



VILLANOVA UNIVERSITY
CHARLES WIDGER SCHOOL OF LAW

THE INSTITUTE TO ADDRESS
COMMERCIAL SEXUAL EXPLOITATION

Act 130 (2018): PA's Safe Harbor for Sexually Exploited Children

Act 130 amends Pennsylvania's human trafficking statute to ensure that child victims of sex trafficking receive the protective response they need.

Act 130 provides immunity and diversion alternatives for sexually exploited children.

PROTECT NOT PROSECUTE CHILD VICTIMS

- Defines "Sexually Exploited Child". 18 Pa.C.S. § 3001.
- Immunizes sexually exploited children from criminal prosecution for the crimes of prostitution and obstruction of the highway. This means a child cannot be arrested, charged, or adjudicated delinquent for either of those crimes in the Commonwealth.
- Mandates a trauma-informed alternative to delinquency through the intervention of child protective services for sexually exploited children accused of engaging in other minor offenses, including criminal trespass, disorderly conduct, loitering and prowling at nighttime, presenting false identification to law enforcement, and simple possession of a controlled substance. 42 Pa.C.S. § 6328.

EMPOWER STATE AGENCIES TO SUPPORT CHILD VICTIMS

Mandates the Department of Human Services, in conjunction with county agencies, to develop a Statewide protocol and coordinate the provision of specialized services for sexually exploited children.

18 Pa.C.S. § 3061.

ENHANCE LAW ENFORCEMENT EFFORTS TO ASSIST VICTIMS

- Requires MPOETC and the Pennsylvania State Police to train law enforcement officers on how to:
 - Identify a sexually exploited child;
 - Appropriately interview and engage with a sexually exploited child;
 - Help a sexually exploited child access services;
 - Minimize trauma in the detention of a sexually exploited child. 18 Pa.C.S. § 3063.
- Gives the Office of the Attorney General concurrent jurisdiction over the crime of human trafficking. 18 Pa.C.S. § 3026.

ESTABLISH A FUND FOR VICTIM SERVICES AND AWARENESS

By levying increased fines imposed on convicted traffickers and sex buyers, Act 130 establishes a fund exclusively for sex trafficking victims that will be used to enhance victim services, increase public awareness, and cover the cost of tattoo removal or redesign. 18 Pa.C.S. §§ 3056, 3064.

The law will take effect on December 23, 2018



The Villanova Law Institute to Address
Commercial Sexual Exploitation

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