
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 851 Session of
2015

INTRODUCED BY GREENLEAF, LEACH, DINNIMAN, TEPLITZ, FONTANA,
PILEGGI, TARTAGLIONE, COSTA, RAFFERTY, SCHWANK, YUDICHAK AND
AUMENT, MAY 28, 2015

REFERRED TO JUDICIARY, MAY 28, 2015

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in human trafficking, further providing for
4 definitions; repealing provisions relating to appropriate
5 implementation for minor victims of human trafficking;
6 providing for special relief to restore victim's dignity and
7 autonomy; adding provisions relating to safe harbor for
8 sexually exploited children by imposing duties on law
9 enforcement officers and the Department of Human Services and
10 establishing the Safe Harbor for Sexually Exploited Children
11 Fund; in public indecency, further providing for the offense
12 of prostitution and related offenses; and, in juvenile
13 matters, further providing for definitions.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 3001 of Title 18 of the Pennsylvania
17 Consolidated Statutes is amended by adding definitions to read:

18 § 3001. Definitions.

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

22 * * *

23 "Department." The Department of Human Services of the

1 Commonwealth.

2 * * *

3 "Fund." The Safe Harbor for Sexually Exploited Children Fund
4 established by this chapter.

5 * * *

6 "Sexually exploited child." Any person under 18 years of age
7 who has been subject to sexual exploitation because the person:

8 (1) is a victim of human trafficking;

9 (2) is a victim of an offense committed under 18 U.S.C.
10 § 1591 (relating to sex trafficking of children or by force,
11 fraud or coercion); or

12 (3) engages in an act of prostitution under section
13 5902(a) (relating to prostitution and related offenses).

14 * * *

15 Section 2. Section 3053 of Title 18 is repealed:

16 [§ 3053. Appropriate implementation for minor victims of human
17 trafficking.]

18 The provision of services to a minor victim of human
19 trafficking by the Commonwealth or by any institution or person
20 established or licensed by the Commonwealth shall be carried out
21 in a manner that is in the best interest of the minor and
22 appropriate to the particular situation.]

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

24 § 3056. Special relief to restore victim's dignity and
25 autonomy.

26 (a) General rule.--Any person who is a victim of human
27 trafficking and has been tattooed or branded with an identifying
28 mark of human trafficking as a direct result of being trafficked
29 may be eligible for special relief.

30 (b) Form of special relief.--

1 offenses);

2 (2) is a victim of human trafficking; or

3 (3) is otherwise suspected of being a sexually exploited
4 child.

5 § 3082. Statewide protocol.

6 The department shall develop a Statewide protocol to
7 efficiently and effectively coordinate the provision of
8 specialized services to sexually exploited children and shall
9 collaborate with court intake officers to ensure that all
10 Federal, State and community-based resources for sexually
11 exploited children are made known and available to sexually
12 exploited children.

13 § 3083. Specialized services for sexually exploited children.

14 The department shall, in conjunction with county agencies for
15 child welfare services:

16 (1) develop specialized programs and services for
17 sexually exploited children that address a victim's needs,
18 including, but not limited to:

19 (i) safe long-term housing;

20 (ii) access to education;

21 (iii) employment and life-skills training;

22 (iv) trauma therapy;

23 (v) counseling and mental health services;

24 (vi) treatment for drug or alcohol dependency;

25 (vii) medical and dental care;

26 (viii) access to personal care items and adequate
27 clothing; and

28 (ix) any other needs that sexually exploited
29 children may have.

30 (2) ensure that the following services are provided and

1 referred to sexually exploited children:

2 (i) Safe, supportive and stable housing available
3 for no less than one year in the aggregate supplemented
4 with the supervision of a human trafficking caseworker as
5 defined in 42 Pa.C.S. § 5945.3 (relating to confidential
6 communications with human trafficking caseworkers).

7 (ii) Comprehensive onsite case management.

8 (iii) Integrated mental health and chemical
9 dependency services, including specialized trauma
10 recovery services.

11 (iv) Education, employment and life skills training
12 performed onsite.

13 (v) Referrals to offsite specialized services, as
14 appropriate.

15 § 3084. Safe house for sexually exploited children.

16 (a) General rule.--The department may, to the extent funds
17 are available, operate or contract with an appropriate
18 nongovernmental agency with experience working with sexually
19 exploited children to operate one or more safe houses in this
20 Commonwealth. Each safe house shall provide safe and secure
21 housing and specialized services as itemized in section 3083
22 (relating to specialized services for sexually exploited
23 children) for sexually exploited children.

24 (b) Construction.--Nothing in this section shall be
25 construed to preclude a county agency for child welfare services
26 from applying for and accepting grants, gifts and bequests for
27 funds from private individuals, foundations and the Federal
28 Government for the purpose of creating or carrying out the
29 duties of a safe house for sexually exploited children.

30 § 3085. Law enforcement training.

1 The Municipal Police Officers' Education and Training
2 Commission and the Pennsylvania State Police, in consultation
3 with the Pennsylvania District Attorneys Association, shall
4 arrange for or provide training to intake officers, law
5 enforcement, prosecutors and any other appropriate staff. The
6 training shall focus on:

7 (1) methods used to identify a sexually exploited child;

8 (2) methods used to interview and engage with a sexually
9 exploited child; and

10 (3) relevant information required to provide assistance
11 with access to victims' services for a sexually exploited
12 child.

13 § 3086. Safe Harbor for Sexually Exploited Children Fund.

14 (a) Establishment of fund.--

15 (1) The Safe Harbor for Sexually Exploited Children Fund
16 is established in the State Treasury and shall be
17 administered by the department through grants made to State
18 agencies, units of local government and nongovernmental
19 organizations.

20 (2) Appropriations by the General Assembly and all
21 monetary assessments paid and interest accrued on funds
22 collected under subsection (b) shall be deposited into the
23 fund.

24 (3) In addition to any money that may be appropriated by
25 the General Assembly, the department may apply for and expend
26 Federal grants and grants and contributions from other
27 public, quasi-public or private sources to assist in
28 implementing this subchapter.

29 (4) Money in the fund shall be used to create and
30 enhance victims' services to increase public awareness

1 through an anti-demand campaign and to protect sexually
2 exploited children.

3 (5) The department may also use the fund to make grants
4 for nongovernmental service providers working with sexually
5 exploited children and to satisfy costs of operating and
6 maintaining the fund.

7 (b) Assessment.--

8 (1) Any person who is convicted, pleads guilty or nolo
9 contendere to an offense under section 3011 (relating to
10 trafficking in individuals), section 3012 (relating to
11 involuntary servitude) or section 5902(b) or (b.1) (relating
12 to prostitution and related offenses), shall be ordered to
13 pay a mandatory monetary assessment of \$5,000.

14 (2) Any person who is convicted, pleads guilty or nolo
15 contendere to an offense under section 5902(e) shall be
16 ordered to pay a mandatory monetary assessment of \$2,500.

17 (3) Any person who is convicted, pleads guilty or nolo
18 contendere to an offense under section 5902(e), when the
19 person knew or should have known the victim was under 18
20 years of age, shall be ordered to pay a mandatory monetary
21 assessment of \$5,000.

22 (4) Notwithstanding any law to the contrary, the
23 assessments provided by this subsection shall be in addition
24 to and not in lieu of and shall not be used to offset or
25 reduce any fine authorized or required by law.

26 Section 5. Section 5902 of Title 18 is amended by adding a
27 subsection to read:

28 § 5902. Prostitution and related offenses.

29 * * *

30 (a.2) Sexually exploited children.--If it is determined,

1 after a reasonable detention for investigative purposes, that a
2 person suspected of or charged with a violation under this
3 section is a person under 18 years of age, the person:

4 (1) Shall be immune from prosecution under this section.

5 (2) May not be jailed, fined, prosecuted, charged or
6 otherwise penalized under this section.

7 (3) Shall be treated as a sexually exploited child in
8 accordance with Chapter 30 (relating to human trafficking).

9 * * *

10 Section 6. The definition of "delinquent act" in section
11 6302 of Title 42 is amended to read:

12 § 6302. Definitions.

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

16 * * *

17 "Delinquent act."

18 (1) The term means an act designated a crime under the
19 law of this Commonwealth, or of another state if the act
20 occurred in that state, or under Federal law, or under local
21 ordinances or an act which constitutes indirect criminal
22 contempt under Chapter 62A (relating to protection of victims
23 of sexual violence or intimidation) with respect to sexual
24 violence or 23 Pa.C.S. Ch. 61 (relating to protection from
25 abuse).

26 (2) The term shall not include:

27 (i) The crime of murder.

28 (ii) Any of the following prohibited conduct where
29 the child was 15 years of age or older at the time of the
30 alleged conduct and a deadly weapon as defined in 18

1 Pa.C.S. § 2301 (relating to definitions) was used during
2 the commission of the offense which, if committed by an
3 adult, would be classified as:

4 (A) Rape as defined in 18 Pa.C.S. § 3121
5 (relating to rape).

6 (B) Involuntary deviate sexual intercourse as
7 defined in 18 Pa.C.S. § 3123 (relating to involuntary
8 deviate sexual intercourse).

9 (C) Aggravated assault as defined in 18 Pa.C.S.
10 § 2702(a)(1) or (2) (relating to aggravated assault).

11 (D) Robbery as defined in 18 Pa.C.S. § 3701(a)
12 (1)(i), (ii) or (iii) (relating to robbery).

13 (E) Robbery of motor vehicle as defined in 18
14 Pa.C.S. § 3702 (relating to robbery of motor
15 vehicle).

16 (F) Aggravated indecent assault as defined in 18
17 Pa.C.S. § 3125 (relating to aggravated indecent
18 assault).

19 (G) Kidnapping as defined in 18 Pa.C.S. § 2901
20 (relating to kidnapping).

21 (H) Voluntary manslaughter.

22 (I) An attempt, conspiracy or solicitation to
23 commit murder or any of these crimes as provided in
24 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902
25 (relating to criminal solicitation) and 903 (relating
26 to criminal conspiracy).

27 (iii) Any of the following prohibited conduct where
28 the child was 15 years of age or older at the time of the
29 alleged conduct and has been previously adjudicated
30 delinquent of any of the following prohibited conduct

1 which, if committed by an adult, would be classified as:

2 (A) Rape as defined in 18 Pa.C.S. § 3121.

3 (B) Involuntary deviate sexual intercourse as
4 defined in 18 Pa.C.S. § 3123.

5 (C) Robbery as defined in 18 Pa.C.S. § 3701(a)
6 (1)(i), (ii) or (iii).

7 (D) Robbery of motor vehicle as defined in 18
8 Pa.C.S. § 3702.

9 (E) Aggravated indecent assault as defined in 18
10 Pa.C.S. § 3125.

11 (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

12 (G) Voluntary manslaughter.

13 (H) An attempt, conspiracy or solicitation to
14 commit murder or any of these crimes as provided in
15 18 Pa.C.S. §§ 901, 902 and 903.

16 (iv) Summary offenses, unless the child fails to
17 comply with a lawful sentence imposed thereunder, in
18 which event notice of such fact shall be certified to the
19 court.

20 (v) A crime committed by a child who has been found
21 guilty in a criminal proceeding for other than a summary
22 offense.

23 (vi) Prostitution and related offenses as defined in
24 18 Pa.C.S. § 5902 (relating to prostitution and related
25 offenses).

26 (vii) Any offense committed when the child is under
27 18 years of age and is determined to be a sexually
28 exploited child as defined in 18 Pa.C.S. § 3011 (relating
29 to trafficking in individuals) or 3012 (relating to
30 involuntary servitude), including:

1 (A) 18 Pa.C.S. § 3503 (relating to criminal
2 trespass);

3 (B) 18 Pa.C.S. § 5503 (relating to to disorderly
4 conduct);

5 (C) 18 Pa.C.S. § 5506 (relating to loitering and
6 prowling at night time);

7 (D) 18 Pa.C.S. § 5507 (relating to obstructing
8 highways and other public passages);

9 (E) 18 Pa.C.S. § 4914 (relating to false
10 identification to law enforcement authorities);

11 (F) an offense for simple possession of a
12 controlled substance committed as a direct result of
13 being a victim of human trafficking.

14 * * *

15 Section 7. This act shall take effect in 60 days.