
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1835 Session of
2021

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SIMS, WARREN AND FRANKEL, SEPTEMBER 2, 2021

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 2, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in human trafficking, further
3 providing for definitions and for trafficking in individuals,
4 repealing provisions relating to patronizing a victim of
5 sexual servitude, providing for the offenses of promoting
6 prostitution, of living off sexually exploited persons and of
7 commercial sexual exploitation of another person and further
8 providing for Safe Harbor for Sexually Exploited Children
9 Fund; in public indecency, further providing for prostitution
10 and related offenses; and, in dissemination of criminal
11 history record information, further providing for
12 expungement.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 3001 of Title 18 of the Pennsylvania
16 Consolidated Statutes is amended by adding definitions to read:

17 § 3001. Definitions.

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

21 * * *

22 "House of prostitution." Any place where prostitution or

1 promotion of prostitution is regularly carried on by one person
2 under the control, management or supervision of another.

3 * * *

4 "Inmate." A person who engages in prostitution in or through
5 the agency of a house of prostitution.

6 * * *

7 "Public place." Any place to which the public or any
8 substantial group thereof has access.

9 * * *

10 Section 2. Section 3011(a) of Title 18, amended February 5,
11 2020 (P.L.1, No.1), is amended to read:

12 § 3011. Trafficking in individuals.

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

14 (1) of the first degree if the person recruits, entices,
15 solicits, advertises, harbors, transports, provides, obtains,
16 patronizes or maintains an individual if the person knows or
17 recklessly disregards that the individual will be subject to
18 sexual servitude;

19 (2) of the first degree if the person knowingly benefits
20 financially or receives anything of value from any act that
21 facilitates any activity described in paragraph (1);

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

27 (4) of the second degree if the person knowingly
28 benefits financially or receives anything of value from an
29 act which facilitates any activity under paragraph (3).

30 * * *

1 Section 3. Section 3013 of Title 18 is repealed:

2 [§ 3013. Patronizing a victim of sexual servitude.

3 (a) Offense defined.--

4 (1) A person commits a felony of the first degree if the
5 person engages in any sex act or performance with another
6 individual knowing that the act or performance is the result
7 of the individual being a victim of human trafficking.

8 (2) A person commits an offense if the person engages in
9 any sex act or performance with another individual with
10 reckless disregard for whether the act or performance is the
11 result of the individual being a victim of human trafficking.

12 An offense under this paragraph constitutes:

13 (i) A felony of the third degree when the offense is
14 a first offense.

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

17 (b) Investigation.--An individual arrested for a violation
18 of section 5902(e) (relating to prostitution and related
19 offenses) may be formally detained and questioned by law
20 enforcement personnel to determine if the individual engaged in
21 any sex act or performance with the alleged prostitute knowing
22 that the individual is a victim of human trafficking.

23 (c) Fine.--A person whose violation of this section results
24 in a judicial disposition other than acquittal or dismissal
25 shall also pay a fine in one of the following amounts to the
26 court, to be distributed to the commission to fund the grant
27 program established under section 3031 (relating to grants):

28 (1) Except as otherwise provided in paragraph (2):

29 (i) Not less than \$1,000 and not more than the
30 maximum amount applicable under section 1101 (relating to

1 fines).

2 (ii) A person convicted of a second offense shall
3 pay a fine of not less than \$5,000 nor more than \$25,000.

4 (iii) A person convicted of a third or subsequent
5 offense shall pay a fine of not less than \$10,000 nor
6 more than \$50,000.

7 (2) Not less than \$10,000 nor more than \$50,000, if the
8 victim of sexual servitude was a minor at the time of the
9 offense.

10 (d) Distribution of fines.--

11 (1) From all fines collected under this section, 50%
12 shall be deposited in the Safe Harbor for Sexually Exploited
13 Children Fund established under section 3064 (relating to
14 Safe Harbor for Sexually Exploited Children Fund) and 50%
15 shall be deposited in the restricted account established in
16 paragraph (2).

17 (2) The Prevention of Human Trafficking Restricted
18 Account is established in the General Fund. The money in the
19 restricted account is appropriated on a continuing basis to
20 the commission for the purpose of funding the grant programs
21 under section 3031.]

22 Section 4. Title 18 is amended by adding sections to read:

23 § 3027. Promoting prostitution.

24 (a) Offense defined.--Except as provided under subsection
25 (b), a person who knowingly promotes prostitution of another
26 commits a felony of the third degree.

27 (b) Prohibited acts.--The following acts shall, without
28 limitation of the foregoing, constitute promoting prostitution:

29 (1) owning, controlling, managing, supervising or
30 otherwise keeping, alone or in association with others, a

1 house of prostitution or a prostitution business;

2 (2) procuring an inmate for a house of prostitution or a
3 place in a house of prostitution for one who would be an
4 inmate;

5 (3) encouraging, inducing or otherwise intentionally
6 causing another to become or remain a prostitute;

7 (4) soliciting a person to patronize a prostitute;

8 (5) procuring an individual to another for the purpose
9 of a commercial sex act;

10 (6) transporting a person into or within this
11 Commonwealth with intent to promote the engaging in
12 prostitution by that person, or procuring or paying for
13 transportation with that intent;

14 (7) leasing or otherwise permitting a place controlled
15 by the actor, alone or in association with others, to be
16 regularly used for prostitution or the promotion of
17 prostitution, or failure to make reasonable effort to abate
18 such use by ejecting the tenant, notifying law enforcement
19 authorities or other legally available means; or

20 (8) soliciting, receiving or agreeing to receive any
21 benefit for doing or agreeing to do anything forbidden by
22 this section.

23 § 3028. Living off sexually exploited persons.

24 A person, other than the sexually exploited person or the
25 sexually exploited person's minor child or other legal dependent
26 incapable of self-support, who is knowingly supported in whole
27 or substantial part by the proceeds of prostitution is promoting
28 prostitution in violation of section 3027 (relating to promoting
29 prostitution).

30 § 3029. Commercial sexual exploitation of another person.

1 (a) Offense defined.--A person commits the offense of
2 commercial sexual exploitation of another person if the person
3 provides anything of value to another person to engage in a sex
4 act with him or her or if the person enters or remains in a
5 house of prostitution for the purpose of engaging in a sex act.

6 (b) Grading.--An offense under subsection (a) constitutes
7 the following:

8 (1) A misdemeanor of the third degree when the offense
9 is a first or second offense.

10 (2) A misdemeanor of the second degree when the offense
11 is a third offense.

12 (3) A misdemeanor of the first degree when the offense
13 is a fourth or subsequent offense.

14 (4) A felony of the third degree if the person who
15 committed the offense knew that he or she was human
16 immunodeficiency virus (HIV) positive or manifesting acquired
17 immune deficiency syndrome (AIDS).

18 (c) Publication of sentencing order.--A court imposing a
19 sentence for a second or subsequent offense committed under
20 subsection (a) shall publish the sentencing order in a newspaper
21 of general circulation in the judicial district in which the
22 court sits, and the court costs imposed on the person sentenced
23 shall include the cost of publishing the sentencing order.

24 Section 5. Sections 3064(b), 5902 and 9122(b.1) of Title 18
25 are amended to read:

26 § 3064. Safe Harbor for Sexually Exploited Children Fund.

27 * * *

28 (b) Fines.--Notwithstanding any law to the contrary, the
29 fines provided by this subsection shall be in addition to any
30 fine authorized or required by law and distributed to the

1 commission to fund the grant program established under section
2 3031 (relating to grants):

3 (1) An individual who is convicted of an offense under
4 section 3011 (relating to trafficking in individuals), 3012
5 (relating to involuntary servitude) [, 3013 (relating to
6 patronizing a victim of sexual servitude) or 5902(b) or (b.1)
7 (relating to prostitution and related offenses) shall be
8 ordered to pay a fine of \$5,000 for each offense.] or 3027
9 (relating to promoting prostitution) shall be ordered to pay
10 a fine of \$5,000 for each offense. If the victim of sexual
11 servitude was a minor at the time of the offense, the fine
12 shall be not less than \$10,000 or more than \$50,000.

13 (2) An individual who is convicted of an offense under
14 section [5902(e) shall be ordered to pay a fine of \$2,500 for
15 each offense.]

16 (3) An individual who is convicted of an offense under
17 section 5902(e), when the individual knew or should have
18 known the victim was under 18 years of age, shall be ordered
19 to pay a fine of \$5,000 for each offense.] 3028 (relating to
20 living off sexually exploited persons) or 3029 (relating to
21 commercial sexual exploitation of another person) shall be
22 ordered to pay a fine as follows:

23 (i) For a first offense, not less than \$1,000 and
24 not more than the maximum amount applicable under section
25 1101 (relating to fines).

26 (ii) For a second offense, not less than \$5,000 or
27 more than \$25,000.

28 (iii) For a third or subsequent offense, not less
29 than \$10,000 or more than \$50,000.

30 (iv) In addition to the penalties under this

1 paragraph, an individual convicted of an offense under
2 section 3027 or 3029 if the victim was a minor at the
3 time of the offense, shall be ordered to pay an
4 additional fine of \$5,000 for each offense involving the
5 minor victim.

6 § 5902. Prostitution [and related offenses].

7 (a) Prostitution.--A person is guilty of prostitution if he
8 or she:

9 (1) is an inmate of a house of prostitution or otherwise
10 engages in [sexual activity] a sex act as a business; or

11 (2) loiters in or within view of any public place for
12 the purpose of being hired to engage in [sexual activity] a
13 sex act.

14 (a.1) Grading of offenses under subsection (a).--An offense
15 under subsection (a) constitutes a:

16 (1) Misdemeanor of the third degree. [when the offense
17 is a first or second offense.]

18 (2) Misdemeanor of the second degree when the offense is
19 a third offense.

20 (3) Misdemeanor of the first degree when the offense is
21 a fourth or subsequent offense.]

22 (4) Felony of the third degree if the person who
23 committed the offense knew that he or she was human
24 immunodeficiency virus (HIV) positive or manifesting acquired
25 immune deficiency syndrome (AIDS).

26 [(b) Promoting prostitution.--A person who knowingly
27 promotes prostitution of another commits a misdemeanor or felony
28 as provided in subsection (c) of this section. The following
29 acts shall, without limitation of the foregoing, constitute
30 promoting prostitution:]

1 (1) owning, controlling, managing, supervising or
2 otherwise keeping, alone or in association with others, a
3 house of prostitution or a prostitution business;

4 (2) procuring an inmate for a house of prostitution or a
5 place in a house of prostitution for one who would be an
6 inmate;

7 (3) encouraging, inducing, or otherwise intentionally
8 causing another to become or remain a prostitute;

9 (4) soliciting a person to patronize a prostitute;

10 (5) procuring a prostitute for a patron;

11 (6) transporting a person into or within this
12 Commonwealth with intent to promote the engaging in
13 prostitution by that person, or procuring or paying for
14 transportation with that intent;

15 (7) leasing or otherwise permitting a place controlled
16 by the actor, alone or in association with others, to be
17 regularly used for prostitution or the promotion of
18 prostitution, or failure to make reasonable effort to abate
19 such use by ejecting the tenant, notifying law enforcement
20 authorities, or other legally available means; or

21 (8) soliciting, receiving, or agreeing to receive any
22 benefit for doing or agreeing to do anything forbidden by
23 this subsection.

24 (b.1) Promoting prostitution of minor.--A person who
25 knowingly promotes prostitution of a minor commits a felony of
26 the third degree. The following acts shall, without limitation
27 of the foregoing, constitute promoting prostitution of a minor:

28 (1) owning, controlling, managing, supervising or
29 otherwise keeping, alone or in association with others, a
30 house of prostitution or a prostitution business in which a

1 victim is a minor;

2 (2) procuring an inmate who is a minor for a house of
3 prostitution or a place in a house of prostitution where a
4 minor would be an inmate;

5 (3) encouraging, inducing or otherwise intentionally
6 causing a minor to become or remain a prostitute;

7 (4) soliciting a minor to patronize a prostitute;

8 (5) procuring a prostitute who is a minor for a patron;

9 (6) transporting a minor into or within this
10 Commonwealth with intent to promote the engaging in
11 prostitution by that minor, or procuring or paying for
12 transportation with that intent;

13 (7) leasing or otherwise permitting a place controlled
14 by the actor, alone or in association with others, to be
15 regularly used for prostitution of a minor or the promotion
16 of prostitution of a minor, or failure to make reasonable
17 effort to abate such use by ejecting the tenant, notifying
18 law enforcement authorities or other legally available means;

19 or

20 (8) soliciting, receiving or agreeing to receive any
21 benefit for doing or agreeing to do anything forbidden by
22 this subsection.

23 (c) Grading of offenses under subsection (b).--

24 (1) An offense under subsection (b) constitutes a felony
25 of the third degree if:

26 (i) the offense falls within paragraphs (b) (1), (b)

27 (2) or (b) (3);

28 (ii) the actor compels another to engage in or
29 promote prostitution;

30 (iv) the actor promotes prostitution of his spouse,

1 child, ward or any person for whose care, protection or
2 support he is responsible; or

3 (v) the person knowingly promoted prostitution of
4 another who was HIV positive or infected with the AIDS
5 virus.

6 (2) Otherwise the offense is a misdemeanor of the second
7 degree.

8 (d) Living off prostitutes.--A person, other than the
9 prostitute or the prostitute's minor child or other legal
10 dependent incapable of self-support, who is knowingly supported
11 in whole or substantial part by the proceeds of prostitution is
12 promoting prostitution in violation of subsection (b) of this
13 section.

14 (e) Patronizing prostitutes.--A person commits the offense
15 of patronizing prostitutes if that person hires a prostitute or
16 any other person to engage in sexual activity with him or her or
17 if that person enters or remains in a house of prostitution for
18 the purpose of engaging in sexual activity.

19 (e.1) Grading of offenses under subsection (e).--An offense
20 under subsection (e) constitutes a:

21 (1) Misdemeanor of the third degree when the offense is
22 a first or second offense.

23 (2) Misdemeanor of the second degree when the offense is
24 a third offense.

25 (3) Misdemeanor of the first degree when the offense is
26 a fourth or subsequent offense.

27 (4) Felony of the third degree if the person who
28 committed the offense knew that he or she was human
29 immunodeficiency virus (HIV) positive or manifesting acquired
30 immune deficiency syndrome (AIDS).

1 (e.2) Publication of sentencing order.--A court imposing a
2 sentence for a second or subsequent offense committed under
3 subsection (e) shall publish the sentencing order in a newspaper
4 of general circulation in the judicial district in which the
5 court sits, and the court costs imposed on the person sentenced
6 shall include the cost of publishing the sentencing order.]

7 (f) Definitions.--As used in this section the following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "House of prostitution." Any place where prostitution or
11 promotion of prostitution is regularly carried on by one person
12 under the control, management or supervision of another.

13 "Inmate." A person who engages in prostitution in or through
14 the agency of a house of prostitution.

15 "Minor." An individual under 18 years of age.

16 "Public place." Any place to which the public or any
17 substantial group thereof has access.

18 ["Sexual activity." Includes homosexual and other deviate
19 sexual relations.]

20 "Sex act." Any touching or exposure of the sexual or other
21 intimate parts of any individual for the purpose of gratifying
22 sexual desire of any individual.

23 § 9122. Expungement.

24 * * *

25 (b.1) Prohibition.--A court shall not have the authority to
26 order expungement of the defendant's arrest record where the
27 defendant was placed on Accelerated Rehabilitative Disposition
28 for a violation of any offense set forth in any of the following
29 where the victim is under 18 years of age:

30 Section 3027 (relating to promoting prostitution).

1 Section 3029 (relating to commercial sexual exploitation
2 of another person).

3 Section 3121 (relating to rape).

4 Section 3122.1 (relating to statutory sexual assault).

5 Section 3123 (relating to involuntary deviate sexual
6 intercourse).

7 Section 3124.1 (relating to sexual assault).

8 Section 3125 (relating to aggravated indecent assault).

9 Section 3126 (relating to indecent assault).

10 Section 3127 (relating to indecent exposure).

11 [Section 5902(b) (relating to prostitution and related
12 offenses).]

13 Section 5903 (relating to obscene and other sexual
14 materials and performances).

15 * * *

16 Section 6. This act shall take effect in 60 days.