

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 554 Session of 2017

INTRODUCED BY GREENLEAF, LEACH, BREWSTER, RESCHENTHALER, FARNESE, YAW, FONTANA, COSTA, RAFFERTY, TARTAGLIONE, BOSCOLA, BARTOLOTTA, STREET, DINNIMAN, BROWNE, HUGHES, LAUGHLIN, BLAKE AND HAYWOOD, MARCH 24, 2017

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MARCH 28, 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 and for safe harbor for sexually exploited children,
8 establishing the Safe Harbor for Sexually Exploited Children
9 Fund and imposing penalties; in riot, disorderly conduct and
10 related offenses, further providing for the offense of
11 obstructing highways and other public passages; in public
12 indecency, further providing for the offense of prostitution
13 and related offenses; and, in juvenile matters, providing for
14 immunity and for dependency in lieu of delinquency.

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

17 Section 1. Section 3001 of Title 18 of the Pennsylvania
18 Consolidated Statutes is amended by adding definitions to read:
19 § 3001. Definitions.

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

23 * * *

1 "County agency." A county children and youth social service
2 agency established under section 405 of the act of June 24, 1937
3 (P.L.2017, No.396), known as the County Institution District
4 Law, and supervised by the department under Article IX of the
5 act of June 13, 1967 (P.L.31, No.21), known as the Human
6 Services Code.

7 * * *

8 "Department." The Department of Human Services of the
9 Commonwealth.

10 * * *

11 "Fund." The Safe Harbor for Sexually Exploited Children
12 Fund.

13 * * *

14 "Sexually exploited child." An individual under 18 years of
15 age who:

16 (1) is a victim of human trafficking; or

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

20 * * *

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 Section 3053 of Title 18 is repealed:

22 [§ 3053. Appropriate implementation for minor victims of human
23 trafficking.]

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

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

30 § 3056. Special relief to restore victim's dignity and

1 autonomy.

2 (a) General rule.--An individual who is a victim of human
3 trafficking and has been tattooed with an identifying mark of
4 human trafficking as a direct result of being trafficked may be
5 eligible for special relief.

6 (b) Form of special relief.--

7 (1) An individual who is a victim of human trafficking
8 may be reimbursed from the fund for the costs of removing or
9 covering up a tattoo with an identifying mark.

10 (2) No reimbursement may be paid if the individual has
11 incurred reimbursable expenses of less than \$100, and no
12 reimbursement may exceed \$10,000 per individual.

13 (3) If a reimbursement paid from the fund to an
14 individual is later recovered by an insurance settlement,
15 civil suit settlement or restitution, the individual shall
16 pay to the fund an amount equal to the reimbursement.

17 Section 4. CHAPTER 30 OF Title 18 is amended by adding a <--
18 subchapter to read:

19 SUBCHAPTER D.1

20 SAFE HARBOR FOR SEXUALLY EXPLOITED CHILDREN

21 Sec.

22 3061. Statewide protocol.

23 3062. Specialized services for sexually exploited children.

24 3063. Law enforcement training.

25 3064. Safe Harbor for Sexually Exploited Children Fund.

26 § 3061. Statewide protocol.

27 The department shall develop a Statewide protocol to
28 efficiently and effectively coordinate the provision of
29 specialized services to sexually exploited children.

30 § 3062. Specialized services for sexually exploited children.

1 The department shall, in conjunction with county agencies:

2 (1) Develop and provide specialized programs and
3 services for sexually exploited children that address a
4 victim's needs, including the following:

5 (i) Safe and stable housing.

6 (ii) Access to education.

7 (iii) Employment and life-skills training.

8 (iv) Comprehensive case management.

9 (v) Physical and behavioral health care, including
10 trauma therapy.

11 (vi) Treatment for drug or alcohol dependency.

12 (vii) Medical and dental care.

13 (viii) Access to personal care items and adequate
14 clothing.

15 (ix) Other needs that sexually exploited children
16 may have as determined by the department or the county
17 agencies.

18 (2) Ensure that providers of the specialized programs
19 and services provided under paragraph (1) receive sufficient
20 training and understand the unique circumstances surrounding
21 the victimization of sexually exploited children.

22 § 3063. Law enforcement training.

23 The Municipal Police Officers' Education and Training
24 Commission and the Pennsylvania State Police shall provide
25 training to appropriate law enforcement officers. The training
26 shall include:

27 (1) Methods used to identify a sexually exploited child.

28 (2) Methods used to interview and engage with a sexually
29 exploited child.

30 (3) Methods to assist victims to access specialized

1 programs and services for a sexually exploited child.

2 § 3064. Safe Harbor for Sexually Exploited Children Fund.

3 (a) Establishment.--

4 (1) The Safe Harbor for Sexually Exploited Children Fund
5 is established in the State Treasury and shall be
6 administered by the department.

7 (2) Appropriations for transfers to the fund and fines
8 paid and interest accrued on money collected under subsection
9 (b) shall be deposited into the fund.

10 (3) In addition to money that may be appropriated by the
11 General Assembly, the department may apply for and expend
12 Federal grants and contributions from other public, quasi-
13 public or private sources to assist in implementing this
14 subchapter.

15 (4) Money in the fund shall be used as follows:

16 (i) At least 50% of the fund may be expended by the
17 department to provide victim services either directly by
18 the department or through grants.

19 (ii) At least 40% of the fund may be expended to
20 increase public awareness through an anti-demand
21 campaign.

22 (iii) Not more than 10% of the fund may be expended
23 by the department for the costs of operating and
24 maintaining the fund.

25 (b) Fines.--Notwithstanding any law to the contrary, the
26 finances provided by this subsection shall be in addition to any
27 fine authorized or required by law:

28 (1) An individual who is convicted of an offense under
29 section 3011 (relating to trafficking in individuals), 3012
30 (relating to involuntary servitude), 3013 (RELATING TO

<--

1 PATRONIZING A VICTIM OF SEXUAL SERVITUDE) or 5902(b) or (b.1)
2 (relating to prostitution and related offenses) shall be
3 ordered to pay a fine of \$5,000 for each offense.

4 (2) An individual who is convicted of an offense under
5 section 5902(e) shall be ordered to pay a fine of \$2,500 for
6 each offense.

7 (3) An individual who is convicted of an offense under
8 section 5902(e), when the individual knew or should have
9 known the victim was under 18 years of age, shall be ordered
10 to pay a fine of \$5,000 for each offense.

11 Section 5. Sections 5507 and 5902 of Title 18 are amended by
12 adding subsections to read:

13 § 5507. Obstructing highways and other public passages.

14 * * *

15 (a.1) Sexually exploited children.--If it is determined by a
16 law enforcement officer, after a reasonable detention for
17 investigative purposes, that a person suspected of or charged
18 with a violation under this section is a person under 18 years
19 of age AND IS DETERMINED TO BE A SEXUALLY EXPLOITED CHILD AS <--
20 DEFINED IN SECTION 3001 (RELATED TO DEFINITIONS), the person:

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

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

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

26 * * *

27 § 5902. Prostitution and related offenses.

28 * * *

29 (a.2) Sexually exploited children.--If it is determined by a
30 law enforcement officer, after a reasonable detention for

1 investigative purposes, that a person suspected of or charged
2 with a violation under subsection (a) is a person under 18 years
3 of age AND IS DETERMINED TO BE A SEXUALLY EXPLOITED CHILD AS <--
4 DEFINED IN SECTION 3001 (RELATING TO DEFINITIONS), the person:

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

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

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

10 * * *

11 Section 6. Title 42 is amended by adding sections to read:
12 § 6328. Immunity.

13 A juvenile shall not be charged and shall be immune from
14 prosecution for the following offenses if committed ~~when the~~ <--
15 ~~child is under 18 years of age and if the child has been subject~~
16 ~~to human trafficking~~ BY A CHILD WHO IS DETERMINED TO BE A <--
17 SEXUALLY EXPLOITED CHILD as defined in 18 Pa.C.S. § 3001
18 (relating to definitions):

19 (1) Prostitution and related offenses as defined in 18
20 Pa.C.S. § 5902(a)(1) and (2) (relating to prostitution and
21 related offenses).

22 (2) Obstructing highways and other public passages as
23 defined in 18 Pa.C.S. § 5507 (relating to obstructing
24 highways and other public passages).

25 § 6329. Dependency in lieu of delinquency.

26 (a) Referral to county agency.--The offenses provided under
27 subsection (b) shall be referred to a county agency under 23
28 Pa.C.S. §§ 6362 (relating to responsibilities of county agency
29 for child protective services) and 6375 (relating to county
30 agency requirements for general protective services) if the

1 offense:

2 (1) Is committed by a child as a direct result of being
3 a sexually exploited child.

4 (2) Is committed by a child under 18 years of age.

5 (3) Is directly related to having been subject to human
6 trafficking as defined in 18 Pa.C.S. § 3001 (relating to
7 definitions).

8 (b) Eligible offenses.--Eligible offenses for referral to a
9 county agency include the following:

10 (1) 18 Pa.C.S. § 3503 (relating to criminal trespass).

11 (2) 18 Pa.C.S. § 4914 (relating to false identification
12 to law enforcement authorities).

13 (3) 18 Pa.C.S. § 5503 (relating to disorderly conduct).

14 (4) 18 Pa.C.S. § 5506 (relating to loitering and
15 prowling at night time).

16 (5) An offense for simple possession of a controlled
17 substance under section 13(a)(16) and (31) of the act of
18 April 14, 1972 (P.L.233, No.64), known as The Controlled
19 Substance, Drug, Device and Cosmetic Act.

20 (c) Delinquency proceedings.--

21 (1) If an offense listed in subsection (b) is referred
22 to a county agency, delinquency proceedings under Chapter 63
23 (relating to juvenile matters) may not be commenced
24 immediately.

25 (2) If treatment and social services are unsuccessful
26 while the dependency petition is pending, as evidenced by the
27 child's behavior, ~~including repeated attempts to run away,~~ <--
28 and the county agency believes that juvenile justice services
29 are necessary and warranted, the county agency shall refer
30 the child's case to the juvenile probation department or

1 district attorney's office for the commencement of
2 delinquency proceedings.

3 (d) Record expungement.--Upon the final discharge of
4 supervision, juvenile court records relating to an offense
5 listed in subsection (b) shall be expunged by the court under 18
6 Pa.C.S. § 9123 (relating to juvenile records).

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