

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2413 Session of  
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INTRODUCED BY GEIST, BLAUM, DEMPSEY, BAKER, BARD, BELARDI,  
BELFANTI, BENNINGHOFF, BROWNE, COY, EGOLF, GIGLIOTTI,  
HUTCHINSON, MAHER, MAJOR, MARSICO, McCALL, MELIO, READSHAW,  
RUBLEY, SATHER, SERAFINI, E. Z. TAYLOR, J. TAYLOR, TRELLO,  
WALKO AND WOJNAROSKI, MARCH 17, 1998

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 1998

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for  
3 registration of felony drug traffickers.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Chapter 97 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER I

9 REGISTRATION OF FELONY DRUG TRAFFICKERS

10 Sec.

11 9799.21. Definitions.

12 9799.22. Registration of felony drug traffickers for ten  
13 years.

14 9799.23. Notice to felony drug traffickers.

15 9799.24. Verification of residence.

16 9799.25. Immunity for good faith conduct.

17 9799.26. Duties of Pennsylvania State Police.

1 9799.27. Duties of Pennsylvania Board of Probation and Parole.

2 9799.28. Exemption from notification.

3 9799.29. Applicability.

4 § 9799.21. Definitions.

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

8 "Felony drug trafficker." Any person convicted in any court  
9 of the Commonwealth of a felony violation of section 13(a), (14)  
10 or (30) of the act of April 14, 1972 (P.L.233, No.64), known as  
11 The Controlled Substance, Drug, Device and Cosmetic Act.

12 "Municipality." A city, borough, incorporated town or  
13 township.

14 § 9799.22. Registration of felony drug traffickers for ten  
15 years.

16 (a) Registration.--

17 (1) A felony drug trafficker shall be required to  
18 register a current address with the Pennsylvania State  
19 Police:

20 (i) upon release from incarceration;

21 (ii) upon the parole from a State or county  
22 correctional institution;

23 (iii) upon the commencement of a sentence of  
24 intermediate punishment or probation; or

25 (iv) where the felony drug trafficker is under the  
26 supervision of the Pennsylvania Board of Probation and  
27 Parole at the time of enactment of this section,  
28 within 30 days of the date of enactment of this section.

29 (2) Where the felony drug trafficker has been granted  
30 parole by the Pennsylvania Board of Probation and Parole, the

1 board shall collect registration information from the felony  
2 drug trafficker and forward that registration information to  
3 the Pennsylvania State Police. The Department of Corrections  
4 shall not release the felony drug trafficker until it  
5 receives verification from the Pennsylvania State Police that  
6 it has received the registration information. Where the  
7 felony drug trafficker is scheduled to be released from a  
8 State correctional facility due to the expiration of the  
9 maximum term of incarceration, the Department of Corrections  
10 shall collect the information from the felony drug trafficker  
11 no later than ten days prior to the maximum expiration date.  
12 The Department of Corrections shall forward the registration  
13 information to the Pennsylvania State Police.

14 (3) Where the felony drug trafficker scheduled to be  
15 released due to the maximum expiration date refuses to  
16 provide the registration information, the Department of  
17 Corrections shall notify the Pennsylvania State Police of the  
18 failure to provide registration information and of the  
19 expected date, time and location of the release of the felony  
20 drug trafficker. The chief county probation and parole  
21 official in cooperation with a county correctional facility  
22 shall, in accordance with established guidelines, obtain the  
23 required information contained in section 9799.27 (relating  
24 to duties of Pennsylvania Board of Probation and Parole)  
25 regarding felony drug traffickers released from a county  
26 sentence and shall submit the information to the Pennsylvania  
27 Board of Probation and Parole and the Pennsylvania State  
28 Police. The felony drug trafficker in a county correctional  
29 facility shall not be released from incarceration or released  
30 to a sentence of probation or intermediate punishment until

1 the information has been obtained and submitted as required.

2 (4) The felony drug trafficker shall inform the  
3 Pennsylvania State Police within ten days if the felony drug  
4 trafficker changes residence. The felony drug trafficker  
5 shall register with a new law enforcement agency no later  
6 than ten days after establishing residence in another state.

7 (5) The period of registration shall be ten years.

8 (b) Registration information.--The Pennsylvania State Police  
9 shall provide the information obtained under this section and  
10 sections 9799.23 (relating to notice to felony drug traffickers)  
11 and 9799.24 (relating to verification of residence) to the chief  
12 law enforcement officer of the police department of the  
13 municipality in which the felony drug trafficker will reside. In  
14 addition, the Pennsylvania State Police shall provide this  
15 officer with the address at which the felony drug trafficker  
16 will reside following the felony drug trafficker's release from  
17 incarceration, parole or probation.

18 (c) Out-of-State felony drug traffickers.--A person who is  
19 convicted of an offense equivalent to a felony drug trafficking  
20 offense in any other state or territory or the District of  
21 Columbia, or in any Federal court, and who, within ten years of  
22 that person's release or parole from incarceration, establishes  
23 residence in this Commonwealth shall be required to register a  
24 current address with the Pennsylvania State Police and shall be  
25 subject to the other provisions of this subchapter relating to  
26 registration. The period of registration shall be for ten years  
27 from the felony drug trafficker's release or parole from  
28 incarceration.

29 (d) Penalty.--Any felony drug trafficker who fails to  
30 register with the Pennsylvania State Police as required in this

1 section commits a felony of the third degree.

2 § 9799.23. Notice to felony drug traffickers.

3 (a) Court information for all felony drug traffickers.--The  
4 sentencing court shall inform felony drug traffickers at the  
5 time of sentencing of the provisions of this subchapter. The  
6 court shall:

7 (1) Specifically inform the felony drug trafficker of  
8 the duty to register and obtain the information required for  
9 each registration.

10 (2) Specifically inform the felony drug trafficker of  
11 the duty to inform the Pennsylvania State Police within ten  
12 days if the felony drug trafficker changes residence.

13 (3) Specifically inform the felony drug trafficker of  
14 the duty to register with a new law enforcement agency if the  
15 felony drug trafficker moves to another state no later than  
16 ten days after establishing residence in another state.

17 (4) Order the fingerprints and photograph of the person  
18 to be provided to the Pennsylvania State Police upon  
19 sentencing.

20 (5) Require the felony drug trafficker to read and sign  
21 a form stating that the duty to register under this  
22 subchapter has been explained. Where the felony drug  
23 trafficker is incapable of reading, the court shall certify  
24 the duty to register was explained to the felony drug  
25 trafficker and the felony drug trafficker indicated an  
26 understanding of the duty.

27 (b) Felony drug traffickers from other states.--As a  
28 condition of obtaining residency in Pennsylvania under the act  
29 of June 25, 1937 (P.L.2086, No.415), entitled, "An act providing  
30 for the making of compacts by the Commonwealth with other states

1 for mutual helpfulness in relation to persons on probation or  
2 parole; and imposing certain powers and duties on the Governor  
3 and the Board of Pardons," felony drug traffickers from other  
4 states shall be required to register and abide by the  
5 requirements of this subchapter.

6 (c) Penalty.--Any felony drug trafficker who fails to  
7 register with the Pennsylvania State Police as required in this  
8 section commits a felony of the third degree.

9 § 9799.24. Verification of residence.

10 (a) Semiannual verification.--The Pennsylvania State Police  
11 shall verify the residence of felony drug traffickers  
12 semiannually through the use of a residence verification form.  
13 The form shall be returned by the felony drug trafficker within  
14 ten days.

15 (b) Notification of law enforcement agencies of change in  
16 address.--A change of address of a felony drug trafficker  
17 required to register under this subchapter reported to the  
18 Pennsylvania State Police shall be immediately reported by the  
19 Pennsylvania State Police to the appropriate law enforcement  
20 agency having jurisdiction of the felony drug trafficker's new  
21 place of residence. The Pennsylvania State Police shall, if the  
22 felony drug trafficker changes residence to another state,  
23 notify the law enforcement agency with which the felony drug  
24 trafficker must register in the new state.

25 (c) Failure to provide verification.--Where any felony drug  
26 trafficker fails to provide verification of residence within the  
27 ten-day period as set forth in this section, the Pennsylvania  
28 State Police shall immediately notify the municipal police  
29 department of the felony drug trafficker's last verified  
30 residency. The local municipal police shall locate the felony

1 drug trafficker and arrest him for violating this section. The  
2 Pennsylvania State Police shall assume responsibility for  
3 locating the felony drug trafficker and arresting him in  
4 jurisdictions where no municipal police jurisdiction exists. The  
5 Pennsylvania State Police shall assist any municipal police  
6 department requesting assistance with locating and arresting a  
7 felony drug trafficker who fails to verify residency.

8 (d) Penalty.--Any felony drug trafficker who fails to verify  
9 residency as required in this section commits a felony of the  
10 third degree.

11 § 9799.25. Immunity for good faith conduct.

12 The following entities shall be immune from liability for  
13 good faith conduct under this subchapter:

14 (1) The Pennsylvania State Police and local law  
15 enforcement agencies and employees of law enforcement  
16 agencies.

17 (2) District attorneys and their agents and employees.

18 (3) The Pennsylvania Board of Probation and Parole and  
19 its agents and employees.

20 (4) County probation departments and their agents and  
21 employees.

22 § 9799.26. Duties of Pennsylvania State Police.

23 The Pennsylvania State Police shall:

24 (1) Create and maintain a State registry of felony drug  
25 traffickers pursuant to Section 9799.22 (relating to  
26 registration of felony drug traffickers for ten years).

27 (2) In consultation with the Office of Attorney General  
28 and the Pennsylvania Board of Probation and Parole,  
29 promulgate guidelines necessary for the general  
30 administration of this subchapter.

1           (3) Within 72 hours of receiving the felony drug  
2 trafficker's registration, notify the chief law enforcement  
3 officer of the police department having primary jurisdiction  
4 of the municipality in which a felony drug trafficker resides  
5 of the fact that the felony drug trafficker has been  
6 registered with the Pennsylvania State Police pursuant to  
7 sections 9799.23 (relating to notice to felony drug  
8 traffickers) and 9799.24 (relating to verification of  
9 residence).

10           (4) Immediately transfer the information received from  
11 the Pennsylvania Board of Probation and Parole under section  
12 9799.27(2) and (3)(relating to duties of Pennsylvania Board  
13 of Probation and Parole) and the fingerprints of the felony  
14 drug trafficker to the Federal Bureau of Investigation.

15 All guidelines and regulations promulgated under this section  
16 shall be published in the Pennsylvania Bulletin no later than  
17 January 1, 1999.

18 § 9799.27. Duties of Pennsylvania Board of Probation and  
19 Parole.

20 The Pennsylvania Board of Probation and Parole shall:

21           (1) Create a notification form which will inform State  
22 and county prison and probation and parole personnel how to  
23 inform felony drug traffickers required to register under  
24 this subchapter of their duty under the law.

25           (2) In cooperation with the Department of Corrections  
26 and other Commonwealth agencies, obtain the following  
27 information regarding felony drug traffickers:

28                   (i) Name, including any aliases.

29                   (ii) Identifying factors.

30                   (iii) Anticipated future residence.



1 (iv) Offense history.

2 (v) Photograph of the felony drug trafficker.

3 (3) Immediately transmit the information in paragraph  
4 (2) to the Pennsylvania State Police for immediate entry into  
5 the State registry of felony drug traffickers and the  
6 criminal history record of the felony drug trafficker as  
7 provided in 18 Pa.C.S., Ch.91 (relating to criminal history  
8 record information).

9 § 9799.28. Exemption from notification.

10 Nothing in this subchapter shall be construed as imposing a  
11 duty upon a person licensed under the act of February 19, 1980  
12 (P.L.15, No.9), known as the Real Estate Licensing and  
13 Registration Act, or an employee thereof to disclose any  
14 information regarding a felony drug trafficker required to  
15 register under this subchapter.

16 § 9799.29. Applicability.

17 The provisions of section 9799.22 (relating to registration  
18 of felony drug traffickers for ten years) shall apply to all  
19 felony drug traffickers convicted before the effective date of  
20 this section who remain incarcerated or on parole on the  
21 effective date of this section. In addition, the provisions of  
22 section 9799.22 shall apply to all felony drug traffickers  
23 convicted on or after the effective date of this section.

24 Section 2. The provisions of this act are severable. If any  
25 provision of this act or its application to any person or  
26 circumstance is held invalid, the invalidity shall not affect  
27 other provisions or applications of this act which can be given  
28 effect without the invalid provision or application.

29 Section 3. This act shall take effect as follows:

30 (1) The addition of 42 Pa.C.S. §§ 9799.21 and 9799.26

1       shall take effect immediately.

2           (2) This section shall take effect immediately.

3           (3) The remainder of this act shall take effect in 180  
4       days.