

Pennsylvania State Report State Ratings 2014

The Polaris annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

Recognition: Most Improved in 2014

Rating: Tier One (green)

Total Points: 9

Credited Categories: 1 Sex Trafficking; 2 Labor Trafficking; 3(a) Asset Forfeiture; 3(b) Investigative Tools; 5 No Requirement of Force, Fraud, or Coercion for Minor Victims of Sex Trafficking; 6 Posting of a Hotline; 8 Victim Assistance; 9 Civil Remedy; and 10 Vacating Convictions.

Categories Still Needed: 4(a) Training for Law Enforcement; and 7 Safe Harbor for Minors.

Category By Category Break-Down:

Category 1: Sex Trafficking Statute

SB 75 (2014)

§ 3001. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Debt coercion." Exploitation of the status or condition of a debtor arising from a pledge by the debtor of the personal services of the debtor or an individual under the debtor's control as a security or payment for debt, if any of the following apply:

- (1) The value of those services as reasonably assessed is not applied toward the liquidation of the debt.
- (2) The length and nature of those services are not respectively limited and defined.
- (3) The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.
- (4) The debtor is coerced to perform sex acts as payment for the debt.
- (5) The creditor controls and determines the movement, housing and services performed by the debtor until repayment of the debt.

"Extortion." As defined in section 3923 (relating to theft by extortion).



"Financial harm." Includes any of the following:

- (1) A violation of the act of March 30, 1859 (P.L.318, No.318), entitled "An act for the better securing the Payment of the Wages of Labor in certain counties of this Commonwealth."
- (2) A violation of the act of May 23, 1887 (P.L.181, No.122), entitled "An act to regulate the employment of labor."
- (3) A criminal violation of the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law (Usury Law).
- (4) A violation of Chapter 2 of the act of June 23, 1978 (P.L.537, No.93), known as the Seasonal Farm Labor Act.
- (5) A violation of any other law of this Commonwealth governing the payment of wages for labor or services.

"Human trafficking." Any activity in violation of section 3011 (relating to trafficking in individuals) either alone or in conjunction with an activity in violation of section 3012 (relating to involuntary servitude).

"Involuntary servitude." Labor servitude or sexual servitude.

"Labor." Work or service of economic or financial value.

"Labor servitude." 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).

"Minor." An individual who is less than 18 years of age.

"Record." Information, regardless of physical form or characteristics, that documents a transaction or activity and that is created, received or retained under law or in connection with a transaction, business or activity. The term includes any of the following:

- (1) A document, paper, letter, map, book, tape, photograph, film or sound recording.
- (2) Information stored or maintained electronically.
- (3) A data-processed or image-processed document.

"Serious harm." Any harm, whether physical or nonphysical, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim of human trafficking to perform or to continue performing labor or a service, a commercial sex act or a performance involving sex acts in order to avoid incurring that harm.

"Service." Any act committed at the behest of, under the supervision of or for the benefit of another.

"Sex act." Any touching or exposure of the sexual or other intimate parts of any individual for the purpose of gratifying sexual desire of any individual.

"Sexual servitude." 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.
- (2) Any other individual by any of the means set forth in section 3012(b).

"Victim of human trafficking" or "victim." An individual who has been subjected to human trafficking.

§ 3011. Trafficking in individuals.

(a) Offense defined.--A person commits a felony of the second degree if the person:



- (1) recruits, entices, solicits, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to involuntary servitude; or
 - (2) knowingly benefits financially or receives anything of value from any act that facilitates any activity described in paragraph (1).
- (b) Trafficking in minors.--A person commits a felony of the first degree if the person engages in any activity listed in subsection (a) that results in a minor's being subjected to sexual servitude.

Category 2: Labor Trafficking Statute

Yes. See § 3011.

Category 3(a): Asset Forfeiture

§ 3004. Forfeiture

- (a) General rule.--The following shall be subject to forfeitures to the Commonwealth, and no property right shall exist in them:
- (1) All assets, foreign or domestic:
 - (i) Of an individual, entity or organization engaged in planning or perpetrating an act in this Commonwealth which violates section 3002 (relating to trafficking of persons) and all assets, foreign or domestic, affording a person a source of influence over such individual, entity or organization.
 - (ii) Acquired or maintained by a person with the intent and for the purpose of supporting, planning, conducting or concealing an act in this Commonwealth which violates section 3002.
 - (iii) Derived from, involved in or used or intended to be used to commit an act in this Commonwealth which violates section 3002.
 - (2) All assets within this Commonwealth:
 - (i) Of an individual, entity or organization engaged in planning or perpetrating an act which violates section 3002.
 - (ii) Acquired or maintained with the intent and for the purpose of supporting, planning, conducting or concealing an act which violates section 3002.
 - (iii) Derived from, involved in or used or intended to be used to commit an act which violates section 3002.
- (b) Process and seizures.--Property subject to forfeiture under this section may be seized by the law enforcement authority upon process issued by any court of common pleas having jurisdiction over the property.
- (c) Custody of property.--
- (1) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the law enforcement authority subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings and of the district attorney.
 - (2) When property is seized under this section, the law enforcement authority shall place the property under seal and either:
 - (i) remove the property to a place designated by it; or
 - (ii) require that the district attorney take custody of the property and remove it to an appropriate location for disposition in accordance with law.



(d) Transfer of property.--Whenever property is forfeited under this section, the property shall be transferred to the custody of the district attorney. The district attorney, where appropriate, may retain the property for official use or sell the property, but the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be used for the enforcement of the criminal laws of Pennsylvania.

(e) Proceedings and petition.--The proceedings for the forfeiture or condemnation of property, the retention or sale of which is provided for in this section, shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of common pleas of the judicial district where the property is located, verified by oath or affirmation of an officer or citizen, containing the following:

- (1) A description of the property seized.
- (2) A statement of the time and place where seized.
- (3) The owner, if known.
- (4) The person or persons in possession, if known.
- (5) An allegation that the property is subject to forfeiture pursuant to this section and an averment of material facts upon which forfeiture action is based.
- (6) A prayer for an order of forfeiture that the property be adjudged forfeited to the Commonwealth and condemned unless cause be shown to the contrary.

(f) Service.--A copy of the petition required under subsection (e) shall be served personally or by certified mail on the owner or the person or persons in possession at the time of the seizure. The copy shall have endorsed a notice as follows:

To the claimant of within described property:

You are required to file an answer to this petition, setting forth your title in and right to possession of the property within 30 days from the service of this notice. You are also notified that, if you fail to file the answer, a decree of forfeiture and condemnation will be entered against the property.

The notice shall be signed by the district attorney, deputy district attorney or assistant district attorney.

(g) Notice.--

(1) If the owner of the property is unknown or there was no person in possession of the property when seized or if the owner or such person or persons in possession at the time of the seizure cannot be personally served or located within the jurisdiction of the court, notice of the petition shall be given by the Commonwealth through an advertisement in only one newspaper of general circulation published in the county where the property shall have been seized, once a week for two successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding.

(2) The notice shall contain a statement of the seizure of the property with a description of the property and the place and date of seizure and shall direct any claimants to the property to file a claim on or before a date given in the notice, which date shall not be less than 30 days from the date of the first publication.

(3) If no claims are filed within 30 days of publication, the property shall summarily forfeit to the Commonwealth.

(h) Unknown owner.-- For purposes of this section, the owner or other such person cannot be found in the jurisdiction of the court if:

- (1) a copy of the petition is mailed to the last known address by certified mail and is returned without delivery;



(2) personal service is attempted once but cannot be made at the last known address; and

(3) a copy of the petition is left at the last known address.

(i) Waiver of notice.--The notice provisions of this section are automatically waived if the owner, without good cause, fails to appear in court in response to a subpoena on the underlying criminal charges. Forty-five days after such a failure to appear, if good cause has not been demonstrated, the property shall summarily forfeit to the Commonwealth.

(j) Hearing date.--Upon the filing of a claim for the property setting forth a right of possession, the case shall be deemed at issue, and a date and time shall be fixed for the hearing.

(k) Burden of proof.-- At the hearing, if the Commonwealth produces evidence that the property in question was unlawfully used, possessed or otherwise subject to forfeiture under this section, the burden shall be upon the claimant to show by a preponderance of the evidence:

(1) That the claimant is the owner of the property or the holder of a chattel mortgage or contract of conditional sale thereon.

(2) That the claimant lawfully acquired the property.

(3) That the property was not unlawfully used or possessed by the claimant. If it appears that the property was unlawfully used or possessed by a person other than the claimant, then the claimant shall show that the unlawful use or possession was without his knowledge or consent. Such absence of knowledge or consent must be reasonable under the circumstances presented.

(l) Claims of ownership.-- If a person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon the property, the disposition of which is provided for in this section, prior to the sale presents a petition to the court alleging lawful ownership, right of possession, a lien or reservation of title to the property and if, on public hearing, due notice of which having been given to the district attorney, the claimant shall prove by a preponderance of the evidence that the property was lawfully acquired, possessed and used by him or, it appearing that the property was unlawfully used by a person other than the claimant, that the unlawful use was without the claimant's knowledge or consent, then the court may order the property returned or delivered to the claimant. Such absence of knowledge or consent must be reasonable under the circumstances presented. Otherwise, it shall be retained for official use or sold in accordance with this section.

Category 3(b): Investigative Tools

§ 911 Corrupt Organizations

(h) Definitions.--As used in this section:

(1) "Racketeering activity" means all of the following:

(i) An act which is indictable under any of the following provisions of this title:
Chapter 30 (relating to trafficking of persons)

Category 4(a): Training for Law Enforcement

None.

Category 4(b): Human Trafficking Task Force

None.



Category 5: No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors

Yes. See § 3011(B).

Category 6: Posting of a Human Trafficking Hotline

HB 235 (2012)

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Drinking establishment." Any bar, tavern or club which:

(1) operates pursuant to an eating place retail dispenser's license, restaurant liquor license or retail dispenser's license under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code; and

(2) has been found to be a drug-related nuisance under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or declared a common nuisance under section 1 of the act of June 23, 1931 (P.L.1178, No.319), entitled "An act declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts thereof, for such purposes; and providing penalties for violations of this act."

"Establishment." Includes:

(1) A personal service establishment.

(2) A drinking establishment.

(3) An adult entertainment enterprise featuring nude or partially nude dancing or providing live adult entertainment.

(4) A hotel or motel found to be a drug-related nuisance under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or declared a common nuisance under section 1 of the act of June 23, 1931 (P.L.1178, No.319), entitled "An act declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts thereof, for such purposes; and providing penalties for violations of this act."

(5) An airport, train station or bus station.

(6) A welcome center or rest area operated by the Department of Transportation or the Pennsylvania Turnpike Commission.

(7) A full-service truck stop as defined in section 2 of the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act.

"Licensing authority." The governmental agency authorized by law to license any aspect of the business of an establishment.

"Personal service establishment." A place which:

(1) allows physical contact with another individual in a closed door setting for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition through the physical contact regardless of whether the place is required to obtain a license or permit from the Commonwealth for its operation; and

(2) has been found to be a drug-related nuisance under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or declared a common nuisance under section 1 of the act of



June 23, 1931 (P.L.1178, No.319), entitled "An act declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts thereof, for such purposes; and providing penalties for violations of this act."

Section 3. Required posting.

(a) Sign.--An establishment shall post a sign containing information regarding the National Human Trafficking Resource Center Hotline. Any other establishment or business may post a sign.

(b) Posting.--Establishments shall post at least one sign in a conspicuous manner clearly visible to the public and employees of the establishment.

(c) Size, information and design.--The sign shall be no smaller than 8 1/2 by 11 inches.

(1) The Department of Labor and Industry shall design the sign to include the following information:

(i) The National Human Trafficking Resource Center Hotline at 1-888-373-7888.

(ii) Victims of human trafficking are protected under United States and Pennsylvania law.

(2) The Department of Labor and Industry may consult with human trafficking victim advocates to determine other information that may be included on the sign.

(3) The Department of Labor and Industry shall design the sign to draw attention to the telephone number of the National Human Trafficking Resource Center Hotline by showing the number in bold type and large font.

(4) The sign shall be posted in English, Spanish and any other language mandated by the Voting Rights Act of 1965 (Public Law 89-110, 42 U.S.C. § 1973 et seq.) in the county where the sign will be posted.

(d) Notice.--

(1) The licensing authority shall provide notice of this section on its Internet website.

(2) The Department of Labor and Industry shall provide the sign required by subsection (a) on its Internet website for establishments to print as needed.

Section 4. Enforcement.

(a) Complaints.--A complaint regarding a possible violation of this act may be made to the appropriate law enforcement agency or the licensing authority if the establishment is subject to licensure. A complaint to the licensing authority shall be made in one of the following manners:

(1) In writing.

(2) By telephone call to the licensing authority's toll-free telephone number.

(3) By an electronic submission to the licensing authority's regularly maintained Internet website.

(b) Responsibilities.--

(1) Except as provided under paragraph (2), upon receipt of a complaint by the licensing authority, the following apply:

(i) Except as set forth under subparagraph (ii), the licensing authority shall investigate the complaint and enforce this act.

(ii) If the establishment is subject to licensure by an agency of the Commonwealth, the licensing authority shall refer the complaint to the appropriate Commonwealth licensing agency for investigation and enforcement of this act.



(2) If the complaint is made to a law enforcement agency, the agency shall investigate the complaint and enforce this act.

Section 5. Violation.

It is a violation of this act to fail to post a sign as required by section 3.

Section 6. Affirmative defenses.

(a) General rule.--Any of the following shall be an affirmative defense by an owner, operator or manager to a prosecution or imposition of an administrative penalty under this act:

(1) When the violation occurred, the actual control of the establishment was not exercised by the owner, operator or manager, but by a lessee.

(2) The owner, operator or manager made a good faith effort to post the required signs.

(b) Affidavit.--An owner, operator or manager asserting an affirmative defense shall do so in the form of a sworn affidavit setting forth the relevant information under subsection (a)(1) or (2).

Section 7. Administrative penalties.

(a) Penalty.--In addition to another remedy available at law or in equity for a violation of the posting requirements of section 3, the licensing authority may, under subsection (b), assess an administrative penalty upon a person for the violation. In assessing the penalty, the licensing authority must give notice to the person and provide an opportunity for a hearing. The penalty shall be payable to the licensing authority and shall be collectible in a manner provided by law for the collection of debt.

(b) Schedule of sanctions.--

(1) If the licensing authority determines that a person has violated the posting requirements of section 3, the person shall be given a warning.

(2) If the licensing authority determines that a person has violated the posting requirements of section 3 within one year of receiving a warning under paragraph (1), the person shall be subject to a penalty of not more than \$250.

(3) If the licensing authority determines that a person has violated the posting requirements of section 3 within one year of receiving a penalty under paragraph (2), the person shall be subject to a penalty of not more than \$500.

(c) Penalties collected.--The penalties collected under this section shall be retained by the licensing authority initiating the enforcement action.

(d) Procedure.--This section is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 8. Criminal penalties.

(a) First offense.--A person that violates the posting requirements of section 3 commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100.

(b) Offense following sentencing.--A person that violates the posting requirements of section 3 within one year of being sentenced under subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$250.

(c) Misdemeanor.--A person that violates the posting requirements of section 3 within one year of being sentenced under subsection (b) commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$500.

(d) Municipal enforcement.--Except as set forth in subsection (e), the penalties collected under this section shall be retained by the municipality in which the law enforcement agency initiating the enforcement action is located.



(e) Pennsylvania State Police enforcement.--If an enforcement action is initiated by the Pennsylvania State Police, the Pennsylvania State Police shall retain the penalties collected under this section.

Category 7: Safe Harbor

None.

Category 8: Victim Assistance

§ 3052. Protection of Victims.

Law enforcement agencies shall take reasonable steps necessary to identify, protect and assist victims of human trafficking.

§ 3053. Appropriate Implementation for Minor Victims of Human Trafficking.

The provision of services to a minor victim of human trafficking by the commonwealth or by any institution or person established or licensed by the commonwealth shall be carried out in a manner that is in the best interest of the minor and appropriate to the particular situation.

§ 3054. Services.

(A) Information for victims.--subject to the availability of funding, the commission shall prepare a model informational form to be used by any person having contact with victims of human trafficking that informs victims of human trafficking, in a language they can understand, of the following:

- (1) The procedure for repatriation to the country of citizenship or lawful residence of the victim of human trafficking.
- (2) A directory of local service organizations for victims of human trafficking.
- (3) A directory of legal services organizations that can assist victims of human trafficking in obtaining or maintaining legal immigration status.
- (4) A directory of benefits for victims of human trafficking under federal and state laws.

(B) Labor standards and working conditions.--the department of labor and industry shall:

- (1) Administer labor standards regarding wages, hours of work and working conditions under its jurisdiction without regard to the legal status of the individual's right to work in the United States.
- (2) Report to the appropriate law enforcement agency any evidence of human trafficking that may be discovered during the course of an investigation of wages, hours of work and working conditions.

(C) Immigration certification.--

- (1) The attorney general, a district attorney or any representative of a law enforcement agency may certify in writing to the united states department of justice or other federal agency, including the United States Department of Homeland Security, that:
 - (i) An investigation or prosecution under this chapter has begun; and
 - (ii) An individual who may be a victim of human trafficking is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant



visa and to access available federal benefits.

(2) Cooperation with law enforcement agencies shall not be required of a victim of human trafficking who is a minor.

(3) Certification under this subsection may be made available to the victim of human trafficking and the designated legal representative of the victim of human trafficking.

(d) Access to crime victims services.--victims of human trafficking shall be eligible for benefits and compensation under the act of November 24, 1998 (p.l.882, no.111), known as the Crime Victims act.

§ 3055. Victims in shelters.

(A) Voluntary placement.--residence of a victim of human trafficking in a shelter or other facility shall be voluntary, and a victim of human trafficking may decline to stay in a shelter or other facility.

(B) Restrictions on admission.--admission to a shelter:

(1) Shall be made without regard to race, religion, ethnic background, sexual orientation, country of origin or culture; and

(2) May not be conditioned on whether the victim of human trafficking is cooperating with a law enforcement agency in its attempts to prosecute persons under this chapter.

SB 75 (2014)

§ 1499. Victim services.

(a) Development of plan.--To the extent that Federal or State funds are available, the Pennsylvania Commission on Crime and Delinquency shall develop a plan for a coordinated response system, in consultation with other appropriate government agencies, including law enforcement, nongovernmental organizations and victim advocacy groups to provide victims of trafficking under 18 Pa.C.S. Ch. 30 (relating to trafficking of persons) with the following services:

(1) Appropriate housing, taking into account the victim's status as a victim of an offense enumerated under 18 Pa.C.S. § 3002 (relating to trafficking of persons) and including safe conditions for sleeping, food and personal hygiene.

(2) Psychological counseling.

(3) Medical assistance, including confidential testing for sexually transmitted diseases and the human immunodeficiency virus.

(4) Substance abuse counseling.

(5) Child care.

(6) Access to employment, educational and training opportunities.

(7) Legal assistance and case management.

(8) Social case management, including information about and help with access to victim services.

(b) Condition.--Housing services provided under subsection (a)(1) must ensure that, to the extent possible, the victim is not held in a detention facility.



Category 9: Civil Remedy

SB 75 (2014)

§ 3051. Civil Causes of Action.

(A) General rule. —

(1) An individual who is a victim of human trafficking may bring a civil action against any person that participated in the human trafficking of the individual in the court of common pleas of the county where the individual resides or where any of the alleged violations of the chapter occurred.

(2) An individual who is a victim of the sex trade may bring a civil action in the court of common pleas of the county where the individual resides against a person that:

- (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.

(B) Exception. — This section shall not be construed to create liability for any person who provides goods or services to the general public and to a person who would be liable under subsection (A)(2), absent a showing that the person:

- (1) Knowingly markets or provides its goods or services to a person liable under subsection (A)(2);
- (2) Knowingly receives a higher level of compensation from a person liable under subsection (A)(2);
- (3) Supervises or exercises control over a person liable under subsection (A)(2).

(C) Damages. — The court may award any of the following forms of relief:

- (1) Actual damages.
- (2) Compensatory damages.
- (3) Punitive damages.
- (4) Injunctive relief.
- (5) Any other appropriate relief.

(D) Attorney fees and costs. — A prevailing plaintiff who is a victim of human trafficking shall be awarded reasonable attorney fees and costs.

(E) Treble damages. — Treble damages shall be awarded to a victim of human trafficking on proof of actual damages where the defendant's acts were willful and malicious.

Category 10: Vacating Convictions

S.B. 75 (2014)

(D) Motion to vacate conviction.--

(1) An individual convicted under section 3503 (relating to criminal trespass), 5503 (relating to disorderly conduct), 5506 (relating to loitering and prowling at night time), 5507 (relating to obstructing highways and other public passages) or 5902, or an offense for simple possession of a controlled substance committed as a direct result of being a victim of human trafficking may file a motion to vacate the conviction.

(2) In order to be considered, a motion under this subsection must:

- (i) Be in writing.
- (ii) Be consented to by the attorney for the commonwealth.
- (iii) Describe the supporting evidence with particularity.



(iv) Include copies of any documents showing that the moving party is entitled to relief under this section.

If you would like assistance in enacting laws to fill in the gaps, please contact the Polaris Policy Program at policy@polarisproject.org.