

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3161 Session of
1994

INTRODUCED BY MAITLAND, FLEAGLE, NYCE, FICHTER, STABACK,
RAYMOND, TIGUE, BELARDI, GEIST, ZUG, HASAY, M. N. WRIGHT,
FAIRCHILD, EGOLF, SATHER, CAWLEY, PITTS, TRELLO, STISH,
ULIANA, TRUE, LYNCH, GAMBLE, BARLEY, E. Z. TAYLOR, MCGEEHAN,
LUCYK, GRUPPO, PETTIT, KING, YOUNGBLOOD AND CORNELL,
NOVEMBER 14, 1994

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 14, 1994

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the establishment of a
3 Sex Offender Registry within the Criminal History Record
4 Information Act; requiring the registration of certain sex
5 offenders; imposing additional powers and duties on the
6 Pennsylvania State Police and the Department of Corrections;
7 providing for the dissemination of information within the Sex
8 Offender Registry; and imposing penalties.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Title 18 of the Pennsylvania Consolidated
12 Statutes is amended by adding a section read:

13 § 9126. Sex Offender Registry.

14 (a) Establishment.--The Pennsylvania State Police shall,
15 from information in the central repository and from
16 registrations submitted under this section, establish,
17 administer, update and maintain a special registry to be known
18 as the Sex Offender Registry. The purpose of this registry is to
19 provide accurate and current information on convicted sex

1 offenders and to provide that information to entities involved
2 with the care of children.

3 (b) Registration.--

4 (1) A sex offender shall register with each local law
5 enforcement authority having jurisdiction in the municipality
6 where the sex offender resides or intends to reside for more
7 than seven days. The sex offender shall register not more
8 than seven days after the sex offender arrives at the
9 municipality where the sex offender resides or intends to
10 reside. The duty to register under this subsection shall
11 continue for a period of five years following discharge from
12 parole or termination of probation.

13 (2) The registration required under this subsection must
14 include the following information:

15 (i) The sex offender's full name, alias, date of
16 birth, sex, race, height, weight, eye color, Social
17 Security number, driver's license number and home
18 address.

19 (ii) A description of the offense for which the sex
20 offender was convicted, the date of conviction and the
21 sentence imposed, if applicable.

22 (iii) Any other information required by the
23 Pennsylvania State Police.

24 (3) (i) If a sex offender who is required to register
25 under this subsection changes address, the sex offender
26 shall provide written notice not more than seven days
27 after the address change to the local law enforcement
28 authority with whom the sex offender last registered.

29 (ii) If the sex offender moves to a new municipality
30 the local law enforcement authority referred to in

1 subparagraph (i) shall inform the appropriate local law
2 enforcement authority in the new municipality of the sex
3 offender's residence.

4 (4) Information provided to a local law enforcement
5 authority shall be immediately transmitted to the central
6 repository.

7 (c) Correctional facility responsibility.--At least 30 days
8 but not more than 90 days before a sex offender who is required
9 to register under this section is scheduled to be released from
10 a correctional facility, an official of the correction facility
11 shall do the following:

12 (1) Inform the sex offender of the sex offender's duty
13 to register and require the sex offender to sign a written
14 statement that the sex offender was informed or, if the sex
15 offender refuses to sign the statement, certify that the sex
16 offender was informed of the duty to register.

17 (2) Obtain the address where the sex offender expects to
18 reside after the sex offender's release.

19 (3) Inform the applicable local law enforcement
20 authority having jurisdiction in the area where the sex
21 offender expects to reside of the sex offender's name,
22 release date, new address and the offense committed by the
23 sex offender.

24 (d) Updating.--The Sex Offender Registry shall be updated,
25 at least one time every six months.

26 (e) Availability.--The Pennsylvania State Police shall make
27 the Sex Offender Registry available on a computer disk. Each
28 time the registry is updated, the Pennsylvania State Police
29 shall send one paper copy of the registry to:

30 (1) All public schools.

1 (2) All nonpublic schools.

2 (3) Each State agency that licenses individuals who work
3 with children.

4 (4) Each State personnel department which screens
5 individuals who may be hired to work with children.

6 (5) All child-care facilities licensed by or registered
7 in this Commonwealth.

8 (6) Other entities that provide services to children and
9 request the registry.

10 (7) The Pennsylvania Coalition Against Rape.

11 A copy of the Sex Offender Registry provided to an entity under
12 paragraph (5) or (6) must not include the home address of a sex
13 offender whose name appears in the registry.

14 (f) Liability warning.--When the Pennsylvania State Police
15 send a copy of the registry to an entity under this section, the
16 Pennsylvania State Police shall include a notice using the
17 following or similar language: "A person whose name appears on
18 this registry has been convicted of a sex offense against a
19 child. Continuing to employ a person whose name appears on this
20 registry may result in civil liability for the employer."

21 (g) Violation.--A sex offender who fails to register as
22 required by this section commits a misdemeanor of the first
23 degree.

24 (h) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection:

27 "Correctional facility." The facilities of the Department of
28 Corrections and any county or regional facility which holds any
29 sex offenders.

30 "Local law enforcement authority." The chief of the police

1 department of a municipality or in the absence of such police
2 department the Pennsylvania State Police.

3 "Municipality." Any city, borough, incorporated town or
4 township.

5 "Registry." The Sex Offender Registry established under this
6 section.

7 "Sex offender." Any person who is convicted of, pleads
8 guilty to or enters a plea of nolo contendere to any of the
9 following offenses:

10 Section 3121 (relating to rape).

11 Section 3122 (relating to statutory rape).

12 Section 3123 (relating to involuntary deviate sexual
13 intercourse).

14 Section 3124 (relating to voluntary deviate sexual
15 intercourse).

16 Section 3125 (relating to aggravated indecent assault).

17 Section 3126 (relating indecent assault).

18 Section 3127 (relating to indecent exposure).

19 Section 3128 (relating to spouse sexual assault).

20 Section 4303 (relating to concealing death of child born out
21 of wedlock).

22 Section 4304 (relating to endangering welfare of children).

23 Section 4305 (relating to dealing in infant children).

24 A felony offense under section 5902(b) (relating to
25 prostitution and related offenses).

26 Section 5903(c) or (d) (relating to obscene and other sexual
27 materials and performances).

28 Section 6301 (relating to corruption of minors).

29 Section 6312 (relating to sexual abuse of children).

30 A Federal or out-of-State offense similar in nature to those

1 crimes listed in this definition.

2 Section 2. This act shall take effect in six months.