

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 856 Session of 2011

INTRODUCED BY KAUFFMAN, METCALFE, AUMENT, BAKER, BLOOM, BOYD, COHEN, D. COSTA, COX, CREIGHTON, CUTLER, DALEY, DAY, DENLINGER, FARRY, GEIST, GINGRICH, GOODMAN, GRELL, GROVE, HARHART, HARKINS, HICKERNELL, HORNAMAN, M.K. KELLER, KORTZ, KULA, MAHER, MILLARD, MILLER, MILNE, MOUL, PEIFER, PYLE, READSHAW, REESE, ROCK, STERN, STEVENSON, TALLMAN, TAYLOR, TOOHIL, VULAKOVICH, WATSON, WHEATLEY, YOUNGBLOOD, SCHRODER, GILLEN, SWANGER, MIRABITO, BOBACK, RAPP, MURT, HEFFLEY, MALONEY AND TOBASH, MARCH 1, 2011

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 1, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, ~~prohibiting smuggling of human beings~~
3 FURTHER PROVIDING FOR TRAFFICKING OF PERSONS.



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

6 ~~Section 1. The heading of Chapter 30 of Title 18 of the~~
7 ~~Pennsylvania Consolidated Statutes is amended and the chapter is~~
8 ~~amended by adding a subchapter heading to read:~~



9 ~~CHAPTER 30~~

10 ~~TRAFFICKING OF PERSONS AND SMUGGLING OF HUMAN BEINGS~~

11 ~~SUBCHAPTER A~~

12 ~~TRAFFICKING OF PERSONS~~

13 ~~Section 2. Chapter 30 of Title 18 is amended by adding a~~
14 ~~subchapter to read:~~

1 SUBCHAPTER B

2 SMUGGLING OF HUMAN BEINGS

3 Sec.

4 3021. Definitions.

5 3022. Smuggling of human beings.

6 § 3021. Definitions.

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

10 "Smuggling of human beings."—Transportation, procurement of
11 transportation or use of property or real property by a person
12 or an entity knowing, or having reason to know, that the person
13 or persons transported or to be transported are unlawfully
14 present in the United States in violation of law.

15 § 3022. Smuggling of human beings.

16 (a) General rule.—A person who intentionally engages in the
17 smuggling of human beings for profit or other commercial purpose
18 commits a felony of the third degree.

19 (b) Lawful stop.—Notwithstanding any other law, a law
20 enforcement officer engaged in the enforcement of this section
21 may lawfully stop a person who is operating a motor vehicle if
22 the officer has reasonable suspicion to believe that the person
23 is in violation of any provision of 75 Pa.C.S. (relating to
24 vehicles).

25 SECTION 1. SECTION 3002 OF TITLE 18 OF THE PENNSYLVANIA
26 CONSOLIDATED STATUTES IS AMENDED TO READ:

27 § 3002. TRAFFICKING OF PERSONS.

28 (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF THE
29 PERSON [KNOWINGLY] DOES ANY OF THE FOLLOWING:

30 (1) KNOWINGLY TRAFFICS OR KNOWINGLY ATTEMPTS TO TRAFFIC



1 ANOTHER PERSON, KNOWING THAT THE OTHER PERSON WILL BE
2 SUBJECTED TO FORCED LABOR OR SERVICES.

3 (2) FOR THE PURPOSE OF FINANCIAL GAIN, INTENTIONALLY
4 TRAFFICS ANOTHER PERSON WITH KNOWLEDGE OR REASON TO KNOW THAT
5 THE OTHER PERSON:

6 (I) IS NOT A CITIZEN OF THE UNITED STATES; AND

7 (II) CANNOT PRODUCE FEDERAL DOCUMENTATION PERTAINING
8 TO PRESENCE IN THE UNITED STATES.

9 (B) GRADING.--[AN]

10 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2):

11 (I) AN OFFENSE UNDER SUBSECTION [(A)] (A) (1) SHALL
12 BE GRADED A FELONY OF THE SECOND DEGREE [UNLESS]; AND

13 (II) AN OFFENSE UNDER SUBSECTION (A) (2) SHALL BE
14 GRADED A FELONY OF THE THIRD DEGREE.

15 (2) IF THE OTHER PERSON SUFFERS BODILY INJURY OR THE
16 OTHER PERSON IS AN INDIVIDUAL UNDER 18 YEARS OF AGE, [IN
17 WHICH CASE IT] AN OFFENSE UNDER SUBSECTION (A) SHALL BE
18 GRADED AS A FELONY OF THE FIRST DEGREE.

19 Section 3 2. This act shall take effect in 60 days.

