

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 246 Session of 2021

INTRODUCED BY MIHALEK, THOMAS, PICKETT, SCHLEGEL CULVER, RYAN, ROTHMAN, HANBIDGE, MIZGORSKI, SAPPEY, KAUFFMAN, RAPP, SCHLOSSBERG, GROVE, DeLUCA, SAYLOR, HILL-EVANS, SANCHEZ, OBERLANDER, OWLETT, PASHINSKI, NEILSON, GAYDOS, WEBSTER, SANKEY, HERSHEY, FEE, GLEIM AND TOOHIL, JANUARY 25, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, in human trafficking, further
 3 providing for evidence and defenses to human trafficking.

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

6 Section 1. Section 3018(a) of Title 18 of the Pennsylvania
 7 Consolidated Statutes is amended and the section is amended by
 8 adding a subsection to read:

9 § 3018. Evidence and defenses to human trafficking.

10 (a) General rule.--Evidence of the [following facts or
 11 conditions] age of the victim of human trafficking with respect
 12 to the age of consent to sex or legal age of marriage shall not
 13 constitute a defense in a prosecution for a violation under this
 14 chapter, nor shall the evidence preclude a finding of a
 15 violation under this chapter.[:

16 (1) Specific instances of past sexual conduct of the
 17 victim of human trafficking, opinion evidence of the alleged

1 victim's past sexual conduct and reputation evidence of the
2 alleged victim's past sexual conduct shall not be admissible
3 in a prosecution under this chapter, except evidence of the
4 alleged victim's past sexual conduct with the defendant shall
5 be admissible where consent of the alleged victim is at issue
6 and the evidence is otherwise admissible under the rules of
7 evidence. A defendant who proposes to offer evidence of the
8 alleged victim's past sexual conduct under this paragraph
9 shall file a written motion and offer of proof at the time of
10 trial. If, at the time of trial, the court determines that
11 the motion and offer of proof are sufficient on their faces,
12 the court shall order an in camera hearing and shall make
13 findings on the record as to the relevance and admissibility
14 of the proposed evidence under the standards of this
15 paragraph.

16 (2) The age of the victim of human trafficking with
17 respect to the age of consent to sex or legal age of
18 marriage.]

19 (a.1) Evidence of victim's sexual conduct.--The provisions
20 of section 3104 (relating to evidence of victim's sexual
21 conduct) shall apply to prosecutions under this chapter.

22 * * *

23 Section 2. This act shall take effect in 60 days.