the debt.

(2) The length and nature of those services are not respectively limited and defined.

(3) The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

(4) The individual is coerced to perform sex acts as payment for the debt.

(5) The debtor controls and determines the movement, housing and services performed by the individual until repayment of the debt.

"Extortion." As defined in section 3923 (relating to theft by extortion).

"Financial harm." Includes any of the following:

(1) A violation of the act of March 30, 1859 (P.L.318, No.318), referred to as the Payment of the Wages of Labor Law.

(2) A violation of the act of May 23, 1887 (P.L.181, No.122), referred to as the Employment of Labor Regulated Law.

(3) A criminal violation of the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law (Usury Law).


(5) A violation of any other law of this Commonwealth governing the payment of wages for labor or services.

"Human trafficking." Any activity in violation of section 3923 (relating to theft by extortion).
3011 (relating to trafficking in individuals) either alone or in conjunction with an activity in violation of section 3012 (relating to involuntary servitude).

"Human trafficking victim" or "victim." An individual who has been subjected to human trafficking.

"Involuntary servitude." Includes labor servitude and sexual servitude.

"Labor." Work or service of economic or financial value.

"Labor servitude." Labor which is performed or provided by another individual and is induced or obtained by any of the means set forth in section 3012(b) (relating to involuntary servitude).

"Minor." An individual less than 18 years of age.

"Performance involving sexual conduct." Any performance that is described in section 5903 (relating to obscene and other sexual materials and performances).

"Record." Information, regardless of physical form or characteristics, that documents a transaction or activity and that is created, received or retained pursuant to law or in connection with a transaction, business or activity. The term includes any of the following:

(1) A document, paper, letter, map, book, tape, photograph, film or sound recording.

(2) Information stored or maintained electronically.

(3) A data-processed or image-processed document.

"Serious harm." Any harm, whether physical or nonphysical that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances as the human trafficking victim to perform or to continue performing labor or
a service, a commercial sex act or a performance involving sexual conduct in order to avoid incurring that harm.

"Service." Any act committed at the behest of, under the supervision of or for the benefit of another.

"Sex act." Any touching of the sexual or other intimate parts of any individual for the purpose of gratifying sexual desire of any individual. The term includes any of the following:

1. Touching the individual.
2. Touching by the individual, whether directly or through clothing.
3. Physical contact involving the genitalia of either the human trafficking victim or the perpetrator.
4. Deviate sexual intercourse, indecent contact or sexual intercourse as defined in section 3101 (relating to definitions).
5. Indecent assault, as defined in section 3126 (relating to indecent assault).

"Sexual conduct." As defined in section 5903(b) (relating to obscene and other sexual materials and performances). The term includes the following:

1. With respect to a minor, any activity under section 5903(c).
2. A commercial sex act.

"Sexual servitude." Any sexual conduct or performance involving sexual conduct for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or provided by any individual, and is induced or obtained from:

1. A minor.
Any other individual by any of the means set forth in section 3012(b) (relating to involuntary servitude).


SUBCHAPTER B
PROSECUTION OF HUMAN TRAFFICKING

Sec.
3011. Trafficking in individuals.
3012. Involuntary servitude.
3013. Patronizing a victim of sexual servitude.
3014. Unlawful conduct regarding documents.
3015. Nonpayment of wages.
3016. Obstruction of justice.
3017. Violation by business entities.
3018. Nondefenses to human trafficking.
3019. Victim protection during prosecution.
3020. Restitution.
3021. Asset forfeiture.
3022. Forfeiture of professional licenses and governmental contracts.
3023. Cumulative remedies.
3024. Sentencing.
3025. Data collection.
§ 3011. Trafficking in individuals.
(a) Offense defined.--A person commits a felony of the second degree if the person:
(1) recruits, entices, solicits, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards the possibility that the
individual will be subject to involuntary servitude;

(2) attempts to engage in any activity described in
paragraph (1); or

(3) benefits financially or receives anything of value
from any act that facilitates any activity described in
paragraph (1).

(b) Trafficking in minors.--A person commits a felony of the
first degree if the person engages in any activity listed in
subsection (a) that results in a minor's being subjected to
sexual servitude.

§ 3012. Involuntary servitude.

(a) Offense defined.--A person commits a felony of the first
degree if the person, through any of the means described in
subsection (b), subjects an individual to involuntary servitude.

(b) Means of subjecting an individual to involuntary
servitude.--A person may subject an individual to involuntary
servitude through any of the following means:

(1) Causing or threatening to cause serious harm to any
individual.

(2) Physically restraining or threatening to physically
restrain another individual.

(3) Kidnapping or attempting to kidnap any individual.

(4) Abusing or threatening to abuse the legal process.

(5) Taking or retaining the individual's personal
property or real property as a means of coercion.

(6) Engaging in unlawful conduct with respect to
documents, as defined in section 3014 (relating to unlawful
conduct regarding documents).

(7) Extortion or blackmail.

(8) Deception or fraud.
Criminal coercion, as defined in section 2906 (relating to criminal coercion).

Duress, under section 309 (relating to duress).

Debt coercion.

Causing or threatening to cause financial harm to or exerting or threatening to exert financial control over the individual.

Facilitating or controlling the individual's access to an addictive controlled substance.

Using any scheme, plan or pattern, whether overt or subtle, intended to cause the individual to believe that, if the individual does not perform such labor, services, acts or performances, that individual or another individual will suffer serious harm or physical restraint.

§ 3013. Patronizing a victim of sexual servitude.

(a) Offense defined.--A person commits a felony of the second degree if the person engages in any sexual conduct or performance with another individual knowing or in reckless disregard of the fact that the individual is a human trafficking victim.

(b) Investigation.--An individual arrested for a violation of section 5902(e) (relating to prostitution and related offenses) shall be formally detained and questioned by law enforcement personnel to determine if the individual engaged in any sexual conduct or performance with the alleged prostitute knowing or in reckless disregard of the fact that the individual is a human trafficking victim.

(c) Fine.--A person whose violation of this subsection results in a judicial disposition other than acquittal or dismissal shall also pay a fine of $500 to the court, to be
distributed to the council to fund the grant program established
under section 3036 (relating to grants).

§ 3014. Unlawful conduct regarding documents.
(a) Applicability.--This section applies to an action that
is done:
(1) in the course of a violation of or with intent to
violate section 3011 (relating to trafficking in individuals)
or 3012 (relating to involuntary servitude); or
(2) to prevent or restrict or to attempt to prevent or
restrict, without lawful authority, the ability of an
individual to move or travel, in order to maintain the
involuntary servitude of that individual.
(b) Offense defined.--A person commits a felony of the third
degree if the person knowingly destroys, conceals, removes,
confiscates or possesses an actual or purported:
(1) passport or other immigration document of an
individual; or
(2) government identification document of an individual.

§ 3015. Nonpayment of wages.
(a) Offense defined.--A person who, willfully or with intent
to defraud, fails or refuses to pay wages or otherwise causes
financial harm to an individual for labor services rendered is
guilty of:
(1) A misdemeanor of the third degree if the amount owed
to the individual is less than $2,000.
(2) A felony of the third degree, if:
(i) the amount owed to the individual is equal to or
greater than $2,000;
(ii) the failure or refusal constitutes a second or
subsequent violation of this section; or

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(iii) the person falsely denies the amount due or
the validity of the debt.

(b) Offenses cumulative.--A person commits a separate
offense under this section for each calendar month during which
the individual earned wages that the person failed to pay or was
otherwise financially harmed.

§ 3016. Obstruction of justice.
A person who commits a violation of Subchapter B of Chapter
49 (relating to victim and witness intimidation) or Chapter 51
(relating to obstructing governmental operations) that in any
way interferes with or prevents the enforcement of this chapter
shall be subject to the same penalties that may be imposed for
the offense for which the person has been charged under this
chapter.

§ 3017. Violation by business entities.
(a) Penalty.--Any business entity, including a corporation
or unincorporated association, limited liability partnership or
company or other legal entity that aids or participates in any
violation of this chapter, shall be subject to any of the
following penalties:

(1) Either or both of the following:
   (i) A fine of not more than $1,000,000.
   (ii) The suspension or revocation of any license,
permit or prior approval granted to it by a Commonwealth
or local government agency.

(2) Either:
   (i) the revocation of the business entity's charter
if it is organized under the laws of this Commonwealth;
or
   (ii) the revocation of the business entity's
certificate to do business in this Commonwealth if the
business entity is not organized under the laws of this
Commonwealth.

(3) Such other relief as the court deems equitable,
including the forfeiture of assets or other provision for
restitution as provided in this chapter.

(b) Disposition of fines.--Fines imposed under this section
shall be paid to the council to fund the grant program
established under section 3036 (relating to grants).

(c) Knowledge.--Notwithstanding any exemption from liability
provided for in 15 Pa.C.S. §§ 8523 (relating to liability of
limited partners to third parties) and 8922 (relating to
liability of members), an officer, director, partner, manager or
member of any entity found liable under this section:

(1) Shall not be liable under this section if the person
acted in good faith, in a manner that the person reasonably
believed to be in the best interests of the corporation,
partnership or company, and with such care, including
reasonable inquiry, skill and diligence, as a person of
ordinary prudence would use under similar circumstances.

(2) Shall be liable under this section if the person has
knowledge of such other facts as in the circumstances shows
bad faith.

§ 3018. Nondefenses to human trafficking.

(a) Nondefenses to human trafficking involving sexual
servitude.--Evidence of the following facts or conditions shall
not constitute a defense in a prosecution for a violation under
this chapter, nor shall such evidence preclude a finding of a
violation under this chapter:

(1) A human trafficking victim's prior sexual history or
history of participation in commercial sex acts or
performances involving sexual conduct, as provided in section
3104 (relating to evidence of victim's sexual conduct).

(2) A human trafficking victim's consent or permission,
or the consent or permission of any other person on the human
trafficking victim's behalf to any sexual conduct or
performance, as provided in section 311(c) (relating to
consent).

(3) A human trafficking victim's age with respect to the
age of consent to sex or legal age of marriage.

(b) Nondefense to human trafficking involving labor
servitude.--The human trafficking victim's consent to an
employment contract, even if there was not fraud involved in the
contract's formation, shall not be a defense to labor
trafficking if force or coercion were involved in the making of
the contract.

(c) Sexual servitude of minor.--Except as provided in
section 3102 (relating to mistake as to age), evidence of a
defendant's lack of knowledge of a person's age, or a reasonable
mistake of age, is not a defense for a violation of this chapter
involving the sexual servitude of a minor.

§ 3019. Victim protection during prosecution.

(a) Disclosure of human trafficking victim's name.--
Notwithstanding any other provision of law to the contrary,
unless the court otherwise orders in a prosecution involving a
human trafficking victim, an officer or employee of the court
may not disclose the identity of the human trafficking victim to
the public. Any record revealing the name of the human
trafficking victim shall not be open to public inspection.

(b) Affirmative defense.--An individual who is a defendant
in a criminal trial may offer a defense at trial that the individual was a human trafficking victim and that the crime was committed as a direct result of the individual's status as a human trafficking victim.

(c) Documentation of human trafficking victim status.-- Official documentation of the defendant's status as a human trafficking victim at the time of the offense from a Federal, State or local government agency or a victim services agency or organization:

   (1) Shall create a presumption that the defendant's participation in the offense was a result of having been a human trafficking victim.

   (2) Shall not be required for granting a motion under this section.

(d) Vacation of prior prostitution convictions.--At any time after the entry of a judgment of conviction under section 5902 (relating to prostitution and related offenses), upon motion of the attorney for the Commonwealth, the court in which the judgment was entered may vacate the judgment against the defendant upon the ground that the defendant was a human trafficking victim under this chapter or under the Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7101 et seq.) and participation in the offense was a result of having been a human trafficking victim. The attorney for the Commonwealth in the county of such conviction shall forward information regarding the defendant's status as a human trafficking victim to the district attorney of another county in which the defendant faces similar charges.

§ 3020. Restitution.

(a) Order.--The court shall order a person found guilty of a
violation of this chapter to pay restitution to the human trafficking victim, under the following conditions:

(1) If the human trafficking victim dies as a result of human trafficking, the following shall be entitled to restitution, in the following order:

(i) The surviving spouse of the human trafficking victim.

(ii) The lineal descendants of the human trafficking victim, per stirpes.

(iii) The estate of the human trafficking victim.

(2) A person who violates this chapter shall be ineligible to receive restitution as set forth in paragraph (1).

(3) A person ordered to pay restitution under this chapter may prove, by clear and convincing evidence, that an individual who would be entitled to restitution as a human trafficking victim under paragraph (1) knowingly participated in trafficking activities, in which case that individual shall not be eligible for restitution.

(4) The following items may be included in an order of restitution, in the discretion of the court:

(i) The costs of medical and psychological treatment, including:

(A) physical and occupational therapy and rehabilitation; and

(B) counseling for:

(I) a human trafficking victim;

(II) an individual responsible for the human trafficking victim's welfare;

(III) an individual related to the human trafficking victim;
trafficking victim within the second degree of consanguinity or affinity;

(IV) an individual maintaining a common-law relationship with the human trafficking victim;

(V) an individual residing in the same household with the human trafficking victim; or

(VI) an individual engaged to be married to the human trafficking victim.

(ii) The costs of transportation, temporary housing and child care.

(iii) Attorney fees and other court-related costs, including victim advocate fees.

(iv) For the period during which the human trafficking victim was engaged in involuntary servitude, the greater of the following:

(A) The value of the human trafficking victim's services as guaranteed under the minimum wage and overtime provisions of the laws of this Commonwealth.

(B) The gross income or value to the defendant of the human trafficking victim's services.

(C) The amount the human trafficking victim was promised, or the amount someone in the human trafficking victim's position would have reasonably expected to earn.

(v) The return of property of the human trafficking victim, cost of damage to the property or the full value of the property if taken, destroyed or damaged beyond repair as a result of human trafficking.

(vi) Relocation expenses for the human trafficking victim and members of the human trafficking victim's
family or household if the relocation is verified as necessary by:

(A) a law enforcement official, for the personal safety of the human trafficking victim or the human trafficking victim’s family or household members; or

(B) a mental health treatment provider, for the emotional well-being of the human trafficking victim.

(vii) Repatriation of the human trafficking victim to the human trafficking victim’s home country, if applicable.

(5) Collection and distribution of restitution payments shall be governed by the provisions of 42 Pa.C.S. §§ 9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties), 9730 (relating to payment of court costs, restitution and fines) and 9730.1 (relating to collection of court costs, restitution and fines by private collection agency).

(b) Special rule for sexual servitude victims.--An individual who is a victim of sexual servitude:

(1) Shall not receive restitution as replacement for income earned in an illegal activity.

(2) Shall be entitled to restitution in the form of tuition and fees, not to exceed the average costs of a two-year degree program at a Pennsylvania community college, in order to obtain training or education necessary to become gainfully and legally employed.

(c) Limitation on restitution.--Other than amounts allowed under subparagraph (a)(4)(iv), any award made under this section shall be in an amount not exceeding out-of-pocket expenses.

(d) Reduction.--Except as otherwise provided in this
chapter, an award made under this chapter shall be reduced by
the amount of any payments that are received or to be received
by the human trafficking victim as a result of the human
trafficking and that are derived from one or more of the
following:

(1) from or on behalf of the person who was convicted of
trafficking the human trafficking victim;

(2) under any insurance or health and welfare programs,
including those mandated by law;

(3) under any contract of insurance wherein the human
trafficking victim is the beneficiary;

(4) from public funds;

(5) under any pension program, including those providing
for disability or survivor's benefits; or

(6) under a settlement or award made by or on behalf of
a party alleged to be responsible in whole or in part for the
human trafficking victim's status as a human trafficking
victim, without regard to the party's criminal culpability.

(e) Nongovernmental organizations.--The court may order
payment of restitution to a nongovernmental organization for all
out-of-pocket expenses incurred in assisting a human trafficking
victim.

(f) Definition.--As used in this section, the term
"relocation expenses" shall include deposits for utilities and
phone services, deposits for rental housing, temporary lodging
and food expenses, clothing expenses, expenses for personal
items and other moving expenses.

§ 3021. Asset forfeiture.
(a) General rule.--The following shall be subject to
forfeiture to this Commonwealth, and no property right shall
exist in them:

(1) All assets, foreign or domestic:

   (i) Of an individual, entity or organization engaged in planning or perpetrating an act in this Commonwealth which violates section 3011 (relating to trafficking in individuals) or 3012 (relating to involuntary servitude).

   (ii) Affording a person a source of influence over such individual, entity or organization under subparagraph (i).

   (iii) Acquired or maintained by a person with the intent and for the purpose of supporting, planning, conducting or concealing an act in this Commonwealth which violates section 3011 or 3012.

   (iv) Derived from, involved in or used or intended to be used to commit an act in this Commonwealth which violates section 3011 or 3012.

(2) All assets within this Commonwealth:

   (i) Of an individual, entity or organization engaged in planning or perpetrating an act which violates section 3011 or 3012.

   (ii) Acquired or maintained with the intent and for the purpose of supporting, planning, conducting or concealing an act which violates section 3011 or 3012.

   (iii) Derived from, involved in or used or intended to be used to commit an act which violates section 3011 or 3012.

(b) Process and seizures.--Property subject to forfeiture under this section may be seized by a law enforcement agency upon process issued by any court of common pleas having jurisdiction over the property.
(c) Custody of property.--

(1) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the law enforcement agency subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings.

(2) When property is seized under this section, the law enforcement agency shall place the property under seal and either:

(i) remove the property to a place designated by it;

or

(ii) require that the district attorney take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(d) Transfer of property.--Whenever property is forfeited under this section, the property shall be transferred to the custody of the district attorney. The district attorney, where appropriate, shall sell the property. The proceeds from the sale shall first be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be distributed under subsection (m).

(e) Proceedings and petition.--

(1) The proceedings for the forfeiture or condemnation of property shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant.

(2) A petition shall:

(i) be filed in the court of common pleas of the judicial district where the property is located;
(ii) be verified by oath or affirmation of an officer or citizen; and

(iii) contain the following:

(A) A description of the property seized.

(B) A statement of the time and place where seized.

(C) The owner, if known.

(D) The person or persons in possession, if known.

(E) An allegation that the property is subject to forfeiture under this section and an averment of material facts upon which forfeiture action is based.

(F) A prayer for an order of forfeiture that the property be adjudged forfeited to the Commonwealth and condemned unless cause to the contrary is shown.

(f) Service.--

(1) A copy of the petition required under subsection (e) shall be served personally or by certified mail on the owner or the person or persons in possession at the time of the seizure.

(2) The copy shall have endorsed a notice as follows:

To the claimant of the within described property:

You are required to file an answer to this petition, setting forth your title in and right to possession of the property within 30 days from the service of this notice. You are also notified that, if you fail to file the answer, a decree of forfeiture and condemnation will be entered against the property.

(3) The notice shall be signed by the district attorney, deputy district attorney or assistant district attorney.
(g) Notice.--

(1) Notice of the petition shall be given by the Commonwealth through an advertisement in only one newspaper of general circulation published in the county where the property shall have been seized, once a week for two successive weeks if:

   (i) the owner of the property is unknown;
   (ii) there was no person in possession of the property when seized;
   (iii) the owner or such person or persons in possession at the time of the seizure cannot be personally served or located within the jurisdiction of the court.

(2) Notwithstanding any other law to the contrary, this section does not require any advertisement.

(3) The notice of the petition shall:

   (i) contain a statement of the seizure of the property, a description of the property, the place and date of seizure; and
   (ii) direct any claimants to the property to file a claim on or before a date given in the notice, which date shall not be less than 30 days from the date of the first publication.

(4) If no claims are filed within 30 days of publication, the property shall summarily forfeit to the Commonwealth.

(h) Unknown owner.--For purposes of this section, the owner or other such person cannot be found in the jurisdiction of the court if:

   (1) A copy of the petition is mailed to the last known
address by certified mail and is returned without delivery.

(2) Personal service is attempted once but cannot be
made at the last known address.

(3) A copy of the petition is left at the last known
address.

(i) Waiver of notice.--The notice provisions of this section
are automatically waived if the owner, without good cause, fails
to appear in court in response to a subpoena on the underlying
criminal charges. If good cause has not been demonstrated and 45
days have passed since the owner failed to appear, the property
shall summarily forfeit to the Commonwealth.

(j) Hearing date.--Upon the filing of a claim for the
property setting forth a right of possession, the case shall be
deemed at issue and a date and time shall be fixed for the
hearing.

(k) Burden of proof.--If the Commonwealth produces evidence
at the hearing under this section that the property in question
was unlawfully used, possessed or otherwise subject to
forfeiture under this section, the burden shall be upon the
claimant to show by a preponderance of the evidence that:

(1) the claimant is the owner of the property or the
holder of a chattel mortgage or contract of conditional sale
thereon;

(2) the claimant lawfully acquired the property; and

(3) the property was not unlawfully used or possessed by
the claimant. If it appears that the property was unlawfully
used or possessed by a person other than the claimant, then
the claimant shall show that the unlawful use or possession
was without his knowledge or consent. Such absence of
knowledge or consent must be reasonable under the
(1) Claims of ownership.--

(1) A person may file a petition to the court alleging:

(i) Ownership of the property.

(ii) A right of possession to the property.

(iii) A lien or reservation of title to the property as the holder of:

(A) a chattel mortgage upon the property; or

(B) a contract of conditional sale upon the property.

(2) A public hearing shall be held, with due notice given to the district attorney.

(3) The court may order the property returned or delivered to the claimant upon proof by a preponderance of the evidence by the claimant that:

(i) the property was lawfully acquired, possessed and used by the claimant; or

(ii) if it appears that the property was unlawfully used by a person other than the claimant, the unlawful use was without the claimant's knowledge or consent. The absence of knowledge or consent must be reasonable under the circumstances presented.

(m) Disposition of proceeds.--Subject to subsection (d), all moneys forfeited and the proceeds from the sale of all property forfeited and seized under this section shall be paid as follows:

(1) Any local law enforcement agency shall be reimbursed if it has used its own funds in the detection, investigation, apprehension and prosecution of persons for violation of sections 3011 and 3012.
(2) Any amount remaining after reimbursement under paragraph (1) shall be distributed under the following formula:

(i) Thirty percent to the office of the district attorney to be used to investigate and prosecute human trafficking cases.

(ii) Thirty-five percent to the council to fund the grant program established in section 3036 (relating to grants).

(iii) Thirty-five percent to the Office of Victims’ Services in the Pennsylvania Commission on Crime and Delinquency to provide services to human trafficking victims in the manner set forth in Chapter 9 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

(n) Assets located outside United States.--Assets of persons convicted of violations of sections 3011 and 3012 that are located outside the United States shall also be subject to forfeiture to the extent they can be retrieved by the Commonwealth.

§ 3022. Forfeiture of professional licenses and governmental contracts.

(a) Revocation of professional license.--The professional license of a licensee who knowingly employs or permits the employment of a human trafficking victim shall be revoked for a period of one year.

(b) Administrative procedure.--Revocations under subsections (a) and (c)(2)(i) shall be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth
(c) Loss of public works contract.--A public works contractor or subcontractor who knowingly employs or permits the employment of a human trafficking victim is subject to the following:

(1) For a first offense relating to the public contract, the Secretary of Labor and Industry shall issue a warning letter detailing the violation. The letter shall be posted on the Department of Labor and Industry's Internet website.

(2) For a second offense relating to the public contract:

(i) At the discretion of the Commonwealth agency public body with which the public works contractor has contracted, the contractor may be subject to termination of the contract by the Commonwealth agency public body and a fine of up to $2,000. The right of the Commonwealth agency public body to terminate the contract under this subparagraph may not be waived.

(ii) At the discretion of the public works contractor with whom the subcontractor has contracted, the subcontractor may be subject to termination of the subcontract by the public works contractor without recourse against or penalty to the public works contractor. The right of the public works contractor to terminate the subcontract under this subparagraph may not be waived.

(3) For a third or subsequent offense relating to the public contract, at the discretion of the Secretary of Labor and Industry, in addition to the sanctions in paragraph (2), the contractor or subcontractor shall be subject to debarment.
under 62 Pa.C.S. § 531 (relating to debarment or suspension) for one year.

(d) Affirmative defense.—It shall be an affirmative defense to any proceeding for a violation of this chapter that a licensee or public works contractor or subcontractor:

(1) complied with section 274A of the Immigration and Nationality Act (66 Stat. 163, 8 U.S.C. § 1324a) with respect to hiring, recruiting or referring an individual for employment in the United States; or

(2) required a contractor or subcontractor to certify compliance with section 274A of the Immigration and Nationality Act with respect to hiring, recruiting or referring an individual for employment in the United States.

(e) Definitions.—The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Licensee." An individual, corporation, partnership, limited liability company or other legal entity that holds a license issued by a departmental or administrative board or commission under the Bureau of Professional and Occupational Affairs in the Department of State.

"Public body." The Commonwealth of Pennsylvania, any of its political subdivisions, any authority created by the General Assembly of the Commonwealth and any instrumentality or agency of the Commonwealth.

"Public work." Construction, reconstruction, demolition, alteration and repair work other than maintenance work, done under contract and paid for in whole or in part out of the funds of a public body where the estimated cost of the total project is in excess of $25,000. The term shall not include work.
performed under a rehabilitation or manpower training program.

"Public works contractor." A contractor that provides goods or services under a contract involving a public works project.

"Public works project." A project involving a public work.

"Subcontractor." A person, other than a natural person and including, but not limited to, a staffing agency, temporary employment agency or placement agency that performs work for a public works contractor under a contract for a public work.

§ 3023. Cumulative remedies.

Any remedies under this chapter shall be in addition to any other criminal penalties or forfeitures authorized under the laws of this Commonwealth.

§ 3024. Sentencing.

(a) Sentencing enhancements.--In determining a sentence of imprisonment for any violation of this chapter, the court shall consider the following aggravating factors as justification for imposing the maximum sentence allowed under law:

(1) If a human trafficking victim suffered bodily injury, with increased penalties for:

   (i) Serious bodily injury, as defined in section 2301 (relating to definitions).

   (ii) Permanent or life-threatening bodily injury.

   (iii) Death.

(2) The time the individual was held in involuntary servitude, with increased penalties for holding a human trafficking victim:

   (i) For at least 180 days and less than one year.

   (ii) For one year or more.

(3) The number of human trafficking victims, with increased penalties if violations involved more than one
human trafficking victim.

(4) If the human trafficking victim was a minor at the
time of the initial offense under this chapter.
(b) Victim impact statement.--Human trafficking victims
under this chapter shall have the opportunity to offer prior
comment on the sentencing of a defendant under the following
circumstances:

(1) The office of the district attorney shall provide
notice of the opportunity to the human trafficking victim.
(2) The prior comment may include the submission of a
written and oral victim impact statement detailing the
physical, psychological and economic effects of the crime on
the human trafficking victim and the human trafficking
victim's family.
(3) The written statement or oral transcript shall be
included in any predisposition or presentence report
submitted to the court.
(4) Victim impact statements shall be considered by a
court when determining a sentence.
(5) An interpreter who speaks a language that the human
trafficking victim understands shall be made available to the
human trafficking victim during the course of legal
proceedings.

§ 3025. Data collection.
The Pennsylvania Commission on Sentencing established in 42
Pa.C.S. § 2151.2 (relating to commission) shall collect data and
other relevant information on sentences imposed under this
subchapter.

SUBCHAPTER C
PREVENTION OF HUMAN TRAFFICKING
Sec.

3032. Commission responsibilities.

3033. Training.

3034. Public awareness.

3035. National Human Trafficking Resource Center Hotline.

3036. Grants.

3037. Role of nongovernmental organizations.


(a) Establishment.--The Pennsylvania Council for the Prevention of Human Trafficking is established in the commission.

(b) Membership.--The council shall include the following:

(1) A representative of the Office of the Governor.

(2) A representative of the Office of Attorney General.

(3) A representative of the Department of Labor and Industry.

(4) A representative of the Department of Health.

(5) A representative of the Department of Public Welfare.

(6) A representative of the Department of State.

(7) A representative of the Pennsylvania State Police.

(8) A representative of the Pennsylvania District Attorneys Association.

(9) A representative of the Pennsylvania Chiefs of Police Association.

(10) A representative of the Pennsylvania Sheriffs' Association.
(11) A representative of the Pennsylvania Coalition Against Domestic Violence.

(12) A representative of the Pennsylvania Coalition Against Rape.

(13) Three representatives of local law enforcement agencies appointed by the Governor.

(14) Ten representatives from nongovernmental organizations appointed by the Governor to include:

(i) organizations with substantial experience serving human trafficking victims;

(ii) regional organizations, including task forces and coalitions devoted to human trafficking;

(iii) agencies devoted to runaway services; and

(iv) academic researchers dedicated to the subject of human trafficking.

(c) Federal government representation on council.--The Governor shall invite a representative from each of the following organizations operating within the Commonwealth to be members of the council:

(1) The United States Attorneys' offices.

(2) The Federal Bureau of Investigation.

(3) The United States Immigration and Customs Enforcement.

(4) The United States Department of Labor.

(d) Procedural matters.--

(1) The council shall meet at least four times annually.

(2) The commission shall call and organize the first meeting of the council, at which time the council shall elect from among the membership a chair, who shall serve for two years, or until a successor is elected.
(3) A simple majority of the council members shall constitute a quorum.

(4) Members of the council shall serve without compensation, but each member shall be reimbursed for any actual and necessary expenses incurred in the performance of council-related duties. Expenses may include reimbursement of travel and living expenses while engaged in council business.

(5) The council shall establish rules for the conduct of its meetings.

(e) Responsibilities.--The council shall:

(1) Develop and assist the commission in implementing the State plan developed in section 3051 (relating to State Plan for the Prevention of Human Trafficking).

(2) Administer the grant program established in section 3036 (relating to grants).

(3) Advise the commission in carrying out its duties under this chapter.

(f) Annual report.--The council shall submit an annual report of its findings and recommendations to the Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives on or before December 31 of each calendar year.

§ 3032. Commission responsibilities.

(a) Responsibilities.--The commission shall:

(1) Enhance and support local and regional efforts to combat human trafficking.

(2) Coordinate the implementation of the State plan.

(3) Coordinate the sharing of information between agencies for the purposes of detecting persons engaged in human trafficking.
(4) Explore the establishment of State policies for time
limits for the issuance of law enforcement agency
endorsements as described in Federal regulations found at 8
CFR § 214.11(f)(1) (relating to alien victims of severe forms
of trafficking in persons).

(5) Establish policies to work with nongovernmental
organizations to prevent human trafficking and provide
assistance to human trafficking victims.

(6) Review existing services and facilities to meet the
needs of human trafficking victims and recommend improved
coordination efforts involving:

(i) Health services, including mental health
services.

(ii) Housing.

(iii) Education and job training.

(iv) English as a Second Language classes.

(v) Interpreting services.

(vi) Legal and immigration services.

(vii) Victim compensation.

(viii) Processes and procedures to protect human
trafficking victims after identification as a human
trafficking victim.

(7) Evaluate various approaches used by State and local
governments to increase public awareness of human
trafficking.

(8) Develop screening protocols for use by emergency
medical services providers as defined in 35 Pa.C.S. § 8103
(relating to definitions).

(9) Compile and publish a Statewide directory of
agencies that provide services to human trafficking victims.
(10) Develop guidelines for size and display of public information materials developed under section 3034 (relating to public awareness).

(11) Provide administrative support or other assistance to the council.

(b) Delegation of responsibilities.--The commission may delegate any or all of its duties to nongovernmental organizations.

§ 3033. Training.

(a) Law enforcement personnel.--The commission shall develop a course of training in all aspects of human trafficking to be included as a component of in-service training for the following:

(1) Members of the Pennsylvania State Police.

(2) Municipal police officers, as defined in 53 Pa.C.S. Ch. 21 (relating to employees).

(3) County sheriffs and deputy sheriffs.

(4) Adult and juvenile parole and probation officers.

(b) Juvenile detention center staff.--The commission shall develop a course of training in all aspects of human trafficking to be presented as an annual workshop for all juvenile detention center staff.

(c) Other agencies.--The following shall add a training component to identify human trafficking victims for use by their personnel:

(1) The Department of Corrections.

(2) The Department of Health.

(3) The Department of Public Welfare.

(4) The Department of Education.

(5) The Department of Labor and Industry.
(6) The Office of Victim Advocate.

(7) The commission.

(d) Victims in shelters.--The commission shall develop training materials for use by staff working in domestic violence, sexual violence and human trafficking shelters to ensure the safety of human trafficking victims residing in shelters.

§ 3034. Public awareness.

(a) Potential victims and content.--In cooperation with appropriate nongovernmental organizations, the commission shall prepare public awareness programs designed to educate potential victims and their families on the risks of human trafficking, including information regarding:

(1) Common recruitment techniques.

(2) The use of debt bondage.

(3) Common coercive tactics.

(4) The health risks of maltreatment, rape, exposure to HIV/AIDS and sexually transmitted diseases.

(5) The potential psychological harm.

(6) The risks of engaging in commercial sex acts and possible punishment.

(7) Human trafficking victims' rights under Federal and State law.

(8) Methods for reporting suspected recruitment activities.

(9) Types of services available to victims and how to access such services.

(10) Relevant hotlines, including the National Human Trafficking Resource Center Hotline under section 3035 (relating to National Human Trafficking Resource Center...
(b) General public awareness programs.--In cooperation with other appropriate governmental agencies and nongovernmental organizations, the commission shall prepare and disseminate general public awareness programs and materials to educate the public on the extent of human trafficking of both United States citizens and foreign nationals and to discourage the demand that fosters the exploitation of persons that leads to human trafficking.

(c) Content.--General public awareness programs and materials under this section shall recognize and be sensitive to ethnic and cultural differences among human trafficking victims and may include:

(1) The impact of human trafficking on individual victims.

(2) Aggregate information on human trafficking worldwide and domestically.

(3) Warnings of the criminal consequences of engaging in human trafficking.

(4) Information described in paragraphs (a)(4), (5), (6), (7), (8), (9) and (10).

(d) Types of materials.--Materials described in subsections (b) and (c) may include pamphlets, brochures, posters, advertisements in mass media, public service announcements and any other appropriate media.

(e) Privacy protected.--All programs and materials developed under this section shall preserve the privacy of human trafficking victims and their families.

(f) Periodic evaluation.--All public awareness programs prepared under this section shall be evaluated periodically to
ensure their effectiveness.

§ 3035. National Human Trafficking Resource Center Hotline.

Information regarding the National Human Trafficking Resource Center Hotline shall be disseminated pursuant to the act of October 24, 2012 (P.L. No. 197), known as the National Human Trafficking Resource Center Hotline Notification Act.

§ 3036. Grants.

(a) General rule.--Subject to the availability of funds, the council shall make grants to units of local government and nongovernmental organizations to:

(1) Develop, expand or strengthen programs for victims.

(2) Ensure prevention of human trafficking.

(3) Ensure protection of victims.

(b) Conflict of interest.--Whenever a member of the council is a representative of an applicant for a grant under this section, the member shall fully disclose the nature of the interest and withdraw from discussion, lobbying and voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested council members determines that it is in the best interests of the grant program to do so.

§ 3037. Role of nongovernmental organizations.

In implementing the responsibilities assigned under sections 3031 (relating to Pennsylvania Council for the Prevention of Human Trafficking), 3033 (relating to training) and 3034 (relating to public awareness), the commission shall enlist the cooperation of nongovernmental organizations, including the following:

(1) Organizations with substantial experience serving victims of human trafficking, sexual violence or domestic
violence.

(2) Regional organizations, including task forces and coalitions devoted to human trafficking.

(3) Agencies devoted to runaway services.

(4) Agencies providing shelter and secure housing for victims.

(5) Academic researchers dedicated to the subject of human trafficking.

SUBCHAPTER D

PROTECTION OF HUMAN TRAFFICKING VICTIMS

Sec.


3052. Civil causes of action.

3053. Protection of victims.

3054. Appropriate implementation for minor human trafficking victims.

3055. Services.

3056. Victims in shelters.


(a) Development of plan.--The council shall assist the commission in the development of the plan for a coordinated response system to provide services to human trafficking victims as provided in section 9 of the act of October 24, 2012 (P.L. No.197), known as the National Human Trafficking Resource Center Hotline Notification Act.

(b) Personal characteristics to be considered.--In the development of the State plan under this section, the council shall consider the following factors relevant to the human trafficking victim and the victim's dependent children:

(1) Age.
(2) Gender.
(3) Special needs.
(4) Sexual orientation.
(5) Gender identity.
(6) Racial and ethnic background.

(c) Implementation.--The State plan shall be submitted to the commission, which shall implement the plan in compliance with the requirements of this section and ensure that all human trafficking victims are treated with respect for their human rights and dignity. The council shall review the State plan annually to ensure that it continues to meet the needs of victims of human trafficking.

§ 3052. Civil causes of action.

(a) General rule.--

(1) An individual who is a human trafficking victim may bring a civil action against any person that participated in the human trafficking of the individual in the court of common pleas of the county where the individual resides or where any of the alleged violations of this chapter occurred.

(2) An individual who is a victim of the sex trade may bring a civil action in the court of common pleas of the county where the individual resides against a person that:

(i) recruits, profits from or maintains the victim in any sex trade act;

(ii) abuses or causes bodily harm to the victim in any sex trade act; and

(iii) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity.

(b) Exception.--This section shall not be construed to

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create liability for any person who provides goods or services
to the general public and to a person who would be liable under
paragraph (a)(2), absent a showing that the person:

(1) knowingly markets or provides its goods or services
to a person liable under paragraph (a)(2);
(2) knowingly receives a higher level of compensation
from a person liable under paragraph (a)(2); or
(3) supervises or exercises control over a person liable
under paragraph (a)(2).

(c) Damages.--The court may award any of the following forms
of relief:

(1) Actual damages.
(2) Compensatory damages.
(3) Punitive damages.
(4) Injunctive relief.
(5) Any other appropriate relief.

(d) Attorney fees and costs.--A prevailing plaintiff who is
a human trafficking victim shall be awarded reasonable attorney
fees and costs.

(e) Treble damages.--Treble damages shall be awarded to a
human trafficking victim on proof of actual damages where the
defendant's acts were willful and malicious.

(f) Joinder of actions.--In the discretion of the court:
(1) Two or more individuals may join in one action under
this section as plaintiffs if their respective actions
involve at least one defendant in common.
(2) Two or more persons may be joined in one action
under this section as defendants if those persons may be
liable to at least one plaintiff in common.

(g) Attempts at avoidance of liability.--No person may avoid
liability under this section by:

(1) a conveyance of any right, title or interest in real property; or

(2) an agreement, including an indemnification agreement or hold harmless agreement, that purports to show the consent of the human trafficking victim.

(h) Statute of limitations.--The statute of limitations for an action under this section may be tolled under any of the following circumstances:

(1) Until the plaintiff discovers that the human trafficking incident occurred and that the defendant caused, was responsible for or profited from the incident.

(2) Until a minor victim has attained the age of majority.

(3) If a plaintiff is under a disability that makes it impossible or impracticable for the plaintiff to bring an action at the time the cause of action accrues, until the disability has been removed.

(4) If the plaintiff's injury is caused by two or more incidents that are part of a human trafficking situation created by the same defendant, until the last human trafficking incident in the continuing series occurs.

(5) If the plaintiff is subject to threats, intimidation, manipulation or fraud perpetrated by the defendant or any person acting on the defendant's behalf, until such actions have ceased.

(i) Estoppel.--A defendant is estopped from asserting a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the filing of the action or placing the
plaintiff under duress.

(j) Nondefenses.--It shall not be a defense to an action under this section that the following occurred:

(1) The victim of the sex trade and the defendant had a consensual sexual relationship.

(2) The defendant is related to the victim of the sex trade by blood or marriage.

(3) The defendant has lived with the victim of the sex trade in any formal or informal household arrangement.

(4) The victim of the sex trade was paid or otherwise compensated for sex trade activity.

(5) The victim of the sex trade engaged in sex trade activity prior to any involvement with the defendant.

(6) The victim of the sex trade continued to engage in sex trade activity following any involvement with the defendant.

(7) The victim of the sex trade made no attempt to escape, flee or otherwise terminate the contact with the defendant.

(8) The victim of the sex trade consented to engage in sex trade activity.

(9) The victim of the sex trade engaged in only a single incident of sex trade activity.

(10) There was no physical contact involved in the sex trade activity.

(11) As a condition of employment, the defendant required the victim of the sex trade to agree not to engage in prostitution.

(12) The defendant's place of business was posted with signs prohibiting prostitution or prostitution-related activity.
activities.

(13) The victim of the sex trade has been convicted or charged with prostitution or prostitution-related offenses.

(14) The victim of labor trafficking made no attempt to escape, flee or otherwise terminate the contact with the defendant.

(k) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Disability." Includes insanity, imprisonment or other incapacity or intellectual disability.

"Sex trade." An act, which if proven beyond a reasonable doubt, could support a conviction for violation or attempted violation of Ch. 59 (relating to public indecency) or section 6312 (relating to sexual abuse of children).

"Victim of the sex trade." An individual who has been:

(1) The object of a solicitation for prostitution.

(2) The object of a transaction in a commercial sex act.

(3) Intended or compelled to engage in an act of prostitution.

(4) Intended or compelled to engage in a commercial sex act.

(5) Described or depicted in material that advertises an intent or compulsion to engage in commercial sex acts.

(6) In the case of obscenity or child pornography, has appeared in or been described or depicted in the offending conduct or material.

§ 3053. Protection of victims.

Law enforcement agencies shall take all steps necessary to identify and protect human trafficking victims, including:
(1) Interviewing all individuals arrested on charges of prostitution to identify if they are victims.

(2) Upon identification as a human trafficking victim and subject to the consent of the victim and the victim's family, where family consent is appropriate, by:

(i) providing reasonable protection to prevent recapture by human traffickers and their associates;

(ii) securing the victim and the victim's family known to be living in this Commonwealth from threats, reprisals or intimidation by the human traffickers and their associates; and

(iii) ensuring that the victim has an opportunity to consult with a victim advocate or other appropriate person to develop a safety plan and for advocacy purposes.

§ 3054. Appropriate implementation for minor human trafficking victims.

(a) Best interest standard.--The provision of services to a minor human trafficking victim by the Commonwealth or by any institution or person established or licensed by the Commonwealth shall be carried out in a manner that is in the best interest of the minor and appropriate to the particular situation.

(b) Special procedures.--Special procedures shall be developed to accommodate minor witnesses during the investigation and prosecution of violations of this chapter, including:

(1) The presence of the parent, legal guardian, foster parent or attorney during all testimony and court proceedings, if it is in the best interest of the minor.
(2) Reuniting the minor with family members, whether within or without the United States, whenever safe, possible and in the best interest of the minor.

(3) Formally investigate the home situation of a minor who became a human trafficking victim after running away or being cast out of the minor's home or foster care.

§ 3055. Services.

(a) Effect of guilty plea.--Any plea of guilty entered under section 3011 (relating to trafficking in individuals) or 3012 (relating to involuntary servitude) by a defendant shall automatically entitle the human trafficking victim to all benefits, rights and compensation granted under this chapter.

(b) Information for victims.--The commission shall prepare a model informational form to be used by any person having contact with human trafficking victims that informs human trafficking victims, in a language they can understand, of the following:

(1) Progress in the prosecution of the defendants.

(2) Information on prison release dates of persons convicted of offenses under this chapter.

(3) Their right to provide a victim impact statement.

(4) Their right to a victim advocate.

(5) The procedure for repatriation to the human trafficking victim's country of citizenship or lawful residence.

(6) A directory of local human trafficking victim service organizations.

(7) A directory of legal services organizations that can assist human trafficking victims in obtaining or maintaining legal immigration status.

(c) Access to crime victims' services.--
(1) Human trafficking victims shall be eligible for benefits and compensation under the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

(2) Law enforcement agencies shall inform human trafficking victims of benefits they may receive under Federal and State laws, and may assist those human trafficking victims in obtaining such benefits where law enforcement assistance is required in order to obtain those benefits.

(3) A human trafficking victim who is charged with a violation under Ch. 59 (relating to public indecency) shall not be precluded from receiving benefits under the Crime Victims Act on the basis of those charges only.

(d) Refugee benefits.--Foreign national human trafficking victims and their accompanying dependent children shall be eligible to receive benefits in the same manner and to the same extent as refugees.

(e) Labor standards and working conditions.--The Department of Labor and Industry shall:

(1) Administer labor standards regarding wages, hours of work and working conditions under its jurisdiction without regard to the legal status of the individual's right to work in the United States.

(2) Investigate complaints of unlawful working conditions without regard to the immigration status of the complainants and without regard to the nature of the work or services involved.

(f) Immigration certification.--

(1) The Attorney General, a district attorney or any representative of a law enforcement agency may certify in
writing to the United States Department of Justice or other Federal agency, including the United States Department of Homeland Security, that:

(i) an investigation or prosecution under this chapter has begun; and

(ii) an individual who may be a human trafficking victim is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under Federal law, to qualify for an appropriate special immigrant visa and to access available Federal benefits.

(2) Cooperation with law enforcement agencies shall not be required of a human trafficking victim who is a minor.

(3) Certification under this subsection may be made available to the human trafficking victim and the human trafficking victim's designated legal representative.

§ 3056. Victims in shelters.

(a) Voluntary placement.--Residence of a human trafficking victim in a shelter or other facility shall be voluntary, and a human trafficking victim may decline to stay in a shelter or other facility.

(b) Restrictions on admission.--Admission to a shelter:

(1) shall be made without regard to race, religion, ethnic background, sexual orientation, country of origin or culture; and

(2) may not be conditioned on whether the human trafficking victim is cooperating with a law enforcement agency in its attempts to prosecute persons under this chapter.

SUBCHAPTER E

MISCELLANEOUS PROVISIONS
Sec. 3071. Appropriations.
Section 3071. Appropriations.

The General Assembly shall appropriate funds as necessary to support the activities of the council.

§ 3072. Other funding.

(a) Grant applications.--In addition to the money appropriated in section 3071 (relating to appropriations) and any other money that may be appropriated from time to time by the General Assembly for its work, the council, in conjunction with the commission, is authorized to apply for and expend Federal grants and grants and contributions from other public, quasi-public or private sources to assist in implementing this chapter.

(b) Commission support.--The commission shall provide adequate resources to the council to implement this chapter.

§ 3073. Nonexclusivity.

Remedies under this chapter are not exclusive and shall be in addition to other procedures or remedies for a violation or conduct provided for in other law.

Section 4. Section 5708(1) of Title 18 is amended to read:

§ 5708. Order authorizing interception of wire, electronic or oral communications.

The Attorney General, or, during the absence or incapacity of the Attorney General, a deputy attorney general designated in writing by the Attorney General, or the district attorney or, during the absence or incapacity of the district attorney, an assistant district attorney designated in writing by the
district attorney of the county wherein the suspected criminal activity has been, is or is about to occur, may make written application to any Superior Court judge for an order authorizing the interception of a wire, electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation involving suspected criminal activities when such interception may provide evidence of the commission of any of the following offenses, or may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the following offenses:

(1) Under this title:

- Section 911 (relating to corrupt organizations)
- Section 2501 (relating to criminal homicide)
- Section 2502 (relating to murder)
- Section 2503 (relating to voluntary manslaughter)
- Section 2702 (relating to aggravated assault)
- Section 2706 (relating to terroristic threats)
- Section 2709.1 (relating to stalking)
- Section 2716 (relating to weapons of mass destruction)
- Section 2901 (relating to kidnapping)
- Section 3002\[3011\] (relating to trafficking [of persons in individuals])
- Section 3121 (relating to rape)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3301 (relating to arson and related offenses)
Section 3302 (relating to causing or risking
catastrophe)
Section 3502 (relating to burglary)
Section 3701 (relating to robbery)
Section 3921 (relating to theft by unlawful taking or
disposition)
Section 3922 (relating to theft by deception)
Section 3923 (relating to theft by extortion)
Section 4701 (relating to bribery in official and
political matters)
Section 4702 (relating to threats and other improper
influence in official and political matters)
Section 5512 (relating to lotteries, etc.)
Section 5513 (relating to gambling devices, gambling,
etc.)
Section 5514 (relating to pool selling and
bookmaking)
Section 5516 (relating to facsimile weapons of mass
destruction)
Section 6318 (relating to unlawful contact with
minor)

* * *

Section 5. Sections 4415 and 4436 of Title 42 are amended by
adding paragraphs to read:
§ 4415. Confidential communications in presence of interpreter.
An interpreter appointed under this subchapter shall not be
compelled to testify in any judicial proceeding or
administrative proceeding to any statements made by the person
with limited English proficiency and interpreted by the
interpreter when the person with limited English proficiency is
engaged in a confidential communication as provided by any statute or general rule, including, but not limited to:

* * *

(9) Section 5945.3 (relating to confidential communications with human trafficking caseworkers).

§ 4436. Confidential communications in presence of interpreter.

An interpreter appointed under this subchapter shall not be compelled to testify in any judicial proceeding or administrative proceeding to any statements made by the person who is deaf and interpreted by the interpreter when the person who is deaf is engaged in a confidential communication as provided by any statute or general rule, including, but not limited to:

* * *

(9) Section 5945.3 (relating to confidential communications with human trafficking caseworkers).

Section 6. Section 5552(c)(3) of Title 42 is amended and the subsection is amended by adding a paragraph to read:

§ 5552. Other offenses.

* * *

(c) Exceptions.--If the period prescribed in subsection (a), (b) or (b.1) has expired, a prosecution may nevertheless be commenced for:

* * *

(3) Any sexual offense committed against a minor who is less than 18 years of age any time up to the later of the period of limitation provided by law after the minor has reached 18 years of age or the date the minor reaches 50 years of age. As used in this paragraph, the term "sexual offense" means a crime under the following provisions of
Title 18 (relating to crimes and offenses):

Section 3011(b) (relating to trafficking in individuals).

Section 3012 (relating to involuntary servitude).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4304 (relating to endangering welfare of children).

Section 6301 (relating to corruption of minors).

Section 6312(b) (relating to sexual abuse of children).

Section 6320 (relating to sexual exploitation of children).

* * *

(5) An offense under 18 Pa.C.S. § 3011 or 3012 in which
the human trafficking victim was not a minor any time up to
five years from the date the human trafficking victim escaped
from the human trafficking situation.

* * *

Section 7. Section 5554(2) and (3) of Title 42 are amended
and the section is amended by adding a paragraph to read:
§ 5554. Tolling of statute.

Except as provided by section 5553(e) (relating to disposition of proceedings within two years), the period of limitation does not run during any time when:

* * *

(2) a prosecution against the accused for the same conduct is pending in this Commonwealth; [or]

(3) a child is under 18 years of age, where the crime involves injuries to the person of the child caused by the wrongful act, or neglect, or unlawful violence, or negligence of the child's parents or by a person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent[.]; or

(4) a person entitled to prosecute an offense under 18 Pa.C.S. Ch. 30 (relating to human trafficking) could not have reasonably discovered the offense due to circumstances resulting from the human trafficking situation, such as psychological trauma, social, cultural and linguistic isolation and the inability to access services.

Section 8. Title 42 is amended by adding a section to read:

§ 5945.3. Confidential communications with human trafficking caseworkers.

(a) Sexual assault counselors.--An individual qualified as a sexual assault counselor under section 5945.1(a) (relating to confidential communications with sexual assault counselors) may serve as a human trafficking counselor under this section.

(b) Privilege.--

(1) This subsection applies to all of the following:

(i) A human trafficking caseworker.

(ii) An interpreter.
(2) An individual designated in paragraph (1) may not disclose a confidential communication without the written consent of the human trafficking victim who made the confidential communication.

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

"Confidential communication." All information, oral or written, transmitted between a victim of human trafficking and a human trafficking caseworker in the course of their relationship. The term includes advice, reports, statistical data, memoranda, working papers and records, given or made during that relationship, including matters transmitted between the human trafficking caseworker and the victim through the use of an interpreter.

"Human trafficking caseworker." An individual:

(1) who is engaged by any organization whether financially compensated or not;

(2) whose primary purpose is the rendering of advice or assistance to a human trafficking victim, as defined in 18 Pa.C.S. § 3001 (relating to definitions); and

(3) who:

(i) holds a master's degree or higher in counseling or a related field;

(ii) has an undergraduate degree or equivalent in a human services profession; or

(iii) is supervised by an individual qualified under subparagraph (i) or (ii) and has at least 80 hours of training received under that supervision in:

(A) the history of human trafficking;
(B) civil law and criminal law as they relate to human trafficking;

(C) societal attitudes toward human trafficking;

(D) peer counseling techniques;

(E) housing, public assistance and other financial resources available to meet the needs of human trafficking victims;

(F) referral services available to human trafficking victims;

(G) privileged communications; or

(H) human trauma therapy counseling.

"Interpreter." An individual who translates communications between a human trafficking caseworker and a victim of human trafficking through the use of sign language, visual, oral or written translation.

Section 9. Sections 9720.2 and 9738(b) of Title 42 are amended to read:

§ 9720.2. Sentencing for trafficking of persons.
   Notwithstanding any other provision of law, a person who commits a violation of 18 Pa.C.S. § [3002] 3011 (relating to trafficking [of persons] in individuals) while violating:
   (1) 18 Pa.C.S. § 2901 (relating to kidnapping);
   (2) 18 Pa.C.S. § 3121 (relating to rape); or
   (3) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);
   shall be sentenced up to a maximum term of life imprisonment.

§ 9738. Victim impact statements.
   * * *

(b) Definition.--As used in this section, the term "victim" shall [have the same meaning as in section 479.1 of the act of 20130SB0075PN0041 - 62 -
April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

mean a "victim" as defined in:

(1) section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act; or

(2) 18 Pa.C.S. § 3001 (relating to definitions).

Section 10. Applicability is as follows:

(1) The addition of 18 Pa.C.S. Ch. 30 shall apply to offenses committed on or after the effective date of this section.

(2) Section 2 {repeal of 18 Pa.C.S. §§ 3001, 3002, 3003 and 3004} of this act shall not affect the validity of a prosecution initiated under the repealed sections.

Section 11. This act shall take effect in 60 days.