
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1283 Session of
2013

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ROZZI, SABATINA, KIM, TAYLOR, KILLION, DAVIS, BLOOM, WATSON,
HAGGERTY, O'BRIEN AND DEASY, APRIL 30, 2013

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 30, 2013

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for trafficking of persons, for
4 prostitution and related offenses and for sexual exploitation
5 of children; providing for Assisting Victims of Child Sexual
6 Exploitation Fund; and further providing for sexual offenses
7 and tier system.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Sections 3002, 5902 and 6320 of Title 18 of the
11 Pennsylvania Consolidated Statutes are amended to read:

12 § 3002. Trafficking of persons.

13 (a) Offense defined.--A person commits an offense if the
14 person knowingly traffics or knowingly attempts to traffic
15 another person, knowing that the other person will be subjected
16 to forced labor or services.

17 (b) Grading.--An offense under subsection (a) shall be
18 graded a felony of the second degree unless the other person

1 suffers bodily injury or the other person is an individual under
2 18 years of age, in which case it shall be graded as a felony of
3 the first degree.

4 (c) Fines.--Any person convicted of trafficking of persons
5 under 18 years of age shall be ordered by the court, in addition
6 to any other penalty or fine imposed, to pay an additional fine
7 in an amount not to exceed \$25,000. Every fine imposed and
8 collected pursuant to this section shall be deposited into the
9 Assisting Victims of Child Sexual Exploitation Fund.

10 § 5902. Prostitution and related offenses.

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

13 (1) is an inmate of a house of prostitution or otherwise
14 engages in sexual activity as a business; or

15 (2) loiters in or within view of any public place for
16 the purpose of being hired to engage in sexual activity.

17 (a.1) Grading of offenses under subsection (a).--An offense
18 under subsection (a) constitutes a:

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

21 (2) Misdemeanor of the second degree when the offense is
22 a third offense.

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

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

29 (b) Promoting prostitution.--A person who knowingly promotes
30 prostitution of another commits a misdemeanor or felony as

1 provided in subsection (c) of this section. The following acts
2 shall, without limitation of the foregoing, constitute promoting
3 prostitution:

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

7 (2) procuring an inmate for a house of prostitution or a
8 place in a house of prostitution for one who would be an
9 inmate;

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

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

13 (5) procuring a prostitute for a patron;

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

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

24 (8) soliciting, receiving, or agreeing to receive any
25 benefit for doing or agreeing to do anything forbidden by
26 this subsection.

27 (b.1) Promoting prostitution of minor.--A person who
28 knowingly promotes prostitution of a minor commits a felony of
29 the [third] first degree. The following acts shall, without
30 limitation of the foregoing, constitute promoting prostitution

1 of a minor:

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

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

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

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

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

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

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

24 (8) soliciting, receiving or agreeing to receive any
25 benefit for doing or agreeing to do anything forbidden by
26 this subsection[.]; or

27 (9) advertising the prostitution of a minor through any
28 paid or unpaid medium.

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

30 (1) An offense under subsection (b) constitutes a felony

1 of the third degree if:

2 (i) the offense falls within paragraphs (b) (1), (b)
3 (2) or (b) (3);

4 (ii) the actor compels another to engage in or
5 promote prostitution;

6 (iv) the actor promotes prostitution of his spouse,
7 child, ward or any person for whose care, protection or
8 support he is responsible; or

9 (v) the person knowingly promoted prostitution of
10 another who was HIV positive or infected with the AIDS
11 virus.

12 (2) Otherwise the offense is a misdemeanor of the second
13 degree.

14 (d) Living off prostitutes.--A person, other than the
15 prostitute or the prostitute's minor child or other legal
16 dependent incapable of self-support, who is knowingly supported
17 in whole or substantial part by the proceeds of prostitution is
18 promoting prostitution in violation of subsection (b) of this
19 section.

20 (e) Patronizing prostitutes.--A person commits the offense
21 of patronizing prostitutes if that person hires a prostitute or
22 any other person to engage in sexual activity with him or her or
23 if that person enters or remains in a house of prostitution for
24 the purpose of engaging in sexual activity.

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

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

29 (2) Misdemeanor of the second degree when the offense is
30 a third offense.

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

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

7 (5) Felony of the first degree if the person who
8 committed the offense engages in sexual activity with a
9 prostitute who is a minor.

10 (e.2) Publication of sentencing order.--A court imposing a
11 sentence for a second or subsequent offense committed under
12 subsection (e) shall publish the sentencing order in a newspaper
13 of general circulation in the judicial district in which the
14 court sits, and the court costs imposed on the person sentenced
15 shall include the cost of publishing the sentencing order.

16 (e.3) Additional fines.--Any person convicted of patronizing
17 prostitutes under subsection (e.1)(5) shall be ordered by the
18 court, in addition to any other penalty or fine imposed or
19 restitution owed, to pay a fine in an amount not to exceed
20 \$25,000. Any fine imposed and collected pursuant to this
21 subsection shall be deposited into the fund provided under
22 section 6320.1 (relating to Assisting Victims of Child Sexual
23 Exploitation Fund).

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

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

30 "Inmate." A person who engages in prostitution in or through

1 the agency of a house of prostitution.

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

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

5 "Sexual activity." [Includes homosexual and other deviate
6 sexual relations.] The intentional touching, either directly or
7 through clothing, of the sexual parts of any individual,
8 including, but not limited to the genitalia, anus, groin, breast
9 or buttocks, with the intent of gratifying sexual desire in
10 either person. The term includes any of the following:

11 (1) sexual intercourse, which includes penetration,
12 however slight, of any body part or object into the sex organ
13 of another;

14 (2) deviate sexual intercourse, which includes sexual
15 intercourse per os or per anus; and

16 (3) indecent contact.

17 § 6320. Sexual exploitation of children.

18 (a) Offense defined.--A person commits the offense of sexual
19 exploitation of children if he procures for another person a
20 child under 18 years of age for the purpose of sexual
21 exploitation.

22 (b) Penalty.--An offense under this section is a felony of
23 the [second] first degree.

24 (c) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection:

27 "Procure." To obtain or make available for sexual
28 exploitation.

29 "Sexual exploitation." Actual or simulated sexual activity
30 or nudity arranged for the purpose of sexual stimulation or

1 gratification of any person.

2 Section 2. Title 18 is amended by adding a section to read:

3 § 6320.1. Assisting Victims of Child Sexual Exploitation Fund.

4 (a) Legislative purpose.--The General Assembly recognizes
5 the following public policy purpose and declares that the
6 following objective of the Commonwealth is to be served by this
7 chapter which is to protect the children of this Commonwealth
8 who are victims of sexual exploitation. It is the intent of the
9 General Assembly that the financial penalties assessed for those
10 who engage in promoting the sexual exploitation of children be
11 deposited in the Assisting Victims of Child Sexual Exploitation
12 Fund to ensure that these victimized children are given access
13 to proper treatment and the resources they need to be safe from
14 the men and women who exploit them.

15 (b) Establishment.--There is hereby established in the State
16 Treasury a special fund to be known as the Assisting Victims of
17 Child Sexual Exploitation Fund.

18 (c) Fund administration and distribution.--The fund shall be
19 administered by the Pennsylvania Commission on Crime and
20 Delinquency and shall be used to fund programs and services for
21 sexually exploited minors.

22 (d) Regulations.--The commission may promulgate regulations
23 on the administration of the fund.

24 (e) Grants.--Notwithstanding any other provision of law, the
25 commission shall, upon written application and subsequent
26 approval, use moneys received under this section to annually
27 award grants to approved applicants. The commission shall
28 develop guidelines to produce grant programs.

29 (f) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Commission." The Pennsylvania Commission on Crime and
3 Delinquency.

4 "Eligible organization." A Statewide organization that meets
5 all of the following requirements:

6 (1) Possesses five or more consecutive years of working
7 to reduce the impact and incidence of child abuse and
8 exploitation.

9 (2) Works with law enforcement, educational
10 institutions, community groups, the courts and other agencies
11 to help keep children safe.

12 (3) Has as its purpose the reduction of child
13 exploitation.

14 "Fund." The Assisting Victims of Child Sexual Exploitation
15 Fund established under subsection (b).

16 Section 3. Section 9799.14 of Title 42 is amended to read:
17 § 9799.14. Sexual offenses and tier system.

18 (a) Tier system established.--Sexual offenses shall be
19 classified in a three-tiered system composed of Tier I sexual
20 offenses, Tier II sexual offenses and Tier III sexual offenses.

21 (b) Tier I sexual offenses.--The following offenses shall be
22 classified as Tier I sexual offenses:

23 (1) 18 Pa.C.S. § 2902(b) (relating to unlawful
24 restraint).

25 (2) 18 Pa.C.S. § 2903(b) (relating to false
26 imprisonment).

27 (3) 18 Pa.C.S. § 2904 (relating to interference with
28 custody of children).

29 (4) 18 Pa.C.S. § 2910 (relating to luring a child into a
30 motor vehicle or structure).

- 1 (5) 18 Pa.C.S. § 3124.2(a) (relating to institutional
2 sexual assault).
- 3 (6) 18 Pa.C.S. § 3126(a)(1) (relating to indecent
4 assault).
- 5 (7) (Reserved).
- 6 (8) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption
7 of minors).
- 8 (9) 18 Pa.C.S. § 6312(d) (relating to sexual abuse of
9 children).
- 10 (10) 18 Pa.C.S. § 7507.1. (relating to invasion of
11 privacy).
- 12 (11) 18 U.S.C. § 1801 (relating to video voyeurism).
- 13 (12) 18 U.S.C. § 2252(a)(4) (relating to certain
14 activities relating to material involving the sexual
15 exploitation of minors).
- 16 (13) 18 U.S.C. § 2252A (relating to certain activities
17 relating to material constituting or containing child
18 pornography).
- 19 (14) 18 U.S.C. § 2252B (relating to misleading domain
20 names on the Internet).
- 21 (15) 18 U.S.C. § 2252C (relating to misleading words or
22 digital images on the Internet).
- 23 (16) 18 U.S.C. § 2422(a) (relating to coercion and
24 enticement).
- 25 (17) 18 U.S.C. § 2423(b) (relating to transportation of
26 minors).
- 27 (18) 18 U.S.C. § 2423(c).
- 28 (19) 18 U.S.C. § 2424 (relating to filing factual
29 statement about alien individual).
- 30 (20) 18 U.S.C. § 2425 (relating to use of interstate

1 facilities to transmit information about a minor).

2 (21) A comparable military offense or similar offense
3 under the laws of another jurisdiction or foreign country or
4 under a former law of this Commonwealth.

5 (22) An attempt, conspiracy or solicitation to commit an
6 offense listed in paragraph (1), (2), (3), (4), (5), (6),
7 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16),
8 (17), (18), (19), (20) or (21).

9 (23) A conviction for a sexual offense in another
10 jurisdiction or foreign country that is not set forth in this
11 section, but nevertheless requires registration under a
12 sexual offender statute in the jurisdiction or foreign
13 country.

14 (c) Tier II sexual offenses.--The following offenses shall
15 be classified as Tier II sexual offenses:

16 (1) 18 Pa.C.S. § 3122.1(a)(2) (relating to statutory
17 sexual assault).

18 (1.1) 18 Pa.C.S. § 3124.2(a.2) and (a.3).

19 (1.2) 18 Pa.C.S. § 3126(a)(2), (3), (4), (5), (6) or
20 (8).

21 [(2) 18 Pa.C.S. § 5902(b.1) (relating to prostitution
22 and related offenses).]

23 (3) 18 Pa.C.S. § 5903(a)(3)(ii), (4)(ii), (5)(ii) or (6)
24 (relating to obscene and other sexual materials and
25 performances).

26 (4) 18 Pa.C.S. § 6312(b) and (c).

27 (5) 18 Pa.C.S. § 6318 (relating to unlawful contact with
28 minor).

29 [(6) 18 Pa.C.S. § 6320 (relating to sexual exploitation
30 of children).]

1 (7) 18 U.S.C. § 1591 (relating to sex trafficking of
2 children by force, fraud, or coercion).

3 (8) 18 U.S.C. § 2243 (relating to sexual abuse of a
4 minor or ward).

5 (9) 18 U.S.C. § 2244 (relating to abusive sexual
6 contact) where the victim is 13 years of age or older but
7 under 18 years of age.

8 (10) 18 U.S.C. § 2251 (relating to sexual exploitation
9 of children).

10 (11) 18 U.S.C. § 2251A (relating to selling or buying of
11 children).

12 (12) 18 U.S.C. § 2252(a)(1), (2) or (3).

13 (13) 18 U.S.C. § 2260 (relating to production of
14 sexually explicit depictions of a minor for importation into
15 the United States).

16 (14) 18 U.S.C. § 2421 (relating to transportation
17 generally).

18 (15) 18 U.S.C. § 2422(b).

19 (16) 18 U.S.C. § 2423(a).

20 (17) A comparable military offense or similar offense
21 under the laws of another jurisdiction or foreign country or
22 under a former law of this Commonwealth.

23 (18) An attempt, conspiracy or solicitation to commit an
24 offense listed in paragraph (1), (2), (3), (4), (5), (6),
25 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16) or
26 (17).

27 (d) Tier III sexual offenses.--The following offenses shall
28 be classified as Tier III sexual offenses:

29 (1) 18 Pa.C.S. § 2901(a.1) (relating to kidnapping).

30 (2) 18 Pa.C.S. § 3121 (relating to rape).

- 1 (3) 18 Pa.C.S. § 3122.1(b) (relating to statutory sexual
2 assault).
- 3 (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate
4 sexual intercourse).
- 5 (5) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- 6 (6) 18 Pa.C.S. § 3124.2(a.1).
- 7 (7) 18 Pa.C.S. § 3125 (relating to aggravated indecent
8 assault).
- 9 (8) 18 Pa.C.S. § 3126(a)(7).
- 10 (9) 18 Pa.C.S. § 4302(b) (relating to incest).
- 11 (10) 18 U.S.C. § 2241 (relating to aggravated sexual
12 abuse).
- 13 (11) 18 U.S.C. § 2242 (relating to sexual abuse).
- 14 (12) 18 U.S.C. § 2244 where the victim is under 13 years
15 of age.
- 16 (13) A comparable military offense or similar offense
17 under the laws of another jurisdiction or country or under a
18 former law of this Commonwealth.
- 19 (14) An attempt, conspiracy or solicitation to commit an
20 offense listed in paragraph (1), (2), (3), (4), (5), (6),
21 (7), (8), (9), (10), (11), (12) or (13).
- 22 (15) (Reserved).
- 23 (16) Two or more convictions of offenses listed as Tier
24 I or Tier II sexual offenses.
- 25 (17) 18 Pa.C.S. § 5902(b.1) and (e.1)(5) (relating to
26 prostitution and related offenses).
- 27 (18) 18 Pa.C.S. § 6320 (relating to sexual exploitation
28 of children).
- 29 Section 4. This act shall take effect in 60 days.