
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,
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HICKERNELL, KAUFFMAN, KILLION, KNOWLES, KOTIK, KULA, MAHONEY,
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GIBBONS, PRESTON, MALONEY, M. SMITH, MANN, TOOHIL,
CALTAGIRONE, GILLEN, M. K. KELLER AND MUNDY, JANUARY 26, 2011

SENATOR GORDNER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,
OCTOBER 15, 2012

AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

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

6 (2) has been found to be a drug-related nuisance under
7 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or
8 declared a common nuisance under section 1 of the act of June
9 23, 1931 (P.L.1178, No.319), entitled "An act declaring
10 buildings and parts of buildings used for purposes of
11 fornication, lewdness, assignation, and prostitution to be
12 nuisances; providing a method of abating same; establishing a
13 method of procedure against those who use said buildings, or
14 parts thereof, for such purposes; and providing penalties for
15 violations of this act."

16 "Establishment." Includes:

17 (1) A personal service establishment.

18 (2) A drinking establishment.

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

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

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

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

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

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

10 "Personal service establishment." A place which:

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

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

27 Section 3. Required posting.

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

1 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 8 1/2 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 licensing authority shall provide notice of this
26 section ~~to an establishment whose business it has authority~~ ←
27 ~~to license~~ ON ITS INTERNET WEBSITE. ←

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 Section 4. Enforcement.

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

7 (1) In writing.

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

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

12 (b) Responsibilities.--

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

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

19 (ii) If the establishment is subject to licensure by
20 an agency of the Commonwealth, the licensing authority
21 shall refer the complaint to the appropriate Commonwealth
22 licensing agency for investigation and enforcement of
23 this act.

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

27 Section 5. Violation.

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

30 Section 6. Affirmative defenses.

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

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

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

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

14 Section 7. Administrative penalties.

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

24 (b) Schedule of sanctions.--

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

28 (2) If the licensing authority determines that a person
29 has violated the posting requirements of section 3 within one
30 year of receiving a warning under paragraph (1), the person

1 shall be subject to a penalty of not more than \$250.

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

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

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

13 Section 8. Criminal penalties.

14 (a) First offense.--A person that violates the posting
15 requirements of section 3 commits a summary offense and shall,
16 upon conviction, be ~~given a warning~~ SENTENCED TO PAY A FINE OF ←
17 NOT MORE THAN \$100.

18 (b) Offense following warning.--A person that violates the
19 posting requirements of section 3 within one year of being
20 warned under subsection (a) commits a summary offense and shall,
21 upon conviction, be sentenced to pay a fine of not more than
22 \$250.

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

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

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

5 Section 9. Victim services.

6 (a) Development of plan.--To the extent that Federal or
7 State funds are available, the Pennsylvania Commission on Crime
8 and Delinquency shall develop a plan for a coordinated response
9 system, in consultation with other appropriate government
10 agencies, including law enforcement, nongovernmental
11 organizations and victim advocacy groups to provide victims of
12 trafficking under 18 Pa.C.S. Ch.30 (relating to trafficking of
13 persons) with the following services:

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

19 (2) Psychological counseling.

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

23 (4) Substance abuse counseling.

24 (5) Child care.

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

27 (7) Legal assistance and case management.

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

30 (b) Condition.--Housing services provided under subsection

1 (a) (1) must ensure that, to the extent possible, the victim is
2 not held in a detention facility.

3 Section 20. Effective date.

4 This act shall take effect in 60 days.