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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 44 Session of  
2023

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INTRODUCED BY DUSH, COLLETT, PHILLIPS-HILL, ROTHMAN, COSTA,  
BARTOLOTTA, CAPPELLETTI, HUGHES, STEFANO AND AUMENT,  
JUNE 6, 2023

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REFERRED TO JUDICIARY, JUNE 6, 2023

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic  
2 Relations) of the Pennsylvania Consolidated Statutes, in  
3 human trafficking, further providing for definitions, for the  
4 offense of trafficking in individuals and for the offense of  
5 patronizing a victim of sexual servitude; in minors, further  
6 providing for unlawful contact with minor; and, in domestic  
7 and sexual violence victim address confidentiality, further  
8 providing for definitions and for persons eligible to apply.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. The definitions of "sexual servitude" and "victim  
12 of human trafficking" or "victim" in section 3001 of Title 18 of  
13 the Pennsylvania Consolidated Statutes are amended and the  
14 section is amended by adding a definition to read:

15 § 3001. Definitions.

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

19 "Commercial sex act." A sex act for which anything of value  
20 is given to or received by a person.

1 \* \* \*

2 "Sexual servitude." [Any sex act or performance involving a  
3 sex act for which anything of value is directly or indirectly  
4 given, promised to or received by any individual or] A  
5 commercial sex act or a sex act which is performed or provided  
6 by any individual and is induced or obtained from:

7 (1) A minor.

8 (2) Any other individual by any of the means set forth  
9 in section 3012(b).

10 \* \* \*

11 "Victim of human trafficking" or "victim." An individual who  
12 has been subjected to human trafficking. The term includes any  
13 of the following:

14 (1) A victim of the offense under section 3011.

15 (2) A victim of the offense under section 3012.

16 (3) A victim of the offense under section 3013.

17 Section 2. Section 3011(a)(1) of Title 18 is amended to  
18 read:

19 § 3011. Trafficking in individuals.

20 (a) Offense defined.--A person commits a felony:

21 (1) of the first degree if the person recruits, entices,  
22 solicits, patronizes, advertises, harbors, transports,  
23 provides, obtains or maintains an individual if the person  
24 knows or recklessly disregards that the individual will be  
25 subject to sexual servitude;

26 \* \* \*

27 Section 3. Section 3013(a) of Title 18 is amended by adding  
28 a paragraph to read:

29 § 3013. Patronizing a victim of sexual servitude.

30 (a) Offense defined.--

1 \* \* \*

2 (3) A person commits an offense if the person patronizes  
3 an individual who is under 18 years of age, causing the  
4 individual to engage in a commercial sex act. An offense  
5 under this paragraph constitutes:

6 (i) A felony of the second degree when the offense  
7 is a first offense.

8 (ii) A felony of the first degree when the offense  
9 is a second or subsequent offense.

10 \* \* \*

11 Section 4. Section 6318(a) introductory paragraph of Title  
12 18 is amended to read:

13 § 6318. Unlawful contact with minor.

14 (a) Offense defined.--A person commits an offense if [he]  
15 the person is intentionally in contact with a minor, or a law  
16 enforcement officer acting in the performance of [his] duties  
17 who has assumed the identity of a minor or of another individual  
18 having direct contact with children, as defined under 23 Pa.C.S.  
19 § 6303(a) (relating to definitions), for the purpose of engaging  
20 in an activity prohibited under any of the following, and either  
21 the person initiating the contact or the person being contacted  
22 is within this Commonwealth:

23 \* \* \*

24 Section 5. The definition of "victim of human trafficking"  
25 in section 6702 of Title 23, added July 7, 2022 (P.L.501,  
26 No.50), is amended to read:

27 § 6702. Definitions.

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

1 \* \* \*

2 "Victim of human trafficking." [A victim of an offense  
3 enumerated in either 18 Pa.C.S. § 3011 (relating to trafficking  
4 in individuals) or 3012 (relating to involuntary servitude).] As  
5 defined in 18 Pa.C.S. § 3001 (relating to definitions).

6 \* \* \*

7 Section 6. Section 6704(7) of Title 23, added July 7, 2022  
8 (P.L.501, No.50), is amended to read:

9 § 6704. Persons eligible to apply.

10 The following persons shall be eligible to apply to become  
11 program participants:

12 \* \* \*

13 (7) A victim of human trafficking who files an affidavit  
14 with the Office of Victim Advocate describing the  
15 perpetrator's course of conduct or repeated actions toward  
16 the affiant meeting the criteria enumerated in [either] 18  
17 Pa.C.S. § 3011 (relating to trafficking in individuals) [or],  
18 3012 (relating to involuntary servitude) or 3013 (relating to  
19 patronizing a victim of sexual servitude) and further stating  
20 that the affiant fears future violent acts by the perpetrator  
21 of the human trafficking.

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