
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1299 Session of
2024

INTRODUCED BY LAUGHLIN, DUSH, HUTCHINSON, VOGEL, PENNYCUICK,
J. WARD AND ROBINSON, JULY 24, 2024

REFERRED TO JUDICIARY, JULY 24, 2024

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations) and 42 (Judiciary and Judicial Procedure) of the
3 Pennsylvania Consolidated Statutes, in human trafficking,
4 further providing for definitions, for victim protection
5 during prosecution and for safe harbor for sexually exploited
6 children; in sex trafficking and missing and abducted
7 children, further providing for county responsibilities; in
8 juvenile matters, further providing for dependency in lieu of
9 delinquency; and making an editorial change.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definition of "sexually exploited child" in
13 section 3001 of Title 18 of the Pennsylvania Consolidated
14 Statutes is amended 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 * * *

20 "Sexually exploited child." An individual under 18 years of
21 age who:

1 (1) is a victim of sexual servitude; [or]
2 (2) is a victim of [an offense under 18 U.S.C. § 1591
3 (relating to sex trafficking of children or by force, fraud,
4 or coercion).] human trafficking; or
5 (3) is determined to have engaged or attempted to engage
6 in prostitution as described under section 5902(a) (relating
7 to prostitution and related offenses).

8 * * *

9 Section 2. Section 3019(a) of Title 18 is amended to read:

10 § 3019. Victim protection during prosecution.

11 (a) Disclosure of name [of victim of human trafficking]
12 prohibited.--Notwithstanding any other provision of law to the
13 contrary, unless the court otherwise orders in a prosecution
14 involving a victim of human trafficking or a sexually exploited
15 child, an officer or employee of the court may not disclose the
16 identity of the victim of human trafficking or the sexually
17 exploited child to the public. Any record revealing the name of
18 the victim of human trafficking or the sexually exploited child
19 shall not be open to public inspection.

20 * * *

21 Section 3. Section 3065(a), (b) and (c) of Title 18 are
22 amended and the section is amended by adding subsections to
23 read:

24 § 3065. Safe harbor for sexually exploited children.

25 [(a) Safe harbor.--If it is determined by a law enforcement
26 officer, after reasonable detention for investigative purposes,
27 that an individual is under 18 years of age and is determined to
28 be a sexually exploited child as defined in section 3001
29 (relating to definitions), the individual shall be immune from:

30 (1) Prosecution or adjudication as a delinquent child

1 for a violation of sections 5507 (relating to obstructing
2 highways and other public passages) and 5902(a) (relating to
3 prostitution and related offenses).

4 (2) Revocation of an existing term of probation or
5 parole arising from a conviction or adjudication for another
6 offense if the revocation is based on conduct under paragraph
7 (1).]

8 (a.1) Contact and assessment.--

9 (1) After reasonable detention for investigative
10 purposes, if a law enforcement officer suspects that a child
11 may be a sexually exploited child as defined under section
12 3001 (relating to definitions), the law enforcement officer
13 shall immediately notify a county agency.

14 (2) After receipt of a notification from a law
15 enforcement officer of a suspected sexually exploited child
16 under this subsection, the county agency or an entity
17 contracted by the county agency to conduct child abuse and
18 neglect determinations shall immediately contact the child
19 and, in coordination with law enforcement, conduct an
20 assessment to determine whether:

21 (i) the child is a sexually exploited child; and

22 (ii) the child's actions were a direct result of the
23 child being a sexually exploited child.

24 (3) An assessment conducted under paragraph (2) shall be
25 conducted using a screening tool that ascertains:

26 (i) The child's current conditions and the child's
27 history of sex or labor trafficking.

28 (ii) Any past reports of sex or labor trafficking
29 involving the child.

30 (iii) Any current or past reports of sexual abuse

1 involving the child.

2 (iv) Any current or past incidents of inappropriate
3 sexual behaviors involving the child.

4 (v) Whether the child is known to associate with
5 confirmed or suspected sexually exploited children.

6 (a.2) Safe harbor response following assessment.--If, after
7 an assessment conducted under subsection (a.1), it is determined
8 by a law enforcement officer in consultation with a county
9 agency or an entity contracted by the county agency that the
10 child is a sexually exploited child and, if the child was
11 suspected of committing an offense, the child's actions were the
12 direct result of the child being a sexually exploited child or
13 the child was suspected of engaging in prostitution, the child
14 shall be immune from:

15 (1) Arrest, charges and prosecution or adjudication as a
16 delinquent child for a violation of an offense that was
17 committed as a direct result of the child being a sexually
18 exploited child.

19 (2) Revocation of an existing term of probation or
20 parole arising from a conviction or adjudication for another
21 offense if the revocation is based on conduct under paragraph
22 (1).

23 (b) Exceptions to safe harbor.--The safe harbor under
24 subsection [(a)] (a.2) shall not:

25 (1) Interfere with or prevent an investigation, arrest,
26 charge, prosecution, delinquency adjudication or revocation
27 for violations other than a violation under subsection [(a)]
28 (a.2).

29 (2) Bar the admission of evidence in connection with the
30 investigation and prosecution for a violation other than a

1 violation under subsection [(a)] (a.2).

2 (3) Bar the admission of evidence in connection with an
3 investigation and prosecution of an individual who does not
4 qualify for safe harbor as provided under this section.

5 (c) Detainment.--[An individual] A child determined to be a
6 sexually exploited child as defined in section 3001 [(relating
7 to definitions)] shall be detained no longer than necessary [and
8 only to] to assess the child and assist the child in securing
9 specialized services available under section 3062 (relating to
10 specialized services for sexually exploited children) or to
11 refer the child to a county agency [if required] under 42
12 Pa.C.S. § 6328 (relating to dependency in lieu of delinquency).

13 * * *

14 (e) Determination during proceedings.--At any time after a
15 petition alleging delinquency under 42 Pa.C.S. Ch. 63 (relating
16 to juvenile matters) has been filed alleging that the child has
17 committed an offense, the court, on its own motion, on the
18 motion of the child's counsel or the district attorney, shall:

19 (1) Stay all proceedings until the determination under
20 paragraph (3) is made.

21 (2) Schedule a hearing within 15 days of the motion
22 being filed or, on good cause shown, longer.

23 (3) Determine, by evidence presented on the record and
24 by a preponderance of the evidence, if:

25 (i) the child is a sexually exploited child; and

26 (ii) the alleged acts in the petition were committed
27 as a direct result of the child being a sexually
28 exploited child. The action of engaging or attempting to
29 engage in prostitution shall be deemed the direct result
30 of the child being a sexually exploited child.

1 (4) If the court finds that the child meets the criteria
2 in paragraph (3):

3 (i) dismiss the petition;

4 (ii) order the child discharged from any detention
5 or other restriction ordered in the proceeding; and

6 (iii) refer the child to a county agency under 23
7 Pa.C.S. §§ 6362 (relating to responsibilities of county
8 agency for child protective services) and 6375 (relating
9 to county agency requirements for general protective
10 services) for specialized services under section 3062.

11 Section 4. Section 5702 heading and subsection (c) of Title
12 23 are amended and the section is amended by adding a subsection
13 to read:

14 § 5702. County and department responsibilities.

15 * * *

16 (c) Report to department.--[The county agency shall report
17 annually to the department the total number of children who are
18 sex trafficking victims. The report shall be submitted in the
19 form and by the deadline prescribed by the department.] A county
20 agency shall report annually to the department the following
21 information in the form and by the deadline prescribed by the
22 department:

23 (1) The total number of children who are sex trafficking
24 victims.

25 (2) The total number of children who have been reported
26 missing under subsection (b) and whether or not the child has
27 been subsequently located.

28 (3) The total number of children who have been
29 identified, screened and assessed as possible sex trafficking
30 victims by the county agency.

1 (d) Department responsibilities.--The department shall
2 report annually the information received from a county agency
3 under subsection (c) to the following:

4 (1) The chairperson and minority chairperson of the
5 Aging and Youth Committee of the Senate.

6 (2) The chairperson and minority chairperson of the
7 Children and Youth Committee of the House of Representatives.

8 (3) The chairperson and minority chairperson of the
9 Judiciary Committee of the Senate.

10 (4) The chairperson and minority chairperson of the
11 Judiciary Committee of the House of Representatives.

12 Section 5. Section 5703 of Title 23 is amended to read:

13 § 5703. Law enforcement responsibilities.

14 When law enforcement receives information from a county
15 agency about a child who is missing from the child's residence
16 or is abducted under section 5702(b) (relating to county and
17 department responsibilities), law enforcement shall enter the
18 information into the National Crime Information Center database.

19 Section 6. Section 6328 of Title 42 is amended to read:

20 § 6328. Dependency in lieu of delinquency.

21 (a) Referral to county agency.--[The offenses provided under
22 subsection (b)] Any offense determined by a law enforcement
23 officer under 18 Pa.C.S. § 3065(a.2) (relating to safe harbor
24 for sexually exploited children) or the court under 18 Pa.C.S. §
25 3065(e) to be committed by a child as a direct result of being a
26 sexually exploited child as defined under 18 Pa.C.S. § 3001
27 (relating to definitions) shall be referred to a county agency
28 under 23 Pa.C.S. §§ 6362 (relating to responsibilities of county
29 agency for child protective services) and 6375 (relating to
30 county agency requirements for general protective services) [if

1 the offense:

2 (1) Is committed by a child as a direct result of being
3 a sexually exploited child as defined in 18 Pa.C.S. § 3001
4 (relating to definitions).

5 (2) Is directly related to having been subject to human
6 trafficking as defined in 18 Pa.C.S. § 3001.] for specialized
7 services under 18 Pa.C.S. § 3062 (relating to specialized
8 services for sexually exploited children).

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

11 (1) 18 Pa.C.S. § 3503 (relating to criminal trespass).

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

14 (3) 18 Pa.C.S. § 5503 (relating to disorderly conduct).

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

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

21 (c) Delinquency proceedings.--

22 [(1)] If an offense [listed in subsection (b)] is
23 referred to a county agency under subsection (a), delinquency
24 proceedings under this chapter may not be commenced
25 [immediately].

26 [(2) If treatment and social services are unsuccessful
27 while the dependency petition is pending, as evidenced by the
28 child's behavior, and the county agency believes that
29 juvenile justice services are necessary and warranted, the
30 county agency shall refer the child's case to the juvenile

1 probation department or district attorney's office for the
2 commencement of 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)] referred to a county agency under
6 subsection (a) shall be expunged by the court under 18 Pa.C.S. §
7 9123 (relating to juvenile records).

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