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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 88 Session of  
2023

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INTRODUCED BY MUTH, FONTANA, FLYNN, DILLON, BREWSTER, STREET,  
CAPPELLETTI, TARTAGLIONE AND COSTA, JANUARY 18, 2023

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REFERRED TO JUDICIARY, JANUARY 18, 2023

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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(d) and (f) of Title 18 of the  
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 3019. Victim protection during prosecution.

9 \* \* \*

10 (d) Motion to vacate conviction.--

11 (1) An individual convicted under section 3503 (relating  
12 to criminal trespass), 3922 (relating to theft by deception),  
13 3929 (relating to retail theft), 5503 (relating to disorderly  
14 conduct), 5506 (relating to loitering and prowling at night  
15 time), 5507 (relating to obstructing highways and other  
16 public passages) or 5902 or an offense for simple possession  
17 of a controlled substance or an order of contempt under 42  
18 Pa.C.S. § 4132 (relating to attachment and summary punishment

1 for contempts) resulting from any of the above committed as a  
2 direct result of being a victim of human trafficking may file  
3 a motion to vacate the conviction.

4 (2) In order to be considered, a motion under this  
5 subsection must:

6 (i) Be in writing.

7 (ii) [Be consented to by] Provide proof of notice to  
8 the attorney for the Commonwealth.

9 (iii) Describe the supporting evidence with  
10 particularity.

11 (iv) Include copies of any documents showing that  
12 the moving party is entitled to relief under this  
13 section.

14 \* \* \*

15 (f) Grant of motion.--The court shall grant the motion if it  
16 finds that:

17 (1) The moving party was convicted of an offense  
18 described in subsection (d)(1).

19 (2) The moving party demonstrates by a preponderance of  
20 the evidence that the conviction was obtained as a result of  
21 the moving party's having been a victim of human trafficking.

22 \* \* \*

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