

AMENDMENTS TO SENATE BILL NO. 554

Sponsor: REPRESENTATIVE PETRARCA

Printer's No. 740

1 Amend Bill, page 1, lines 9 through 13, by striking out "in
2 riot, disorderly conduct and" in line 9, all of lines 10 through
3 12 and "and related offenses;" in line 13

4 Amend Bill, page 1, line 14, by striking out "immunity and
5 for"

6 Amend Bill, page 3, by inserting between lines 26 and 27
7 3065. Safe harbor for sexually exploited children.

8 Amend Bill, page 5, by inserting between lines 2 and 3
9 (4) Methods to minimize trauma in the detention of a
10 sexually exploited child.

11 Amend Bill, page 6, lines 12 through 30; page 7, lines 1
12 through 24; by striking out all of said lines on said pages and
13 inserting

14 \$ 3065. Safe harbor for sexually exploited children.

15 (a) Safe harbor.--If it is determined by a law enforcement
16 officer, after reasonable detention for investigative purposes,
17 that an individual is under 18 years of age and is determined to
18 be a sexually exploited child as defined in section 3001
19 (relating to definitions), the individual shall be immune from:

20 (1) Prosecution or adjudication as a delinquent child
21 for a violation of sections 5507 (relating to obstructing
22 highways and other public passages) and 5902(a) (relating to
23 prostitution and related offenses).

24 (2) Revocation of an existing term of probation or
25 parole arising from a conviction or adjudication for another
26 offense, if the revocation is based on conduct under
27 paragraph (1).

28 (b) Exceptions to safe harbor.--The safe harbor under
29 subsection (a) shall not:

30 (1) Interfere with or prevent an investigation, arrest,

1 charge, prosecution, delinquency adjudication or revocation
2 for violations other than a violation under subsection (a).

3 (2) Bar the admission of evidence in connection with the
4 investigation and prosecution for a violation other than a
5 violation under subsection (a).

6 (3) Bar the admission of evidence in connection with an
7 investigation and prosecution of an individual who does not
8 qualify for safe harbor as provided under this section.

9 (c) Detainment.--An individual determined to be a sexually
10 exploited child as defined in section 3001 (relating to
11 definitions) shall be detained no longer than necessary and only
12 to assist the child in securing specialized services available
13 under section 3062 (relating to specialized services for
14 sexually exploited children) or to refer the child to a county
15 agency if required under 42 Pa.C.S. § 6329 (relating to
16 dependency in lieu of delinquency).

17 (d) Immunity.--In addition to any other immunity or
18 limitation on civil liability, a law enforcement officer or
19 prosecuting attorney who, acting in good faith, investigates,
20 detains, charges or institutes delinquency proceedings against
21 an individual who is thereafter determined to be entitled to
22 immunity under this section, shall not be subject to civil
23 liability for the actions.

24 Section 5. Title 42 is amended by adding a section to read:

25 Amend Bill, page 7, line 25, by striking out "6329" and
26 inserting
27 6328

28 Amend Bill, page 8, lines 5 and 6, by striking out all of
29 line 5 and "(3)" in line 6 and inserting

30 (2)