

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2016 Session of 2011

INTRODUCED BY ELLIS, MURT, SANTARSIERO, AUMENT, BAKER, BLOOM, BOBACK, V. BROWN, CARROLL, CLYMER, COHEN, CREIGHTON, CURRY, CUTLER, DALEY, DeLUCA, EVERETT, FLECK, GEIST, GIBBONS, GRELL, GROVE, HEFFLEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, M. K. KELLER, KILLION, LAWRENCE, MANN, METCALFE, MILLARD, MULLERY, PETRARCA, QUINN, READSHAW, ROSS, K. SMITH, STEPHENS, STEVENSON, SWANGER, TALLMAN, TAYLOR, THOMAS, VULAKOVICH AND YOUNGBLOOD, NOVEMBER 17, 2011

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 17, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for the definition of "commercial sex";
4 further providing for trafficking of persons; and providing
5 for the offense of selling or buying of minors into
6 commercial sex and for action for coercion into prostitution.

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

9 Section 1. Section 3001 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding a definition to read:
11 § 3001. Definitions.

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

15 "Commercial sex." Any sexual activity, including sexual
16 intercourse, deviate sexual intercourse or indecent contact, in
17 which anything of value is given to or received by another

1 person. The term includes prostitution, participation in the
2 production of pornography and performance in strip clubs and
3 sexual activity induced by force, fraud or coercion, either
4 express or implied, regardless of the age of the victim.

5 * * *

6 Section 2. Section 3002 of Title 18 is amended to read:

7 § 3002. Trafficking of persons.

8 (a) Offense defined.--A person commits [an offense] the
9 offense of trafficking in persons if the person knowingly
10 traffics or knowingly attempts to traffic another person,
11 knowing that the other person will be subjected to forced labor
12 or services or commercial sex.

13 (b) Grading.--An offense under subsection (a) shall be
14 graded a felony of the second degree unless the other person
15 suffers bodily injury or the other person is an individual under
16 18 years of age, whether or not the person is aware of the age
17 of the other person, in which case it shall be graded as a
18 felony of the first degree.

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

20 § 3002.1 Selling or buying of minors into commercial sex.

21 (a) Offense defined.--A parent of a minor commits an offense
22 if the parent sells or otherwise transfers custody or control of
23 the minor or offers to sell or otherwise transfer custody of the
24 minor with knowledge that as a consequence of the sale or
25 transfer, the minor will engage in commercial sex acts.

26 (b) Grading.--An offense under subsection (a) constitutes a
27 felony of the second degree.

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

1 "Parent." The term shall include a natural parent,
2 stepparent, adoptive parent, guardian or custodian of a child.

3 Section 4. Title 42 is amended by adding a section to read:
4 § 8307.1. Action for coercion into prostitution.

5 (a) Establishment.--A person shall have a cause of action
6 for damages against any of the following:

7 (1) A person who coerced that person into prostitution.

8 (2) A person who coerces that person to remain in
9 prostitution.

10 (3) A person who uses coercion to collect or receive any
11 part of that person's earnings derived from prostitution.

12 (b) Attorney fees.--Reasonable attorney fees shall be
13 awarded to a party that brings suit and prevails under this
14 cause of action.

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

18 "Coercion." Any practice of domination, restraint or
19 inducement for the purpose of or with the reasonably foreseeable
20 effect of causing another person to engage in or remain in
21 prostitution or to relinquish earnings derived from
22 prostitution. The term includes:

23 (1) Physical or mental force or threats.

24 (2) Blackmail.

25 (3) Threat to interfere with parental rights or
26 responsibilities.

27 (4) Restraint of speech or communication with others.

28 (5) Exploitation of a condition of developmental
29 disability, cognitive limitation, affective disorder or
30 substance dependency.

1 (6) Exploitation of victimization by sexual abuse.

2 (7) Exploitation of pornographic performance.

3 (8) Exploitation of human needs for food, shelter,
4 safety or affection.

5 "Prostitution." The term shall have the same meaning as
6 provided for in 18 Pa.C.S. § 5902 (relating to prostitution and
7 related offenses).

8 Section 5. This act shall take effect in 60 days.