

PA SB 851: A Fact Sheet for Legislators and Advocates

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What is PA SB 851?

- This bill is similar to “Safe Harbor” legislation that exists in states such as New York, which have been developed to protect sexually exploited children from prostitution-related charges, while providing specialized social services for youth.
- If enacted, the bill has many assets, such as providing funding for much needed social services for youth who are trading sex in Pennsylvania.
- SB 851 has been referred to the Appropriations Committee as of November 18, 2015 in the Pennsylvania State Senate.

The state of Pennsylvania has the benefit of research done in other states that have ratified similar Safe Harbor Legislation. This evidence should be unitized to revise the SB851 in its current form to better address the needs of youth.

Please find the key concerns we have with SB851 with recommendations for revisions.

§ 3082. Statewide protocol.

- The bill calls on the Department of Human Services to “develop a Statewide protocol to efficiently and effectively coordinate the provision of specialized services to sexually exploited children,” as well as make these services known and available to youth.
- **Recommendation:** Youth survivors of the sex trade, as well as at-risk youth, should be formally included in the development of this protocol to ensure the perspectives and priorities of those most impacted.

§ 3084. Safe house for sexually exploited children.

- Currently, there are no protections of lesbian, gay, bisexual, transgender and/or queer (LGBTQ) youth who are disproportionately at risk for commercial sexual exploitation.
- **Recommendation:** The inclusion of a non-discrimination clause that will help ensure LGBTQ youth not only have access to critical services, but that those services are safe, welcoming, and tailored to meet the needs of all youth.

§ 3085. Law enforcement training.

- In its current form, SB 851 names Pennsylvania State Police and the Pennsylvania District Attorneys Association as solely responsible for training

law enforcement officers, prosecutors, and other appropriate staff on identifying, engaging and providing services to sexually exploited children

- **Recommendation:** Law enforcement officers are not trained to provide services to youth, and experienced social services providers should also be included as in the development and provision of these trainings. Additionally, financing should be incorporated for youth survivors of the sex trade should to be included in the development and delivery of these trainings given their unique knowledge of this experience.
- **Recommendation:** Youth and/or survivor led-organizations and social service providers should also be included as stakeholders in the training of law enforcement officers. These trainings should include evidence-based practices.

§ 3086. Safe Harbor for Sexually Exploited Children Fund

- In addition to funding victim's service, this fund can be used for "an anti-demand campaign and to protect sexually exploited children." End-Demand approaches to human trafficking recognize youth only as a product to fit a simplistic economic analogy, rather than persons with rights, aspirations and unmet needs, as well as add to the stigma and shame associated with survival sex work. This approach does not have any evidence in changing the behavior of consumers.
- **Recommendation:** Funding should be prioritized to meet the material needs of youth in the sex trade. In the event of surplus, prevention campaigns targeting adult perpetrators should be driven by research and evidenced-based practices.

§ 5902. Prostitution and related offenses.

- Immunity from prostitution related offenses are available after "reasonable detention" for the purposes of investigation. Police investigations should not violate the rights of youth.
- **Recommendation:** "Reasonable detention" must be clarified and specified, given the history of violence by law enforcement against youth in the sex trade, especially LGBTQ youth.

Please find the complete text of PA SB 851 at <http://tinyurl.com/z8qfhqn> or contact Project SAFE for more information at 1-866-509-SAFE or safephila@gmail.com