

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2227 Session of 2024

INTRODUCED BY SHUSTERMAN, WEBSTER, KHAN, KINSEY, MIHALEK, HILL- EVANS, PROBST, BRIGGS, HOHENSTEIN, SCHLOSSBERG, CURRY, PARKER, McANDREW, DONAHUE, SANCHEZ, MERSKI, CERRATO, DALEY AND HANBIDGE, APRIL 17, 2024

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 29, 2024

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in human trafficking, further
3 providing for victim protection during prosecution.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3019(b) and (d)(1), (D) AND (F) of Title <--
7 18 of the Pennsylvania Consolidated Statutes are amended to
8 read:

9 § 3019. Victim protection during prosecution.

10 \* \* \*

11 (b) Affirmative defense.--[An individual who is charged with
12 any violation under section 5902 (relating to prostitution and
13 related offenses) may offer the defense at trial that he engaged
14 in the conduct charged because he was compelled to do so by
15 coercion or the use of or a threat to use unlawful force against
16 his person or the person of another, which a person of
17 reasonable firmness in his situation would have been unable to

1 resist.] A victim of human trafficking has an affirmative  
2 defense for an offense committed as a direct result of the human  
3 trafficking without regard to whether any person was prosecuted  
4 or convicted for the human trafficking violation.

5 \* \* \*

6 (d) Motion to vacate conviction.--

7 (1) An individual convicted under section 3503 (relating  
8 to criminal trespass), 3922 (RELATING TO THEFT BY DECEPTION), <--  
9 3929 (RELATING TO RETAIL THEFT), 4105 (RELATING TO BAD  
10 CHECKS), 5503 (relating to disorderly conduct), 5506  
11 (relating to loitering and prowling at night time), 5507  
12 (relating to obstructing highways and other public passages)  
13 or 5902 (relating to prostitution and related offenses) or an  
14 offense for simple possession of a controlled substance OR AN <--  
15 ORDER OF CONTEMPT UNDER 42 PA.C.S. § 4132 (RELATING TO  
16 ATTACHMENT AND SUMMARY PUNISHMENT FOR CONTEMPTS) RESULTING  
17 FROM ANY OF THE ABOVE committed as a direct result of being a  
18 victim of human trafficking may file a motion to vacate the  
19 conviction.

20 \* \* \* <--

21 (2) IN ORDER TO BE CONSIDERED, A MOTION UNDER THIS <--  
22 SUBSECTION MUST:

23 (I) BE IN WRITING.

24 (II) [BE CONSENTED TO BY] PROVIDE PROOF OF NOTICE TO  
25 THE ATTORNEY FOR THE COMMONWEALTH.

26 (III) DESCRIBE THE SUPPORTING EVIDENCE WITH  
27 PARTICULARITY.

28 (IV) INCLUDE COPIES OF ANY DOCUMENTS SHOWING THAT  
29 THE MOVING PARTY IS ENTITLED TO RELIEF UNDER THIS  
30 SECTION.

1 \* \* \*

2 (F) GRANT OF MOTION.--THE COURT SHALL GRANT THE MOTION IF IT  
3 FINDS THAT:

4 (1) THE MOVING PARTY WAS CONVICTED OF AN OFFENSE  
5 DESCRIBED IN SUBSECTION (D) (1) .

6 (2) THE MOVING PARTY DEMONSTRATES BY A PREPONDERANCE OF  
7 THE EVIDENCE THAT THE CONVICTION WAS OBTAINED AS A RESULT OF  
8 THE MOVING PARTY'S HAVING BEEN A VICTIM OF HUMAN TRAFFICKING.

9 \* \* \*

10 Section 2. This act shall take effect in 60 days.