

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1457 Session of  
2007

INTRODUCED BY BEYER, BARRAR, BELFANTI, CARROLL, CLYMER, DeLUCA,  
DePASQUALE, FREEMAN, GEIST, GRUCELA, HARHAI, HARKINS,  
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MURT, READSHAW, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY,  
J. TAYLOR, THOMAS, WATSON AND YOUNGBLOOD, JUNE 5, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for  
3 registration of domestic violence predators; establishing the  
4 Domestic Violence Predator Assessment Board; and imposing  
5 powers and duties on the Pennsylvania State Police and on the  
6 Pennsylvania Board of Probation and Parole.

7 It is the intention of the General Assembly that this act be  
8 known as Robin's Law.

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

11 Section 1. Title 42 of the Pennsylvania Consolidated  
12 Statutes is amended by adding a chapter to read:

13 CHAPTER 96

14 REGISTRATION OF DOMESTIC VIOLENCE PREDATORS

15 Sec.

16 9601. Scope of chapter.

17 9602. Definitions.

18 9603. Registration of certain offenders for ten years.

1 9604. Designation of domestic violence predators.  
2 9605. Other registration requirements.  
3 9606. Verification of residence.  
4 9607. Victim notification.  
5 9608. Immunity for good faith conduct.  
6 9609. Duties of Pennsylvania State Police.  
7 9610. Duties of Pennsylvania Board of Probation and Parole.  
8 9611. Board.  
9 9612. Domestic violence predators.  
10 9613. Exemption from notification.  
11 § 9601. Scope of chapter.

12 This chapter relates to registration of domestic violence  
13 criminal offenders.

14 § 9602. Definitions.

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

18 "Board." The Domestic Violence Predator Assessment Board  
19 established in section 9611 (relating to board).

20 "Conviction." An adjudication of guilt by a court of  
21 competent jurisdiction whether upon a verdict or plea of guilty  
22 or plea of nolo contendere, notwithstanding a pending appeal or  
23 habeas corpus proceeding arising from the adjudication.

24 "Domestic violence offense." An offense, under the laws of  
25 this Commonwealth or any other jurisdiction:

26 (1) an element of which is the use or attempted use of  
27 physical force;

28 (2) which is punishable by a term of imprisonment  
29 exceeding two years; and

30 (3) which was committed by:

1           (i) the current or former spouse, parent or guardian  
2           of the victim;

3           (ii) an individual with whom the victim shares a  
4           child in common;

5           (iii) an individual who cohabits with or has  
6           cohabited with the victim as a spouse, parent or  
7           guardian; or

8           (iv) an individual similarly situated to a spouse,  
9           parent or guardian of the victim.

10          The relationship specified in this paragraph need not be an  
11          element of the offense to meet the requirements of this  
12          definition.

13          The term includes an attempt, a solicitation or a conspiracy to  
14          commit the offense.

15          "Domestic violence predator." An individual who:

16           (1) has been convicted of a domestic violence offense;  
17          and

18           (2) is determined to be a domestic violence predator  
19          under section 9604 (relating to designation of domestic  
20          violence predators) due to a mental abnormality or  
21          personality disorder which makes the individual likely to  
22          engage in predatory domestic violence offenses.

23          "Mental abnormality." A congenital or acquired condition of  
24          an individual which affects the emotional or volitional capacity  
25          of the individual in a manner as to predispose the individual to  
26          commit violent criminal offenses to a degree which makes the  
27          individual a menace to the health and safety of other persons.

28          "Municipality." A city, borough, incorporated town or  
29          township.

30          "Personality disorder." A personality disorder as defined in

the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American Psychiatric Association.

"Predatory." Directed at an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

§ 9603. Registration of certain offenders for ten years.

(a) Requirement.--Except as set forth in subsection (b):

(1) An individual convicted of a domestic violence offense shall register a current address with the Pennsylvania State Police upon:

(i) release from incarceration;

(ii) parole from a State or county correctional facility; or

(iii) commencement of a sentence of intermediate punishment or probation.

(2) The period of registration shall be ten years.

(b) Exceptions.--

(1) Subsection (a) does not apply to an individual incarcerated in a maximum or medium correctional facility of the Department of Corrections, a private correctional facility or a correctional facility of another jurisdiction. This exception ends upon release.

(2) Subsection (a) does not apply to an individual required to register under Subchapter H of Chapter 97 (relating to registration of sexual offenders).

(c) Registration information.--The Pennsylvania State Police shall provide the information obtained under sections 9605 (relating to other registration requirements) and 9606 (relating to verification of residence) and this section and the address

at which the offender will reside after release from  
incarceration, parole or probation to the chief law enforcement  
officer of the police department of the municipality in which  
the offender will reside.

§ 9604. Designation of domestic violence predators.

(a) Order for assessment.--Before sentencing, the court  
shall order a person convicted of a domestic violence offense to  
be assessed by the board.

(b) Presumption.--There shall be a presumption that an  
offender convicted of a domestic violence offense shall be  
presumed by the board to be a domestic violence predator. The  
presumption may be rebutted by clear and convincing evidence at  
a hearing held under subsection (e).

(c) Assessment.--The board shall conduct an assessment of  
the offender to determine if the offender is a domestic violence  
predator. Such an assessment shall include, but not be limited  
to, the following:

(1) Age of the offender.

(2) Offender's prior criminal record and domestic  
violence offenses as well as any other offenses.

(3) Age of the victim.

(4) Whether the domestic violence offense involved  
multiple victims.

(5) Use of illegal drugs by the offender.

(6) Whether the offender completed any prior sentence  
and participated in a program for violent offenders.

(7) Mental illness or mental disability of the offender.

(8) The nature of the violent contact with the victim  
and whether the contact was part of a demonstrated pattern of  
abuse.

1       (9) Whether the domestic violence offense included a  
2       display of unusual cruelty by the offender during commission  
3       of the crime.

4       (10) Behavioral characteristics that contribute to the  
5       offender's conduct.

6       (d) Submission of report by board.--The board shall submit a  
7       written report containing its assessment to the court no later  
8       than 30 days after the assessment was ordered.

9       (e) Court review of findings.--Upon receipt of the board's  
10       report, the court shall determine if the offender is a domestic  
11       violence predator. The determination shall be based on evidence  
12       presented at a hearing held prior to sentencing and before the  
13       trial judge. The offender and district attorney shall be given  
14       notice of the hearing and an opportunity to be heard, the right  
15       to call witnesses, including expert witnesses, and the right to  
16       conduct cross-examination. The offender shall have the right to  
17       counsel and to have an attorney appointed to represent him if he  
18       cannot afford one.

19       (f) Subsequent review.--No sooner than one year prior to  
20       release from a State or county correctional facility and in  
21       five-year intervals thereafter, an offender designated a  
22       domestic violence predator may petition a court having original  
23       jurisdiction in the matter for reconsideration. The court may  
24       request a new report by the board and enter an order terminating  
25       the designation, in which case the court shall notify the  
26       Pennsylvania State Police.

27       § 9605. Other registration requirements.

28       (a) Registration of domestic violence predators.--A domestic  
29       violence predator shall be required to register all current  
30       addresses with the Pennsylvania State Police upon release from

incarceration, upon parole from a State or county correctional facility or upon commencing a sentence of intermediate punishment. Registration shall continue unless a court terminates designation under section 9604(f) (relating to designation of domestic violence predators).

(b) Court information for all offenders.--At the time of sentencing, the court shall inform offenders designated in section 9603 (relating to registration of certain offenders for ten years) and domestic violence predators designated in subsection (a) of the provisions of this chapter. The court shall:

(1) Specifically inform the offender of the duty to register and obtain the information required for each registration.

(2) Specifically inform the offender of the duty to inform the Pennsylvania State Police within ten days if the offender changes residence.

(3) Specifically inform the offender of the duty to register with a new law enforcement agency if the offender moves to another state no later than ten days after establishing residence in another state.

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

(5) Require the offender to read and sign a form stating that the duty to register under this chapter has been explained. If the offender is unable to read, the court shall certify that the duty to register was explained to the offender and the offender indicated an understanding of the duty.

1     (c) Correctional facilities and parole authorities.--When an  
2 offender is about to be released from incarceration or paroled  
3 from a State or county correctional facility, the prison  
4 official of the State or county correctional facility, no later  
5 than ten days prior to the release or parole of the offender,  
6 shall again provide the offender with notice of the duty to  
7 register with the Pennsylvania State Police under this chapter.

8     (d) Penalty.--An offender who fails to register as required  
9 in this section commits a felony of the third degree.

10 § 9606. Verification of residence.

11     (a) Quarterly verification.--The Pennsylvania State Police  
12 shall verify the residence of domestic violence predators every  
13 90 days through use of a nonforwardable verification form to the  
14 last reported address. The form shall be returned by the  
15 offender within ten days.

16     (b) Annual verification.--The Pennsylvania State Police  
17 shall verify the residence of offenders designated in section  
18 9603 (relating to registration of certain offenders for ten  
19 years), annually through the use of a residence verification  
20 form. The form shall be returned by the offender within ten  
21 days.

22     (c) Notification of address change.--A change of address of  
23 an offender required to register under this chapter reported to  
24 the Pennsylvania State Police shall be immediately reported by  
25 the Pennsylvania State Police to the appropriate law enforcement  
26 agency having jurisdiction over the offender's new place of  
27 residence. The Pennsylvania State Police shall, if the offender  
28 changes residence to another state, notify the law enforcement  
29 agency having jurisdiction of the offender's new place of  
30 residence.



1     (d) Failure to provide verification.--If an offender fails  
2 to provide verification of residence within the required ten-day  
3 period, the Pennsylvania State Police shall immediately notify  
4 the local municipal police department of the offender's last  
5 verified residence. The local municipal police shall locate the  
6 offender and place the offender under arrest. The Pennsylvania  
7 State Police shall assume responsibility for locating the  
8 offender and making the arrest in jurisdictions where there is  
9 no local municipal police force. The Pennsylvania State Police  
10 shall assist any local municipal police department requesting  
11 assistance with locating and arresting an offender who fails to  
12 verify his residence.

13     (e) Penalty.--An offender who fails to verify his residence  
14 as required in this section commits a felony of the third  
15 degree.

16     § 9607. Victim notification.

17     (a) Duty to inform victim.--

18         (1) If an offender is determined to be a domestic  
19 violence predator by a court order under section 9604(e)  
20 (relating to designation of domestic violence predators), the  
21 local municipal police department or, if there is no local  
22 municipal police department, the Pennsylvania State Police  
23 shall give written notice to the victim of the offender  
24 within 72 hours after the offender registers initially or  
25 notifies the Pennsylvania State Police of an address change.  
26 The notice shall contain the offender's name and the address  
27 or addresses where the offender resides.

28         (2) A victim may waive the right to be informed under  
29 paragraph (1) by providing the local municipal police  
30 department or, if there is no local municipal police

department, the Pennsylvania State Police with a written request.

(b) Public information.--Information provided under subsection (a) shall be available to the general public upon request.

(c) Offenders not designated as domestic violence predators.--If an offender is not determined to be a domestic violence predator, the victim shall be notified under the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

§ 9608. Immunity for good faith conduct.

The following entities shall not be held liable for damages arising from a good faith discretionary release or dissemination of or good faith failure to release or disseminate information under this section:

(1) The Pennsylvania State Police and local law enforcement agencies and their agents and employees.

(2) District attorneys and their agents and employees.

(3) Directors and employees of county children and youth agencies.

(4) The Pennsylvania Board of Probation and Parole and its agents and employees.

§ 9609. Duties of Pennsylvania State Police.

(a) General rule.--The Pennsylvania State Police shall:

(1) Create and maintain a State registry of offenders pursuant to section 9603 (relating to registration of certain offenders for ten years).

(2) In consultation with the Attorney General and the Pennsylvania Board of Probation and Parole, promulgate guidelines necessary for administration of this chapter.

1       (3) Within 72 hours of receiving a registration, notify  
2       the chief law enforcement officer of the police department  
3       having primary jurisdiction of the municipality in which an  
4       offender resides that the offender is registered with the  
5       Pennsylvania State Police under this chapter.

6       (4) Immediately forward to the Federal Bureau of  
7       Investigation information received from the Pennsylvania  
8       Board of Probation and Parole under this chapter and the  
9       fingerprints of the domestic violence predator.

10      (b) Publication.--Regulations under this chapter shall be  
11      published in the Pennsylvania Bulletin no later than one year  
12      after the effective date of this section.

13      § 9610. Duties of Pennsylvania Board of Probation and Parole.

14      The Pennsylvania Board of Probation and Parole shall:

15           (1) Formulate a process to be followed by State and  
16           county prison and probation and parole personnel when  
17           informing offenders of their duties and responsibilities  
18           under this chapter.

19           (2) Obtain the following information concerning each  
20           offender to whom this chapter applies:

21                   (i) Name, including any aliases.

22                   (ii) Identifying factors.

23                   (iii) Anticipated future residence.

24                   (iv) Offense history.

25                   (v) Documentation of treatment received for mental  
26           abnormalities and personality disorders.

27           (3) Transmit the information in paragraph (2) to the  
28           Pennsylvania State Police without delay for immediate entry  
29           into the State registry of domestic violence offenders and  
30           the criminal history record of the offender as provided in 18

1 Pa.C.S. Ch. 91 (relating to criminal history record  
2 information).

3 § 9611. Board.

4 (a) Establishment.--The Domestic Violence Predator  
5 Assessment Board is hereby established and shall be composed of  
6 three persons, including a psychiatrist, a psychologist and a  
7 criminal justice expert, each of whom shall have a minimum of  
8 ten years of experience and specialized training in the behavior  
9 and treatment of violent offenders.

10 (b) Appointment.--The Governor shall appoint the  
11 psychiatrist and psychologist board members, and the Attorney  
12 General shall appoint the criminal justice expert. All  
13 appointments shall be made within 30 days of the effective date  
14 of this section.

15 (c) Term of office.--Members of the board shall serve four-  
16 year terms.

17 (d) Compensation.--Members of the board shall be compensated  
18 at a rate of \$125 per day and receive reimbursement for their  
19 actual and necessary expenses while performing the business of  
20 the board. The chairman shall receive \$500 additional  
21 compensation per year.

22 (e) Staff.--Support staff for the board shall be provided by  
23 the Pennsylvania Board of Probation and Parole.

24 § 9612. Domestic violence predators.

25 (a) Lifetime parole; counseling.--Notwithstanding any other  
26 provision of law, a person designated as a domestic violence  
27 predator under this chapter shall remain on lifetime parole when  
28 released from a State or county correctional facility unless the  
29 court terminates the designation under section 9604(f) (relating  
30 to designation of domestic violence predators). The offender

1 shall be required to attend at least monthly counseling sessions  
2 in a program approved by the board and be financially  
3 responsible for all fees assessed from such counseling sessions.  
4 If the offender can establish to the satisfaction of the court  
5 inability to pay for counseling sessions, the offender shall  
6 attend the sessions and the parole office shall pay the  
7 requisite fees.

8 (b) Lifetime registration.--

9 (1) Notwithstanding any other provision of law, an  
10 offender designated as a domestic violence predator under  
11 this chapter shall register for life if the offender:

12 (i) is convicted of a subsequent domestic violence  
13 offense requiring registration; or

14 (ii) enters this Commonwealth after the effective  
15 date of this chapter and has a conviction in another  
16 jurisdiction that would have required registration if  
17 committed in Pennsylvania.

18 (2) If a conviction is vacated and an acquittal or final  
19 discharge is entered after it has been determined that this  
20 section applies, the offender shall have the right to  
21 petition the sentencing court for reconsideration if this  
22 section would not have applied except for the conviction  
23 which was vacated.

24 (c) Authority of court in sentencing.--There shall be no  
25 authority in any court to impose on an offender to which this  
26 section is applicable any lesser sentence than provided for in  
27 subsection (b), to place such offender on probation or to  
28 suspend sentence. Nothing in this section shall prevent the  
29 sentencing court from imposing a sentence greater than that  
30 provided in this section. Sentencing guidelines promulgated by

1 the Pennsylvania Commission on Sentencing shall not supersede  
2 the mandatory sentence provided in this section.

3 (d) Appeal by Commonwealth.--If a sentencing court refuses  
4 to apply this section when applicable, the Commonwealth shall  
5 have a right to appellate review. The appellate court shall  
6 vacate the sentence and remand the case to the sentencing court  
7 for the imposition of a sentence in accordance with this section  
8 if it finds that the sentence was imposed in violation of this  
9 section.

10 § 9613. Exemption from notification.

11 Nothing in this chapter shall be construed to impose a duty  
12 on a person licensed under the act of February 19, 1980 (P.L.15,  
13 No.9), known as the Real Estate Licensing and Registration Act,  
14 or an employee of the person, to disclose information regarding  
15 an offender required to register under this chapter.

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