



# PENNSYLVANIA

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

## A. Criminal Statutes

### 1. Human Trafficking and Related Offenses

#### a. 18 Pa. Cons. Stat. § 3011 (2020) – Trafficking in Individuals

##### i. Summary

A person commits a felony:

- (1) of the first degree if the person recruits, entices, solicits, advertises, harbors, transports, provides, obtains, or maintains an individual if the person knows or recklessly disregards that the individual will be subject to sexual servitude or if the person knowingly benefits financially or receives anything of value from any act that facilitates any such activity; and
- (2) of the second degree if the person recruits, entices, solicits, advertises, harbors, transports, provides, obtains, or maintains an individual if the person knows or recklessly disregards that the individual will be subject to labor servitude or if the person knowingly benefits financially or receives anything of value from an act which facilitates any such activity.

18 Pa. Cons. Stat. § 3011(a).

“Labor servitude” means “labor which is performed or provided by another individual and is induced or obtained by any of the means set forth in section 3012(b) [relating to involuntary servitude].” 18 Pa. Cons. Stat. § 3001.

“Sexual servitude” means any “sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or provided by any individual, and is induced or obtained from: (1) [a] minor, or (2) [a]ny other individual by any of the means set forth in section 3012(b) [relating to involuntary servitude].” 18 Pa. Cons. Stat. § 3001.

##### ii. Sentencing

A court may impose a sentence of imprisonment not greater than 20 years for a first-degree human trafficking felony conviction and not greater than 10 years for a second-degree human trafficking felony conviction. 18 Pa. Cons. Stat. § 1103. Notwithstanding section 1103 (relating to sentence of imprisonment for felony), a person shall be sentenced to a term of imprisonment fixed by the court at not more than 40 years if the person violates subsection (a)(1) or (2) and the violation results in a minor being subjected to sexual servitude as part of a course of conduct subjecting minors to sexual servitude. 18 Pa. Cons. Stat. § 3011(b). The maximum fine for either a first-degree or second-degree human trafficking conviction is USD 25,000. 18 Pa. Cons. Stat. § 1101.

The court must increase the sentencing Offense Gravity Score under section 303.3 if the trafficking victim was subjected to sexual servitude, if the victim was under 18 years old, if the victim was under 13 years old (further increased score), and if the defendant committed other enumerated violations while committing the offense, such as rape, kidnapping, or involuntary deviate sexual intercourse. 204 Pa. Code Stat. § 303.10(g). The court may

sentence the defendant up to life imprisonment if the trafficking was committed while in commission of rape, kidnapping, or involuntary deviate sexual intercourse. 42 Pa. Cons. Stat. § 9720.2.

A defendant convicted of trafficking in individuals must pay an additional fine of USD 5,000 for each offense, which is deposited in the Safe Harbor for Sexually Exploited Children Fund. 18 Pa. Cons. Stat. § 3064(b)(1).

The court shall order a defendant convicted of trafficking to pay restitution under Pennsylvania’s general restitution provision for injuries to persons or property (18 Pa. Cons. Stat. § 1106). 18 Pa. Cons. Stat. § 3020(2). In addition, for the period of involuntary servitude, the restitution order may include the greater of: (1) the value of the victim’s time during the period of involuntary servitude as guaranteed under the minimum wage and overtime laws; (2) the gross income or value to the defendant of the services of the victim; or (3) the amount the victim was promised or the amount an individual in the position of the victim would have reasonably expected to earn. Restitution for services may not be based on services related to illegal activity. 18 Pa. Cons. Stat. § 3020(2)(i).

Victims may also seek the return of property, cost of damage to the property, or the replacement value of the property if taken, destroyed, or damaged beyond repair as a result of human trafficking. 18 Pa. Cons. Stat. § 3020(2)(i).

### iii. Statute of Limitations

The statute of limitations for a violation of this section where the victim was not a minor is generally 10 years from the date of the last offense. 42 Pa. Cons. Stat. § 5552(c)(5).

For trafficking in individuals for sexual servitude, if the victim was 23 years or younger at the time of the offense, the statute of limitations is the later of the period of limitation provided by law after the individual has reached 24 years of age, or 20 years after the date of the offense. 42 Pa. Cons. Stat. § 5552(c)(3.1).

There is no statute of limitations if the victim was under 18 years old at the time of the offense (violation of 18 Pa. Cons. Stat. § 3011(b)) or was subjected to sexual servitude (violation of 18 Pa. Cons. Stat. § 3012). 42 Pa. Cons. Stat. § 5551(7).

## b. 18 Pa. Cons. Stat. § 3012 (2014) – Involuntary Servitude

### i. Summary

It is a first-degree felony if a person knowingly subjects an individual to labor servitude or sexual servitude, except where the conduct is permissible under federal or state law other than this chapter, by:

- (1) Causing or threatening to cause serious harm to any individual.
- (2) Physically restraining or threatening to physically restrain another individual.
- (3) Kidnapping or attempting to kidnap any individual.
- (4) Abusing or threatening to abuse the legal process.
- (5) Taking or retaining the individual’s personal property or real property as a means of coercion.
- (6) Engaging in unlawful conduct with respect to documents, as defined in section 3014 (related to unlawful conduct regarding documents).
- (7) Extortion.
- (8) Fraud.
- (9) Criminal coercion, as defined in section 2906 (relating to criminal coercion).

- (10) Duress, through the use of or threat to use unlawful force against the person or another.
- (11) Debt coercion.
- (12) Facilitating or controlling the individual’s access to a controlled substance.
- (13) Using any scheme, plan, or pattern intended to cause the individual to believe that, if the individual does not perform the labor, services, acts, or performances, that individual or another individual will suffer serious harm or physical restraint.

18 Pa. Cons. Stat. § 3012(b).

**ii. Sentencing**

The crime of involuntary servitude is a first degree felony punishable by imprisonment for not more than 20 years and a fine up to USD 25,000. 18 Pa. Cons. Stat. §§ 1101, 1103.

The court must increase the sentencing Offense Gravity Score under section 303.3 if the involuntary servitude victim was subjected to sexual servitude, if the victim was under 18 years old, if the victim was under 13 years old (further increased score), and if the defendant committed other enumerated violations while committing the offense, such as rape, kidnapping, or involuntary deviate sexual intercourse. 204 Pa. Code Stat. § 303.10(g). The court may sentence the defendant up to life imprisonment if the trafficking was committed while in commission of rape, kidnapping, or involuntary deviate sexual intercourse. 42 Pa. Cons. Stat. § 9720.2.

A defendant convicted of involuntary servitude must pay an additional fine of USD 5,000 for each offense, which is deposited in the Safe Harbor for Sexually Exploited Children Fund. 18 Pa. Cons. Stat. § 3064(b)(1).

The court shall order a defendant convicted of involuntary servitude to pay restitution under Pennsylvania’s general restitution provision for injuries to persons or property (18 Pa. Cons. Stat. § 1106). 18 Pa. Cons. Stat. § 3020(2). In addition, for the period of involuntary servitude, the restitution order may include the greater of: (1) the value of the victim’s time during the period of involuntary servitude as guaranteed under the minimum wage and overtime laws; (2) the gross income or value to the defendant of the services of the victim; or (3) the amount the victim was promised or the amount an individual in the position of the victim would have reasonably expected to earn. Restitution for services may not be based on services related to illegal activity. 18 Pa. Cons. Stat. § 3020(2). Victims may also seek the return of property, cost of damage to the property, or the replacement value of the property if taken, destroyed, or damaged beyond repair as a result of human trafficking. 18 Pa. Cons. Stat. § 3020(2)(ii).

**iii. Statute of Limitations**

The statute of limitations for a violation of this section where the victim was not a minor is 10 years from the date of the last offense committed against the victim. 42 Pa. Cons. Stat. § 5552(c)(5).

For the crime of involuntary servitude for sexual servitude, if the victim was 23 years or younger at the time of the offense, the statute of limitations is the later of the period of limitation provided by law after the individual has reached 24 years of age, or 20 years after the date of the offense. 42 Pa. Const. Stat. § 5552(c)(3.1).

There is no statute of limitations if the victim was under 18 years old at the time of the offense and was subjected to sexual servitude. 42 Pa. Cons. Stat. § 5551(7). If the victim was a minor at the time of the offense, and the offense involved labor servitude, the offense must be prosecuted within 10 years after the victim reaches 18 years of age. 42 Pa. Cons. Stat. § 5552(6).

**c. 18 Pa. Cons. Stat. § 3021 (2020) – Forfeiture**

Pennsylvania provides for forfeiture to the state of assets used in planning or perpetrating an act that violates 18 Pa. Cons. Stat. § 3011 (trafficking in individuals) or Pa. Cons. Stat. § 3012 (involuntary servitude), as well as assets derived from those crimes. 18 Pa. Cons. Stat. § 3021.

**d. 18 Pa. Cons. Stat. § 3014 (2014) – Unlawful Conduct Regarding Documents**

**i. Summary**

A person commits a felony “if, to prevent or restrict or attempt to prevent or restrict, without lawful authority, the ability of an individual to move or travel, the person knowingly destroys, conceals, removes, confiscates or possesses an actual or purported: (1) passport or other immigration document of an individual; or (2) government identification document of an individual.” 18 Pa. Cons. Stat. § 3014.

**ii. Sentencing**

Unlawful conduct regarding documents is a felony of the third degree. 18 Pa. Cons. Stat. § 3014. The court also shall order the convicted defendant to pay restitution for injuries to persons or property, including the costs of returning or restoring the property. 18 Pa. Cons. Stat. §§ 1106, 3020.

**iii. Statute of Limitations**

The statute of limitations for a prosecution for unlawful conduct regarding documents is two years after the offense is committed. 42 Pa. Cons. Stat. § 5552(a).

**e. 18 Pa. Cons. Stat. § 3013 (2020) – Patronizing a Victim of Sexual Servitude**

**i. Summary**

A person commits a felony of the first degree if the person engages in any sex act or performance with another individual knowing that the act or performance is the result of the individual being a victim of human trafficking.

A person commits an offense if the person engages in any sex act or performance with another individual with reckless disregard for whether the act or performance is the result of the individual being a victim of human trafficking. An offense under this paragraph constitutes:

- (1) A felony of the third degree when the offense is a first offense.
- (2) A felony of the first degree when the offense is a second or subsequent offense.

18 Pa. Cons. Stat. § 3013(a).

An individual arrested for a violation of section 5902(e) (relating to prostitution and related offenses) may be formally detained and questioned by law enforcement personnel to determine if the individual engaged in any sex act or performance with the alleged prostitute knowing that the individual is a victim of human trafficking.

18 Pa. Cons. Stat. § 3013(b).

**ii. Sentencing**

A court may impose a sentence of imprisonment not greater than 20 years for a first-degree felony violation of patronizing a victim of sexual servitude and not greater than seven years for a third-degree felony violation. 18 Pa. Cons. Stat. § 1103. A person convicted under this section may be subject to a fine depending on the age of the victim and the number of prior offenses. 18 Pa. Cons. Stat. § 3013(c). A first violation shall be punishable by a fine between USD 1,000 and either USD 25,000 for a first-degree conviction or USD 15,000 for a third-degree conviction, a second

violation shall be punishable by a fine between USD 5,000 and USD 25,000, while any subsequent violation shall be punishable by a fine between USD 10,000 and USD 50,000. 18 Pa. Cons. Stat. § 3013(c)(1). If the victim was a minor, the fine must be not less than USD 10,000 and not more than USD 50,000. 18 Pa. Cons. Stat. § 3013(c)(2). A person convicted of this offense is required to pay an additional fine of USD 5,000 for each offense, which is deposited in the Safe Harbor for Sexually Exploited Children Fund. 18 Pa. Cons. Stat. § 3064(b)(1).

The court also shall order a convicted defendant to pay restitution. 18 Pa. Cons. Stat. §§ 1106, 3020.

### iii. Statute of Limitations

The statute of limitations for a prosecution for patronizing a victim of sexual servitude is two years after the offense is committed. 42 Pa. Cons. Stat. § 5552(a).

## f. 18 Pa. Cons. Stat. § 3015 (2014) – Nonpayment of Wages

### i. Summary

A person commits a crime if the person, “as a part of or in addition to engaging in human trafficking, willfully or with intent to defraud, fails or refuses to pay wages for or otherwise causes financial harm to an individual in connection with labor services.” 18 Pa. Cons. Stat. § 3015(a).

A person commits a separate offense for each calendar month during which the individual earned wages that the person failed to pay or was otherwise financially harmed. 18 Pa. Cons. Stat. § 3015(b).

### ii. Sentencing

The crime is a misdemeanor of the third degree if the amount owed to the individual is less than USD 2,000. 18 Pa. Cons. Stat. § 3015(a)(1). It is a felony of the third degree if: (1) the amount owed to the individual is equal to or greater than USD 2,000; (2) the failure or refusal constitutes a second or subsequent violation of this section; or (3) the person falsely denies the amount due or the validity of the debt. 18 Pa. Cons. Stat. § 3015(a)(2).

A third-degree felony carries a maximum prison sentence of seven years, while a third-degree misdemeanor carries a maximum one year prison sentence. 18 Pa. Cons. Stat. §§ 1103, 1104.

The court also shall order a convicted defendant to pay restitution. 18 Pa. Cons. Stat. §§ 1106, 3020.

### iii. Statute of Limitations

The statute of limitations for a prosecution under this section is two years after the offense is committed. 42 Pa. Cons. Stat. § 5552(a).

## g. 18 Pa. Cons. Stat. § 3016 (2014) – Obstruction of Justice

A person who “commits a violation of Subchapter B of Chapter 49 [of Title 18 relating to victim and witness intimidation] or Chapter 51 [of Title 18 relating to obstructing governmental operations] that in any way interferes with or prevents the enforcement of this chapter shall be subject to the same penalties that may be imposed for the offense for which the person has been charged under this chapter [human trafficking offenses].” 18 Pa. Cons. Stat. § 3016.

## h. 18 Pa. Cons. Stat. § 3017 (2014) – Violation by Business Entities

Business entities (including a corporation, an unincorporated association, a limited liability partnership or company or other legal entities) can be fined up to USD 1 million and lose their charters and professional licenses for knowingly aiding or participating in any violation of Pennsylvania’s human trafficking chapter. The court also may grant any other relief it deems equitable, including forfeiture of assets or restitution. 18 Pa. Cons. Stat. §§ 3017, 3022.

Any fines imposed under this section must be deposited as provided in section 3031 (relating to grants). 18 Pa. Cons. Stat. §§ 3017(b), 3031.

**i. 18 Pa. Cons. Stat. § 3018 (2021) – Evidence and Defenses to Human Trafficking**

Consent of the victim of human trafficking to an employment contract is not a defense to labor trafficking if force or coercion as described in 18 Pa. Cons. Stat. § 3012(b) (relating to involuntary servitude) were involved in the making of the contract. 18 Pa. Cons. Stat. § 3018(b).

Except as provided in 18 Cons. Stat. § 3102 (relating to mistake as to age), evidence of a defendant’s lack of knowledge of a person’s age, or a reasonable mistake of age, is not a defense for a violation involving the sexual servitude of a minor. 18 Pa. Cons. Stat. § 3018(c).

Evidence of the trafficking victim’s age with respect to the age of consent to sex or legal age of marriage is not a defense to, and does not preclude a finding of a violation under this chapter. 18 Pa. Cons. Stat. § 3018(a). In addition, the provisions of section 3104 (relating to evidence of victim’s sexual conduct) shall apply to prosecutions under this chapter. 18 Pa. Cons. Stat. § 3018(a.1).

**j. 42 Pa. Cons. Stat. § 6328 (2018) – Dependency in Lieu of Delinquency**

If a minor commits certain offenses (criminal trespass, false identification to law enforcement, disorderly conduct, loitering, simple possession of a controlled substance) and the offense is directly related to having been subject to human trafficking, the offenses “shall be referred to a county agency under 23 Pa. Cons. Stat. §§ 6362 [relating to responsibilities of county agency for child protective services] and 6375 [relating to county agency requirements for general protective services],” and delinquency proceedings shall not be commenced immediately. 42 Pa. Cons. Stat. § 6328(a). Records will be expunged if there is a final discharge of supervision. 42 Pa. Cons. Stat. § 6328(d).

**k. 18 Pa. Cons. Stat. § 3019 (2014) – Affirmative Defense to Prostitution and Diversion for Certain Other Violations**

A person charged under 18 Pa. Cons. Stat. § 5902 (relating to prostitution and related offenses) may offer the defense at trial that the person engaged in the conduct because the person “was compelled to do so by coercion or the use of or a threat to use unlawful force against the person or the person of another, which a person of reasonable firmness in [the] situation would have been unable to resist.” 18 Pa. Cons. Stat. § 3019(b).

An individual who is charged with violating a trespassing, loitering, obstruction of highway, disorderly conduct, or simple possession of a controlled substance statute as a direct result of being a victim of human trafficking, where the violation is the person’s first offense, may have such records expunged upon completion of a judicially sanctioned diversionary program. 18 Pa. Cons. Stat. § 3019(c).

**l. 18 Pa. Cons. Stat. § 911 (2014) – Corrupt Organizations**

It is unlawful for any person to receive income or interest or control in an enterprise from a pattern of racketeering activity. Pennsylvania’s racketeering statute includes acts indictable under Chapter 30 (relating to human trafficking) in its definition of “racketeering activity.” 18 Pa. Cons. Stat. §§ 911(b), (h).

**m. 18 Pa. Cons. Stat. § 2902 (2012) – Unlawful Restraint**

A person commits a first-degree misdemeanor by, among other things, knowingly holding another in a condition of involuntary servitude. 18 Pa. Cons. Stat. § 2902(a). The offense is a second-degree felony if the victim is a person under the age of 18. 18 Pa. Cons. Stat. § 2902(b), (c).

**2. Online Child Sexual Exploitation and Child Pornography Offenses**

18 Pa. Cons. Stat. § 5902 – Prostitution and Related Offenses

18 Pa. Cons. Stat. § 5903 – Obscene and Other Sexual Materials and Performances

18 Pa. Cons. Stat. § 6301 – Corruption of a Minor

18 Pa. Cons. Stat. § 6312 – Sexual Abuse of Children

18 Pa. Cons. Stat. § 6318 – Unlawful Contact with Minor

18 Pa. Cons. Stat. § 6320 – Sexual Exploitation of Children

**3. 42 Pa. Cons. Stat. § 9799.15 (2018) – Period of Registration [as Sex Offender]**

Individuals who have committed Tier I through Tier III sexual offenses must register as sex offenders in Pennsylvania. 42 Pa. Cons. Stat. § 9799.15. Trafficking in individuals and sex trafficking of children are Tier II sexual offenses which require an offender to maintain registration for 25 years. 42 Pa. Cons. Stat. §§ 9799.14, .15.

**B. Civil Liability Statutes**

**1. 18 Pa. Cons. Stat. § 3051 (2014) – Civil Lawsuits**

**a. Summary**

Victims of human trafficking or of the sex trade may bring a civil lawsuit where the defendant (i) recruits, profits from, or maintains the victim in any sex trade act; (ii) abuses or causes bodily harm to the victim in any sex trade act; and (iii) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity. 18 Pa. Cons. Stat. §§ 3051(a)(1), (2).

No person may avoid civil liability by: (1) a conveyance of any right, title, or interest in real property; or (2) an agreement, including an indemnification agreement or hold harmless agreement, that purports to show the consent of the victim of human trafficking. 18 Pa. Cons. Stat. § 3051(g).

**b. Damages and Other Relief**

The court may award to a prevailing plaintiff actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief. 18 Pa. Cons. Stat. § 3051(c). Where the defendant’s acts were willful and malicious, the court may award three times the amount of actual damages. 18 Pa. Cons. Stat. § 3051(e). A prevailing plaintiff who is a victim of human trafficking shall also be awarded reasonable attorney’s fees and costs. 18 Pa. Cons. Stat. § 3051(d).

**c. Statute of Limitations**

The statute of limitations for adult victims is five years from the last act of the offense. If the victim was a minor while any human trafficking offense was committed, a claim exists until the victim is 30 years of age. 18 Pa. Cons. Stat. § 3051(h).

A defendant cannot assert a statute of limitations defense when the statute expired because of the defendant’s intentional conduct knowingly inducing or coercing the plaintiff to delay filing the lawsuit. 18 Pa. Cons. Stat. § 3051(i).

**C. Additional Statutes Specific to Human Trafficking**

**1. 18 Pa. Cons. Stat. §§ 3061–3065 (2018) – Safe Harbor Provisions for Sexually Exploited Children**

These statutes create provisions protecting minor victims from prosecution for prostitution and certain other crimes related to being a victim of trafficking, address specialized services for sexually exploited children, and establish a Safe Harbor for Sexually Exploited Children Fund. 18 Pa. Cons. Stat. §§ 3061-3065.



**2. 18 Pa. Cons. Stat. § 3019(a) (2014) – Victim Protection During Prosecution**

Unless the court otherwise orders in a prosecution involving a victim of human trafficking, an officer or employee of the court may not disclose the identity of the victim of human trafficking to the public. Any record identifying a human trafficking victim’s name is unavailable for public inspection. 18 Pa. Cons. Stat. § 3019(a).

A person convicted under 18 Pa. Cons. Stat. §§ 3503 (criminal trespass), 5503 (disorderly conduct), 5506 (loitering and prowling at night time), 5507 (obstructing highways and other public passages), or 5902 (prostitution and other related offenses), or an offense for simple possession of a controlled substance may file a motion to vacate the conviction, when the person committed the offense as a direct result of being a victim of human trafficking. All related records will be expunged.

**3. 18 Pa. Cons. Stat. § 3019(d) (2014) – Motion to Vacate Conviction**

A person convicted under 18 Pa. Cons. Stat. §§ 3503 (criminal trespass), 5503 (disorderly conduct), 5506 (loitering and prowling at night time), 5507 (obstructing highways and other public passages), or 5902 (prostitution and other related offenses), or an offense for simple possession of a controlled substance may file a motion to vacate the conviction, when the person committed the offense as a direct result of being a victim of human trafficking. All related records will be expunged. 18 Pa. Cons. Stat. § 3019(d).

**4. 18 Pa. Cons. Stat. § 3022 (2014) – Professional Licenses**

Under this section, a licensee who knowingly employs or permits employment of a victim of human trafficking shall be suspended for a minimum of one year.

**5. 18 Pa. Cons. Stat. § 3025 (2014) – Data Collection**

The Pennsylvania Commission on Sentencing shall collect data and other relevant information on sentences imposed for human trafficking offenses.

**6. 18 Pa. Cons. Stat. §§ 3031, 3054, 3071 (2014) – Grants, Services, Victims in Shelters**

Subject to the availability of funding, Pennsylvania will take steps, including making grants, to prevent human trafficking and to assist victims. Human trafficking victims are eligible for benefits and compensation under Pennsylvania’s Crime Victims Act. A human trafficking victim’s residence in a shelter or other facility is voluntary, and shelter admission cannot be conditioned on cooperation with law enforcement to prosecute others.

**7. 18 Pa. Cons. Stat. § 3052 (2014) – Protection of Victims**

Pennsylvania law enforcement agencies must “take reasonable steps necessary to identify, protect and assist victims of human trafficking.”

**8. 18 Pa. Cons. Stat. § 3056 (2018) – Special Relief to Restore Victim’s Dignity and Autonomy**

Special relief funding of up to USD 10,000 per individual is available for removal of any tattoos or identifying marks that were the result of having been a victim of human trafficking.

**9. 23 Pa. Cons. Stat. § 6303 (2018) – Child Protective Services**

Pennsylvania’s child protection statute defines “child abuse” to include engaging a child in a severe form of trafficking in persons or sex trafficking.

**10. 43 Pa. Cons. Stat. § 1493 (2012) – Required Posting**

Certain businesses must post a sign containing information regarding the National Human Trafficking Resource Center hotline. 43 Pa. Cons. Stat. § 1493. Covered businesses include drinking establishments, adult entertainment



establishments, hotels found to be drug-related nuisances, and personal service establishments. 43 Pa. Cons. Stat. § 1492.

#### 11. 43 Pa. Cons. Stat. § 260.1 *et seq.* – Wage Payment and Collection Law

An employee may bring a civil lawsuit to recover unpaid wages. 43 Pa. Cons. Stat. § 260.9a. The court shall also allow reasonable attorney's fees in addition to any judgment awarded to the employee. 43 Pa. Cons. Stat. § 260.9a(f). Additionally, an employee whose claim meets the statutory requirements may also be eligible for liquidated damages. 43 Pa. Cons. Stat. § 260.10. A noncompliant employer may face additional civil and criminal penalties. 43 Pa. Cons. Stat. § 260.11a. No lawsuit shall be instituted under this act for the collection of unpaid wages or liquidated damages more than three years after the day on which those wages were due and payable. 43 Pa. Cons. Stat. § 260.9(g).

More information is available at:

<https://www.dli.pa.gov/Individuals/Labor-Management-Relations/Ilc/Pages/Wage-Payment.aspx>.

#### 12. 43 Pa. Cons. Stat. § 1499 (2012) – Victim Services

The Pennsylvania Commission on Crime and Delinquency must develop a plan to provide victims of trafficking with housing, counseling, medical assistance, child care, substance abuse counseling, access to employment and education, legal assistance, and social case management.

### D. Significant Cases

#### 1. *Chaidez v. Hemphill*, No. 18-1837, 2019 WL 6050714 (E.D. Pa. Nov. 15, 2019)

The plaintiff, a Mexican national, sued his former employer under the federal Trafficking Victims Protection Act and the corresponding Pennsylvania statutes (18 Pa. Cons. Stat. §§ 3001-72). The defendants recruited the plaintiff for trucking work through the H-2B temporary guest-worker visa program. The plaintiff alleged that the defendants mistreated him by forcing him to undertake activities beyond his responsibilities, wrongfully withholding his money, lodging him in overcrowded and unsanitary housing, and threatening him with arrest and permanent expulsion from the H-2B program if he refused to honor their contract. The defendants filed a motion for summary judgment alleging that the plaintiff's claims were barred by a release the plaintiff signed after the end of employment and a lack of facts alleged to support his claims. The court denied the defendants' motion, finding genuine disputes of material fact as to whether the defendants may be liable for the harms alleged by the plaintiff and the enforceability of the release.

#### 2. *Commonwealth v. Brockington-Winchester*, 205 A.3d 1279 (Pa. Super. Ct. 2019)

A jury acquitted the defendant of robbery, theft by unlawful taking or disposition, and terroristic threats, but could not reach a verdict on trafficking in individuals and attempted involuntary servitude. The trial court dismissed the last two charges based on the doctrines of collateral estoppel or double jeopardy. The Commonwealth appealed the dismissal.

The Superior Court reversed the trial court and remanded for a new trial on the charges of trafficking in individuals and attempted involuntary servitude. It found that the doctrines of collateral estoppel or double jeopardy did not bar retrial because the jury did not conclusively determine any issues related to the trafficking and involuntary servitude charges in its acquittal of the defendant on the charges of robbery, theft by unlawful taking or disposition, and terroristic threats.

#### 3. *A.B. v. Marriott Int'l, Inc.*, 455 F.Supp.3d 171 (E.D. Pa. 2020)

Plaintiff A.B. was trafficked at three different Philadelphia hotels franchised by defendant Marriott International. The plaintiff alleged defendant violated federal and state human trafficking laws by knowingly benefitting from and participating in a venture which the business knew or should have known was engaged in sex trafficking. The plaintiff

also alleged defendant was aware of the circumstances, citing the constant stream of male visitors, week-long room reservations on prepaid credit cards, multiple broken objects and sex paraphernalia in rooms, signs of physical injury, loud altercations, and complaints of suspicious activity.

While the court found that the plaintiff pled sufficient facts to reasonably infer the defendant knowingly benefitted from participating in a venture which it should have known was trafficking plaintiff under federal law, the court dismissed the plaintiff's claims under Pa. Cons. Stat. § 3051. Plaintiff's state claim was untimely, as it was not brought within five years of the last act constituting human trafficking. Plaintiff's equitable tolling argument, alleging she was prevented from asserting her rights while being trafficked outside of the Marriott hotels, was rejected by the court. The Plaintiff additionally could not show Marriott was excluded from the statute's safe harbor exception, which granted protection for those who provide goods or services to the general public. The claim failed even without considering the timeliness or safe harbor arguments; the Defendant did not "participate" in human trafficking under section 3051, which required knowing or reckless disregard to providing services to traffickers. This case offers valuable reasoning and context for liability under Pennsylvania's human trafficking statute.

### E. Academic Research/Papers

No academic research or papers were found regarding Pennsylvania's human trafficking statutes.

### F. Resources

National Human Trafficking Hotline (Pennsylvania):

<https://humantraffickinghotline.org/state/pennsylvania>

Pennsylvania Coalition Against Rape, *A Legal Guide to Human Trafficking in Pennsylvania for Sexual Assault Legal Advocates*:

[https://www.pcar.org/sites/default/files/resource-pdfs/legal\\_guide\\_to\\_human\\_trafficking\\_in\\_pa.pdf](https://www.pcar.org/sites/default/files/resource-pdfs/legal_guide_to_human_trafficking_in_pa.pdf)

Pennsylvania Office of Crime Victim Services:

<https://pcv.pccd.pa.gov/empowering-the-victim/Pages/Human-Trafficking.aspx>

Pennsylvania Department of Transportation:

<https://www.penndot.gov/about-us/media/human-trafficking/Pages/default.aspx>

Shared Hope International, Pennsylvania Report Card (2019):

[https://sharedhope.org/PICframe9/reportcards/PIC\\_RC\\_2019\\_PA.pdf](https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_PA.pdf)

Shared Hope International, Pennsylvania Analysis and Recommendations (2019):

[https://sharedhope.org/PICframe9/analysis/PIC\\_AR\\_2019\\_PA.pdf](https://sharedhope.org/PICframe9/analysis/PIC_AR_2019_PA.pdf)

U.S. Department of Health & Human Services, *Pennsylvania: Efforts to Combat Human Trafficking* (2017):

[https://www.acf.hhs.gov/sites/default/files/otip/pennsylvania\\_profile\\_efforts\\_to\\_combat\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/otip/pennsylvania_profile_efforts_to_combat_human_trafficking.pdf)

Villanova University Charles Widger School of Law Institute to Address Commercial Sexual Exploitation, *Report on Commercial Sexual Exploitation in Pennsylvania* (Spring 2019):

<https://cseinstitute.org/wp-content/uploads/2019/06/Spring-2019-Report-6.21.19-pdf.pdf>

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