

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 235 Session of 2011

INTRODUCED BY CLYMER, AUMENT, BAKER, BENNINGHOFF, BISHOP, BOYD, D. COSTA, DAVIS, DAY, DeLUCA, DENLINGER, EVERETT, GEIST, GINGRICH, GODSHALL, GOODMAN, GRELL, HARKINS, HENNESSEY, HICKERNELL, KAUFFMAN, KILLION, KNOWLES, KOTIK, KULA, MAHONEY, McGEEHAN, MILLARD, M. O'BRIEN, PICKETT, RAPP, READSHAW, SANTONI, SONNEY, STERN, TAYLOR, VULAKOVICH, WATSON, YOUNGBLOOD, JOSEPHS, GILLESPIE, SWANGER, PETRARCA, CURRY, MYERS, MICOZZIE, HARHAI, STEVENSON, FLECK, CUTLER, REESE, MIRABITO, PEIFER, REICHLEY, ROCK, BRIGGS, BOBACK, HESS, MURT, COHEN, V. BROWN, ADOLPH, ROEBUCK, CREIGHTON, BEAR, BLOOM, GIBBONS, PRESTON, MALONEY, M. SMITH, MANN, TOOHIL AND CALTAGIRONE, JANUARY 26, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 6, 2011

AN ACT

1 ~~Providing for posting of information relating to the National~~ ←
2 ~~Human Trafficking Resource Center Hotline; and imposing~~
3 ~~duties on the Department of Labor and Industry, certain~~
4 ~~licensing authorities and prothonotaries.~~

5 PROVIDING FOR THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER ←
6 HOTLINE NOTIFICATION ACT; AND IMPOSING DUTIES ON THE
7 DEPARTMENT OF LABOR AND INDUSTRY.

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

10 ~~Section 1. Short title.~~ ←

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

13 ~~Section 2. Definitions.~~

14 ~~The following words and phrases when used in this act shall~~
15 ~~have the meanings given to them in this section unless the~~

1 ~~context clearly indicates otherwise:~~

2 ~~"Establishment." Includes the following places:~~

3 ~~(1) Massage parlors, spas or a similar enterprise,~~
4 ~~regardless of whether it is required to obtain a license or~~
5 ~~permit from the Commonwealth for its operation.~~

6 ~~(2) Restaurants, bars, taverns, hotels or clubs that~~
7 ~~have a valid liquor or malt or brewed beverage license under~~
8 ~~Article IV of the act of April 12, 1951 (P.L.90, No.21),~~
9 ~~known as the Liquor Code.~~

10 ~~(3) Adult entertainment enterprises featuring nude or~~
11 ~~partially nude dancing or providing live adult entertainment.~~

12 ~~(4) Hotels or motels found to be a drug related nuisance~~
13 ~~under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances)~~
14 ~~or declared a common nuisance under section 1 of the act of~~
15 ~~June 23, 1931 (P.L.1178, No.319), entitled "An act declaring~~
16 ~~buildings and parts of buildings used for purposes of~~
17 ~~fornication, lewdness, assignation, and prostitution to be~~
18 ~~nuisances; providing a method of abating same; establishing a~~
19 ~~method of procedure against those who use said buildings, or~~
20 ~~parts thereof, for such purposes; and providing penalties for~~
21 ~~violations of this act."~~

22 ~~(5) Airports, train stations and bus stations.~~

23 ~~(6) Welcome centers and rest areas operated by the~~
24 ~~Department of Transportation.~~

25 ~~(7) Truck stops that cater to long haul truck drivers~~
26 ~~that provide shower facilities for a fee.~~

27 ~~"Licensing authority." The licensing authority for the~~
28 ~~establishment.~~

29 ~~Section 3. Required posting.~~

30 ~~(a) Sign. An establishment shall post a sign indicating~~

1 ~~certain information regarding the National Human Trafficking~~
2 ~~Resource Center Hotline. The sign shall be no smaller than 8 1/2-~~
3 ~~inches by 11 inches. Unless stated otherwise in this section, it~~
4 ~~shall be posted near the entrance of the establishment or~~
5 ~~prominently where notices are usually posted. The sign shall~~
6 ~~state the following:~~

7 ~~National Human Trafficking Resource Center Hotline at~~
8 ~~1-888-373-7888~~

9 ~~If you or someone you know is being forced to engage in~~
10 ~~any activity and cannot leave—whether it is commercial~~
11 ~~sex, housework, farm work or any other activity—call~~
12 ~~the National Human Trafficking Hotline at 1-888-373-7888-~~
13 ~~to access help and services.~~

14 ~~Victims of human trafficking are protected under United~~
15 ~~States and Pennsylvania law.~~

16 ~~The hotline is:~~

17 ~~Anonymous and confidential~~

18 ~~Available 24/7~~

19 ~~Toll free~~

20 ~~Operated by a nongovernmental, nonprofit organization~~

21 ~~Accessible in 170 languages~~

22 ~~Able to provide help, referral to services, training~~
23 ~~and general information.~~

24 ~~(b) Posting.—~~

25 ~~(1) Establishments under paragraph (4) of the definition~~
26 ~~of "establishment" in section 2 shall post the sign required~~
27 ~~in subsection (a) on the inside face of the main door leading~~
28 ~~directly into each unit.~~

29 ~~(2) Establishments under paragraph (2), (5), (6) or (7)~~
30 ~~of the definition of "establishment" in section 2 shall post~~

1 ~~the sign required in subsection (a) inside all restrooms~~
2 ~~either:~~

3 ~~(i) on the inside of each stall door; or~~

4 ~~(ii) on the back of the restroom door.~~

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

9 ~~(d) Font. The title of the sign, the National Human~~
10 ~~Trafficking Resource Center Hotline at 1-888-373-7888, shall be~~
11 ~~boldfaced, underlined and no smaller than 28 point font size.~~

12 ~~(e) Notice.—~~

13 ~~(1) The licensing authority shall provide notice of this~~
14 ~~section and the sign required by subsection (a) on its~~
15 ~~Internet website for establishments to print as needed.~~

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

19 ~~Section 4. Enforcement.~~

20 ~~(a) Complaints. A complaint regarding a possible violation~~
21 ~~of this act shall be made to the appropriate law enforcement~~
22 ~~agency or to the licensing authority. A complaint to the~~
23 ~~licensing authority shall be made in one of the following~~
24 ~~manners:~~

25 ~~(1) In writing.~~

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

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

30 ~~(b) Responsibilities.—~~

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

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

7 ~~(ii) If the establishment is subject to licensure by~~
8 ~~the Commonwealth, the licensing authority shall refer the~~
9 ~~complaint to the appropriate licensing agency for~~
10 ~~investigations and enforcement of this act.~~

11 ~~(2) If the complaint is made to a law enforcement agency~~
12 ~~regarding an establishment, the agency shall investigate the~~
13 ~~complaint and enforce this act.~~

14 ~~Section 5. Violations, affirmative defenses and penalties.~~

15 ~~(a) Violations. It is a violation of this act to fail to~~
16 ~~post a sign as required by section 3.~~

17 ~~(b) Affirmative defenses.~~

18 ~~(1) Any of the following shall be an affirmative defense~~
19 ~~to a prosecution or imposition of an administrative penalty~~
20 ~~under this act:~~

21 ~~(i) When the violation occurred, the actual control~~
22 ~~of the establishment was not exercised by the owner,~~
23 ~~operator or manager but by a lessee.~~

24 ~~(ii) The owner, operator or manager made a good~~
25 ~~faith effort to post the required sign.~~

26 ~~(2) The owner, operator or manager asserting the~~
27 ~~affirmative defense shall do so in the form of a sworn~~
28 ~~affidavit setting forth the relevant information under~~
29 ~~paragraph (1)(i) or (ii).~~

30 ~~(c) Civil and Commonwealth administrative penalties.~~

1 ~~(1) In addition to another remedy available at law or in~~
2 ~~equity for a violation of this section, the licensing~~
3 ~~authority may assess a civil penalty as set forth under~~
4 ~~paragraph (2) upon a person for a violation of this section.~~
5 ~~In assessing a civil penalty, the licensing authority shall~~
6 ~~give notice to the person and shall provide an opportunity~~
7 ~~for a hearing. The civil penalty shall be payable to the~~
8 ~~licensing authority and shall be collectible in a manner~~
9 ~~provided by law for the collection of debt.~~

10 ~~(2) (i) For a first violation, if the licensing~~
11 ~~authority determines that a person violated subsection~~
12 ~~(a), the person shall be issued a written warning.~~

13 ~~(ii) For a second or subsequent violation, if the~~
14 ~~licensing authority determines that a person violated~~
15 ~~subsection (a), the person shall be subject to a fine of~~
16 ~~not more than \$250.~~

17 ~~(iii) If the licensing authority determines that a~~
18 ~~person violated subsection (a) within one year of a~~
19 ~~violation under subparagraph (ii), the person shall be~~
20 ~~subject to a penalty of not more than \$500.~~

21 ~~(iv) If the licensing authority determines that a~~
22 ~~person violated subsection (a) within one year of a~~
23 ~~violation under subparagraph (iii), the person shall be~~
24 ~~subject to a penalty of not more than \$1,000.~~

25 ~~(3) This subsection is subject to 2 Pa.C.S. (relating to~~
26 ~~administrative law and procedure).~~

27 ~~(4) The penalties collected under this subsection shall~~
28 ~~be retained by the licensing authority initiating the~~
29 ~~enforcement action.~~

30 ~~(d) Criminal penalties.~~

1 ~~(1) A person that violates this act commits a summary~~
2 ~~offense and shall, upon conviction, be sentenced to pay a~~
3 ~~fine of not more than \$250.~~

4 ~~(2) A person that violates this act within one year of~~
5 ~~being sentenced under paragraph (1) commits a summary offense~~
6 ~~and shall, upon conviction, be sentenced to pay a fine of not~~
7 ~~more than \$500.~~

8 ~~(3) A person that violates this act within one year of~~
9 ~~being sentenced under paragraph (2) commits a misdemeanor of~~
10 ~~the third degree and shall, upon conviction, be sentenced to~~
11 ~~pay a fine of not more than \$1,000.~~

12 ~~(4) The following apply to actions by law enforcement~~
13 ~~officers:~~

14 ~~(i) Except as set forth in subparagraph (ii), the~~
15 ~~penalties collected under this subsection shall be~~
16 ~~retained by the municipality in which the law enforcement~~
17 ~~agency initiating the enforcement action is located.~~

18 ~~(ii) If an enforcement action is initiated by the~~
19 ~~Pennsylvania State Police, the Pennsylvania State Police~~
20 ~~shall retain the penalties collected under this~~
21 ~~subsection.~~

22 ~~Section 6. Effective date.~~

23 ~~This act shall take effect in 60 days.~~

24 SECTION 1. SHORT TITLE.

25 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE NATIONAL
26 HUMAN TRAFFICKING RESOURCE CENTER HOTLINE NOTIFICATION ACT.

27 SECTION 2. REQUIRED POSTING.

28 (A) SIGN.--AN ESTABLISHMENT DEFINED UNDER SUBSECTION (G)
29 SHALL POST A SIGN CONTAINING INFORMATION REGARDING THE NATIONAL
30 HUMAN TRAFFICKING RESOURCE CENTER HOTLINE. ANY OTHER



1 ESTABLISHMENT OR BUSINESS MAY POST A SIGN.

2 (B) POSTING.--ESTABLISHMENTS SHALL POST AT LEAST ONE SIGN IN
3 A CONSPICUOUS MANNER CLEARLY VISIBLE TO THE PUBLIC AND EMPLOYEES
4 OF THE ESTABLISHMENT.

5 (C) SIZE, INFORMATION AND DESIGN.--THE SIGN SHALL BE NO
6 SMALLER THAN 8½ BY 11 INCHES.

7 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DESIGN
8 THE SIGN TO INCLUDE THE FOLLOWING INFORMATION:

9 (I) THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER
10 HOTLINE AT 1-888-373-7888.

11 (II) VICTIMS OF HUMAN TRAFFICKING ARE PROTECTED
12 UNDER UNITED STATES AND PENNSYLVANIA LAW.

13 (2) THE DEPARTMENT OF LABOR AND INDUSTRY MAY CONSULT
14 WITH HUMAN TRAFFICKING VICTIM ADVOCATES TO DETERMINE OTHER
15 INFORMATION THAT MAY BE INCLUDED ON THE SIGN.

16 (3) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DESIGN
17 THE SIGN TO DRAW ATTENTION TO THE TELEPHONE NUMBER OF THE
18 NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE BY SHOWING
19 THE NUMBER IN BOLD TYPE AND LARGE FONT.

20 (4) THE SIGN SHALL BE POSTED IN ENGLISH, SPANISH AND ANY
21 OTHER LANGUAGE MANDATED BY THE VOTING RIGHTS ACT OF 1965
22 (PUBLIC LAW 89-110, 42 U.S.C. § 1973 ET SEQ.) IN THE COUNTY
23 WHERE THE SIGN WILL BE POSTED.

24 (D) NOTICE.--

25 (1) THE AUTHORITY RESPONSIBLE FOR LICENSING THE
26 ESTABLISHMENTS AS DEFINED IN SUBSECTION (G) SHALL PROVIDE
27 NOTICE OF THIS SECTION.

28 (2) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL PROVIDE
29 THE SIGN REQUIRED BY SUBSECTION (A) ON ITS INTERNET WEBSITE
30 FOR ESTABLISHMENTS TO PRINT AS NEEDED.

1 (E) CIVIL PENALTY.--IN ADDITION TO ANY OTHER REMEDY
2 AVAILABLE AT LAW OR IN EQUITY FOR A VIOLATION OF THIS SECTION,
3 THE LICENSING AUTHORITY FOR THE ESTABLISHMENT MAY ASSESS A CIVIL
4 PENALTY UPON A PERSON FOR A VIOLATION OF THIS SECTION. IN
5 ASSESSING A CIVIL PENALTY, THE LICENSING AUTHORITY SHALL GIVE
6 NOTICE TO THE PERSON AND SHALL PROVIDE AN OPPORTUNITY FOR A
7 HEARING. THE CIVIL PENALTY ASSESSED SHALL NOT EXCEED \$500. THE
8 CIVIL PENALTY SHALL BE PAYABLE TO THE DEPARTMENT OF LABOR AND
9 INDUSTRY AND SHALL BE COLLECTIBLE IN A MANNER PROVIDED BY LAW
10 FOR THE COLLECTION OF DEBT.

11 (F) HEARING.--A HEARING REGARDING A CIVIL PENALTY IMPOSED
12 UNDER SUBSECTION (E) SHALL BE CONDUCTED UNDER 2 PA.C.S.
13 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

14 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
15 "ESTABLISHMENT" MEANS THE FOLLOWING PLACES:

16 (1) A MASSAGE PARLOR, SPA OR A SIMILAR ENTERPRISE,
17 REGARDLESS OF WHETHER IT IS REQUIRED TO OBTAIN A LICENSE OR
18 PERMIT FROM THE COMMONWEALTH FOR ITS OPERATION.

19 (2) A RESTAURANT, BAR, TAVERN, HOTEL OR CLUB THAT HAS A
20 VALID LIQUOR OR MALT OR BREWED BEVERAGE LICENSE UNDER ARTICLE
21 IV OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE
22 LIQUOR CODE.

23 (3) AN ADULT ENTERTAINMENT ENTERPRISE FEATURING NUDE OR
24 PARTIALLY NUDE DANCING OR PROVIDING LIVE ADULT ENTERTAINMENT.

25 (4) A HOTEL OR MOTEL FOUND TO BE A DRUG-RELATED NUISANCE
26 UNDER 42 PA.C.S. CH. 83 SUBCH. H (RELATING TO DRUG NUISANCES)
27 OR DECLARED A COMMON NUISANCE UNDER SECTION 1 OF THE ACT OF
28 JUNE 23, 1931 (P.L.1178, NO.319), ENTITLED "AN ACT DECLARING
29 BUILDINGS AND PARTS OF BUILDINGS USED FOR PURPOSES OF
30 FORNICATION, LEWDNESS, ASSIGNATION, AND PROSTITUTION TO BE

1 NUISANCES; PROVIDING A METHOD OF ABATING SAME; ESTABLISHING A
2 METHOD OF PROCEDURE AGAINST THOSE WHO USE SAID BUILDINGS, OR
3 PARTS THEREOF, FOR SUCH PURPOSES; AND PROVIDING PENALTIES FOR
4 VIOLATIONS OF THIS ACT."

5 (5) AN AIRPORT, TRAIN STATION OR BUS STATION.

6 (6) A WELCOME CENTER OR REST AREA OPERATED BY THE
7 DEPARTMENT OF TRANSPORTATION.

8 SECTION 3. EFFECTIVE DATE.

9 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.