

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, CALTAGIRONE, GILLEN AND M. K. KELLER, JANUARY 26, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 22, 2012

AN ACT

1 Providing for the National Human Trafficking Resource Center
2 Hotline Notification Act; ~~and~~ imposing duties on the
3 Department of Labor and Industry; AND PROVIDING FOR VICTIM
4 SERVICES.



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

7 Section 1. Short title.

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

10 Section 2. Required posting.

11 (a) Sign.--An establishment defined under subsection (g)
12 shall post a sign containing information regarding the National
13 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 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL PROVIDE ←
29 NOTICE OF THIS SECTION THROUGH PUBLICATION IN THE
30 PENNSYLVANIA BULLETIN AND AS IT DEEMS PRACTICAL.

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

4 (e) Civil penalty.--In addition to any other remedy
5 available at law or in equity for a violation of this section,
6 ~~the licensing authority for the establishment~~ DEPARTMENT OF ←
7 LABOR AND INDUSTRY may assess a civil penalty upon ~~a person~~ AN ←
8 ESTABLISHMENT for a violation of this section. In assessing a
9 civil penalty, ~~the licensing authority~~ DEPARTMENT OF LABOR AND ←
10 INDUSTRY shall give notice to the person and shall provide an
11 opportunity for a hearing. The civil penalty assessed shall not
12 exceed \$500. The civil penalty shall be payable to the
13 Department of Labor and Industry and shall be collectible in a
14 manner provided by law for the collection of debt.

15 (f) Hearing.--A hearing regarding a civil penalty imposed
16 under subsection (e) shall be conducted under 2 Pa.C.S.
17 (relating to administrative law and procedure).

18 (g) Definitions.--As used in this section, the term
19 "establishment" means the following places:

20 (1) A massage parlor, spa or a similar enterprise,
21 regardless of whether it is required to obtain a license or
22 permit from the Commonwealth for its operation.

23 (2) A restaurant, bar, tavern, hotel or club that has a
24 valid liquor or malt or brewed beverage license under Article
25 IV of the act of April 12, 1951 (P.L.90, No.21), known as the
26 Liquor Code.

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

29 (4) A hotel or motel found to be a drug-related nuisance
30 under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances)

1 or declared a common nuisance under section 1 of the act of
2 June 23, 1931 (P.L.1178, No.319), entitled "An act declaring
3 buildings and parts of buildings used for purposes of
4 fornication, lewdness, assignation, and prostitution to be
5 nuisances; providing a method of abating same; establishing a
6 method of procedure against those who use said buildings, or
7 parts thereof, for such purposes; and providing penalties for
8 violations of this act."

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

10 (6) A welcome center or rest area operated by the
11 Department of Transportation.

12 SECTION 3. VICTIM SERVICES. 

13 (A) DEVELOPMENT OF PLAN.--TO THE EXTENT THAT FEDERAL OR
14 STATE FUNDS ARE AVAILABLE, THE PENNSYLVANIA COMMISSION ON CRIME
15 AND DELINQUENCY SHALL DEVELOP A PLAN FOR A COORDINATED RESPONSE
16 SYSTEM, IN CONSULTATION WITH OTHER APPROPRIATE GOVERNMENT
17 AGENCIES, INCLUDING LAW ENFORCEMENT, NONGOVERNMENTAL
18 ORGANIZATIONS AND VICTIM ADVOCACY GROUPS TO PROVIDE VICTIMS OF
19 TRAFFICKING UNDER 18 PA.C.S. CH.30 (RELATING TO TRAFFICKING OF
20 PERSONS) WITH THE FOLLOWING SERVICES:

21 (1) APPROPRIATE HOUSING, TAKING INTO ACCOUNT THE
22 VICTIM'S STATUS AS A VICTIM OF AN OFFENSE ENUMERATED UNDER 18
23 PA.C.S. § 3002 (RELATING TO TRAFFICKING OF PERSONS) AND
24 INCLUDING SAFE CONDITIONS FOR SLEEPING, FOOD AND PERSONAL
25 HYGIENE.

26 (2) PSYCHOLOGICAL COUNSELING.

27 (3) MEDICAL ASSISTANCE, INCLUDING CONFIDENTIAL TESTING
28 FOR SEXUALLY TRANSMITTED DISEASES AND THE HUMAN
29 IMMUNODEFICIENCY VIRUS.

30 (4) SUBSTANCE ABUSE COUNSELING.

1 (5) CHILD CARE.

2 (6) ACCESS TO EMPLOYMENT, EDUCATIONAL AND TRAINING
3 OPPORTUNITIES.

4 (7) LEGAL ASSISTANCE AND CASE MANAGEMENT.

5 (8) SOCIAL CASE MANAGEMENT, INCLUDING INFORMATION ABOUT
6 AND HELP WITH ACCESS TO VICTIM SERVICES.

7 (B) CONDITION.--HOUSING SERVICES PROVIDED UNDER SUBSECTION
8 (A) (1) MUST ENSURE THAT, TO THE EXTENT POSSIBLE, THE VICTIM IS
9 NOT HELD IN A DETENTION FACILITY.

10 Section 3 10. Effective date.



11 This act shall take effect in 60 days.