Act 1 (2020): Pennsylvania’s Buyer Beware Act

Act 1 (2020) shifts the focus of state law from punishing the victims of trafficking to punishing those who traffic individuals and those who buy sex from them.

**MAKES AMENDMENTS TO EXISTING HUMAN TRAFFICKING LAW**

Act 1 (2020) elevates trafficking offenses to felonies of the first-degree for traffickers and third-party facilitators.

- As a first degree felony, trafficking is now punishable by up to 20 years in prison and/or a fine of up to $25,000. 18 Pa. C.S. § 3011.
- For those who traffic minors, the maximum possible penalty increases to up to 40 years in prison if the offense is part of a course of conduct. 18 Pa. C.S.§ 3011.
- Act 1 (2020) also adds "adVERTISEs" to the list of acts that constitute trafficking. 18 Pa. C.S.§ 3011.

**INCREASES PENALTIES AGAINST SEX BUYERS**

Act 1 (2020) increases the grading of the offense of patronizing a victim of human trafficking.

- The offense of patronizing a victim of human trafficking is now a first-degree felony if the sex buyer knew the individual was a victim of human trafficking. 18 Pa. C.S. § 3013.
- The offense has also been expanded to criminalize those who purchase sex in reckless disregard as to whether the individual is a victim of human trafficking as a third-degree felony, and a first degree felony for any subsequent offense. 18 Pa. C.S. § 3013.

**EXPANDS THE DEFINITION OF “CHILD VICTIMS”**

- Act 1 (2020) updates 18 Pa. C.S. § 5982 to change the definition of a “child” from anyone under 16 years of age to anyone under 18 years of age.

**INCREASES FINES AGAINST SEX BUYERS**

Act 1 (2020) increases fines against those who patronize a victim of human trafficking and puts those funds toward policing, prosecution, and victim services.

- The fines have increased to $1,000 for a first offense, $25,000 for a second offense, $50,000 for a third or subsequent offense, and $50,000 for those who purchase sex from a minor victim. 18 Pa. C.S. § 3013.
- Funds leveraged from convictions will go toward reimbursing law enforcement agencies involved in human trafficking investigations. 18 Pa. C.S. § 3021.
- 30% of those remaining funds will go toward prosecuting human trafficking cases, and 70% will fund victim services and grants that address human trafficking and aid survivors. 18 Pa. C.S. § 3013.

The law will take effect on April 6, 2020