
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 525 Session of
2017

INTRODUCED BY ROZZI, YOUNGBLOOD, CALTAGIRONE, KINSEY, SCHWEYER,
HELM, MURT, V. BROWN, KORTZ, DAVIS, KAUFFMAN, BARBIN,
MCNEILL, O'BRIEN, BULLOCK, FREEMAN, SOLOMON, SIMS, RABB AND
DONATUCCI, FEBRUARY 15, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 15, 2017

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 * * *

1 "Department." The Department of Human Services of the
2 Commonwealth.

3 * * *

4 "Fund." The Safe Harbor for Sexually Exploited Children Fund
5 established under section 3086 (relating to Safe Harbor for
6 Sexually Exploited Children Fund).

7 * * *

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

10 (1) is a victim of human trafficking;

11 (2) is a victim of an offense committed under 18 U.S.C.
12 § 1591 (relating to sex trafficking of children or by force,
13 fraud or coercion); or

14 (3) engages in an act of prostitution under section
15 5902(a) (relating to prostitution and related offenses).

16 * * *

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 Section 3053 of Title 18 is repealed:

18 [§ 3053. Appropriate implementation for minor victims of human
19 trafficking.]

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

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

26 § 3056. Special relief to restore victim's dignity and
27 autonomy.

28 (a) General rule.--Any person who is a victim of human
29 trafficking and has been tattooed or branded with an identifying
30 mark of human trafficking as a direct result of being trafficked

1 may be eligible for special relief.

2 (b) Form of special relief.--

3 (1) Victims of human trafficking may be reimbursed
4 through the fund for the costs of removing or covering up the
5 tattoo with an identifying mark if the cost equals or exceeds
6 \$100.

7 (2) No reimbursement shall be paid if the claimant has
8 incurred reimbursable expenses of less than \$100. There shall
9 be a \$10,000 maximum recovery amount per claimant.

10 (3) If expenses paid through the fund for this purpose
11 are later recovered by insurance settlements, civil suit
12 settlements or restitution, the claimant shall reimburse the
13 fund for the full amount of tattoo removal expenses
14 recovered.

15 Section 4. Chapter 30 of Title 18 is amended by adding a
16 subchapter to read:

17 SUBCHAPTER F

18 SAFE HARBOR FOR SEXUALLY EXPLOITED CHILDREN

19 Sec.

20 3081. Law enforcement officer duty to report.

21 3082. Statewide protocol.

22 3083. Specialized services for sexually exploited children.

23 3084. Safe house for sexually exploited children.

24 3085. Law enforcement training.

25 3086. Safe Harbor for Sexually Exploited Children Fund.

26 § 3081. Law enforcement officer duty to report.

27 A law enforcement officer shall immediately report an
28 allegation of child sexual exploitation to the department if the
29 law enforcement officer encounters a person under 18 years of
30 age who:

1 (1) engages in any conduct that is a violation of
2 section 5902(a) (relating to prostitution and related
3 offenses);

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

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

7 § 3082. Statewide protocol.

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

15 § 3083. Specialized services for sexually exploited children.

16 The department shall, in conjunction with county agencies for
17 child welfare services:

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

21 (i) safe long-term housing;

22 (ii) access to education;

23 (iii) employment and life-skills training;

24 (iv) trauma therapy;

25 (v) counseling and mental health services;

26 (vi) treatment for drug or alcohol dependency;

27 (vii) medical and dental care;

28 (viii) access to personal care items and adequate
29 clothing; and

30 (ix) any other needs that sexually exploited

1 children may have.

2 (2) Ensure that the following services are provided and
3 referred to sexually exploited children:

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

9 (ii) comprehensive onsite case management;

10 (iii) integrated mental health and chemical
11 dependency services, including specialized trauma
12 recovery services;

13 (iv) education, employment and life skills training
14 performed onsite; and

15 (v) referrals to offsite specialized services, as
16 appropriate.

17 § 3084. Safe house for sexually exploited children.

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

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

1 duties of a safe house for sexually exploited children.

2 § 3085. Law enforcement training.

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

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

10 (2) methods used to interview and engage with a sexually
11 exploited child; and

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

15 § 3086. Safe Harbor for Sexually Exploited Children Fund.

16 (a) Establishment of fund.--

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

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

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

1 (4) Money in the fund shall be used to create and
2 enhance victims' services to increase public awareness
3 through an anti-demand campaign and to protect sexually
4 exploited children.

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

9 (b) Assessment.--

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

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

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

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

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

30 § 5902. Prostitution and related offenses.

1 * * *

2 (a.2) Sexually exploited children.--If it is determined,
3 after a reasonable detention for investigative purposes, that a
4 person suspected of or charged with a violation under this
5 section is a person under 18 years of age, the person:

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

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

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

11 * * *

12 Section 6. The definition of "delinquent act" in section
13 6302 of Title 42 is amended to read:

14 § 6302. Definitions.

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

18 * * *

19 "Delinquent act."

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

28 (2) The term shall not include:

29 (i) The crime of murder.

30 (ii) Any of the following prohibited conduct where

1 the child was 15 years of age or older at the time of the
2 alleged conduct and a deadly weapon as defined in 18
3 Pa.C.S. § 2301 (relating to definitions) was used during
4 the commission of the offense which, if committed by an
5 adult, would be classified as:

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

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

11 (C) Aggravated assault as defined in 18 Pa.C.S.
12 § 2702(a)(1) or (2) (relating to aggravated assault).

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

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

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

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

23 (H) Voluntary manslaughter.

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

29 (iii) Any of the following prohibited conduct where
30 the child was 15 years of age or older at the time of the

1 alleged conduct and has been previously adjudicated
2 delinquent of any of the following prohibited conduct
3 which, if committed by an adult, would be classified as:

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

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

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

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

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

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

14 (G) Voluntary manslaughter.

15 (H) An attempt, conspiracy or solicitation to
16 commit murder or any of these crimes as provided in
17 18 Pa.C.S. §§ 901, 902 and 903.

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

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

25 (vi) Prostitution and related offenses as defined in
26 18 Pa.C.S. § 5902 (relating to prostitution and related
27 offenses).

28 (vii) Any offense committed when the child is under
29 18 years of age and is determined to be a sexually
30 exploited child as defined in 18 Pa.C.S. § 3011 (relating

1 to trafficking in individuals) or 3012 (relating to
2 involuntary servitude), including:

3 (A) 18 Pa.C.S. § 3503 (relating to criminal
4 trespass);

5 (B) 18 Pa.C.S. § 4914 (relating to false
6 identification to law enforcement authorities);

7 (C) 18 Pa.C.S. § 5503 (relating to to disorderly
8 conduct);

9 (D) 18 Pa.C.S. § 5506 (relating to loitering and
10 prowling at night time);

11 (E) 18 Pa.C.S. § 5507 (relating to obstructing
12 highways and other public passages);

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

16 * * *

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