



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 554 Printer's No. 594

Prime Sponsor: Senator Greenleaf
Committee: Judiciary

SYNOPSIS:

This bill amends Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) to address the procedures applicable to victims of human trafficking who are encountered by law enforcement officers.

SUMMARY:

Safe Harbor for Sexually Exploited Children. This bill establishes the general rule that children under the age of 18 who are victims of human trafficking will be provided specialized services instead of facing charges in the juvenile justice system. The Department of Human Services must develop a statewide protocol and, in conjunction with county agencies, coordinate specialized services for sexually exploited children. The specialized services must include safe and stable housing, access to education, employment and life-skills training, comprehensive case management, counseling, treatment for addictions, medical and dental care, and access to personal care items.

Under the bill, law enforcement officers will undergo training on methods to identify and interview a sexually exploited child. The bill establishes the Safe Harbor for Sexually Exploited Children Fund in the State Treasury, which fund will be administered by the Department of Human Services. The Fund must be used to provide victim services, to finance a public awareness campaign to reduce demand for sex trafficking, and to pay costs associated with operating the Fund. The bill imposes fines on offenders who are convicted of trafficking offenses, and the fines are deposited into the Fund.

Criminal Immunity. The bill amends Title 18, Sections 5902 (relating to prostitution and related offenses) and 5507 (relating to obstructing highways and other public passages) to create a safe harbor for underage victims of human trafficking. After a reasonable detention for investigative purposes, a child victim of human trafficking who is suspected of or charged with these offense will be immune from prosecution and may not be jailed, fined, or charged.

Dependency In Lieu of Delinquency. If a sexually exploited child commits certain offenses, the child will be referred to a county agency for dependency proceedings instead of facing charges immediately in the juvenile justice system. Those offenses are criminal trespass, disorderly conduct, loitering and prowling at night time, false identification to law enforcement officials, and simple possession of a controlled substance. If treatment and social services are unsuccessful while the dependency petition is open, as evidenced by the child's behavior, and the county agency believes that juvenile justice services are necessary, the child's case will be referred to the county juvenile probation department or the

District Attorney's office. Upon the final discharge from supervision, the child's court records will be expunged.

Tattoo Removal. This bill adds a new Section 3056 to Title 18 that provides relief in the form of reimbursement for the covering up or removal of tattoos applied by traffickers with an identifying mark. The reimbursement occurs only if the tattoo removal costs \$100 or more. The reimbursement is paid out of the Safe Harbor for Sexually Exploited Children Fund. If any expenses related to tattoo removal are subsequently covered by restitution or the proceeds of insurance or a civil suit, the claimant must reimburse the Fund for the full amount of tattoo removal expenses.

Amendment: The amendment clarifies that immunity from prosecution will apply only to children who are "sexually exploited children," as that term is defined in the bill.

EFFECTIVE DATE: This bill is effective in 60 days.

BILL HISTORY:

None.

Prepared by: Cawley 3/24/2017