

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of 2011

INTRODUCED BY ORIE, RAFFERTY, WARD, ALLOWAY, FONTANA, BROWNE, BOSCOLA, MENSCH, SCARNATI, FARNESE AND TARTAGLIONE, JUNE 28, 2011

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, OCTOBER 25, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations), 42 (Judiciary and Judicial Procedure), 44 (Law
3 and Justice) and 61 (Prisons and Parole) of the Pennsylvania
4 Consolidated Statutes, extensively revising provisions
5 relating to registration of sexual offenders pursuant to
6 Federal mandate THE TREATMENT, CLASSIFICATION, SENTENCING AND
7 REGISTRATION OF SEXUAL OFFENDERS; and making editorial
8 changes.



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

11 Section 1. Sections 3130(a) introductory paragraph and (1)
12 and (b), 3141 and 4915 of Title 18 of the Pennsylvania
13 Consolidated Statutes are amended to read:



14 SECTION 1. SECTIONS 2901, 2902, 2903, 3122.1, 3124.2,
15 3130(A) INTRODUCTORY PARAGRAPH AND (1) AND (B), 3141, 4302, 4915
16 AND 5902(C) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED
17 STATUTES ARE AMENDED TO READ:



18 § 2901. KIDNAPPING.

19 (A) OFFENSE DEFINED.-- [A] EXCEPT AS PROVIDED FOR IN
20 SUBSECTION (A.1), A PERSON IS GUILTY OF KIDNAPPING IF HE

1 UNLAWFULLY REMOVES ANOTHER A SUBSTANTIAL DISTANCE UNDER THE
2 CIRCUMSTANCES FROM THE PLACE WHERE HE IS FOUND, OR IF HE
3 UNLAWFULLY CONFINES ANOTHER FOR A SUBSTANTIAL PERIOD IN A PLACE
4 OF ISOLATION, WITH ANY OF THE FOLLOWING INTENTIONS:

5 (1) TO HOLD FOR RANSOM OR REWARD, OR AS A SHIELD OR
6 HOSTAGE.

7 (2) TO FACILITATE COMMISSION OF ANY FELONY OR FLIGHT
8 THEREAFTER.

9 (3) TO INFLICT BODILY INJURY ON OR TO TERRORIZE THE
10 VICTIM OR ANOTHER.

11 (4) TO INTERFERE WITH THE PERFORMANCE BY PUBLIC
12 OFFICIALS OF ANY GOVERNMENTAL OR POLITICAL FUNCTION.

13 (A.1) KIDNAPPING OF A MINOR.--A PERSON IS GUILTY OF
14 KIDNAPPING OF A MINOR IF HE UNLAWFULLY REMOVES A PERSON UNDER 18
15 YEARS OF AGE A SUBSTANTIAL DISTANCE UNDER THE CIRCUMSTANCES FROM
16 THE PLACE WHERE HE IS FOUND, OR IF HE UNLAWFULLY CONFINES
17 ANOTHER FOR A SUBSTANTIAL PERIOD IN A PLACE OF ISOLATION, WITH
18 ANY OF THE FOLLOWING INTENTIONS:

19 (1) TO HOLD FOR RANSOM OR REWARD, OR AS A SHIELD OR
20 HOSTAGE.

21 (2) TO FACILITATE COMMISSION OF ANY FELONY OR FLIGHT
22 THEREAFTER.

23 (3) TO INFLICT BODILY INJURY ON OR TO TERRORIZE THE
24 VICTIM OR ANOTHER.

25 (4) TO INTERFERE WITH THE PERFORMANCE BY PUBLIC
26 OFFICIALS OF ANY GOVERNMENTAL OR POLITICAL FUNCTION.

27 (B) GRADING.--KIDNAPPING [IS A FELONY] AND KIDNAPPING OF A
28 MINOR ARE BOTH FELONIES OF THE FIRST DEGREE. A REMOVAL OR
29 CONFINEMENT IS UNLAWFUL WITHIN THE MEANING OF THIS SECTION IF IT
30 IS ACCOMPLISHED BY FORCE, THREAT OR DECEPTION, OR, IN THE CASE

1 OF A PERSON WHO IS UNDER THE AGE OF 14 YEARS OR AN INCAPACITATED
2 PERSON, IF IT IS ACCOMPLISHED WITHOUT THE CONSENT OF A PARENT,
3 GUARDIAN OR OTHER PERSON RESPONSIBLE FOR GENERAL SUPERVISION OF
4 HIS WELFARE.

5 § 2902. UNLAWFUL RESTRAINT.

6 (A) OFFENSE DEFINED.--[A PERSON COMMITS AN OFFENSE] EXCEPT
7 AS PROVIDED FOR UNDER SUBSECTION (B), A PERSON COMMITS A
8 MISDEMEANOR OF THE FIRST DEGREE IF HE KNOWINGLY:

9 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
10 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

11 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
12 SERVITUDE.

13 [(B) GRADING.--

14 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN OFFENSE
15 UNDER SUBSECTION (A) IS A MISDEMEANOR OF THE FIRST DEGREE.

16 (2) IF THE VICTIM OF THE OFFENSE IS AN INDIVIDUAL UNDER
17 18 YEARS OF AGE, AN OFFENSE UNDER SUBSECTION (A) IS A FELONY
18 OF THE SECOND DEGREE.]

19 (B) UNLAWFUL RESTRAINT OF A MINOR.--IF THE VICTIM IS A
20 PERSON UNDER 18 YEARS OF AGE, A PERSON COMMITS A FELONY OF THE
21 SECOND DEGREE IF HE KNOWINGLY:

22 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
23 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

24 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
25 SERVITUDE.

26 § 2903. FALSE IMPRISONMENT.

27 (A) OFFENSE DEFINED.--[A PERSON COMMITS AN OFFENSE] EXCEPT
28 AS PROVIDED FOR UNDER SUBSECTION (B), A PERSON COMMITS A
29 MISDEMEANOR OF THE SECOND DEGREE IF HE KNOWINGLY RESTRAINS
30 ANOTHER UNLAWFULLY SO AS TO INTERFERE SUBSTANTIALLY WITH HIS

1 LIBERTY.

2 [(B) GRADING.--

3 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN OFFENSE
4 UNDER SUBSECTION (A) IS A MISDEMEANOR OF THE SECOND DEGREE.

5 (2) IF THE VICTIM OF THE OFFENSE IS AN INDIVIDUAL UNDER
6 18 YEARS OF AGE, AN OFFENSE UNDER SUBSECTION (A) IS A FELONY
7 OF THE SECOND DEGREE.]

8 (B) FALSE IMPRISONMENT OF A MINOR.--IF THE VICTIM IS A
9 PERSON UNDER 18 YEARS OF AGE, A PERSON COMMITS A FELONY OF THE
10 SECOND DEGREE IF HE KNOWINGLY RESTRAINS ANOTHER UNLAWFULLY SO AS
11 TO INTERFERE SUBSTANTIALLY WITH HIS LIBERTY.

12 § 3122.1. STATUTORY SEXUAL ASSAULT.

13 (A) FELONY OF THE SECOND DEGREE.--EXCEPT AS PROVIDED IN
14 SECTION 3121 (RELATING TO RAPE), A PERSON COMMITS A FELONY OF
15 THE SECOND DEGREE WHEN THAT PERSON ENGAGES IN SEXUAL INTERCOURSE
16 WITH A COMPLAINANT TO WHOM THE PERSON IS NOT MARRIED WHO IS
17 UNDER THE AGE OF 16 YEARS AND THAT PERSON IS EITHER:

18 (1) FOUR [OR MORE] YEARS OLDER BUT NOT MORE THAN SEVEN
19 YEARS OLDER THAN THE COMPLAINANT [AND THE COMPLAINANT AND THE
20 PERSON ARE NOT MARRIED TO EACH OTHER.]; OR

21 (2) EIGHT YEARS OLDER BUT NOT MORE THAN TEN YEARS OLDER
22 THAN THE COMPLAINANT.

23 (B) FELONY OF THE FIRST DEGREE.--A PERSON COMMITS A FELONY
24 OF THE FIRST DEGREE WHEN THAT PERSON ENGAGES IN SEXUAL
25 INTERCOURSE WITH A COMPLAINANT UNDER THE AGE OF 16 YEARS AND
26 THAT PERSON IS 11 OR MORE YEARS OLDER THAN THE COMPLAINANT AND
27 THE COMPLAINANT AND THE PERSON ARE NOT MARRIED TO EACH OTHER.

28 § 3124.2. INSTITUTIONAL SEXUAL ASSAULT.

29 (A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION (A.1)
30 AND IN SECTIONS 3121 (RELATING TO RAPE), 3122.1 (RELATING TO

1 STATUTORY SEXUAL ASSAULT), 3123 (RELATING TO INVOLUNTARY DEVIATE
2 SEXUAL INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT) AND
3 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT), A PERSON WHO IS
4 AN EMPLOYEE OR AGENT OF THE DEPARTMENT OF CORRECTIONS OR A
5 COUNTY CORRECTIONAL AUTHORITY, YOUTH DEVELOPMENT CENTER, YOUTH
6 FORESTRY CAMP, STATE OR COUNTY JUVENILE DETENTION FACILITY,
7 OTHER LICENSED RESIDENTIAL FACILITY SERVING CHILDREN AND YOUTH,
8 OR MENTAL HEALTH OR MENTAL RETARDATION FACILITY OR INSTITUTION
9 COMMITS A FELONY OF THE THIRD DEGREE WHEN THAT PERSON ENGAGES IN
10 SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE OR INDECENT
11 CONTACT WITH AN INMATE, DETAINEE, PATIENT OR RESIDENT.

12 (A.1) INSTITUTIONAL SEXUAL ASSAULT OF A MINOR.--IF THE
13 INMATE, DETAINEE, PATIENT OR RESIDENT IS A PERSON UNDER 18 YEARS
14 OF AGE, A PERSON WHO IS AN EMPLOYEE OR AGENT OF THE DEPARTMENT
15 OF CORRECTIONS OR A COUNTY CORRECTIONAL AUTHORITY, YOUTH
16 DEVELOPMENT CENTER, YOUTH FORESTRY CAMP, STATE OR COUNTY
17 JUVENILE DETENTION FACILITY, OTHER LICENSED RESIDENTIAL FACILITY
18 SERVING CHILDREN AND YOUTH OR A MENTAL HEALTH OR A MENTAL
19 RETARDATION FACILITY OR INSTITUTION COMMITS A FELONY OF THE
20 THIRD DEGREE WHEN THAT PERSON ENGAGES IN SEXUAL INTERCOURSE,
21 DEVIATE SEXUAL INTERCOURSE OR INDECENT CONTACT WITH AN INMATE,
22 DETAINEE, PATIENT OR RESIDENT.

23 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "AGENT"
24 MEANS A PERSON WHO IS ASSIGNED TO WORK IN A STATE OR COUNTY
25 CORRECTIONAL OR JUVENILE DETENTION FACILITY, A YOUTH DEVELOPMENT
26 CENTER, YOUTH FORESTRY CAMP, OTHER LICENSED RESIDENTIAL FACILITY
27 SERVING CHILDREN AND YOUTH, OR MENTAL HEALTH OR MENTAL
28 RETARDATION FACILITY OR INSTITUTION WHO IS EMPLOYED BY ANY STATE
29 OR COUNTY AGENCY OR ANY PERSON EMPLOYED BY AN ENTITY PROVIDING
30 CONTRACT SERVICES TO THE AGENCY.

1 § 3130. Conduct relating to sex offenders.

2 (a) Offense defined.--A person commits a felony of the third
3 degree if the person has reason to believe that a sex offender
4 is not complying with or has not complied with the requirements
5 of the sex offender's probation or parole, imposed by statute or
6 court order, or with the registration requirements of 42 Pa.C.S.
7 [§ 9795.2 (relating to registration procedures and
8 applicability)] Ch. 97 Subch. H (relating to registration of
9 sexual offenders), and the person, with the intent to assist the
10 sex offender in eluding a law enforcement agent or agency that
11 is seeking to find the sex offender to question the sex offender
12 about, or to arrest the sex offender for, noncompliance with the
13 requirements of the sex offender's probation or parole or the
14 requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H:

15 (1) withholds information from or does not notify the
16 law enforcement agent or agency about the sex offender's
17 noncompliance with the requirements of parole, the
18 requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H or, if
19 known, the sex offender's whereabouts;

20 * * *

21 (b) Definition.--As used in this section, the term "sex
22 offender" means a person who is required to register with the
23 Pennsylvania State Police pursuant to the provisions of 42
24 Pa.C.S. [§ 9795.1 (relating to registration)] Ch. 97 Subch. H.

25 § 3141. General rule.

26 A person:

27 (1) convicted under section 3121 (relating to rape),
28 3122.1 (relating to statutory sexual assault), 3123 (relating
29 to involuntary deviate sexual intercourse), 3124.1 (relating
30 to sexual assault), 3125 (relating to aggravated indecent

1 assault) or 3126 (relating to indecent assault); or
2 (2) required to register with the Pennsylvania State
3 Police under 42 Pa.C.S. [§ 9795.2 (relating to registration
4 procedures and applicability)] Ch. 97 Subch. H (relating to
5 registration of sexual offenders);

6 may be required to forfeit property rights in any property or
7 assets used to implement or facilitate commission of the crime
8 or crimes of which the person has been convicted. Such property
9 may include, but is not limited to, a computer or computers,
10 telephone equipment, firearms, licit or illicit prescription
11 drugs or controlled substances, a motor vehicle or such other
12 property or assets as determined by the court of common pleas to
13 have facilitated the person's criminal misconduct.

14 § 4302. INCEST. ←

15 [A] (A) GENERAL RULE.--EXCEPT AS PROVIDED FOR UNDER
16 SUBSECTION (B), A PERSON IS GUILTY OF INCEST, A FELONY OF THE
17 SECOND DEGREE, IF THAT PERSON KNOWINGLY MARRIES OR COHABITS OR
18 HAS SEXUAL INTERCOURSE WITH AN ANCESTOR OR DESCENDANT, A BROTHER
19 OR SISTER OF THE WHOLE OR HALF BLOOD OR AN UNCLE, AUNT, NEPHEW
20 OR NIECE OF THE WHOLE BLOOD. [THE RELATIONSHIPS REFERRED TO IN
21 THIS SECTION INCLUDE BLOOD RELATIONSHIPS WITHOUT REGARD TO
22 LEGITIMACY, AND RELATIONSHIP OF PARENT AND CHILD BY ADOPTION.]

23 (B) INCEST OF A MINOR.--A PERSON IS GUILTY OF INCEST OF A
24 MINOR, A FELONY OF THE SECOND DEGREE, IF THAT PERSON KNOWINGLY
25 MARRIES, COHABITS WITH OR HAS SEXUAL INTERCOURSE WITH A
26 COMPLAINANT WHO IS AN ANCESTOR OR DESCENDANT, A BROTHER OR
27 SISTER OF THE WHOLE OR HALF BLOOD OR AN UNCLE, AUNT, NEPHEW OR
28 NIECE OF THE WHOLE BLOOD AND:

29 (1) IS UNDER THE AGE OF 13 YEARS; OR

30 (2) IS 13 TO 18 YEARS OF AGE AND THE PERSON IS FOUR OR

1 MORE YEARS OLDER THAN THE COMPLAINANT.

2 (C) RELATIONSHIPS.--THE RELATIONSHIPS REFERRED TO IN THIS
3 SECTION INCLUDE BLOOD RELATIONSHIPS WITHOUT REGARD TO
4 LEGITIMACY, AND RELATIONSHIP OF PARENT AND CHILD BY ADOPTION.

5 § 4915. Failure to comply with registration of sexual offenders
6 requirements.

7 (a) Offense defined.--An individual who is subject to
8 registration under 42 Pa.C.S. [§ 9795.1(a) (relating to
9 registration) or an individual who is subject to registration
10 under 42 Pa.C.S. § 9795.1(b) (1), (2) or (3)] Ch. 97 Subch. H
11 (relating to registration of sexual offenders) commits an
12 offense if he knowingly fails to:

13 (1) register with the Pennsylvania State Police or
14 report a change in registration information as required under
15 42 Pa.C.S. [§ 9795.2 (relating to registration procedures and
16 applicability)] Ch. 97 Subch. H;

17 (2) verify his address or registration information or be
18 photographed as required under 42 Pa.C.S. [§ 9796 (relating
19 to verification of residence)] Ch. 97 Subch. H; or

20 (3) provide accurate information when registering [under
21 42 Pa.C.S. § 9795.2], reporting a change in registration or
22 verifying an address or registration information as required
23 under 42 Pa.C.S. [§ 9796] Ch. 97 Subch. H.

24 (b) Grading for Class 1 and Class 2 sexual offenders [who
25 must register for ten years].--

26 (2) Except as set forth in paragraph (3), [an individual] a
27 Class 1 sexual offender or Class 2 sexual offender subject to
28 registration under 42 Pa.C.S. [§ 9795.1(a)] Ch. 97 Subch. H who
29 commits a violation of subsection (a) (1) or (2) commits a felony
30 of the third degree.

1 (3) [An individual] A Class 1 sexual offender or Class 2
2 sexual offender subject to registration under 42 Pa.C.S. [§
3 9795.1(a)] Ch. 97 Subch. H who commits a violation of
4 subsection (a)(1) or (2) and who has previously been
5 convicted of an offense under subsection (a)(1) or (2) or a
6 similar offense commits a felony of the second degree.

7 (4) [An individual] A Class 1 sexual offender or Class 2
8 sexual offender subject to registration under 42 Pa.C.S. [§
9 9795.1(a)] Ch. 97 Subch. H who violates subsection (a)(3)
10 commits a felony of the second degree.

11 (c) Grading for Class 3 sexual offenders and sexually
12 violent predators [and others with lifetime registration].--

13 (2) Except as set forth in paragraph (3), [an
14 individual] a Class 3 sexual offender or sexually violent
15 predator subject to registration under 42 Pa.C.S. [§
16 9795.1(b)(1), (2) or (3)] Ch. 97 Subch. H who commits a
17 violation of subsection (a)(1) or (2) commits a felony of the
18 second degree.

19 (3) [An individual] A Class 3 sexual offender or
20 sexually violent predator subject to registration under 42
21 Pa.C.S. [§ 9795.1(b)(1), (2) or (3)] Ch. 97 Subch. H who
22 commits a violation of subsection (a)(1) or (2) and who has
23 previously been convicted of an offense under subsection (a)
24 (1) or (2) or a similar offense commits a felony of the first
25 degree.

26 (4) [An individual] A Class 3 sexual offender or
27 sexually violent predator subject to registration under 42
28 Pa.C.S. [§ 9795.1(b)(1), (2) or (3)] Ch. 97 Subch. H who
29 violates subsection (a)(3) commits a felony of the first
30 degree.

1 (d) Effect of notice.--Neither failure on the part of the
2 Pennsylvania State Police to send nor failure of a sexually
3 violent predator or offender to receive any notice or
4 information pursuant to 42 Pa.C.S. [§ 9796(a.1) or (b.1)] Ch. 97
5 Subch. H shall be a defense to a prosecution commenced against
6 an individual arising from a violation of this section. The
7 provisions of 42 Pa.C.S. § [9796(a.1) and (b.1)] 9799.20
8 (relating to verification of registration information) are not
9 an element of an offense under this section.

10 (e) Arrests for violation.--

11 (1) A police officer shall have the same right of arrest
12 without a warrant as in a felony whenever the police officer
13 has probable cause to believe an individual has committed a
14 violation of this section regardless of whether the violation
15 occurred in the presence of the police officer.

16 (2) An individual arrested for a violation of this
17 section shall be afforded a preliminary arraignment by the
18 proper issuing authority without unnecessary delay. In no
19 case may the individual be released from custody without
20 first having appeared before the issuing authority.

21 (3) Prior to admitting an individual arrested for a
22 violation of this section to bail, the issuing authority
23 shall require all of the following:

24 (i) The individual must be fingerprinted and
25 photographed in the manner required by 42 Pa.C.S. Ch. 97
26 Subch. H (relating to registration of sexual offenders).

27 (ii) The [individual must provide the Pennsylvania
28 State Police with all current or intended residences, all
29 information concerning current or intended employment,
30 including all employment locations, and all information

1 concerning current or intended enrollment as a student.]
2 following apply:

3 (A) If an individual previously registered with
4 the Pennsylvania State Police, the individual shall
5 update registration information.

6 (B) If an individual did not previously register
7 with the Pennsylvania State Police, the individual
8 shall register under 42 Pa.C.S. Ch. 97 Subch. H.

9 (iii) Law enforcement must make reasonable attempts
10 to verify the information provided by the individual.

11 (f) [Definition] Definitions.--As used in this section, [the
12 term "a similar offense" means an offense similar to an offense
13 under either subsection (a) (1) or (2) under the laws of this
14 Commonwealth, the United States or one of its territories or
15 possessions, another state, the District of Columbia, the
16 Commonwealth of Puerto Rico or a foreign nation.] the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Class 1 sexual offender." As defined in 42 Pa.C.S. §
20 9799.12 (relating to definitions). The term includes a Class 1
21 out-of-State offender.

22 "Class 2 sexual offender." As defined in 42 Pa.C.S. §
23 9799.12 (relating to definitions). The term includes a Class 2
24 out-of-State offender.

25 "Class 3 sexual offender." As defined in 42 Pa.C.S. §
26 9799.12 (relating to definitions). The term includes a Class 3
27 out-of-State offender.

28 "Out-of-State offender." As defined in 42 Pa.C.S. § 9799.12
29 (relating to definitions).

30 "Sexually violent predator." As defined in 42 Pa.C.S. §

1 9799.12 (relating to definitions).

2 "Similar offense." An offense similar to an offense under
3 either subsection (a)(1) or (2) under the laws of the United
4 States or one of its territories or possessions, another state,
5 the District of Columbia, a federally recognized Indian tribe or
6 a foreign nation.

7 § 5902. PROSTITUTION AND RELATED OFFENSES. ←

8 * * *

9 (C) GRADING OF OFFENSES UNDER SUBSECTION (B).--

10 (1) AN OFFENSE UNDER SUBSECTION (B) CONSTITUTES A FELONY
11 OF THE THIRD DEGREE IF:

12 (I) THE OFFENSE FALLS WITHIN PARAGRAPHS (B)(1), (B)

13 (2) OR (B)(3);

14 (II) THE ACTOR COMPELS ANOTHER TO ENGAGE IN OR
15 PROMOTE PROSTITUTION;

16 (III) THE ACTOR PROMOTES PROSTITUTION OF A [CHILD
17 UNDER THE AGE OF 16 YEARS] PERSON UNDER 18 YEARS OF AGE,
18 WHETHER OR NOT HE IS AWARE OF THE AGE OF THE CHILD;

19 (IV) THE ACTOR PROMOTES PROSTITUTION OF HIS SPOUSE,
20 CHILD, WARD OR ANY PERSON FOR WHOSE CARE, PROTECTION OR
21 SUPPORT HE IS RESPONSIBLE; OR

22 (V) THE PERSON KNOWINGLY PROMOTED PROSTITUTION OF
23 ANOTHER WHO WAS HIV POSITIVE OR INFECTED WITH THE AIDS
24 VIRUS.

25 (2) OTHERWISE THE OFFENSE IS A MISDEMEANOR OF THE SECOND
26 DEGREE.

27 * * *

28 Section 2. Section 6707(2)(ii) of Title 23 is amended to
29 read:

30 § 6707. Agency use of designated address.

1 State and local government agencies shall accept the
2 substitute address designated on a valid program participation
3 card issued to the program participant by the Office of Victim
4 Advocate as the program participant's address except as follows:

5 * * *

6 (2) when the program participant is any of the
7 following:

8 * * *

9 (ii) a convicted sexual offender who has fulfilled
10 the offender's sentence but must register the offender's
11 community residence as required under 42 Pa.C.S. [§§
12 9795.1 (relating to registration) and 9795.2 (relating to
13 registration procedures and applicability)] Ch. 97 Subch.
14 H (relating to registration of sexual offenders) or any
15 similar registration requirement imposed by any other
16 jurisdiction.

17 SECTION 2.1. SECTIONS 6358(A) AND (B) AND 6403(A) (2), (B) (3) ←
18 AND (D) OF TITLE 42 ARE AMENDED TO READ:

19 § 6358. ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE SEXUAL
20 OFFENDERS ASSESSMENT BOARD.

21 (A) GENERAL RULE.--A CHILD WHO HAS BEEN FOUND TO BE
22 DELINQUENT FOR AN ACT OF SEXUAL VIOLENCE WHICH IF COMMITTED BY
23 AN ADULT WOULD BE A VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO
24 RAPE), 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
25 INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT), 3125
26 (RELATING TO AGGRAVATED INDECENT ASSAULT), 3126 (RELATING TO
27 INDECENT ASSAULT) OR 4302 (RELATING TO INCEST) WHO IS COMMITTED
28 TO AN INSTITUTION OR OTHER FACILITY PURSUANT TO SECTION 6352
29 (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND WHO REMAINS IN
30 ANY SUCH INSTITUTION OR FACILITY UPON ATTAINING 20 YEARS OF AGE

1 SHALL BE SUBJECT TO AN ASSESSMENT BY THE BOARD.

2 (B) DUTY OF PROBATION OFFICER.--NINETY DAYS PRIOR TO THE
3 20TH BIRTHDAY OF THE CHILD, THE PROBATION OFFICER SHALL HAVE THE
4 DUTY TO NOTIFY THE BOARD OF THE STATUS OF THE DELINQUENT CHILD
5 AND THE INSTITUTION OR OTHER FACILITY WHERE THE CHILD IS
6 PRESENTLY COMMITTED. THE PROBATION OFFICER SHALL ASSIST THE
7 BOARD IN OBTAINING ACCESS TO THE CHILD AND ANY INFORMATION
8 REQUIRED BY THE BOARD TO PERFORM THE ASSESSMENT, INCLUDING, BUT
9 NOT LIMITED TO, THE CHILD'S OFFICIAL COURT RECORD AND THE
10 CHILD'S COMPLETE JUVENILE PROBATION FILE.

11 * * *

12 § 6403. COURT-ORDERED INVOLUNTARY TREATMENT.

13 (A) PERSONS SUBJECT TO INVOLUNTARY TREATMENT.--A PERSON MAY
14 BE SUBJECT TO COURT-ORDERED COMMITMENT FOR INVOLUNTARY TREATMENT
15 UNDER THIS CHAPTER IF THE PERSON:

16 * * *

17 (2) HAS BEEN COMMITTED TO AN INSTITUTION OR OTHER
18 FACILITY PURSUANT TO SECTION 6352 (RELATING TO DISPOSITION OF
19 DELINQUENT CHILD) AND REMAINS IN [THE] ANY SUCH INSTITUTION
20 OR [OTHER] FACILITY UPON ATTAINING 20 YEARS OF AGE.

21 * * *

22 (B) PROCEDURES FOR INITIATING COURT-ORDERED INVOLUNTARY
23 COMMITMENT.--

24 * * *

25 (3) THE COURT SHALL SET A DATE FOR THE HEARING WHICH
26 SHALL BE HELD WITHIN 30 DAYS OF THE FILING OF THE PETITION
27 PURSUANT TO PARAGRAPH (1) AND DIRECT THE PERSON TO APPEAR FOR
28 THE HEARING. A COPY OF THE PETITION AND NOTICE OF THE HEARING
29 DATE SHALL BE SERVED ON THE PERSON, THE ATTORNEY WHO
30 REPRESENTED THE PERSON AT THE MOST RECENT DISPOSITIONAL

1 REVIEW HEARING PURSUANT TO SECTION 6358(E) AND THE COUNTY
2 SOLICITOR OR A DESIGNEE AND SHALL BE PROVIDED TO THE DIRECTOR
3 OF THE FACILITY OPERATED BY THE DEPARTMENT UNDER SECTION
4 6406(A) (RELATING TO DUTY OF DEPARTMENT OF PUBLIC WELFARE).
5 THE PERSON AND THE ATTORNEY WHO REPRESENTED THE PERSON SHALL,
6 ALONG WITH COPIES OF THE PETITION, ALSO BE PROVIDED WITH
7 WRITTEN NOTICE ADVISING THAT THE PERSON HAS THE RIGHT TO
8 COUNSEL AND THAT, IF HE CANNOT AFFORD ONE, COUNSEL SHALL BE
9 APPOINTED FOR THE PERSON.

10 * * *

11 (D) DETERMINATION AND ORDER.--UPON A FINDING BY CLEAR AND
12 CONVINCING EVIDENCE THAT THE PERSON HAS A MENTAL ABNORMALITY OR
13 PERSONALITY DISORDER WHICH RESULTS IN SERIOUS DIFFICULTY IN
14 CONTROLLING SEXUALLY VIOLENT BEHAVIOR THAT MAKES THE PERSON
15 LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, AN ORDER SHALL BE
16 ENTERED DIRECTING THE IMMEDIATE COMMITMENT OF THE PERSON FOR
17 [INPATIENT] INVOLUNTARY INPATIENT TREATMENT TO A FACILITY
18 DESIGNATED BY THE DEPARTMENT. THE ORDER SHALL BE IN WRITING AND
19 SHALL BE CONSISTENT WITH THE PROTECTION OF THE PUBLIC SAFETY AND
20 THE APPROPRIATE CONTROL, CARE AND TREATMENT OF THE PERSON. AN
21 APPEAL SHALL NOT STAY THE EXECUTION OF THE ORDER. IF THE COURT
22 DOES NOT ORDER THE PERSON TO BE COMMITTED FOR INVOLUNTARY
23 INPATIENT TREATMENT BY THE DEPARTMENT, THE COURT SHALL ORDER THE
24 DIRECTOR OF THE FACILITY OPERATED BY THE DEPARTMENT UNDER
25 SECTION 6406(A) TO DESTROY THE FACILITY'S COPY OF THE PETITION
26 AND THE ASSESSMENT.

27 SECTION 2.2. SECTION 6404 HEADING, (B) (2) AND (C) HEADING,
28 (1), (3) AND (4) OF TITLE 42 ARE AMENDED, SUBSECTION (C) IS
29 AMENDED BY ADDING PARAGRAPHS AND THE SECTION IS AMENDED BY
30 ADDING A SUBSECTION TO READ:

1 § 6404. DURATION OF INPATIENT COMMITMENT AND REVIEW.

2 * * *

3 (B) ANNUAL REVIEW.--

4 * * *

5 (2) THE COURT SHALL SCHEDULE A REVIEW HEARING WHICH
6 SHALL BE CONDUCTED PURSUANT TO SECTION 6403(C) (RELATING TO
7 COURT-ORDERED INVOLUNTARY TREATMENT) AND WHICH SHALL BE HELD
8 NO LATER THAN 30 DAYS AFTER RECEIPT OF BOTH THE EVALUATION
9 AND THE ASSESSMENT UNDER PARAGRAPH (1). NOTICE OF THE REVIEW
10 HEARING SHALL BE PROVIDED TO THE PERSON, THE ATTORNEY WHO
11 REPRESENTED THE PERSON AT THE PREVIOUS HEARING HELD PURSUANT
12 TO THIS SUBSECTION OR SECTION 6403, THE DISTRICT ATTORNEY AND
13 THE COUNTY SOLICITOR OR A DESIGNEE. THE PERSON AND THE
14 PERSON'S ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN NOTICE
15 ADVISING THAT THE PERSON HAS THE RIGHT TO COUNSEL AND THAT,
16 IF HE CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE
17 PERSON. IF THE COURT DETERMINES BY CLEAR AND CONVINCING
18 EVIDENCE THAT THE PERSON CONTINUES TO HAVE SERIOUS DIFFICULTY
19 CONTROLLING SEXUALLY VIOLENT BEHAVIOR IN AN INPATIENT SETTING
20 DUE TO A MENTAL ABNORMALITY OR PERSONALITY DISORDER THAT
21 MAKES THE PERSON LIKELY TO ENGAGE IN AN ACT OF SEXUAL
22 VIOLENCE, THE COURT SHALL ORDER AN ADDITIONAL PERIOD OF
23 INVOLUNTARY INPATIENT TREATMENT OF ONE YEAR; OTHERWISE, THE
24 COURT SHALL ORDER THE [DISCHARGE OF] DEPARTMENT, IN
25 CONSULTATION WITH THE BOARD, TO DEVELOP AN OUTPATIENT
26 TREATMENT PLAN FOR THE PERSON. THE ORDER SHALL BE IN WRITING
27 AND SHALL BE CONSISTENT WITH THE PROTECTION OF THE PUBLIC
28 SAFETY AND APPROPRIATE CONTROL, CARE AND TREATMENT OF THE
29 PERSON.

30 (C) [DISCHARGE] OUTPATIENT TREATMENT PLAN.--

1 (1) IF AT ANY TIME THE DIRECTOR OR A DESIGNEE OF THE
2 FACILITY TO WHICH THE PERSON WAS COMMITTED CONCLUDES THE
3 PERSON NO LONGER HAS SERIOUS DIFFICULTY IN CONTROLLING
4 SEXUALLY VIOLENT BEHAVIOR IN AN INPATIENT SETTING, THE
5 DIRECTOR SHALL PETITION THE COURT FOR A HEARING. NOTICE OF
6 THE PETITION SHALL BE GIVEN TO THE PERSON, THE ATTORNEY WHO
7 REPRESENTED THE PERSON AT THE PREVIOUS HEARING HELD PURSUANT
8 TO SUBSECTION (B) OR SECTION 6403, THE BOARD, THE DISTRICT
9 ATTORNEY AND THE COUNTY SOLICITOR. THE PERSON AND THE
10 PERSON'S ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN NOTICE
11 ADVISING THAT THE PERSON HAS THE RIGHT TO COUNSEL AND THAT,
12 IF HE CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE
13 PERSON.

14 * * *

15 (3) WITHIN 15 DAYS AFTER THE RECEIPT OF THE ASSESSMENT
16 FROM THE BOARD, THE COURT SHALL HOLD A HEARING PURSUANT TO
17 SECTION 6403(C). IF THE COURT DETERMINES BY CLEAR AND
18 CONVINCING EVIDENCE THAT THE PERSON CONTINUES TO HAVE SERIOUS
19 DIFFICULTY CONTROLLING SEXUALLY VIOLENT BEHAVIOR IN AN
20 INPATIENT SETTING DUE TO A MENTAL ABNORMALITY OR PERSONALITY
21 DISORDER THAT MAKES THE PERSON LIKELY TO ENGAGE IN AN ACT OF
22 SEXUAL VIOLENCE, THE COURT SHALL ORDER THAT THE PERSON BE
23 SUBJECT TO THE REMAINDER OF THE PERIOD OF INPATIENT
24 COMMITMENT[. OTHERWISE,]; OTHERWISE THE COURT SHALL ORDER THE
25 [DISCHARGE OF] DEPARTMENT, IN CONSULTATION WITH THE BOARD, TO
26 DEVELOP AN OUTPATIENT TREATMENT PLAN FOR THE PERSON.

27 (4) THE DEPARTMENT SHALL PROVIDE THE PERSON WITH NOTICE
28 OF THE PERSON'S RIGHT TO PETITION THE COURT FOR [DISCHARGE]
29 TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT OVER THE
30 OBJECTION OF THE DEPARTMENT. THE COURT, AFTER REVIEW OF THE

1 PETITION, MAY SCHEDULE A HEARING PURSUANT TO SECTION 6403(C).

2 (5) AN OUTPATIENT TREATMENT PLAN SHALL BE IN WRITING AND
3 SHALL IDENTIFY THE SPECIFIC ENTITY THAT WILL PROVIDE EACH
4 CLINICAL AND SUPPORT SERVICE IDENTIFIED IN THE PLAN.

5 (6) THE DEPARTMENT SHALL PROVIDE A COPY OF THE
6 OUTPATIENT TREATMENT PLAN TO THE COURT, THE PERSON, THE
7 ATTORNEY WHO REPRESENTED THE PERSON AT THE MOST RECENT
8 HEARING UNDER SECTION 6403, THE BOARD, THE DISTRICT ATTORNEY
9 AND THE COUNTY SOLICITOR OR A DESIGNEE.

10 (D) PROHIBITION ON DISCHARGE.--THE COURT SHALL NOT ORDER
11 DISCHARGE FROM INVOLUNTARY TREATMENT UNTIL THE PERSON HAS
12 COMPLETED INVOLUNTARY OUTPATIENT TREATMENT PURSUANT TO SECTION
13 6404.2 (RELATING TO OUTPATIENT COMMITMENT AND REVIEW).

14 SECTION 2.3. TITLE 42 IS AMENDED BY ADDING SECTIONS TO READ:
15 § 6404.1. TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT.

16 THE COURT MAY APPROVE OR DISAPPROVE AN OUTPATIENT TREATMENT
17 PLAN. UPON APPROVAL OF AN OUTPATIENT TREATMENT PLAN, THE COURT
18 SHALL ORDER TRANSFER OF THE PERSON TO INVOLUNTARY OUTPATIENT
19 TREATMENT UNDER SECTION 6404.2 (RELATING TO OUTPATIENT
20 COMMITMENT AND REVIEW).

21 § 6404.2. OUTPATIENT COMMITMENT AND REVIEW.

22 (A) TERMS AND CONDITIONS.--IF A COURT HAS ORDERED THE
23 TRANSFER OF THE PERSON TO INVOLUNTARY OUTPATIENT TREATMENT UNDER
24 SECTION 6404.1 (RELATING TO TRANSFER TO INVOLUNTARY OUTPATIENT
25 TREATMENT), THE COURT MAY IN ITS DISCRETION SPECIFY THE TERMS
26 AND CONDITIONS OF THE OUTPATIENT COMMITMENT, INCLUDING:

27 (1) ABSOLUTE COMPLIANCE WITH THE OUTPATIENT TREATMENT
28 PLAN.

29 (2) RESTRICTIONS AND REQUIREMENTS REGARDING THE LOCATION
30 OF THE PERSON'S RESIDENCE AND THE TIMES THE PERSON MUST BE

1 PHYSICALLY PRESENT THERE.

2 (3) RESTRICTIONS AND REQUIREMENTS REGARDING AREAS THE
3 PERSON IS NOT PERMITTED TO VISIT.

4 (4) RESTRICTIONS AND REQUIREMENTS REGARDING WHOM THE
5 PERSON MAY CONTACT IN ANY MEDIUM.

6 (5) PERIODIC POLYGRAPH TESTS.

7 (B) DURATION.--THE COURT SHALL ORDER INVOLUNTARY OUTPATIENT
8 TREATMENT FOR A PERIOD OF ONE YEAR.

9 (C) STATUS REPORTS.--AN INVOLUNTARY OUTPATIENT TREATMENT
10 PROVIDER SHALL SUBMIT A REPORT ON THE PERSON'S STATUS AND
11 CLINICAL PROGRESS, ON A FORM PRESCRIBED BY THE DEPARTMENT, TO
12 THE FACILITY OPERATED BY THE DEPARTMENT UNDER SECTION 6406(A)
13 (RELATING TO DUTY OF DEPARTMENT OF PUBLIC WELFARE) NOT LESS THAN
14 EVERY 30 DAYS.

15 (D) FAILURE TO COMPLY.--IF AN INVOLUNTARY OUTPATIENT
16 TREATMENT PROVIDER BECOMES AWARE THAT THE PERSON HAS VIOLATED
17 ANY PROVISION OF THE TREATMENT PLAN OR ANY TERM OR CONDITION
18 SPECIFIED UNDER SUBSECTION (A), THE PROVIDER SHALL IMMEDIATELY
19 NOTIFY THE FACILITY OPERATED BY THE DEPARTMENT UNDER
20 SECTION 6406(A). THE FACILITY SHALL NOTIFY THE COURT BY THE
21 CLOSE OF THE NEXT BUSINESS DAY.

22 (E) REVOCATION OF TRANSFER.--UPON RECEIVING NOTICE UNDER
23 SUBSECTION (D) THAT THE PERSON HAS VIOLATED A TERM OR CONDITION
24 OF TRANSFER SPECIFIED UNDER SUBSECTION (A), THE COURT MAY IN ITS
25 DISCRETION REVOKE THE TRANSFER TO INVOLUNTARY OUTPATIENT
26 TREATMENT AND ORDER THE IMMEDIATE RETURN TO INVOLUNTARY
27 INPATIENT TREATMENT WITHOUT A PRIOR HEARING. THE COURT MAY ISSUE
28 A WARRANT REQUIRING ANY LAW ENFORCEMENT OFFICER OR ANY PERSON
29 AUTHORIZED BY THE COURT TO TAKE THE PERSON INTO CUSTODY AND
30 RETURN HIM OR HER TO INVOLUNTARY INPATIENT TREATMENT. THE PERSON

1 MAY FILE A WRITTEN REQUEST FOR A HEARING AFTER REVOCATION OF THE
2 TRANSFER TO INVOLUNTARY TREATMENT. THE COURT SHALL CONDUCT A
3 HEARING UNDER SECTION 6403(C) (RELATING TO COURT-ORDERED
4 INVOLUNTARY TREATMENT) WITHIN TEN DAYS OF FILING OF THE REQUEST.

5 (F) ANNUAL REVIEW.--

6 (1) SIXTY DAYS PRIOR TO THE EXPIRATION OF THE ONE-YEAR
7 OUTPATIENT COMMITMENT PERIOD, THE DIRECTOR OF THE FACILITY OR
8 A DESIGNEE SHALL SUBMIT AN EVALUATION AND THE BOARD SHALL
9 SUBMIT AN ASSESSMENT OF THE PERSON TO THE COURT.

10 (2) THE COURT SHALL SCHEDULE A REVIEW HEARING WHICH
11 SHALL BE CONDUCTED UNDER SECTION 6403(C) AND WHICH SHALL BE
12 HELD NO LATER THAN 30 DAYS AFTER RECEIPT OF BOTH THE
13 EVALUATION AND THE ASSESSMENT UNDER PARAGRAPH (1). NOTICE OF
14 THE REVIEW HEARING SHALL BE PROVIDED TO THE PERSON, THE
15 ATTORNEY WHO REPRESENTED THE PERSON AT THE PREVIOUS HEARING
16 HELD UNDER SECTION 6403, THE DISTRICT ATTORNEY AND THE COUNTY
17 SOLICITOR OR A DESIGNEE. THE PERSON AND THE PERSON'S ATTORNEY
18 SHALL BE PROVIDED WITH WRITTEN NOTICE ADVISING THAT THE
19 PERSON HAS THE RIGHT TO COUNSEL AND THAT, IF HE CANNOT AFFORD
20 ONE, COUNSEL SHALL BE APPOINTED FOR THE PERSON.

21 (3) IF THE COURT DETERMINES BY CLEAR AND CONVINCING
22 EVIDENCE THAT THE PERSON HAS SERIOUS DIFFICULTY CONTROLLING
23 SEXUALLY VIOLENT BEHAVIOR DUE TO A MENTAL ABNORMALITY OR
24 PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY TO ENGAGE
25 IN AN ACT OF SEXUAL VIOLENCE, THE COURT SHALL ORDER AN
26 ADDITIONAL PERIOD OF INVOLUNTARY INPATIENT OR OUTPATIENT
27 TREATMENT OF ONE YEAR, OTHERWISE THE COURT SHALL ORDER THE
28 DISCHARGE OF THE PERSON. THE ORDER SHALL BE IN WRITING AND
29 SHALL BE CONSISTENT WITH THE PROTECTION OF THE PUBLIC SAFETY
30 AND APPROPRIATE CONTROL, CARE AND TREATMENT OF THE PERSON.

1 (G) DISCHARGE.--

2 (1) IF THE DIRECTOR OR A DESIGNEE OF THE FACILITY
3 OPERATED BY THE DEPARTMENT UNDER SECTION 6406(A) CONCLUDES
4 THE PERSON NO LONGER HAS SERIOUS DIFFICULTY IN CONTROLLING
5 SEXUALLY VIOLENT BEHAVIOR, THE DIRECTOR SHALL PETITION THE
6 COURT FOR A HEARING. NOTICE OF THE PETITION SHALL BE GIVEN TO
7 THE PERSON, THE ATTORNEY WHO REPRESENTED THE PERSON AT THE
8 PREVIOUS HEARING HELD UNDER SECTION 6403, THE BOARD, THE
9 DISTRICT ATTORNEY AND THE COUNTY SOLICITOR. THE PERSON AND
10 THE PERSON'S ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN
11 NOTICE ADVISING THAT THE PERSON HAS THE RIGHT TO COUNSEL AND
12 THAT, IF HE CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR
13 THE PERSON.

14 (2) UPON RECEIPT OF NOTICE UNDER PARAGRAPH (1), THE
15 BOARD SHALL CONDUCT A NEW ASSESSMENT WITHIN 30 DAYS AND
16 PROVIDE THAT ASSESSMENT TO THE COURT.

17 (3) WITHIN 15 DAYS AFTER THE PETITION HAS BEEN FILED,
18 THE COURT SHALL HOLD A HEARING UNDER SECTION 6403(C). IF THE
19 COURT DETERMINES THE PERSON NO LONGER HAS SERIOUS DIFFICULTY
20 CONTROLLING SEXUALLY VIOLENT BEHAVIOR, THE COURT SHALL ORDER
21 THE DISCHARGE OF THE PERSON. IF THE COURT DENIES THE
22 PETITION, THE PERSON SHALL BE SUBJECT TO THE REMAINDER OF THE
23 PERIOD OF OUTPATIENT COMMITMENT.

24 (H) NOTICE.--THE INVOLUNTARY OUTPATIENT TREATMENT PROVIDER
25 SHALL PROVIDE THE PERSON WITH NOTICE OF THE PERSON'S RIGHT TO
26 PETITION THE COURT FOR DISCHARGE. THE COURT, AFTER REVIEW OF THE
27 PETITION, MAY SCHEDULE A HEARING UNDER SECTION 6403(C).

28 SECTION 2.4. SECTION 6406(A) OF TITLE 42 IS AMENDED TO READ:
29 § 6406. DUTY OF DEPARTMENT OF PUBLIC WELFARE.

30 (A) GENERAL RULE.--THE DEPARTMENT SHALL HAVE THE DUTY TO

1 PROVIDE A SEPARATE, SECURE STATE-OWNED FACILITY OR UNIT UTILIZED
2 SOLELY FOR THE CONTROL, CARE AND TREATMENT OF PERSONS COMMITTED
3 PURSUANT TO THIS CHAPTER. THE DEPARTMENT SHALL BE RESPONSIBLE
4 FOR ALL COSTS RELATING TO THE CONTROL, CARE AND TREATMENT OF
5 PERSONS COMMITTED TO [CUSTODY] INVOLUNTARY TREATMENT PURSUANT TO
6 THIS CHAPTER.

7 * * *

8 SECTION 2.5. SECTION 6409 OF TITLE 42 IS AMENDED BY ADDING A
9 PARAGRAPH TO READ:

10 § 6409. IMMUNITY FOR GOOD FAITH CONDUCT.

11 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
12 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

13 * * *

14 (4) PROVIDERS OF INVOLUNTARY OUTPATIENT TREATMENT AND
15 THEIR AGENTS AND EMPLOYEES.

16 Section 3. Sections 9718.1(a) introductory paragraph and
17 (b) (2), 9718.2(a) and 9718.3(a) of Title 42 are amended to read:
18 § 9718.1. Sexual offender treatment.

19 (a) General rule.--A person, including an offender
20 designated as a "sexually violent predator" as defined in
21 section [9792] 9799.12 (relating to definitions), shall attend
22 and participate in a Department of Corrections program of
23 counseling or therapy designed for incarcerated sex offenders if
24 the person is incarcerated in a State institution for any of the
25 following provisions under 18 Pa.C.S. (relating to crimes and
26 offenses):

27 * * *

28 (b) Eligibility for parole.--For an offender required to
29 participate in the program under subsection (a), all of the
30 following apply:

1 * * *

2 (2) Notwithstanding paragraph (1)(iii), an offender who
3 is a sexually violent predator is subject to section [9799.4]
4 9799.31 (relating to counseling of sexually violent
5 predators).

6 * * *

7 § 9718.2. Sentences for sex offenders.

8 (a) Mandatory sentence.--

9 (1) Any person who is convicted in any court of this
10 Commonwealth of an offense [set forth in] subject to section
11 [9795.1(a) or (b)] 9799.13 (relating to registration) shall,
12 if at the time of the commission of the current offense the
13 person had previously been convicted of an offense [set forth
14 in] subject to section [9795.1(a) or (b)] 9799.13 or an
15 equivalent crime under the laws of this Commonwealth in
16 effect at the time of the commission of that offense or an
17 equivalent crime in another jurisdiction, be sentenced to a
18 minimum sentence of at least 25 years of total confinement,
19 notwithstanding any other provision of this title or other
20 statute to the contrary. Upon such conviction, the court
21 shall give the person oral and written notice of the
22 penalties under paragraph (2) for a third conviction. Failure
23 to provide such notice shall not render the offender
24 ineligible to be sentenced under paragraph (2).

25 (2) Where the person had at the time of the commission
26 of the current offense previously been convicted in separate
27 criminal actions of two or more offenses [arising from
28 separate criminal transactions set forth in section 9795.1(a)
29 or (b)] subject to section ~~9799.13~~ 9799.30 (RELATING TO
30 COUNSELING OF SEXUALLY VIOLENT PREDATORS) or equivalent



1 crimes under the laws of this Commonwealth in effect at the
2 time of the commission of the offense or equivalent crimes in
3 another jurisdiction, the person shall be sentenced to a term
4 of life imprisonment, notwithstanding any other provision of
5 this title or other statute to the contrary. Proof that the
6 offender received notice of or otherwise knew or should have
7 known of the penalties under this paragraph shall not be
8 required.

9 * * *

10 § 9718.3. Sentence for failure to comply with registration of
11 sexual offenders.

12 (a) Mandatory sentence.--Mandatory sentencing shall be as
13 follows:

14 (1) Sentencing upon conviction for a first offense shall
15 be as follows:

16 (i) Not less than two years for an individual who:

17 (A) was subject to:

18 (I) former section 9795.1(a) (relating to
19 registration);

20 (II) registration as a Class 1 sexual
21 offender or Class 2 sexual offender under Subch.

22 H (relating to registration of sexual offenders);

23 or

24 (III) a similar provision from another
25 jurisdiction; and

26 (B) violated 18 Pa.C.S. § 4915(a) (1) or (2)
27 (relating to failure to comply with registration of
28 sexual offenders requirements).

29 (ii) Not less than three years for an individual
30 who:

1 (A) was subject to:
2 (I) former section 9795.1(a) [(relating to
3 registration)];

4 (II) registration as a Class 1 sexual
5 offender or Class 2 sexual offender under Subch.
6 H; or

7 (III) a similar provision from another
8 jurisdiction; and

9 (B) violated 18 Pa.C.S. § 4915(a) (3).

10 (iii) Not less than three years for an individual
11 who:

12 (A) was subject to:

13 (I) former section 9795.1(b);

14 (II) registration as a Class 3 sexual
15 offender or sexually violent predator under
16 Subch. H; or

17 (III) a similar provision from another
18 jurisdiction; and

19 (B) violated 18 Pa.C.S. § 4915(a) (1) or (2).

20 (iv) Not less than five years for an individual who:

21 (A) was subject to:

22 (I) former section 9795.1(b);

23 (II) registration as a Class 3 sexual
24 offender or sexually violent predator under
25 Subch. H; or

26 (III) a similar provision from another
27 jurisdiction; and

28 (B) violated 18 Pa.C.S. § 4915(a) (3).

29 (2) Sentencing upon conviction for a second or
30 subsequent offense shall be as follows:

1 (i) Not less than five years for an individual who:

2 (A) was subject to:

3 (I) former section 9795.1;

4 (II) registration under Subch. H; or

5 (III) a similar provision from another
6 jurisdiction; and

7 (B) violated 18 Pa.C.S. § 4915(a) (1) or (2).

8 (ii) Not less than seven years for an individual

9 who:

10 (A) was subject to:

11 (I) section 9795.1;

12 (II) registration under Subch. H; or

13 (III) a similar provision from another
14 jurisdiction; and

15 (B) violated 18 Pa.C.S. § 4915(a) (3).

16 * * *

17 Section 4. Sections 9791, 9792, 9795.1, 9795.2, 9795.3,
18 9795.4, 9795.5, 9796, 9797, 9798, 9798.1, 9798.2, 9798.3, 9799,
19 9799.1, 9799.2, 9799.3, 9799.4, 9799.7, . 9799.8 and 9799.9 of
20 Title 42 are repealed:

21 [§ 9791. Legislative findings and declaration of policy.

22 (a) Legislative findings.--It is hereby determined and
23 declared as a matter of legislative finding:

24 (1) If the public is provided adequate notice and
25 information about sexually violent predators and certain
26 other offenders, the community can develop constructive plans
27 to prepare themselves and their children for the offender's
28 release. This allows communities to meet with law enforcement
29 to prepare and obtain information about the rights and
30 responsibilities of the community and to provide education

1 and counseling to their children.

2 (2) These sexually violent predators pose a high risk of
3 engaging in further offenses even after being released from
4 incarceration or commitments and that protection of the
5 public from this type of offender is a paramount governmental
6 interest.

7 (3) The penal and mental health components of our
8 justice system are largely hidden from public view and lack
9 of information from either may result in failure of both
10 systems to meet this paramount concern of public safety.

11 (4) Overly restrictive confidentiality and liability
12 laws governing the release of information about sexually
13 violent predators have reduced the willingness to release
14 information that could be appropriately released under the
15 public disclosure laws and have increased risks to public
16 safety.

17 (5) Persons found to have committed such an offense have
18 a reduced expectation of privacy because of the public's
19 interest in public safety and in the effective operation of
20 government.

21 (6) Release of information about sexually violent
22 predators to public agencies and the general public will
23 further the governmental interests of public safety and
24 public scrutiny of the criminal and mental health systems so
25 long as the information released is rationally related to the
26 furtherance of those goals.

27 (b) Declaration of policy.--It is hereby declared to be the
28 intention of the General Assembly to protect the safety and
29 general welfare of the people of this Commonwealth by providing
30 for registration and community notification regarding sexually

1 violent predators who are about to be released from custody and
2 will live in or near their neighborhood. It is further declared
3 to be the policy of this Commonwealth to require the exchange of
4 relevant information about sexually violent predators among
5 public agencies and officials and to authorize the release of
6 necessary and relevant information about sexually violent
7 predators to members of the general public as a means of
8 assuring public protection and shall not be construed as
9 punitive.

10 § 9792. Definitions.

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

14 "Active notification." Notification pursuant to section 9798
15 (relating to other notification) or any process whereby law
16 enforcement, pursuant to the laws of the United States or one of
17 its territories or possessions, another state, the District of
18 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
19 notifies persons in the community in which the individual
20 resides, including any person identified in section 9798(b), of
21 the residence, employment or school location of the individual.

22 "Approved registration site." A site in this Commonwealth
23 approved by the Pennsylvania State Police as required by section
24 9799.1(2) (relating to duties of Pennsylvania State Police):

25 (1) at which individuals subject to this subchapter may
26 register, verify information or be fingerprinted or
27 photographed as required by this subchapter;

28 (2) which is capable of submitting fingerprints
29 utilizing the Integrated Automated Fingerprint Identification
30 System or in another manner and in such form as the

1 Pennsylvania State Police shall require; and

2 (3) which is capable of submitting photographs utilizing
3 the Commonwealth Photo Imaging Network or in another manner
4 and in such form as the Pennsylvania State Police shall
5 require.

6 "Board." The State Sexual Offenders Assessment Board.

7 "Common interest community." Includes a cooperative, a
8 condominium and a planned community where an individual by
9 virtue of an ownership interest in any portion of real estate is
10 or may become obligated by covenant, easement or agreement
11 imposed upon the owner's interest to pay any amount for real
12 property taxes, insurance, maintenance, repair, improvement,
13 management, administration or regulation of any part of the real
14 estate other than the portion or interest owned solely by the
15 individual.

16 "Commonwealth Photo Imaging Network." The computer network
17 administered by the Commonwealth and used to record and store
18 digital photographs of an individual's face and any scars,
19 marks, tattoos or other unique features of the individual.

20 "Employed." Includes a vocation or employment that is full-
21 time or part-time for a period of time exceeding 14 days or for
22 an aggregate period of time exceeding 30 days during any
23 calendar year, whether financially compensated, volunteered,
24 pursuant to a contract or for the purpose of government or
25 educational benefit.

26 "Integrated Automated Fingerprint Identification System."
27 The national fingerprint and criminal history system maintained
28 by the Federal Bureau of Investigation providing automated
29 fingerprint search capabilities, latent searching capability,
30 electronic image storage and electronic exchange of fingerprints

1 and responses.

2 "Mental abnormality." A congenital or acquired condition of
3 a person that affects the emotional or volitional capacity of
4 the person in a manner that predisposes that person to the
5 commission of criminal sexual acts to a degree that makes the
6 person a menace to the health and safety of other persons.

7 "Minor." As used in section 9795.1 (relating to
8 registration), is any individual under the age of 18 unless the
9 age of the victim who is considered a minor is otherwise defined
10 in section 9795.1.

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

13 "Offender." An individual required to register under section
14 9795.1(a), (b) (1) or (2) (relating to registration).

15 "Passive notification." Notification pursuant to section
16 9798.1 (relating to information made available on the Internet)
17 or any process whereby persons, pursuant to the laws of the
18 United States or one of its territories or possessions, another
19 state, the District of Columbia, the Commonwealth of Puerto Rico
20 or a foreign nation, are able to access information pertaining
21 to an individual as a result of the individual having been
22 convicted or sentenced by a court for an offense similar to an
23 offense listed in section 9795.1 (relating to registration).

24 "Penetration." Includes any penetration, however slight, of
25 the genitals or anus or mouth of another person with a part of
26 the person's body or a foreign object for any purpose other than
27 good faith medical, hygienic or law enforcement procedures.

28 "Predatory." An act directed at a stranger or at a person
29 with whom a relationship has been initiated, established,
30 maintained or promoted, in whole or in part, in order to

1 facilitate or support victimization.

2 "Residence." A location where an individual resides or is
3 domiciled or intends to be domiciled for 30 consecutive days or
4 more during a calendar year.

5 "Sexually violent offense." Any criminal offense specified
6 in section 9795.1 (relating to registration).

7 "Sexually violent predator." A person who has been convicted
8 of a sexually violent offense as set forth in section 9795.1
9 (relating to registration) and who is determined to be a
10 sexually violent predator under section 9795.4 (relating to
11 assessments) due to a mental abnormality or personality disorder
12 that makes the person likely to engage in predatory sexually
13 violent offenses. The term includes an individual determined to
14 be a sexually violent predator where the determination occurred
15 in the United States or one of its territories or possessions,
16 another state, the District of Columbia, the Commonwealth of
17 Puerto Rico, a foreign nation or by court martial.

18 "Student." A person who is enrolled on a full-time or part-
19 time basis in any public or private educational institution,
20 including any secondary school, trade or professional
21 institution or institution of higher education.

22 § 9795.1. Registration.

23 (a) Ten-year registration.--The following individuals shall
24 be required to register with the Pennsylvania State Police for a
25 period of ten years:

26 (1) Individuals convicted of any of the following
27 offenses:

28 18 Pa.C.S. § 2901 (relating to kidnapping) where the
29 victim is a minor.

30 18 Pa.C.S. § 2910 (relating to luring a child into a

1 motor vehicle or structure).

2 18 Pa.C.S. § 3124.2 (relating to institutional sexual
3 assault).

4 18 Pa.C.S. § 3126 (relating to indecent assault)
5 where the offense is graded as a misdemeanor of the first
6 degree or higher.

7 18 Pa.C.S. § 4302 (relating to incest) where the
8 victim is 12 years of age or older but under 18 years of
9 age.

10 18 Pa.C.S. § 5902(b) (relating to prostitution and
11 related offenses) where the actor promotes the
12 prostitution of a minor.

13 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6) (relating to
14 obscene and other sexual materials and performances)
15 where the victim is a minor.

16 18 Pa.C.S. § 6312 (relating to sexual abuse of
17 children).

18 18 Pa.C.S. § 6318 (relating to unlawful contact with
19 minor).

20 18 Pa.C.S. § 6320 (relating to sexual exploitation of
21 children).

22 (2) Individuals convicted of an attempt, conspiracy or
23 solicitation to commit any of the offenses under paragraph
24 (1) or subsection (b) (2).

25 (3) Individuals currently residing in this Commonwealth
26 who have been convicted of offenses similar to the crimes
27 cited in paragraphs (1) and (2) under the laws of the United
28 States or one of its territories or possessions, another
29 state, the District of Columbia, the Commonwealth of Puerto
30 Rico or a foreign nation or under a former law of this

1 Commonwealth.

2 (b) Lifetime registration.--The following individuals shall
3 be subject to lifetime registration:

4 (1) An individual with two or more convictions of any of
5 the offenses set forth in subsection (a).

6 (2) Individuals convicted of any of the following
7 offenses:

8 18 Pa.C.S. § 3121 (relating to rape).

9 18 Pa.C.S. § 3123 (relating to involuntary deviate
10 sexual intercourse).

11 18 Pa.C.S. § 3124.1 (relating to sexual assault).

12 18 Pa.C.S. § 3125 (relating to aggravated indecent
13 assault).

14 18 Pa.C.S. § 4302 (relating to incest) when the
15 victim is under 12 years of age.

16 (3) Sexually violent predators.

17 (4) Individuals currently residing in this Commonwealth
18 who have been convicted of offenses similar to the crimes
19 cited in paragraph (2) under the laws of the United States or
20 one of its territories or possessions, another state, the
21 District of Columbia, the Commonwealth of Puerto Rico or a
22 foreign nation or under a former law of this Commonwealth.

23 (c) Natural disaster.--The occurrence of a natural disaster
24 or other event requiring evacuation of residences shall not
25 relieve an individual of the duty to register or any other duty
26 imposed by this chapter.

27 § 9795.2. Registration procedures and applicability.

28 (a) Registration.--

29 (1) Offenders and sexually violent predators shall be
30 required to register with the Pennsylvania State Police upon

1 release from incarceration, upon parole from a State or
2 county correctional institution or upon the commencement of a
3 sentence of intermediate punishment or probation. For
4 purposes of registration, offenders and sexually violent
5 predators shall provide the Pennsylvania State Police with
6 all current or intended residences, all information
7 concerning current or intended employment and all information
8 concerning current or intended enrollment as a student.

9 (2) Offenders and sexually violent predators shall
10 inform the Pennsylvania State Police within 48 hours of:

11 (i) Any change of residence or establishment of an
12 additional residence or residences.

13 (ii) Any change of employer or employment location
14 for a period of time that will exceed 14 days or for an
15 aggregate period of time that will exceed 30 days during
16 any calendar year, or termination of employment.

17 (iii) Any change of institution or location at which
18 the person is enrolled as a student, or termination of
19 enrollment.

20 (iv) Becoming employed or enrolled as a student if
21 the person has not previously provided that information
22 to the Pennsylvania State Police.

23 (2.1) Registration with a new law enforcement agency
24 shall occur no later than 48 hours after establishing
25 residence in another state.

26 (3) The ten-year registration period required in section
27 9795.1(a) (relating to registration) shall be tolled when an
28 offender is recommitted for a parole violation or sentenced
29 to an additional term of imprisonment. In such cases, the
30 Department of Corrections or county correctional facility

1 shall notify the Pennsylvania State Police of the admission
2 of the offender.

3 (4) This paragraph shall apply to all offenders and
4 sexually violent predators:

5 (i) Where the offender or sexually violent predator
6 was granted parole by the Pennsylvania Board of Probation
7 and Parole or the court or is sentenced to probation or
8 intermediate punishment, the board or county office of
9 probation and parole shall collect registration
10 information from the offender or sexually violent
11 predator and forward that registration information to the
12 Pennsylvania State Police. The Department of Corrections
13 or county correctional facility shall not release the
14 offender or sexually violent predator until it receives
15 verification from the Pennsylvania State Police that it
16 has received the registration information. Verification
17 by the Pennsylvania State Police may occur by electronic
18 means, including e-mail or facsimile transmission. Where
19 the offender or sexually violent predator is scheduled to
20 be released from a State correctional facility or county
21 correctional facility because of the expiration of the
22 maximum term of incarceration, the Department of
23 Corrections or county correctional facility shall collect
24 the information from the offender or sexually violent
25 predator no later than ten days prior to the maximum
26 expiration date. The registration information shall be
27 forwarded to the Pennsylvania State Police.

28 (ii) Where the offender or sexually violent predator
29 scheduled to be released from a State correctional
30 facility or county correctional facility due to the

1 maximum expiration date refuses to provide the
2 registration information, the Department of Corrections
3 or county correctional facility shall notify the
4 Pennsylvania State Police or police department with
5 jurisdiction over the facility of the failure to provide
6 registration information and of the expected date, time
7 and location of the release of the offender or sexually
8 violent predator.

9 (b) Individuals convicted or sentenced by a court or
10 adjudicated delinquent in jurisdictions outside this
11 Commonwealth or sentenced by court martial.--

12 (4) An individual who resides, is employed or is a
13 student in this Commonwealth and who has been convicted of or
14 sentenced by a court or court martial for a sexually
15 violent offense or a similar offense under the laws of the
16 United States or one of its territories or possessions,
17 another state, the District of Columbia, the Commonwealth of
18 Puerto Rico or a foreign nation, or who was required to
19 register under a sexual offender statute in the jurisdiction
20 where convicted, sentenced or court martial, shall register
21 at an approved registration site within 48 hours of the
22 individual's arrival in this Commonwealth. The provisions of
23 this subchapter shall apply to the individual as follows:

24 (i) If the individual has been classified as a
25 sexually violent predator as defined in section 9792
26 (relating to definitions) or determined under the laws of
27 the other jurisdiction or by reason of court martial to
28 be subject to active notification and lifetime
29 registration on the basis of a statutorily authorized
30 administrative or judicial decision or on the basis of a

1 statute or administrative rule requiring active
2 notification and lifetime registration based solely on
3 the offense for which the individual was convicted,
4 sentenced or court martialled, the individual shall,
5 notwithstanding section 9792, be considered a sexually
6 violent predator and subject to lifetime registration
7 pursuant to section 9795.1(b) (relating to registration).
8 The individual shall also be subject to the provisions of
9 this section and sections 9796 (relating to verification
10 of residence), 9798 (relating to other notification) and
11 9798.1(c) (1) (relating to information made available on
12 the Internet), except that the individual shall not be
13 required to receive counseling unless required to do so
14 by the other jurisdiction or by reason of court martial.

15 (ii) Except as provided in subparagraphs (i) and
16 (iv), if the individual has been convicted or sentenced
17 by a court or court martialled for an offense listed in
18 section 9795.1(b) or an equivalent offense, the
19 individual shall, notwithstanding section 9792, be
20 considered an offender and be subject to lifetime
21 registration pursuant to 9795.1(b). The individual shall
22 also be subject to the provisions of this section and
23 sections 9796 and 9798.1(c) (2).

24 (iii) Except as provided in subparagraphs (i), (ii),
25 (iv) and (v), if the individual has been convicted or
26 sentenced by a court or court martialled for an offense
27 listed in section 9795.1(a) or an equivalent offense, the
28 individual shall be, notwithstanding section 9792,
29 considered an offender and subject to registration
30 pursuant to this subchapter. The individual shall also be

1 subject to the provisions of this section and sections
2 9796 and 9798.1(c)(2). The individual shall be subject to
3 this subchapter for a period of ten years or for a period
4 of time equal to the time for which the individual was
5 required to register in the other jurisdiction or
6 required to register by reason of court martial,
7 whichever is greater, less any credit due to the
8 individual as a result of prior compliance with
9 registration requirements.

10 (iv) Except as provided in subparagraph (i) and
11 notwithstanding subparagraph (v), if the individual is
12 subject to active notification in the other jurisdiction
13 or subject to active notification by reason of court
14 martial, the individual shall, notwithstanding section
15 9792, be considered an offender and subject to this
16 section and sections 9796, 9798 and 9798.1(c)(1). If the
17 individual was convicted of or sentenced in the other
18 jurisdiction or sentenced by court martial for an offense
19 listed in section 9795.1(b) or an equivalent offense, the
20 individual shall be subject to this subchapter for the
21 individual's lifetime. If the individual was convicted of
22 or sentenced in the other jurisdiction or sentenced by
23 court martial for an offense listed in section 9795.1(a)
24 or an equivalent offense, the individual shall be subject
25 to this subchapter for a period of ten years or for a
26 period of time equal to the time for which the individual
27 was required to register in the other jurisdiction or
28 required to register by reason of court martial,
29 whichever is greater, less any credit due to the
30 individual as a result of prior compliance with

1 registration requirements. Otherwise, the individual
2 shall be subject to this subchapter for a period of time
3 equal to the time for which the individual was required
4 to register in the other jurisdiction or required to
5 register by reason of court martial, less any credit due
6 to the individual as a result of prior compliance with
7 registration requirements.

8 (v) Except as provided in subparagraphs (i), (ii),
9 (iii) and (iv), if the individual is subject to passive
10 notification in the other jurisdiction or subject to
11 passive notification by reason of court martial, the
12 individual shall, notwithstanding section 9792, be
13 considered an offender and subject to this section and
14 sections 9796 and 9798.1(c)(2). The individual shall be
15 subject to this subchapter for a period of time equal to
16 the time for which the individual was required to
17 register in the other jurisdiction or required to
18 register by reason of court martial, less any credit due
19 to the individual as a result of prior compliance with
20 registration requirements.

21 (5) Notwithstanding the provisions of Chapter 63
22 (relating to juvenile matters) and except as provided in
23 paragraph (4), an individual who resides, is employed or is a
24 student in this Commonwealth and who is required to register
25 as a sex offender under the laws of the United States or one
26 of its territories or possessions, another state, the
27 District of Columbia, the Commonwealth of Puerto Rico or a
28 foreign nation as a result of a juvenile adjudication shall
29 register at an approved registration site within 48 hours of
30 the individual's arrival in this Commonwealth. The provisions

1 of this subchapter shall apply to the individual as follows:

2 (i) If the individual has been classified as a
3 sexually violent predator as defined in section 9792 or
4 determined under the laws of the other jurisdiction to be
5 subject to active notification and lifetime registration
6 on the basis of a statutorily authorized administrative
7 or judicial decision or on the basis of a statute or
8 administrative rule requiring active notification and
9 lifetime registration based solely on the offense for
10 which the individual was adjudicated, the individual
11 shall, notwithstanding section 9792, be considered a
12 sexually violent predator and subject to lifetime
13 registration pursuant to section 9795.1(b). The
14 individual shall also be subject to the provisions of
15 this section and sections 9796 and 9798.1(c)(1), except
16 that the individual shall not be required to receive
17 counseling unless required to do so by the other
18 jurisdiction.

19 (ii) Except as provided in subparagraph (i), if the
20 individual is subject to active notification in the other
21 jurisdiction, the individual shall, notwithstanding
22 section 9792, be considered an offender and subject to
23 registration pursuant to this subchapter. The individual
24 shall also be subject to the provisions of this section
25 and sections 9796, 9798 and 9798.1(c)(1). The individual
26 shall be subject to this subchapter for a period of time
27 equal to the time for which the individual was required
28 to register in the other jurisdiction, less any credit
29 due to the individual as a result of prior compliance
30 with registration requirements.

1 (iii) Except as provided in subparagraphs (i) and
2 (ii), if the individual is subject to passive
3 notification in the other jurisdiction, the individual
4 shall, notwithstanding section 9792, be considered an
5 offender and be subject to this section and sections 9796
6 and 9798.1(c)(2). The individual shall be subject to this
7 subchapter for a period of time equal to the time for
8 which the individual was required to register in the
9 other jurisdiction, less any credit due to the individual
10 as a result of prior registration compliance.

11 (c) Registration information to local police.--

12 (1) The Pennsylvania State Police shall provide the
13 information obtained under this section and sections 9795.3
14 (relating to sentencing court information) and 9796 (relating
15 to verification of residence) to the chief law enforcement
16 officers of the police departments of the municipalities in
17 which the individual will reside, be employed or enrolled as
18 a student. In addition, the Pennsylvania State Police shall
19 provide this officer with the address at which the individual
20 will reside, be employed or enrolled as a student following
21 his release from incarceration, parole or probation.

22 (2) The Pennsylvania State Police shall provide notice
23 to the chief law enforcement officers of the police
24 departments of the municipalities notified pursuant to
25 paragraph (1) when an individual fails to comply with the
26 registration requirements of this section or section 9796 and
27 request, as appropriate, that these police departments assist
28 in locating and apprehending the individual.

29 (3) The Pennsylvania State Police shall provide notice
30 to the chief law enforcement officers of the police

1 departments of the municipalities notified pursuant to
2 paragraph (1) when they are in receipt of information
3 indicating that the individual will no longer reside, be
4 employed or be enrolled as a student in the municipality.

5 (d) Penalty.--An individual subject to registration under
6 section 9795.1(a) or (b) who fails to register with the
7 Pennsylvania State Police as required by this section may be
8 subject to prosecution under 18 Pa.C.S. § 4915 (relating to
9 failure to comply with registration of sexual offenders
10 requirements).

11 (e) Registration sites.--An individual subject to section
12 9795.1 shall register and submit to fingerprinting and
13 photographing as required by this subchapter at approved
14 registration sites.

15 § 9795.3. Sentencing court information.

16 The sentencing court shall inform offenders and sexually
17 violent predators at the time of sentencing of the provisions of
18 this subchapter. The court shall:

19 (1) Specifically inform the offender or sexually violent
20 predator of the duty to register and provide the information
21 required for each registration, including verification as
22 required in section 9796(a) (relating to verification of
23 residence).

24 (2) Specifically inform the offender or sexually violent
25 predator of the duty to inform the Pennsylvania State Police
26 within ten days if the offender or sexually violent predator
27 changes residence or establishes an additional residence or
28 residences, changes employer or employment location for a
29 period of time that will exceed 14 days or for an aggregate
30 period of time that will exceed 30 days during any calendar

1 year or terminates employment or changes institution or
2 location at which the person is enrolled as a student or
3 terminates enrollment.

4 (2.1) Specifically inform the offender or sexually
5 violent predator of the duty to inform the Pennsylvania State
6 Police within ten days of becoming employed or enrolled as a
7 student if the person has not previously provided that
8 information to the Pennsylvania State Police.

9 (3) Specifically inform the offender or sexually violent
10 predator of the duty to register with a new law enforcement
11 agency if the offender or sexually violent predator moves to
12 another state no later than ten days after establishing
13 residence in another state.

14 (4) Order the fingerprints and photograph of the
15 offender or sexually violent predator to be provided to the
16 Pennsylvania State Police upon sentencing.

17 (5) Specifically inform the offender or sexually violent
18 predator of the duty to register with the appropriate
19 authorities in any state in which the offender or sexually
20 violent predator is employed, carries on a vocation or is a
21 student if the state requires such registration.

22 (6) Require the offender or sexually violent predator to
23 read and sign a form stating that the duty to register under
24 this subchapter has been explained. Where the offender or
25 sexually violent predator is incapable of reading, the court
26 shall certify the duty to register was explained to the
27 offender or sexually violent predator and the offender or
28 sexually violent predator indicated an understanding of the
29 duty.

30 § 9795.4. Assessments.

1 (a) Order for assessment.--After conviction but before
2 sentencing, a court shall order an individual convicted of an
3 offense specified in section 9795.1 (relating to registration)
4 to be assessed by the board. The order for an assessment shall
5 be sent to the administrative officer of the board within ten
6 days of the date of conviction.

7 (b) Assessment.--Upon receipt from the court of an order for
8 an assessment, a member of the board as designated by the
9 administrative officer of the board shall conduct an assessment
10 of the individual to determine if the individual should be
11 classified as a sexually violent predator. The board shall
12 establish standards for evaluations and for evaluators
13 conducting the assessments. An assessment shall include, but not
14 be limited to, an examination of the following:

15 (1) Facts of the current offense, including:

16 (i) Whether the offense involved multiple victims.

17 (ii) Whether the individual exceeded the means
18 necessary to achieve the offense.

19 (iii) The nature of the sexual contact with the
20 victim.

21 (iv) Relationship of the individual to the victim.

22 (v) Age of the victim.

23 (vi) Whether the offense included a display of
24 unusual cruelty by the individual during the commission
25 of the crime.

26 (vii) The mental capacity of the victim.

27 (2) Prior offense history, including:

28 (i) The individual's prior criminal record.

29 (ii) Whether the individual completed any prior
30 sentences.

1 (iii) Whether the individual participated in
2 available programs for sexual offenders.

3 (3) Characteristics of the individual, including:

4 (i) Age of the individual.

5 (ii) Use of illegal drugs by the individual.

6 (iii) Any mental illness, mental disability or
7 mental abnormality.

8 (iv) Behavioral characteristics that contribute to
9 the individual's conduct.

10 (4) Factors that are supported in a sexual offender
11 assessment field as criteria reasonably related to the risk
12 of reoffense.

13 (c) Release of information.--All State, county and local
14 agencies, offices or entities in this Commonwealth, including
15 juvenile probation officers, shall cooperate by providing copies
16 of records and information as requested by the board in
17 connection with the court-ordered assessment and the assessment
18 requested by the Pennsylvania Board of Probation and Parole or
19 the assessment of a delinquent child under section 6358
20 (relating to assessment of delinquent children by the State
21 Sexual Offenders Assessment Board).

22 (d) Submission of report by board.--The board shall have 90
23 days from the date of conviction of the individual to submit a
24 written report containing its assessment to the district
25 attorney.

26 (d.1) Summary of offense.--The board shall prepare a
27 description of the offense or offenses which trigger the
28 application of this subchapter to include, but not be limited
29 to:

30 (1) A concise narrative of the offender's conduct.

1 (2) Whether the victim was a minor.

2 (3) The manner of weapon or physical force used or
3 threatened.

4 (4) If the offense involved unauthorized entry into a
5 room or vehicle occupied by the victim.

6 (5) If the offense was part of a course or pattern of
7 conduct involving multiple incidents or victims.

8 (6) Previous instances in which the offender was
9 determined guilty of an offense subject to this subchapter or
10 of a crime of violence as defined in section 9714(g)
11 (relating to sentences for second and subsequent offenses).

12 (e) Hearing.--

13 (1) A hearing to determine whether the individual is a
14 sexually violent predator shall be scheduled upon the
15 praecipe filed by the district attorney. The district
16 attorney upon filing a praecipe shall serve a copy of same
17 upon defense counsel together with a copy of the report of
18 the board.

19 (2) The individual and district attorney shall be given
20 notice of the hearing and an opportunity to be heard, the
21 right to call witnesses, the right to call expert witnesses
22 and the right to cross-examine witnesses. In addition, the
23 individual shall have the right to counsel and to have a
24 lawyer appointed to represent him if he cannot afford one. If
25 the individual requests another expert assessment, the
26 individual shall provide a copy of the expert assessment to
27 the district attorney prior to the hearing.

28 (3) At the hearing prior to sentencing, the court shall
29 determine whether the Commonwealth has proved by clear and
30 convincing evidence that the individual is a sexually violent

1 predator.

2 (4) A copy of the order containing the determination of
3 the court shall be immediately submitted to the individual,
4 the district attorney, the Pennsylvania Board of Probation
5 and Parole, the Department of Corrections, the board and the
6 Pennsylvania State Police.

7 (f) Presentence investigation.--In all cases where the board
8 has performed an assessment pursuant to this section, copies of
9 the report shall be provided to the agency preparing the
10 presentence investigation.

11 (g) Parole assessment.--The Pennsylvania Board of Probation
12 and Parole may request of the board an assessment of an offender
13 or sexually violent predator be conducted and provide a report
14 to the Pennsylvania Board of Probation and Parole prior to
15 considering an offender or sexually violent predator for parole.

16 (h) Delinquent children.--Except where section 6358(b.1)
17 (relating to assessment of delinquent children by the State
18 Sexual Offenders Assessment Board) is applicable, the probation
19 officer shall notify the board 90 days prior to the 20th
20 birthday of the child of the status of the delinquent child who
21 is committed to an institution or other facility pursuant to
22 section 6352 (relating to disposition of delinquent child) after
23 having been found delinquent for an act of sexual violence which
24 if committed by an adult would be a violation of 18 Pa.C.S. §
25 3121 (relating to rape), 3123 (relating to involuntary deviate
26 sexual intercourse), 3124.1 (relating to sexual assault), 3125
27 (relating to aggravated indecent assault), 3126 (relating to
28 indecent assault) or 4302 (relating to incest), together with
29 the location of the facility where the child is committed. The
30 board shall conduct an assessment of the child, which shall

1 include the board's determination of whether or not the child is
2 in need of commitment due to a mental abnormality as defined in
3 section 6402 (relating to definitions) or a personality
4 disorder, either of which results in serious difficulty in
5 controlling sexually violent behavior, and provide a report to
6 the court within the time frames set forth in section 6358(c).
7 The probation officer shall assist the board in obtaining access
8 to the child and any records or information as requested by the
9 board in connection with the assessment. The assessment shall be
10 conducted pursuant to subsection (b).

11 (i) Other assessments.--Upon receipt from the court of an
12 order for an assessment under section 9795.5 (relating to
13 exemption from certain notification), a member of the board as
14 designated by the administrative officer of the board shall
15 conduct an assessment of the individual to determine if the
16 relief sought, if granted, is likely to pose a threat to the
17 safety of any other person. The board shall establish standards
18 for evaluations and for evaluators conducting these assessments.

19 § 9795.5. Exemption from certain notifications.

20 (a) Lifetime registrants not classified as sexually violent
21 predators.--

22 (1) An individual required to register under section
23 9795.1 (relating to registration) who is not a sexually
24 violent predator may petition the sentencing court to be
25 exempt from the application of section 9798.1 (relating to
26 information made available on the Internet) provided no less
27 than 20 years have passed since the individual has been
28 convicted in this or any other jurisdiction of any offense
29 punishable by imprisonment for more than one year, or the
30 individual's release from custody following the individual's

1 most recent conviction for any such offense, whichever is
2 later.

3 (2) Upon receipt of a petition filed under paragraph
4 (1), the sentencing court shall enter an order directing that
5 the petitioner be assessed by the board in accordance with
6 the provisions of section 9795.4(i) (relating to
7 assessments). The order for an assessment under this
8 subsection shall be sent to the administrative officer of the
9 board within ten days of its entry. No later than 90 days
10 following receipt of such an order, the board shall submit a
11 written report containing its assessment to the sentencing
12 court, the district attorney and the attorney for the
13 petitioner.

14 (3) Within 120 days of the filing of a petition under
15 paragraph (1), the sentencing court shall hold a hearing to
16 determine whether to exempt the petitioner from the
17 application of section 9798.1. The petitioner and the
18 district attorney shall be given notice of the hearing and an
19 opportunity to be heard, the right to call witnesses, the
20 right to call expert witnesses and the right to cross-examine
21 witnesses. The petitioner shall have the right to counsel and
22 to have a lawyer appointed to represent him if he cannot
23 afford one.

24 (4) The sentencing court shall exempt the petitioner
25 from application of section 9798.1 only upon finding by clear
26 and convincing evidence that exempting the petitioner from
27 the application of section 9798.1 is not likely to pose a
28 threat to the safety of any other person.

29 (b) Sexually violent predators.--

30 (1) An individual required to register under section

1 9795.1 who is a sexually violent predator may petition the
2 sentencing court for release from the application of section
3 9798 (relating to other notification) provided no less than
4 20 years have passed since the individual has been convicted
5 in this or any other jurisdiction of any offense punishable
6 by imprisonment for more than one year, or the individual's
7 release from custody following the individual's most recent
8 conviction for any such offense, whichever is later.

9 (2) Upon receipt of a petition under paragraph (1), the
10 sentencing court shall order the petitioner to be assessed by
11 the board in accordance with the provisions of section
12 9795.4(i). The order for an assessment pursuant to this
13 subsection shall be sent to the administrative officer of the
14 board within ten days of its entry. No later than 90 days
15 following receipt of such an order, the board shall submit a
16 written report containing its assessment to the sentencing
17 court, the district attorney and the attorney for the
18 petitioner.

19 (3) Within 120 days of the filing of a petition under
20 paragraph (1), the sentencing court shall hold a hearing to
21 determine whether to exempt the petitioner from application
22 of section 9798. The petitioner and the district attorney
23 shall be given notice of the hearing and an opportunity to be
24 heard, the right to call witnesses, the right to call expert
25 witnesses and the right to cross-examine witnesses. The
26 petitioner shall have the right to counsel and to have a
27 lawyer appointed to represent him if he cannot afford one.

28 (4) The sentencing court shall exempt the petitioner
29 from application of section 9798 only upon clear and
30 convincing evidence that releasing the petitioner from

1 application of section 9798 is not likely to pose a threat to
2 the safety of any other person.

3 (c) Notice.--Any court granting relief to a petitioner under
4 this section shall notify the Pennsylvania State Police in
5 writing within ten days from the date such relief is granted.

6 (d) Right to appeal.--The petitioner and the Commonwealth
7 shall have the right to appellate review of the actions of the
8 sentencing court taken under this section. An appeal by the
9 Commonwealth shall stay the order of the sentencing court.

10 (e) Subsequent conviction for failing to comply.--If an
11 individual is exempt from the application of either section 9798
12 or 9798.1 under this section and the individual is subsequently
13 convicted of an offense under 18 Pa.C.S. § 4915 (relating to
14 failure to comply with registration of sexual offenders
15 requirements), any relief granted under this section shall be
16 void, and the individual shall automatically and immediately
17 again be subject to all applicable provisions of this
18 subchapter, as previously determined by this subchapter.

19 § 9796. Verification of residence.

20 (a) Quarterly verification by sexually violent predators.--
21 The Pennsylvania State Police shall verify the residence and
22 compliance with counseling as provided for in section 9799.4
23 (relating to counseling of sexually violent predators) of
24 sexually violent predators every 90 days through the use of a
25 nonforwardable verification form to the last reported residence.
26 For the period of registration required by section 9795.1
27 (relating to registration), a sexually violent predator shall
28 appear quarterly between January 5 and January 15, April 5 and
29 April 15, July 5 and July 15 and October 5 and October 15 of
30 each calendar year at an approved registration site to complete

1 a verification form and to be photographed.

2 (a.1) Facilitation of quarterly verification.--The
3 Pennsylvania State Police shall facilitate and administer the
4 verification process required by subsection (a) by:

5 (1) sending a notice by first class United States mail
6 to all registered sexually violent predators at their last
7 reported residence addresses. This notice shall be sent not
8 more than 30 days nor less than 15 days prior to each of the
9 quarterly verification periods set forth in subsection (a)
10 and shall remind sexually violent predators of their
11 quarterly verification requirement and provide them with a
12 list of approved registration sites; and

13 (2) providing verification and compliance forms as
14 necessary to each approved registration site not less than
15 ten days before each of the quarterly verification periods.

16 (b) Annual verification by offenders.--The Pennsylvania
17 State Police shall verify the residence of offenders. For the
18 period of registration required by section 9795.1, an offender
19 shall appear within ten days before each annual anniversary date
20 of the offender's initial registration under section 9795.1 at
21 an approved registration site to complete a verification form
22 and to be photographed.

23 (b.1) Facilitation of annual verification.--The Pennsylvania
24 State Police shall facilitate and administer the verification
25 process required by subsection (b) by:

26 (1) sending a notice by first class United States mail
27 to all registered offenders at their last reported residence
28 addresses. This notice shall be sent not more than 30 days
29 nor less than 15 days prior to each offender's annual
30 anniversary date and shall remind the offender of the annual

1 verification requirement and provide the offender with a list
2 of approved registration sites; and

3 (2) providing verification and compliance forms as
4 necessary to each approved registration site.

5 (c) Notification of law enforcement agencies of change of
6 residence.--A change of residence of an offender or sexually
7 violent predator required to register under this subchapter
8 reported to the Pennsylvania State Police shall be immediately
9 reported by the Pennsylvania State Police to the appropriate law
10 enforcement agency having jurisdiction of the offender's or the
11 sexually violent predator's new place of residence. The
12 Pennsylvania State Police shall, if the offender or sexually
13 violent predator changes residence to another state, notify the
14 law enforcement agency with which the offender or sexually
15 violent predator must register in the new state.

16 (d) Failure to provide verification.--Where an offender or
17 sexually violent predator fails to provide verification of
18 residence within the ten-day period as set forth in this
19 section, the Pennsylvania State Police shall immediately notify
20 the municipal police department of the offender's or the
21 sexually violent predator's last verified residence. The local
22 municipal police shall locate the offender or sexually violent
23 predator and arrest him for violating this section. The
24 Pennsylvania State Police shall assume responsibility for
25 locating the offender or sexually violent predator and arresting
26 him in jurisdictions where no municipal police jurisdiction
27 exists. The Pennsylvania State Police shall assist any municipal
28 police department requesting assistance with locating and
29 arresting an offender or sexually violent predator who fails to
30 verify his residence.

1 (e) Penalty.--An individual subject to registration under
2 section 9795.1(a) or (b) who fails to verify his residence or to
3 be photographed as required by this section may be subject to
4 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
5 comply with registration of sexual offenders requirements).

6 (f) Effect of notice.--Neither failure on the part of the
7 Pennsylvania State Police to send nor failure of a sexually
8 violent predator or offender to receive any notice or
9 information under subsection (a.1) or (b.1) shall relieve that
10 predator or offender from the requirements of this subchapter.
11 § 9797. Victim notification.

12 (a) Duty to inform victim.--

13 (1) Where the individual is determined to be a sexually
14 violent predator by a court under section 9795.4 (relating to
15 assessments), the local municipal police department or the
16 Pennsylvania State Police where no municipal police
17 jurisdiction exists shall give written notice to the sexually
18 violent predator's victim when the sexually violent predator
19 registers initially and when he notifies the Pennsylvania
20 State Police of any change of residence. This notice shall be
21 given within 72 hours after the sexually violent predator
22 registers or notifies the Pennsylvania State Police of a
23 change of address. The notice shall contain the sexually
24 violent predator's name and the address or addresses where he
25 resides.

26 (2) A victim may terminate the duty to inform set forth
27 in paragraph (1) by providing the local municipal police
28 department or the Pennsylvania State Police where no local
29 municipal police department exists with a written statement
30 releasing that agency from the duty to comply with this

1 section as it pertains to that victim.

2 (b) Where an individual is not determined to be a sexually
3 violent predator.--Where an individual is not determined to be a
4 sexually violent predator by a court under section 9795.4, the
5 victim shall be notified in accordance with section 201 of the
6 act of November 24, 1998 (P.L.882, No.111), known as the Crime
7 Victims Act.

8 § 9798. Other notification.

9 (a) Notice by municipality's chief law enforcement
10 officer.--Notwithstanding any of the provisions of 18 Pa.C.S.
11 Ch. 91 (relating to criminal history record information), the
12 chief law enforcement officer of the full-time or part-time
13 police department of the municipality where a sexually violent
14 predator lives shall be responsible for providing written notice
15 as required under this section.

16 (1) The notice shall contain:

17 (i) The name of the convicted sexually violent
18 predator.

19 (ii) The address or addresses at which he resides.

20 (iii) The offense for which he was convicted,
21 sentenced by a court, adjudicated delinquent or
22 courtmartialed.

23 (iv) A statement that he has been determined by
24 court order to be a sexually violent predator, which
25 determination has or has not been terminated as of a date
26 certain.

27 (v) A photograph of the sexually violent predator,
28 if available.

29 (2) The notice shall not include any information that
30 might reveal the victim's name, identity and residence.

1 (b) To whom written notice is provided.--The chief law
2 enforcement officer shall provide written notice, under
3 subsection (a), to the following persons:

4 (1) Neighbors of the sexually violent predator. As used
5 in this paragraph, where the sexually violent predator lives
6 in a common interest community, the term "neighbor" includes
7 the unit owners' association and residents of the common
8 interest community.

9 (2) The director of the county children and youth
10 service agency of the county where the sexually violent
11 predator resides.

12 (3) The superintendent of each school district and the
13 equivalent official for private and parochial schools
14 enrolling students up through grade 12 in the municipality
15 where the sexually violent predator resides.

16 (3.1) The superintendent of each school district and the
17 equivalent official for each private and parochial school
18 located within a one-mile radius of where the sexually
19 violent predator resides.

20 (4) The licensee of each certified day care center and
21 licensed preschool program and owner/operator of each
22 registered family day care home in the municipality where the
23 sexually violent predator resides.

24 (5) The president of each college, university and
25 community college located within 1,000 feet of a sexually
26 violent predator's residence.

27 (c) Urgency of notification.--The municipal police
28 department's chief law enforcement officer shall provide notice
29 within the following time frames:

30 (1) To neighbors, notice shall be provided within five

1 days after information of the sexually violent predator's
2 release date and residence has been received by the chief law
3 enforcement officer. Notwithstanding the provisions of
4 subsections (a) and (b), verbal notification may be used if
5 written notification would delay meeting this time
6 requirement.

7 (2) To the persons specified in subsection (b) (2), (3),
8 (4) and (5), notice shall be provided within seven days after
9 the chief law enforcement officer receives information
10 regarding the sexually violent predator's release date and
11 residence.

12 (d) Public notice.--All information provided in accordance
13 with subsection (a) shall be available, upon request, to the
14 general public. The information may be provided by electronic
15 means.

16 (e) Interstate transfers.--The duties of police departments
17 under this section shall also apply to individuals who are
18 transferred to this Commonwealth pursuant to the Interstate
19 Compact for the Supervision of Adult Offenders or the Interstate
20 Compact for Juveniles.

21 § 9798.1. Information made available on the Internet.

22 (a) Legislative findings.--It is hereby declared to be the
23 finding of the General Assembly that public safety will be
24 enhanced by making information about sexually violent predators,
25 lifetime registrants and other sex offenders available to the
26 public through the Internet. Knowledge of whether a person is a
27 sexually violent predator, lifetime registrant or other sex
28 offender could be a significant factor in protecting oneself and
29 one's family members, or those in care of a group or community
30 organization, from recidivist acts by sexually violent

1 predators, lifetime registrants and other sex offenders. The
2 technology afforded by the Internet would make this information
3 readily accessible to parents and private entities, enabling
4 them to undertake appropriate remedial precautions to prevent or
5 avoid placing potential victims at risk. Public access to
6 information about sexually violent predators, lifetime
7 registrants and other sex offenders is intended solely as a
8 means of public protection and shall not be construed as
9 punitive.

10 (b) Internet posting of sexually violent predators, lifetime
11 registrants and other offenders.--The Commissioner of the
12 Pennsylvania State Police shall, in the manner and form directed
13 by the Governor:

14 (1) Develop and maintain a system for making the
15 information described in subsection (c) publicly available by
16 electronic means so that the public may, without limitation,
17 obtain access to the information via an Internet website to
18 view an individual record or the records of all sexually
19 violent predators, lifetime registrants and other offenders
20 who are registered with the Pennsylvania State Police.

21 (2) Ensure that the Internet website contains warnings
22 that any person who uses the information contained therein to
23 threaten, intimidate or harass another or who otherwise
24 misuses that information may be criminally prosecuted.

25 (3) Ensure that the Internet website contains an
26 explanation of its limitations, including statements advising
27 that a positive identification of a sexually violent
28 predator, lifetime registrant or other offender whose record
29 has been made available may be confirmed only by
30 fingerprints; that some information contained on the Internet

1 website may be outdated or inaccurate; and that the Internet
2 website is not a comprehensive listing of every person who
3 has ever committed a sex offense in Pennsylvania.

4 (4) Strive to ensure that:

5 (i) the information contained on the Internet
6 website is accurate;

7 (ii) the data therein is revised and updated as
8 appropriate in a timely and efficient manner; and

9 (iii) instructions are included on how to seek
10 correction of information which a person contends is
11 erroneous.

12 (5) Provide on the Internet website general information
13 designed to inform and educate the public about sex offenders
14 and sexually violent predators and the operation of this
15 subchapter as well as pertinent and appropriate information
16 concerning crime prevention and personal safety, with
17 appropriate links to other relevant Internet websites
18 operated by the Commonwealth of Pennsylvania.

19 (6) Identify when the victim is a minor with a special
20 designation. The identity of a victim of a sex offense shall
21 not be published or posted on the Internet website.

22 (c) Information permitted to be disclosed regarding
23 individuals.--Notwithstanding 18 Pa.C.S. Ch. 91 (relating to
24 criminal history record information), the Internet website shall
25 contain the following information on each individual:

26 (1) For sexually violent predators, the following
27 information shall be posted on the Internet website:

28 (i) name and all known aliases;

29 (ii) year of birth;

30 (iii) the street address, municipality, county and

1 zip code of all residences, including, where applicable,
2 the name of the prison or other place of confinement;

3 (iv) the street address, municipality, county, zip
4 code and name of any institution or location at which the
5 person is enrolled as a student;

6 (v) the municipality, county and zip code of any
7 employment location;

8 (vi) a photograph of the offender, which shall be
9 updated not less than annually;

10 (vii) a physical description of the offender,
11 including sex, height, weight, eye color, hair color and
12 race;

13 (viii) any identifying marks, including scars,
14 birthmarks and tattoos;

15 (ix) the license plate number and description of any
16 vehicle owned or registered to the offender;

17 (x) whether the offender is currently compliant with
18 registration requirements;

19 (xi) whether the victim is a minor;

20 (xii) a description of the offense or offenses which
21 triggered the application of this subchapter; and

22 (xiii) the date of the offense and conviction, if
23 available.

24 (2) For all other lifetime registrants and offenders
25 subject to registration, the information set forth in
26 paragraph (1) shall be posted on the Internet website.

27 (d) Duration of Internet posting.--

28 (1) The information listed in subsection (c) about a
29 sexually violent predator shall be made available on the
30 Internet for the lifetime of the sexually violent predator.

1 (2) The information listed in subsection (c) about an
2 offender who is subject to lifetime registration shall be
3 made available on the Internet for the lifetime of the
4 offender unless the offender is granted relief under section
5 9795.5 (relating to exemption from certain notifications).

6 (3) The information listed in subsection (c) about any
7 other offender subject to registration shall be made
8 available on the Internet for the entire period during which
9 the offender is required to register, including any extension
10 of this period pursuant to 9795.2(a)(3) (relating to
11 registration procedures and applicability).

12 § 9798.2. Administration.

13 The Governor shall direct the Pennsylvania State Police, the
14 Pennsylvania Board of Probation and Parole, the State Sexual
15 Offenders Assessment Board, the Department of Corrections, the
16 Department of Transportation and any other agency of this
17 Commonwealth the Governor deems necessary to collaboratively
18 design, develop and implement an integrated and secure system of
19 communication, storage and retrieval of information to assure
20 the timely, accurate and efficient administration of this
21 subchapter.

22 § 9798.3. Global positioning system technology.

23 The Pennsylvania Board of Probation and Parole and county
24 probation authorities may impose supervision conditions that
25 include offender tracking through global positioning system
26 technology.

27 § 9799. Immunity for good faith conduct.

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

30 (1) The Pennsylvania State Police and local law

1 enforcement agencies and employees of law enforcement
2 agencies.

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

4 (3) Superintendents, administrators, teachers, employees
5 and volunteers engaged in the supervision of children of any
6 public, private or parochial school.

7 (4) Directors and employees of county children and youth
8 agencies.

9 (5) Presidents or similar officers of universities and
10 colleges, including community colleges.

11 (6) The Pennsylvania Board of Probation and Parole and
12 its agents and employees.

13 (7) County probation and parole offices and their agents
14 and employees.

15 (8) Licensees of certified day care centers and
16 directors of licensed preschool programs and owners/operators
17 of registered family day care homes, and their agents and
18 employees.

19 (9) The Pennsylvania Department of Corrections and its
20 agents and employees.

21 (10) County correctional facilities and their agents and
22 employees.

23 (11) Members of the Sexual Offenders Assessment Board
24 and its agents and employees.

25 (12) The unit owners' association of a common interest
26 community and its agents and employees as it relates to
27 distributing information regarding sexually violent predators
28 obtained pursuant to section 9798(b)(1) (relating to other
29 notification).

30 § 9799.1. Duties of Pennsylvania State Police.

1 The Pennsylvania State Police shall:

2 (1) Create and maintain a State registry of offenders
3 and sexually violent predators.

4 (2) In consultation with the Department of Corrections,
5 the Office of Attorney General, the Pennsylvania Board of
6 Probation and Parole and the chairman and the minority
7 chairman of the Judiciary Committee of the Senate and the
8 chairman and the minority chairman of the Judiciary Committee
9 of the House of Representatives, promulgate guidelines
10 necessary for the general administration of this subchapter.
11 These guidelines shall establish procedures to allow an
12 individual subject to the requirements of sections 9795.1
13 (relating to registration) and 9796 (relating to verification
14 of residence) to fulfill these requirements at approved
15 registration sites throughout this Commonwealth. The
16 Pennsylvania State Police shall publish a list of approved
17 registration sites in the Pennsylvania Bulletin and provide a
18 list of approved registration sites in any notices sent to
19 individuals required to register under section 9795.1. An
20 approved registration site shall be capable of submitting
21 fingerprints, photographs and any other information required
22 electronically to the Pennsylvania State Police. The
23 Pennsylvania State Police shall require that approved
24 registration sites submit fingerprints utilizing the
25 Integrated Automated Fingerprint Identification System or in
26 another manner and in such form as the Pennsylvania State
27 Police shall require. The Pennsylvania State Police shall
28 require that approved registration sites submit photographs
29 utilizing the Commonwealth Photo Imaging Network or in
30 another manner and in such form as the Pennsylvania State

1 Police shall require. Approved registration sites shall not
2 be limited to sites managed by the Pennsylvania State Police
3 and shall include sites managed by local law enforcement
4 agencies that meet the criteria for approved registration
5 sites set forth in this paragraph.

6 (3) Write regulations regarding neighbor notification of
7 the current residence of sexually violent predators.

8 (4) Notify, within five days of receiving the offender's
9 or the sexually violent predator's registration, the chief
10 law enforcement officers of the police departments having
11 primary jurisdiction of the municipalities in which an
12 offender or sexually violent predator resides, is employed or
13 enrolled as a student of the fact that the offender or
14 sexually violent predator has been registered with the
15 Pennsylvania State Police pursuant to sections 9795.2
16 (relating to registration procedures and applicability) and
17 9796 (relating to verification of residence).

18 (5) In consultation with the Department of Education and
19 the Pennsylvania Board of Probation and Parole, promulgate
20 guidelines directing licensed day-care centers, licensed
21 preschool programs, schools, universities and colleges,
22 including community colleges, on the proper use and
23 administration of information received under section 9798
24 (relating to other notification).

25 (6) Immediately transfer the information received from
26 the Pennsylvania Board of Probation and Parole under section
27 9799.2(2) and (3) (relating to duties of Pennsylvania Board
28 of Probation and Parole) and the fingerprints of a sexually
29 violent predator to the Federal Bureau of Investigation.

30 § 9799.2. Duties of Pennsylvania Board of Probation and Parole.

1 The Pennsylvania Board of Probation and Parole shall:

2 (1) Create a notification form which will inform State
3 and county prison and probation and parole personnel how to
4 inform offenders and sexually violent predators required to
5 register under this subchapter of their duty under the law.

6 (2) In cooperation with the Department of Corrections
7 and other Commonwealth agencies, obtain the following
8 information regarding offenders and sexually violent
9 predators:

10 (i) Name, including any aliases.

11 (ii) Identifying factors.

12 (iii) Anticipated future residence.

13 (iv) Offense history.

14 (v) Documentation of any treatment received for the
15 mental abnormality or personality disorder.

16 (vi) Photograph of the offender or sexually violent
17 predator.

18 (3) Immediately transmit the information in paragraph
19 (2) to the Pennsylvania State Police for immediate entry into
20 the State registry of offenders and sexually violent
21 predators and the criminal history record of the individual
22 as provided in 18 Pa.C.S. Ch. 91 (relating to criminal
23 history record information).

24 (4) Apply for Federal funding as provided in the Adam
25 Walsh Child Protection and Safety Act of 2006 (Public Law
26 109-248, 120 Stat. 587) to support and enhance programming
27 using satellite global positioning system technology.

28 § 9799.3. Board.

29 (a) Composition.--The State Sexual Offenders Assessment
30 Board shall be composed of psychiatrists, psychologists and

1 criminal justice experts, each of whom is an expert in the field
2 of the behavior and treatment of sexual offenders.

3 (b) Appointment.--The Governor shall appoint the board
4 members.

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

7 (d) Compensation.--The members of the board shall be
8 compensated at a rate of \$350 per assessment and receive
9 reimbursement for their actual and necessary expenses while
10 performing the business of the board. The chairman shall receive
11 \$500 additional compensation per annum.

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

14 § 9799.4. Counseling of sexually violent predators.

15 For the period of registration required by section 9795.1(b)
16 (relating to registration), a sexually violent predator shall be
17 required to attend at least monthly counseling sessions in a
18 program approved by the board and be financially responsible for
19 all fees assessed from such counseling sessions. The board shall
20 monitor the compliance of the sexually violent predator. If the
21 sexually violent predator can prove to the satisfaction of the
22 court that the person cannot afford to pay for the counseling
23 sessions, that person shall still attend the counseling sessions
24 and the parole office shall pay the requisite fees.

25 § 9799.7. Exemption from notification for certain licensees and
26 their employees.

27 Nothing in this subchapter shall be construed as imposing a
28 duty upon a person licensed under the act of February 19, 1980
29 (P.L.15, No.9), known as the Real Estate Licensing and
30 Registration Act, or an employee thereof to disclose any

1 information regarding:

2 (1) a sexually violent predator; or

3 (2) an individual who is transferred to this

4 Commonwealth pursuant to the Interstate Compact for the

5 Supervision of Adult Offenders or the Interstate Compact for

6 Juveniles.

7 § 9799.8. Annual performance audit.

8 (a) Duties of the Attorney General.--The Attorney General

9 shall:

10 (1) Conduct a performance audit annually to determine
11 compliance with the requirements of this subchapter and any
12 guidelines promulgated pursuant thereto. The audit shall, at
13 a minimum, include a review of the practices, procedures and
14 records of the Pennsylvania State Police, the Pennsylvania
15 Board of Probation and Parole, the Department of Corrections,
16 the State Sexual Offenders Assessment Board, the
17 Administrative Office of the Pennsylvania Courts and any
18 other State or local agency the Attorney General deems
19 necessary in order to conduct a thorough and accurate
20 performance audit.

21 (2) Prepare an annual report of its findings and any
22 action it recommends be taken by the Pennsylvania State
23 Police, the Pennsylvania Board of Probation and Parole, the
24 Department of Corrections, the State Sexual Offenders
25 Assessment Board, the Administrative Office of the
26 Pennsylvania Courts, other State or local agencies and the
27 General Assembly to ensure compliance with this subchapter.
28 The first report shall be released to the general public not
29 less than 18 months following the effective date of this
30 section.

1 (3) Provide a copy of its report to the Pennsylvania
2 State Police, the Pennsylvania Board of Probation and Parole,
3 the Department of Corrections, the State Sexual Offenders
4 Assessment Board, the Administrative Office of the
5 Pennsylvania Courts, State or local agencies referenced
6 therein, the chairman and the minority chairman of the
7 Judiciary Committee of the Senate and the chairman and the
8 minority chairman of the Judiciary Committee of the House of
9 Representatives no less than 30 days prior to its release to
10 the general public.

11 (b) Cooperation required.--Notwithstanding any other
12 provision of law to the contrary, the Pennsylvania State Police,
13 the Pennsylvania Board of Probation and Parole, the Department
14 of Corrections, the State Sexual Offenders Assessment Board, the
15 Administrative Office of the Pennsylvania Courts, the
16 Pennsylvania Commission on Sentencing and any other State or
17 local agency requested to do so shall fully cooperate with the
18 Attorney General and assist the office in satisfying the
19 requirements of this section. For purposes of this subsection,
20 full cooperation shall include, at a minimum, complete access to
21 unredacted records, files, reports and data systems.

22 § 9799.9. Photographs and fingerprinting.

23 An individual subject to section 9795.1 (relating to
24 registration) shall submit to fingerprinting and photographing
25 as required by this subchapter at approved registration sites.
26 Fingerprinting as required by this subchapter shall, at a
27 minimum, require submission of a full set of fingerprints.
28 Photographing as required by this subchapter shall, at a
29 minimum, require submission to photographs of the face and any
30 scars, marks, tattoos or other unique features of the

1 individual. Fingerprints and photographs obtained under this
2 subchapter may be maintained for use under this subchapter and
3 for general law enforcement purposes.]

4 Section 5. Title 42 is amended by adding sections to read:

5 § 9799.11. Legislative findings and declaration of policy.

6 (a) Legislative findings.--The General Assembly finds as
7 follows:

8 (1) If the public is provided adequate notice and
9 information about certain offenders, the community can
10 develop constructive plans to prepare themselves and their
11 children for the offender's presence in the community. This
12 allows communities to meet with law enforcement to prepare
13 and obtain information about the rights and responsibilities
14 of the community and to provide education and counseling to
15 their children.

16 (2) These offenders pose a high risk of engaging in
17 further offenses, and protection of the public from this type
18 of offender is a paramount governmental interest.

19 (3) The penal and mental health components of our
20 justice system are largely hidden from public view, and lack
21 of information from either may result in failure of both
22 systems to meet this paramount concern of public safety.

23 (4) Overly restrictive confidentiality and liability
24 laws governing the release of information about offenders
25 have reduced the willingness to release information that
26 could be appropriately released under the public disclosure
27 laws and have increased risks to public safety.

28 (5) Persons found to have committed the offenses have a
29 reduced expectation of privacy because of the public's
30 interest in public safety and in the effective operation of

1 government.

2 (6) Release of information about offenders to public
3 agencies and the general public will further the governmental
4 interests of public safety and public scrutiny of the
5 criminal and mental health systems so long as the information
6 released is rationally related to the furtherance of those
7 goals.

8 (7) Public safety will be enhanced by making information
9 regarding offenders and out-of-State offenders available to
10 the public through the Internet and other electronic means.

11 (8) Knowledge of whether a person is an offender or out-
12 of-State offender could be a significant factor in protecting
13 oneself and one's family members, or those in care of a group
14 or community organization, from recidivist acts by offenders.

15 (9) The technology afforded by the Internet and other
16 modern electronic communication methods would make this
17 information readily accessible to parents, minors and private
18 entities, enabling them to undertake appropriate remedial
19 precautions to prevent or avoid placing potential victims at
20 risk.

21 (b) Declaration of policy.--The General Assembly declares as
22 follows:

23 (1) It is the intention of the General Assembly to
24 protect the safety and general welfare of the people of this
25 Commonwealth by providing for registration and community
26 notification regarding offenders.

27 (2) It is the policy of the Commonwealth to require the
28 exchange of relevant information about offenders among public
29 agencies and officials and to authorize the release of
30 necessary and relevant information about offenders to members

1 of the general public as a means of assuring public
2 protection and shall not be construed as punitive.

3 § 9799.12. Definitions.



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

7 "Approved registration site." A site in this Commonwealth
8 approved by the Pennsylvania State Police:

9 (1) at which individuals subject to this subchapter may
10 register, update and verify information or be fingerprinted
11 and photographed as required by this subchapter;

12 (2) which is capable of submitting fingerprints
13 utilizing the Integrated Automated Fingerprint Identification
14 System or in another manner and in the form as the
15 Pennsylvania State Police shall require; and

16 (3) which is capable of submitting photographs in the
17 form as the Pennsylvania State Police shall require.

18 "Board." The State Sexual Offenders Assessment Board.

19 "Class 1 sexual offender." Any individual convicted of a
20 Class 1 sexual offense.

21 "Class 2 sexual offender." Any individual convicted of a
22 Class 2 sexual offense.

23 "Class 3 sexual offender." Any individual convicted of a
24 Class 3 sexual offense.

25 "Class 1 sexual offense." Any of the following offenses or
26 of attempt, solicitation or conspiracy to commit any of the
27 following offenses:

28 18 Pa.C.S. § 2902 (relating to unlawful restraint) if the
29 victim is a minor and the perpetrator is not the victim's
30 parent.

1 ~~18 Pa.C.S. § 2903 (relating to false imprisonment) if the~~
2 ~~victim is a minor and the perpetrator is not the victim's~~
3 ~~parent.~~

4 ~~18 Pa.C.S. § 2904 (relating to interference with custody~~
5 ~~of children) if the victim is a minor and the perpetrator is~~
6 ~~not the victim's parent.~~

7 ~~18 Pa.C.S. § 2910 (relating to luring a child into a~~
8 ~~motor vehicle or structure).~~

9 ~~18 Pa.C.S. § 3124.2 (relating to institutional sexual~~
10 ~~assault) if the victim is not a minor.~~

11 ~~18 Pa.C.S. § 3126 (relating to indecent assault) if the~~
12 ~~offense is graded a misdemeanor of the first degree or higher~~
13 ~~and the punishment is less than one year.~~

14 ~~18 Pa.C.S. § 7507.1 (relating to invasion of privacy).~~
15 ~~"Class 2 sexual offense." Any of the following offenses or~~
16 ~~of attempt, solicitation or conspiracy to commit any of the~~
17 ~~following offenses:~~

18 ~~18 Pa.C.S. § 3126 (relating to indecent assault) if the~~
19 ~~offense is graded as a misdemeanor of the first degree or~~
20 ~~higher and the punishment is one year or more or if the~~
21 ~~individual was previously convicted of 18 Pa.C.S. § 3126.~~

22 ~~18 Pa.C.S. § 5902(b) (relating to prostitution and~~
23 ~~related offenses) if the actor promoted the prostitution of a~~
24 ~~minor.~~

25 ~~18 Pa.C.S. § 5903(a) (3), (4), (5), or (6) (relating to~~
26 ~~obscene and other sexual materials and performances) if the~~
27 ~~victim is a minor.~~

28 ~~18 Pa.C.S. § 6312 (relating to sexual abuse of children).~~

29 ~~18 Pa.C.S. § 6318 (relating to unlawful contact with~~
30 ~~minor).~~

1 ~~18 Pa.C.S. § 6320 (relating to sexual exploitation of~~
2 ~~children).~~

3 ~~"Class 3 sexual offense." Any of the following offenses or~~
4 ~~of attempt, solicitation or conspiracy to commit any of the~~
5 ~~following offenses:~~

6 ~~18 Pa.C.S. § 2901 (relating to kidnapping) if the victim~~
7 ~~is a minor.~~

8 ~~18 Pa.C.S. § 3121 (relating to rape).~~

9 ~~18 Pa.C.S. § 3122.1 (relating to statutory sexual~~
10 ~~assault).~~

11 ~~18 Pa.C.S. § 3123 (relating to involuntary deviate sexual~~
12 ~~intercourse).~~

13 ~~18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

14 ~~18 Pa.C.S. § 3124.2 (relating to institutional sexual~~
15 ~~assault) if the victim is a minor.~~

16 ~~18 Pa.C.S. § 3125 (relating to aggravated indecent~~
17 ~~assault).~~

18 ~~18 Pa.C.S. § 3126 (relating to indecent assault) if the~~
19 ~~offense is graded as a misdemeanor of the first degree or~~
20 ~~higher, the victim is less than 13 years of age, and the~~
21 ~~punishment is one year or more.~~

22 ~~18 Pa.C.S. § 4302 (relating to incest) if the victim is~~
23 ~~less than 13 years of age or the victim is 13 to 18 years of~~
24 ~~age and the offender is at least four years older than the~~
25 ~~victim.~~

26 ~~"Common interest community." Includes a cooperative, a~~
27 ~~condominium, and a planned community where an individual by~~
28 ~~virtue of an ownership interest in any portion of real estate is~~
29 ~~or may become obligated by covenant, easement or agreement~~
30 ~~imposed upon the owner's interest to pay any amount for real~~

1 ~~property taxes, insurance, maintenance, repair, improvement,~~
2 ~~management, administration or regulation of any part of the real~~
3 ~~estate other than the portion or interest owned solely by the~~
4 ~~individual.~~

5 ~~"Employed." Includes carrying on a vocation or employment~~
6 ~~that is full time or part time for a period of time exceeding~~
7 ~~four days during a seven day period or for an aggregate period~~
8 ~~of time exceeding 14 days during any calendar year, whether~~
9 ~~financially compensated, volunteered, pursuant to a contract or~~
10 ~~for the purpose of government or educational benefit.~~

11 ~~"Habitual locale." The public place where a transient can be~~
12 ~~habitually located, including locations an individual frequents,~~
13 ~~or intends to frequent, during the day or night, including, but~~
14 ~~not limited to, parks, buildings, and libraries.~~

15 ~~"IAFIS." The Integrated Automated Fingerprint Identification~~
16 ~~System.~~

17 ~~"Integrated Automated Fingerprint Identification System."~~
18 ~~The national fingerprint and criminal history system maintained~~
19 ~~by the Federal Bureau of Investigation providing automated~~
20 ~~fingerprint search capabilities, latent searching capability,~~
21 ~~electronic image storage and electronic exchange of fingerprints~~
22 ~~and responses.~~

23 ~~"Mental abnormality." A congenital or acquired condition of~~
24 ~~a person that affects the emotional or volitional capacity of~~
25 ~~the person in a manner that predisposes that person to the~~
26 ~~commission of criminal sexual acts to a degree that makes the~~
27 ~~person a menace to the health and safety of other persons.~~

28 ~~"Minor." Any individual less than 18 years of age.~~

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

1 ~~"Offender." Any individual required to register under~~
2 ~~section 9799.13 (relating to registration).~~

3 ~~"Out of State offender." Any individual required to register~~
4 ~~under section 9799.17 (relating to exemption from registration~~
5 ~~and public notification for out of State offenders) due to a~~
6 ~~conviction or adjudication of delinquency in another~~
7 ~~jurisdiction or to a court martial.~~

8 ~~"Penetration." Includes any penetration, however slight, of~~
9 ~~the genitals or anus or mouth of another person with a part of~~
10 ~~the person's body or a foreign object for any purpose other than~~
11 ~~good faith medical, hygienic or law enforcement procedures.~~

12 ~~"Predatory." An act directed at a stranger or at a person~~
13 ~~with whom a relationship has been initiated, established,~~
14 ~~maintained or promoted, in whole or in part, in order to~~
15 ~~facilitate or support victimization.~~

16 ~~"Present." The location where an offender or out of State~~
17 ~~offender resides, is habitually located, is employed, or is~~
18 ~~enrolled as a student.~~

19 ~~"Registration information." All of the following information~~
20 ~~concerning the offender:~~

21 ~~(1) Primary given name, including any aliases,~~
22 ~~nicknames, ethnic or tribal names and any pseudonyms,~~
23 ~~regardless of the context in which they are used.~~

24 ~~(2) Valid and purported Social Security number.~~

25 ~~(3) Actual and purported date of birth.~~

26 ~~(4) Place of birth.~~

27 ~~(5) Physical description, including sex, height, weight,~~
28 ~~eye color, hair color, race and any scars, marks or tattoos.~~

29 ~~(6) Fingerprints, taken and submitted to IAFIS.~~

30 ~~(7) Palm prints taken and submitted to the Federal~~

1 ~~Bureau of Investigation Central Database.~~

2 ~~(8) DNA sample, taken and submitted to the State DNA~~
3 ~~Data Base for entry into the Combined DNA Index System~~
4 ~~(CODIS) in accordance with procedures established by the~~
5 ~~Pennsylvania State Police. The collection of DNA at time of~~
6 ~~collecting registration information or updating or verifying~~
7 ~~registration information is not required if the registering~~
8 ~~official or approved registration site can confirm that the~~
9 ~~DNA collection and submission has already occurred.~~

10 ~~(9) A digitized copy of a valid driver's license or~~
11 ~~identification card issued to the offender.~~

12 ~~(10) A digitized copy of the offender's passport and~~
13 ~~immigration documents.~~

14 ~~(11) A photograph of the offender's face and any scars,~~
15 ~~marks, tattoos or other unique features of the individual.~~

16 ~~(12) Any telephone numbers, including landline and cell~~
17 ~~phone numbers, and any other designations used by the~~
18 ~~offender for purposes of routing or self identification in~~
19 ~~telephonic communications.~~

20 ~~(13) Any e mail addresses, any instant message addresses~~
21 ~~or identifiers, any designations or monikers used by the~~
22 ~~offender for purposes or routing or self identification in~~
23 ~~Internet communications or postings.~~

24 ~~(14) The address of each residence at which the offender~~
25 ~~resides or will reside or, in the case of an offender who~~
26 ~~does not have a residence, the offender's habitual locale.~~

27 ~~(15) The location at which the offender receives~~
28 ~~delivery of mail, including a post office box or general~~
29 ~~delivery post office location.~~

30 ~~(16) The name and address of any place where the~~

~~1 offender is employed or will be employed, including transient
2 or day labor employment.~~

~~3 (17) The name and address of any place where the
4 offender attends school or will attend school.~~

~~5 (18) The license plate number, registration number or
6 any other identifier of all vehicles, including land
7 vehicles, aircraft or watercraft owned or operated by the
8 offender, whether for work or personal use, including a
9 description of the vehicle and the permanent or frequent
10 location where the vehicle is kept.~~

~~11 (19) Information concerning all licensing, authorizing
12 the offender to engage in an occupation or carry out a trade
13 or business.~~

~~14 (20) The offenses requiring registration, including the
15 text of the provision of law defining the offense for which
16 the offender is registered.~~

~~17 (21) The dates of all arrests, convictions and
18 outstanding arrest warrants, as well as the status of the
19 offender's parole, probation, supervised release and
20 registration.~~

~~21 (22) The date or dates of incarceration and release from
22 incarceration.~~

~~23 (23) Forms signed by the offender acknowledging that he
24 or she was advised of his or her registration obligations.
25 The form and signature may be electronic.~~

~~26 "Registration start date." The date on which an offender or
27 out of State offender's registration information is approved and
28 entered into the State sexual offender registry by the
29 Pennsylvania State Police.~~

~~30 "Registry official." The person or entity responsible for~~

1 ~~obtaining registration information as set forth in this~~
2 ~~subchapter.~~

3 ~~"Removal criteria." The offender or out of State offender~~
4 ~~has:~~

5 ~~(1) fully complied with all registration requirements~~
6 ~~imposed by this subchapter;~~

7 ~~(2) not been convicted of any sex offense after the date~~
8 ~~of registration;~~

9 ~~(3) not been convicted, after the date of registration,~~
10 ~~of any offense for which imprisonment for more than one year~~
11 ~~may be imposed;~~

12 ~~(4) successfully completed any periods of supervised~~
13 ~~release, probation or parole; and~~

14 ~~(5) successfully completed any required treatment~~
15 ~~program.~~

16 ~~"Residence." The location of an individual's home or other~~
17 ~~place where the individual habitually resides or intends to~~
18 ~~reside for 30 cumulative days or more during a calendar year.~~
19 ~~The term may include more than one location and be mobile or~~
20 ~~transitory.~~

21 ~~"Sexually violent offense." Any Class 1, Class 2 or Class 3~~
22 ~~sexual offense.~~

23 ~~"Sexually violent predator." An individual who has been~~
24 ~~convicted of an offense as set forth in section 9799.13~~
25 ~~(relating to registration) and who is determined to be a~~
26 ~~sexually violent predator under section 9799.19 (relating to~~
27 ~~assessments) due to a mental abnormality or personality disorder~~
28 ~~that makes the person likely to engage in predatory sexually~~
29 ~~violent offenses. The term includes:~~

30 ~~(1) An individual determined to be a sexually violent~~

~~1 predator if the determination occurred in the United States~~
~~2 or one of its territories or possessions, another state, the~~
~~3 District of Columbia, a federally recognized Indian tribe, a~~
~~4 foreign nation or a military tribunal.~~

~~5 (2) An individual determined to be a sexually violent~~
~~6 delinquent child under Chapter 64 (relating to court ordered~~
~~7 involuntary treatment of certain sexually violent persons),~~
~~8 regardless of whether the individual has been subsequently~~
~~9 discharged from involuntary treatment.~~

~~10 "State sexual offender registry." The Statewide registry of~~
~~11 offenders and out of State offenders maintained by the~~
~~12 Pennsylvania State Police.~~

~~13 "Student." A person who is enrolled on a full time or part~~
~~14 time basis in any public or private educational institution,~~
~~15 including any secondary school, trade or professional~~
~~16 institution or institution of higher education.~~

~~17 "Transient." An offender or out of State offender who does~~
~~18 not have a residence and is present in this Commonwealth.~~

~~19 § 9799.13. Registration.~~

~~20 The following individuals present in this Commonwealth shall~~
~~21 register with the Pennsylvania State Police for life, subject to~~
~~22 the provisions of section 9799.15 (relating to exemption from~~
~~23 registration and public notification for Pennsylvania offenders)~~
~~24 and 9799.17 (relating to exemption from registration and public~~
~~25 notification for out of State offenders):~~

~~26 (1) Individuals who, on or after the effective date of~~
~~27 this section, are convicted of a Class 1, Class 2 or Class 3~~
~~28 sexual offense or a similar offense under the laws of the~~
~~29 United States or one of its territories or possessions,~~
~~30 another state, the District of Columbia, a federally~~

1 ~~recognized Indian tribe or a foreign nation.~~

2 ~~(2) Individuals who, on or after the effective date of~~
3 ~~this section, are convicted of any Federal or military~~
4 ~~offense enumerated in 42 U.S.C. § 16911(5)(A)(iii), (iv) and~~
5 ~~(v) (relating to relevant definitions, including Amie Zyla~~
6 ~~expansion of sex offender definition and expanded inclusion~~
7 ~~of child predator) or who, on the effective date of this~~
8 ~~section, are required to register under a sexual offender~~
9 ~~statute in the jurisdiction where the individual was~~
10 ~~convicted, sentenced, adjudicated delinquent or court~~
11 ~~martialed.~~

12 ~~(3) Individuals who, on or after the effective date of~~
13 ~~this section, are incarcerated, serving a sentence of~~
14 ~~intermediate punishment or under the supervision of the~~
15 ~~Pennsylvania Board of Probation and Parole or any Federal or~~
16 ~~county probation and parole office for a Class 1, Class 2 or~~
17 ~~Class 3 offense or a similar offense under a former law of~~
18 ~~this Commonwealth or the laws of the United States or one of~~
19 ~~its territories or possessions, another state, the District~~
20 ~~of Columbia, a federally recognized Indian tribe or a foreign~~
21 ~~nation or for an offense enumerated in 42 U.S.C. § 16911(5)~~
22 ~~(A)(iii), (iv) and (v).~~

23 ~~(4) Individuals who, on or after the effective date of~~
24 ~~this section, are convicted of or incarcerated, serving a~~
25 ~~sentence of intermediate punishment or under the supervision~~
26 ~~of the Pennsylvania Board of Probation and Parole or any~~
27 ~~county probation and parole office for any offense punishable~~
28 ~~by a maximum term of imprisonment exceeding one year, if the~~
29 ~~individual was previously convicted at any time of a Class 1,~~
30 ~~Class 2 or Class 3 sexual offense or a similar offense under~~

1 ~~a former law of this Commonwealth or the laws of the United~~
2 ~~States or one of its territories or possessions, another~~
3 ~~state, the District of Columbia, a federally recognized~~
4 ~~Indian tribe or a foreign nation or for an offense enumerated~~
5 ~~in 42 U.S.C. § 16911(5)(A)(iii), (iv) and (v).~~

6 ~~(5) Individuals who, on or after the effective date of~~
7 ~~this section, are adjudicated delinquent following a~~
8 ~~determination by the court that the individual has committed~~
9 ~~any of the following offenses or similar offenses under the~~
10 ~~laws of the United States or one of its territories or~~
11 ~~possessions, another state, the District of Columbia, a~~
12 ~~federally recognized Indian tribe or a foreign nation:~~

13 ~~(i) 18 Pa.C.S. § 901 (relating to criminal attempt)~~
14 ~~if the underlying offense is listed in subparagraph~~
15 ~~(iii), (iv) or (v).~~

16 ~~(ii) 18 Pa.C.S. § 903 (relating to criminal~~
17 ~~conspiracy) if the underlying offense is listed in~~
18 ~~subparagraph (iii), (iv) or (v).~~

19 ~~(iii) 18 Pa.C.S. § 3121 (relating to rape).~~

20 ~~(iv) 18 Pa.C.S. § 3123 (relating to involuntary~~
21 ~~deviate sexual intercourse).~~

22 ~~(v) 18 Pa.C.S. § 3125 (relating to aggravated~~
23 ~~indecent assault).~~

24 ~~(6) Individuals who, on or after the effective date of~~
25 ~~this section, are under court ordered placement in an~~
26 ~~institution, youth development center, camp, institution~~
27 ~~operated by the Department of Public Welfare or other~~
28 ~~facility designed or operated for the benefit of delinquent~~
29 ~~children, or are on probation or otherwise under the~~
30 ~~supervision of the court, due to an adjudication of~~

~~1 delinquency following a determination by the court that the~~
~~2 individual has committed any of the following offenses or~~
~~3 similar offenses under the laws of the United States or one~~
~~4 of its territories or possessions, another state, the~~
~~5 District of Columbia, a federally recognized Indian tribe, or~~
~~6 a foreign nation:~~

~~7 (i) 18 Pa.C.S. § 901 if the underlying offense is~~
~~8 listed in subparagraph (iii), (iv) or (v).~~

~~9 (ii) 18 Pa.C.S. § 903 if the underlying offense is~~
~~10 listed in subparagraph (iii), (iv) or (v).~~

~~11 (iii) 18 Pa.C.S. § 3121.~~

~~12 (iv) 18 Pa.C.S. § 3123.~~

~~13 (v) 18 Pa.C.S. § 3125.~~

~~14 (7) Individuals who, on or after the effective date of~~
~~15 this section, are committed to or receiving involuntary~~
~~16 treatment in a facility under Chapter 64 (relating to court-~~
~~17 ordered involuntary treatment of certain sexually violent~~
~~18 persons).~~

~~19 (8) Individuals who, on the effective date of this~~
~~20 section, are registered in the State sexual offender registry~~
~~21 under this subchapter.~~

~~22 § 9799.14. Registration procedures for Pennsylvania offenders.~~

~~23 (a) Existing offenders. An offender who, before the~~
~~24 effective date of this section, was convicted in this~~
~~25 Commonwealth of a Class 1, Class 2 or Class 3 sexual offense and~~
~~26 is required to register under section 9799.13 (relating to~~
~~27 registration) shall register with the Pennsylvania State Police~~
~~28 by providing registration information to the appropriate~~
~~29 registering official for inclusion in the State sexual offender~~
~~30 registry subject to the following:~~

1 ~~(1) As follows:~~

2 ~~(i) If the offender is incarcerated in a State~~
3 ~~correctional facility or county correctional facility,~~
4 ~~the correctional facility shall notify the Pennsylvania~~
5 ~~State Police, not more than 30 days in advance of, but no~~
6 ~~later than ten days prior to, the offender's release from~~
7 ~~the correctional facility.~~

8 ~~(ii) The correctional facility shall collect the~~
9 ~~registration information from the offender and forward~~
10 ~~the registration information to the Pennsylvania State~~
11 ~~Police.~~

12 ~~(iii) The correctional facility may not release the~~
13 ~~offender from custody until the correctional facility~~
14 ~~receives verification from the Pennsylvania State Police~~
15 ~~that the Pennsylvania State Police has received the~~
16 ~~registration information. Verification by the~~
17 ~~Pennsylvania State Police may occur by electronic means.~~

18 ~~(2) If the offender is serving a sentence of~~
19 ~~intermediate punishment or is under the supervision of the~~
20 ~~Board of Pennsylvania Probation and Parole or any county~~
21 ~~probation and parole office, the probation and parole office~~
22 ~~shall collect the registration information from the offender~~
23 ~~and forward the registration information to the Pennsylvania~~
24 ~~State Police.~~

25 ~~(b) New offenders. An offender who, on or after the~~
26 ~~effective date of this section, is convicted in this~~
27 ~~Commonwealth of a Class 1, Class 2 or Class 3 offense and is~~
28 ~~required to register under section 9799.13 shall register with~~
29 ~~the Pennsylvania State Police by providing the registration~~
30 ~~information to the appropriate registering official for~~

1 ~~inclusion in the State sexual offender registry subject to the~~
2 ~~following:~~

3 ~~(1) As follows:~~

4 ~~(i) At the time of sentencing, the court shall~~
5 ~~require the offender to immediately register under this~~
6 ~~subchapter.~~

7 ~~(ii) The county office of probation and parole shall~~
8 ~~collect the registration information from the offender~~
9 ~~and forward the registration information to the~~
10 ~~Pennsylvania State Police.~~

11 ~~(iii) The court may not release the offender from~~
12 ~~custody until the court receives verification from the~~
13 ~~Pennsylvania State Police that the Pennsylvania State~~
14 ~~Police has received the registration information.~~
15 ~~Verification by the Pennsylvania State Police may occur~~
16 ~~by electronic means.~~

17 ~~(2) As follows:~~

18 ~~(i) If the offender is incarcerated in a State~~
19 ~~correctional facility or county correctional facility,~~
20 ~~the correctional facility shall notify the Pennsylvania~~
21 ~~State Police, not more than 30 days in advance of, but no~~
22 ~~later than ten days prior to, the offender's release from~~
23 ~~the correctional facility.~~

24 ~~(ii) The correctional facility shall ensure that~~
25 ~~registration information for the offender has been~~
26 ~~submitted to the Pennsylvania State Police.~~

27 ~~(iii) If registration information has not been~~
28 ~~submitted to the Pennsylvania State Police, the~~
29 ~~correctional facility shall collect the registration~~
30 ~~information from the offender and forward the~~

~~1 registration information to the Pennsylvania State
2 Police.~~

~~3 (iv) The correctional facility shall also report any
4 changes to the registration information on file with the
5 Pennsylvania State Police.~~

~~6 (v) The correctional facility may not release the
7 offender until the correctional facility receives
8 verification from the Pennsylvania State Police that the
9 Pennsylvania State Police has received all registration
10 information. Verification by the Pennsylvania State
11 Police may occur by electronic means.~~

~~12 (c) Other new offenders. An offender who, on or after the
13 effective date of this section, is convicted of or incarcerated,
14 serving a sentence of intermediate punishment or is under the
15 supervision of the Pennsylvania Board of Probation and Parole or
16 any county probation and parole office for any offense
17 punishable by a maximum term of imprisonment exceeding one year
18 and is required to register under section 9799.13 due to a prior
19 conviction for a Class 1, Class 2, or Class 3 sexual offense,
20 shall register with the Pennsylvania State Police by providing
21 the registration information to the appropriate registering
22 official for inclusion in the State sexual offender registry
23 subject to the following:~~

~~24 (1) As follows:~~

~~25 (i) At the time of sentencing for an offense
26 punishable by a maximum term of imprisonment exceeding
27 one year, the court shall require the offender to
28 immediately register under this subchapter.~~

~~29 (ii) The county office of probation and parole shall
30 collect the registration information from the offender~~

1 ~~and forward the registration information to the~~
2 ~~Pennsylvania State Police.~~

3 ~~(iii) The court may not release the offender from~~
4 ~~custody until the court receives verification from the~~
5 ~~Pennsylvania State Police that the Pennsylvania State~~
6 ~~Police has received the registration information.~~
7 ~~Verification by the Pennsylvania State Police may occur~~
8 ~~by electronic means.~~

9 ~~(2) As follows:~~

10 ~~(i) If the offender is incarcerated in a State~~
11 ~~correctional facility or county correctional facility,~~
12 ~~the correctional facility shall notify the Pennsylvania~~
13 ~~State Police, not more than 30 days in advance of, but no~~
14 ~~later than ten days prior to, the offender's release from~~
15 ~~the correctional facility.~~

16 ~~(ii) The correctional facility shall ensure that~~
17 ~~registration information for the offender has been~~
18 ~~submitted to the Pennsylvania State Police.~~

19 ~~(iii) If registration information has not been~~
20 ~~submitted to the Pennsylvania State Police, the~~
21 ~~correctional facility shall collect the registration~~
22 ~~information from the offender and forward the~~
23 ~~registration information to the Pennsylvania State~~
24 ~~Police.~~

25 ~~(iv) The correctional facility shall also report any~~
26 ~~changes to the registration information on file with the~~
27 ~~Pennsylvania State Police.~~

28 ~~(v) The correctional facility may not release the~~
29 ~~offender from custody until the correctional facility~~
30 ~~receives verification from the Pennsylvania State Police~~

~~that the Pennsylvania State Police has received all registration information. Verification by the Pennsylvania State Police may occur by electronic means.~~

~~(3) If the offender is serving a sentence of intermediate punishment or is under the supervision of the Pennsylvania Board of Probation and Parole or any county probation and parole office for an offense punishable by a maximum term of imprisonment exceeding one year, the probation and parole office shall collect the registration information from the offender and forward the registration information to the Pennsylvania State Police.~~

~~(d) Delinquency.~~

~~(1) This subsection applies to an offender who meets all of the following requirements:~~

~~(i) Before the effective date of this section, was adjudicated delinquent under section 6341(b) (relating to adjudication) following a determination by the court that the offender committed any of the following offenses:~~

~~(A) 18 Pa.C.S. § 901 (relating to criminal attempt) if the underlying offense is listed in clause (C), (D) or (E).~~

~~(B) 18 Pa.C.S. § 903 (relating to criminal conspiracy) if the underlying offense is listed in clause (C), (D) or (E).~~

~~(C) 18 Pa.C.S. § 3121 (relating to rape).~~

~~(D) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).~~

~~(ii) Is required to register under section 9799.13.~~

~~(2) An offender subject to paragraph (1) shall register with the Pennsylvania State Police by providing registration~~

1 ~~information to the appropriate registering official for~~
2 ~~inclusion in the State sexual offender registry. The~~
3 ~~following apply:~~

4 ~~(i) At the time of disposition, the court shall~~
5 ~~require the offender to immediately register under this~~
6 ~~subchapter. The chief juvenile probation officer shall~~
7 ~~ensure the collection of the registration information~~
8 ~~from the offender and forward the registration~~
9 ~~information to the Pennsylvania State Police. The court~~
10 ~~shall not release the offender from its custody until it~~
11 ~~receives verification from the Pennsylvania State Police~~
12 ~~that it has received the registration information.~~
13 ~~Verification by the Pennsylvania State Police may occur~~
14 ~~by electronic means.~~

15 ~~(ii) If the offender is under court ordered~~
16 ~~placement in any institution, youth development center,~~
17 ~~camp, institution operated by the Department of Public~~
18 ~~Welfare or other facility designed or operated for the~~
19 ~~benefit of delinquent children, the facility shall notify~~
20 ~~the Pennsylvania State Police, no more than 30 days in~~
21 ~~advance of, but not later than ten days prior to, the~~
22 ~~offender's release from the facility. The facility, with~~
23 ~~the assistance of the chief juvenile probation officer,~~
24 ~~shall ensure the collection of the registration~~
25 ~~information from the offender and forward the~~
26 ~~registration information to the Pennsylvania State~~
27 ~~Police. The facility shall not release the offender until~~
28 ~~it receives verification from the Pennsylvania State~~
29 ~~Police that it has received the registration information.~~
30 ~~Verification by the Pennsylvania State Police may occur~~

1 ~~by electronic means.~~

2 ~~(iii) If the offender is on probation or otherwise~~
3 ~~under the supervision of the court, the chief juvenile~~
4 ~~probation officer shall ensure collection of the~~
5 ~~registration information from the offender and forward~~
6 ~~the registration information to the Pennsylvania State~~
7 ~~Police.~~

8 ~~(e) Receiving involuntary treatment.~~

9 ~~(1) This subsection applies to an offender who meets all~~
10 ~~of the following requirements:~~

11 ~~(i) On the effective date of this section, is~~
12 ~~receiving involuntary treatment in a facility designated~~
13 ~~by the department under Chapter 64 (relating to court~~
14 ~~ordered involuntary treatment of certain sexually violent~~
15 ~~persons).~~

16 ~~(ii) Is required to register under section 9799.13.~~

17 ~~(2) An offender subject to paragraph (1) shall register~~
18 ~~with the Pennsylvania State Police by providing registration~~
19 ~~information to the appropriate registering official for~~
20 ~~inclusion in the State sexual offender registry. The facility~~
21 ~~shall notify the Pennsylvania State Police, no more than 30~~
22 ~~days in advance of, but not later than ten days prior to, the~~
23 ~~offender's scheduled release from the facility. The facility~~
24 ~~shall also notify the Pennsylvania State Police of the dates~~
25 ~~of any review hearing or the filing of a petition for~~
26 ~~discharge under section 6404 (relating to duration of~~
27 ~~commitment and review) and any court orders resulting~~
28 ~~therefrom. The facility, with the assistance of the chief~~
29 ~~juvenile probation officer, shall ensure the collection of~~
30 ~~the registration information from the offender and forward~~

~~the registration information to the Pennsylvania State
Police. Notwithstanding section 6404, the facility shall not
release the offender until it receives verification from the
Pennsylvania State Police that it has received the
registration information. Verification by the Pennsylvania
State Police may occur by electronic means.~~

~~(f) Subsequent commitment to involuntary treatment.~~

~~(1) This subsection applies to an offender who meets all
of the following requirements:~~

~~(i) On or after the effective date of this section,
is committed to involuntary treatment in a facility
designated by the Department of Public Welfare under
Chapter 64.~~

~~(ii) Is required to register under section 9799.13.~~

~~(2) An offender subject to paragraph (1) shall register
with the Pennsylvania State Police by providing registration
information to the appropriate registering official for
inclusion in the State sexual offender registry. The
following apply:~~

~~(i) At the time of the commitment, the court shall
require the offender to immediately register under this
subchapter. The chief juvenile probation officer shall
ensure the collection of the registration information
from the offender and forward the registration
information to the Pennsylvania State Police.
Verification by the Pennsylvania State Police may occur
by electronic means.~~

~~(ii) The facility shall notify the Pennsylvania
State Police, no more than 30 days in advance of, but not
later than ten days prior to, the offender's scheduled~~

~~release from the facility. The facility shall also notify the Pennsylvania State Police of the dates of any review hearing or the filing of a petition for discharge under section 6404 and any court orders resulting from the hearing. The facility shall ensure that registration information has been submitted to the Pennsylvania State Police. If the registration information has not been submitted to the Pennsylvania State Police, the facility, with the assistance of the chief juvenile probation officer, shall ensure the collection of the registration information from the offender and forward the registration information to the Pennsylvania State Police. The facility, with the assistance of the chief juvenile probation officer, shall report changes to the registration information on file with the Pennsylvania State Police. Notwithstanding section 6404, the facility shall not release the offender until it receives verification from the Pennsylvania State Police that it has received all registration information. Verification by the Pennsylvania State Police may occur by electronic means.~~

~~(g) Refusal to provide registration information.—~~

~~(1) This subsection applies to an offender who is scheduled:~~

~~(i) to be released from a:~~

~~(A) State correctional facility;~~

~~(B) county correctional facility;~~

~~(C) facility designed or operated for the benefit of delinquent children; or~~

~~(D) facility designated by the department under~~

1 ~~Chapter 64; or~~

2 ~~(ii) to commence a sentence of probation, parole or~~
3 ~~intermediate punishment.~~

4 ~~(2) If an offender subject to paragraph (1) refuses to~~
5 ~~provide registration information or report a change in~~
6 ~~registration information, the facility or probation and~~
7 ~~parole office shall notify the Pennsylvania State Police or~~
8 ~~police department with primary jurisdiction of the location~~
9 ~~of the offender.~~

10 ~~(3) The Pennsylvania State Police or police department~~
11 ~~with primary jurisdiction shall locate and arrest the~~
12 ~~offender for a violation of 18 Pa.C.S. § 4915 (relating to~~
13 ~~failure to comply with registration of sexual offenders~~
14 ~~requirements).~~

15 ~~(h) Appearance required for change of registration~~
16 ~~information.~~

17 ~~(1) An offender shall appear in person at an approved~~
18 ~~registration site to complete a change of information form~~
19 ~~within 72 hours of any change in registration information.~~

20 ~~(2) When an offender has been reincarcerated or~~
21 ~~recommitted to a facility referred to in subsection (g)(1)~~
22 ~~(i), for any reason, the facility shall notify the~~
23 ~~Pennsylvania State Police within 72 hours of intake.~~

24 ~~(i) Appearance required after release. An offender subject~~
25 ~~to registration under section 9799.13 who has not submitted~~
26 ~~registration information under the procedures in this section~~
27 ~~shall appear in person at an approved registration site within~~
28 ~~72 hours of release from sentencing or release from~~
29 ~~incarceration.~~

30 ~~(j) Notice required prior to travel outside Commonwealth.~~

1 ~~(1) An offender shall provide notice to the Pennsylvania~~
2 ~~State Police at least ten days before traveling outside of~~
3 ~~this Commonwealth and at least 21 days before traveling~~
4 ~~outside of the United States.~~

5 ~~(2) The offender shall specify the place at which the~~
6 ~~offender will be located outside this Commonwealth and the~~
7 ~~purposes of and the duration of the travel.~~

8 ~~(k) Appearance required prior to temporary lodgings. An~~
9 ~~offender who resides or is habitually located in this~~
10 ~~Commonwealth and who will travel from the offender's residence~~
11 ~~or habitual locale to any location for at least seven days~~
12 ~~shall, not less than ten days in advance of travel, appear at an~~
13 ~~approved registration site and notify the Pennsylvania State~~
14 ~~Police of the place at which the offender will be temporarily~~
15 ~~lodged and the duration of the travel.~~

16 ~~(l) Registration information to law enforcement.~~

17 ~~(1) As follows:~~

18 ~~(i) The Pennsylvania State Police shall provide the~~
19 ~~information obtained under this section to the district~~
20 ~~attorney of the county or counties in which the~~
21 ~~individual will be present, the chief law enforcement~~
22 ~~officers of the police departments of the municipalities~~
23 ~~in which the individual will be present and the probation~~
24 ~~or parole office where the individual will be present.~~

25 ~~(ii) The Pennsylvania State Police shall notify the~~
26 ~~sexual offender registry of any other jurisdiction with~~
27 ~~which the individual is registered.~~

28 ~~(2) As follows:~~

29 ~~(i) The Pennsylvania State Police shall provide~~
30 ~~notice to the chief law enforcement officers of the~~

~~1 police departments of the municipalities notified~~
~~2 pursuant to paragraph (1) when an individual fails to~~
~~3 comply with the registration requirements of this section~~
~~4 and request, as appropriate, that the police departments~~
~~5 assist in locating and apprehending the individual.~~

~~6 (ii) The Pennsylvania State Police shall notify the~~
~~7 United States Marshals Service of the individual's~~
~~8 failure to comply.~~

~~9 (3) The Pennsylvania State Police shall provide notice~~
~~10 to the chief law enforcement officers of the police~~
~~11 departments of the municipalities notified pursuant to~~
~~12 paragraph (1) when the Pennsylvania State Police are in~~
~~13 receipt of information indicating that the individual will no~~
~~14 longer be present in the municipality.~~

~~15 (4) As follows:~~

~~16 (i) If an offender or out of State offender informs~~
~~17 the Pennsylvania State Police of the offender's intent to~~
~~18 travel outside of or be temporarily lodged outside of~~
~~19 this Commonwealth, the Pennsylvania State Police shall,~~
~~20 within 72 hours of being notified, inform the~~
~~21 jurisdiction where the offender or out of State offender~~
~~22 intends to travel or be temporarily lodged.~~

~~23 (ii) When an offender or out of State offender~~
~~24 informs the Pennsylvania State Police of the offender's~~
~~25 intent to travel outside of or be temporarily lodged~~
~~26 outside of the United States, the Pennsylvania State~~
~~27 Police shall, within 72 hours of being notified, inform~~
~~28 the United States Marshals Service.~~

~~29 (m) Penalty. An offender who fails to comply with the~~
~~30 requirements of this subchapter is subject to prosecution under~~

1 ~~18 Pa.C.S. § 4915.~~

2 ~~§ 9799.15. Exemption from registration and public notification~~
3 ~~for Pennsylvania offenders.~~

4 ~~(a) Class 1 sexual offenders. A Class 1 sexual offender may~~
5 ~~petition the court of common pleas where the offender was~~
6 ~~convicted of a registrable offense to be exempt from~~
7 ~~registration under section 9799.13 (relating to registration)~~
8 ~~and public notification under section 9799.23 (relating to~~
9 ~~information made available to the public), if:~~

10 ~~(1) No less than 15 years have passed since the offender~~
11 ~~was convicted of the registrable offense, excluding any time~~
12 ~~that the offender was in custody or civilly committed.~~

13 ~~(2) During the 15 year period, the offender met all of~~
14 ~~the removal criteria.~~

15 ~~(b) Class 2 sexual offenders. A Class 2 sexual offender may~~
16 ~~petition the court of common pleas where the offender was~~
17 ~~convicted of a registrable offense to be exempt from~~
18 ~~registration under section 9799.13 and public notification under~~
19 ~~section 9799.23, if:~~

20 ~~(1) No less than 25 years have passed since the offender~~
21 ~~was convicted of the registrable offense, excluding any time~~
22 ~~the offender was in custody or civilly committed.~~

23 ~~(2) During the 25 year period, the offender met all of~~
24 ~~the removal criteria.~~

25 ~~(b.1) Noninvoluntarily committed offenders. An offender who~~
26 ~~is subject to registration due to an adjudication of delinquency~~
27 ~~for a offense listed under section 9799.13, but who has never~~
28 ~~been subject to a court ordered involuntary commitment under 42-~~
29 ~~Pa.C.S. Ch. 64 (relating to court ordered involuntary treatment~~
30 ~~of certain sexually violent persons), may petition the court of~~

1 ~~common pleas where he or she was adjudicated delinquent to be~~
2 ~~exempt from registration under section 9799.13 if:~~

3 ~~(1) no fewer than 25 years have passed since the~~
4 ~~individual was adjudicated delinquent on the basis of the~~
5 ~~registrable offense, excluding any time the individual was in~~
6 ~~custody or civilly committed; and~~

7 ~~(2) during that 25 year period, the individual met all~~
8 ~~the removal criteria.~~

9 ~~(c) Hearing required.~~

10 ~~(1) Within 120 days of the filing of a petition under~~
11 ~~subsection (a) or (b), the court shall hold a hearing to~~
12 ~~determine whether to exempt the offender from registration~~
13 ~~and public notification, if applicable.~~

14 ~~(2) The offender and the district attorney shall be~~
15 ~~given notice of the hearing and an opportunity to be heard,~~
16 ~~the right to call witnesses, the right to call expert~~
17 ~~witnesses and the right to cross examine witnesses.~~

18 ~~(d) Exemption. The court shall exempt the offender~~
19 ~~identified in subsection (a) or (b) from registration and public~~
20 ~~notification, if applicable, upon a finding that the offender~~
21 ~~meets all of the removal criteria.~~

22 ~~(e) Notice. A court that grants relief to an offender under~~
23 ~~this section shall notify the Pennsylvania State Police in~~
24 ~~writing within ten days from the date relief is granted.~~

25 ~~(f) Right to appeal.~~

26 ~~(1) The offender and the district attorney shall have~~
27 ~~the right to appellate review of the actions of the court~~
28 ~~taken under this section.~~

29 ~~(2) An appeal by the district attorney shall stay the~~
30 ~~order of the sentencing court.~~

~~(g) Subsequent conviction. Any relief granted under this section shall be void and the offender shall automatically and immediately again be subject to all applicable provisions of this subchapter, if the offender is subsequently convicted of:~~

~~(1) an offense under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements); or~~

~~(2) an offense, in this or any other jurisdiction, that is punishable by imprisonment for more than one year.~~

~~§ 9799.16. Registration procedures for out of State offenders.~~

~~(a) General duties. An out of State offender who is required to register under section 9799.13 (relating to registration) shall:~~

~~(1) Appear in person at an approved registration site within 72 hours of the offender's arrival in this Commonwealth.~~

~~(2) Submit to fingerprinting and photographing.~~

~~(3) Provide the required registration information to an appropriate official for inclusion in the State sexual offender registry.~~

~~(b) Classification.~~

~~(1) The Pennsylvania State Police shall classify an out of State offender as a Class 1, Class 2 or Class 3 sexual offender or sexually violent predator based on the equivalency of the offender's offenses to those specified in this subchapter or upon the offender's classification in the jurisdiction of conviction or court martial, whichever is greater.~~

~~(2) If an individual is registered solely due to the individual's conviction for an offense specified in 42 U.S.C.~~

1 ~~§ 16911(5)(A)(iii) (relating to relevant definitions,~~
2 ~~including Amie Zyla expansion of sex offender definition and~~
3 ~~expanded inclusion of child predator) and the conviction does~~
4 ~~not equate to a Class 1, Class 2 or Class 3 offense, the~~
5 ~~offender shall be classified based upon the criteria~~
6 ~~specified in 42 U.S.C. §16911.~~

7 ~~(3) If an individual registered due to an adjudication~~
8 ~~of delinquency for an offense equivalent to an offense listed~~
9 ~~under section 9799.13, the offender shall be classified as a~~
10 ~~juvenile offender and subject to the same provisions~~
11 ~~applicable to Pennsylvania juvenile offenders under this~~
12 ~~subchapter.~~

13 ~~(c) Appearance required for change of registration~~
14 ~~information.~~

15 ~~(1) An out of State offender shall appear in person at~~
16 ~~an approved registration site to complete a change of~~
17 ~~information form within 72 hours of any change in~~
18 ~~registration information.~~

19 ~~(2) If an out of State offender has been~~
20 ~~incarcerated or committed to a facility in this Commonwealth~~
21 ~~for any reason, the State correctional facility, county~~
22 ~~correctional facility, facility designed or operated for the~~
23 ~~benefit of delinquent children or facility designated by the~~
24 ~~Department of Public Welfare under 42 Pa.C.S. Ch. 64~~
25 ~~(relating to court ordered involuntary treatment of certain~~
26 ~~sexually violent persons) shall notify the Pennsylvania State~~
27 ~~Police within 72 hours of intake.~~

28 ~~(d) Notice required prior to travel outside Commonwealth.~~

29 ~~(1) An out of State offender registered under this~~
30 ~~subchapter shall provide notice to the Pennsylvania State~~

~~Police at least ten days before traveling outside of this Commonwealth and at least 21 days before traveling outside of the United States.~~

~~(2) The out of State offender shall specify the place at which the out of State offender will be located outside this Commonwealth and the purposes of and the duration of the travel.~~

~~(e) Appearance required prior to temporary lodgings. An out of State offender who resides or is habitually located in this Commonwealth who will be away from the offender's residence or habitual locale at any location for at least seven days shall, no less than five days in advance of travel, appear at an approved registration site and notify the Pennsylvania State Police of the place at which the offender will be temporarily lodged and the duration of the travel.~~

~~(f) Duties for offenders in custody or under supervision. Notwithstanding the provisions of this section, an out of State offender and who is incarcerated in a Pennsylvania correctional facility serving a sentence of intermediate punishment or otherwise under the supervision of the Pennsylvania Board of Probation and Parole or any county probation and parole office shall register in accordance with the provisions of this section.~~

~~(g) Registration information to law enforcement.~~

~~(1) (i) The Pennsylvania State Police shall provide the information obtained under this section to the district attorney of the county or counties in which the individual will be present, the chief law enforcement officers of the police departments of the municipalities in which the individual will be present and the probation~~

~~or parole office where the individual will be present.~~

~~(ii) The Pennsylvania State Police shall notify the sexual offender registry of any other jurisdiction with which the individual is registered.~~

~~(2) (i) The Pennsylvania State Police shall provide notice to the chief law enforcement officers of the police departments of the municipalities notified pursuant to paragraph (1) when an individual fails to comply with the registration requirements of this section and request, as appropriate, that the police departments assist in locating and apprehending the individual.~~

~~(ii) The Pennsylvania State Police shall notify the United States Marshals Service of the individual's failure to comply.~~

~~(3) The Pennsylvania State Police shall provide notice to the chief law enforcement officers of the police departments of the municipalities notified pursuant to paragraph (1) when the Pennsylvania State Police are in receipt of information indicating that the individual will no longer be present in the municipality.~~

~~(4) (i) If an out of State offender informs the Pennsylvania State Police of the offender's intent to travel outside of or be temporarily lodged outside of this Commonwealth, the Pennsylvania State Police shall, within 72 hours of being notified, inform the jurisdiction where the offender or out of State offender intends to travel or be temporarily lodged.~~

~~(ii) When an offender or out of State offender informs the Pennsylvania State Police of the offender's intent to travel outside of or be temporarily lodged~~

~~outside of the United States, the Pennsylvania State
Police shall, within 72 hours of being notified, inform
the United States Marshals Service.~~

~~(h) Penalty. An out of State offender who fails to comply
with the requirements of this subchapter is subject to
prosecution under 18 Pa.C.S. § 4915 (relating to failure to
comply with registration of sexual offenders requirements).
§ 9799.17. Exemption from registration and public notification
for out of State offenders.~~

~~(a) Class 1 out of State offenders. A Class 1 out of State
sexual offender may petition the court of common pleas in the
county where the offender resides or is habitually located to be
exempt from registration under section 9799.13 (relating to
registration) and public notification under section 9799.23
(relating to information made available to the public) if:~~

~~(1) no fewer than 15 years have passed since the
offender was convicted of the registrable offense, excluding
any time that the offender was in custody or civilly
committed; and~~

~~(2) during that 15 year period, the offender met all the
removal criteria.~~

~~(b) Class 2 out of State offenders. A Class 2 out of State
sexual offender may petition the court of common pleas in the
county where the offender resides or is habitually located to be
exempt from registration under section 9799.13 (relating to
registration) and public notification under section 9799.23
(relating to information made available to the public) if:~~

~~(1) no fewer than 25 years have passed since the
offender was convicted of the registrable offense, excluding
any time the offender was in custody or civilly committed;~~

1 ~~and~~

2 ~~(2) during that 25 year period, the offender met all the~~
3 ~~removal criteria.~~

4 ~~(b.1) Noninvoluntarily committed out of State offenders. An~~
5 ~~offender who is subject to registration due to an adjudication~~
6 ~~of delinquency for a offense equivalent to an offense listed~~
7 ~~under section 9799.13, but who has never been subject to a~~
8 ~~court ordered involuntary commitment under 42 Pa.C.S. Ch. 64~~
9 ~~(relating to court ordered involuntary treatment of certain~~
10 ~~sexually violent persons) or equivalent statute in another~~
11 ~~jurisdiction, may petition the court of common pleas where he or~~
12 ~~she resides or is habitually located to be exempt from~~
13 ~~registration under section 9799.13 if:~~

14 ~~(1) no fewer than 25 years have passed since the~~
15 ~~individual was adjudicated delinquent on the basis of the~~
16 ~~registrable offense, excluding any time the individual was in~~
17 ~~custody or civilly committed; and~~

18 ~~(2) during that 25 year period, the individual met all~~
19 ~~the removal criteria.~~

20 ~~(c) Hearing. Within 120 days of the filing of a petition~~
21 ~~under subsection (a) or (b), the court shall hold a hearing to~~
22 ~~determine whether to exempt the out of State offender from~~
23 ~~registration and community notification, if applicable. The out~~
24 ~~of State offender and the district attorney of the county in~~
25 ~~which the out of State offender resides or is habitually located~~
26 ~~shall be given notice of the hearing and an opportunity to be~~
27 ~~heard, the right to call witnesses, the right to call expert~~
28 ~~witnesses and the right to cross examine witnesses.~~

29 ~~(d) Exemption. The court shall exempt the out of State~~
30 ~~offender identified in subsection (a) or (b) from registration~~

1 ~~and public notification, if applicable, upon a finding that the~~
2 ~~offender meets all the removal criteria.~~

3 ~~(e) Notice. Any court granting relief to an out of State~~
4 ~~offender under this section shall notify the Pennsylvania State~~
5 ~~Police in writing within ten days from the date relief is~~
6 ~~granted.~~

7 ~~(f) Right to appeal. The out of State offender and the~~
8 ~~district attorney shall have the right to appellate review of~~
9 ~~the actions of the sentencing court taken under this section.~~
10 ~~An appeal by the district attorney shall stay the order of the~~
11 ~~sentencing court.~~

12 ~~(g) Subsequent conviction. Any relief granted under this~~
13 ~~section shall be void, and the out of State offender shall~~
14 ~~automatically and immediately again be subject to all applicable~~
15 ~~provisions of this subchapter if the offender is subsequently~~
16 ~~convicted of:~~

17 ~~(1) an offense under 18 Pa.C.S. § 4915 (relating to~~
18 ~~failure to comply with registration of sexual offenders~~
19 ~~requirements); or~~

20 ~~(2) an offense, in this or any other jurisdiction, that~~
21 ~~is punishable by imprisonment for more than one year.~~

22 ~~(h) Employee or student registrant. In the case of an out~~
23 ~~of State offender who is registered with the Pennsylvania State~~
24 ~~Police solely due to the offender being employed or going to~~
25 ~~school in this Commonwealth, the out of State offender may~~
26 ~~petition the court of common pleas where the offender is~~
27 ~~employed or goes to school. The out of State offender must meet~~
28 ~~all other requirements of this section.~~

29 ~~§ 9799.18. Sentencing court information.~~

30 ~~(a) Notice to offenders. At the time of sentencing or~~

1 ~~juvenile disposition, the court shall inform offenders of the~~
2 ~~provisions of this subchapter. The court shall:~~

3 ~~(1) Specifically inform the offender of the duty to~~
4 ~~register and require the offender to register immediately~~
5 ~~following sentencing or disposition in accordance with this~~
6 ~~subchapter.~~

7 ~~(2) Specifically inform the offender of the duty to~~
8 ~~verify the offender's registration in accordance with this~~
9 ~~subchapter, and the duty to update the offender's~~
10 ~~registration information with the Pennsylvania State Police~~
11 ~~within 72 hours of any change in registration information.~~

12 ~~(3) Specifically inform the offender of the duty to~~
13 ~~notify the Pennsylvania State Police within 72 hours if the~~
14 ~~offender intends to leave this Commonwealth or if the~~
15 ~~offender intends to establish an additional residence, place~~
16 ~~of employment or attend school in another jurisdiction. The~~
17 ~~court shall also inform the offender of the duty to register~~
18 ~~in the new jurisdiction with the relevant law enforcement~~
19 ~~agency no later than 72 hours after arrival in that~~
20 ~~jurisdiction.~~

21 ~~(4) Specifically inform the offender of the duty to~~
22 ~~register with the appropriate authorities in any state in~~
23 ~~which the offender is employed, carries on a vocation or is a~~
24 ~~student if the state requires registration.~~

25 ~~(5) Require the offender to read and sign a form stating~~
26 ~~that the duty to register under this subchapter has been~~
27 ~~explained. If the offender is incapable of speaking, reading~~
28 ~~or writing the English language, the court shall certify the~~
29 ~~duty to register was explained to the offender, and the~~
30 ~~offender indicated an understanding of the duty.~~

1 ~~(6) Specifically classify the offender as a Class 1,~~
2 ~~Class 2 or Class 3 sexual offender, sexually violent predator~~
3 ~~or juvenile offender subject to this chapter.~~

4 ~~(b) Supplemental notice. Notice shall also be provided to~~
5 ~~an individual a court is sentencing for a crime, if that crime~~
6 ~~is punishable by a maximum term of imprisonment exceeding one~~
7 ~~year and the individual was previously convicted at any time of~~
8 ~~a Class 1, Class 2 or Class 3 sexual offense or a similar~~
9 ~~offense under a former law of this Commonwealth or the laws of~~
10 ~~the United States or one of its territories or possessions,~~
11 ~~another state, the District of Columbia, a federally recognized~~
12 ~~Indian tribe or a foreign nation or was convicted of an offense~~
13 ~~specified in 42 U.S.C. § 16911(5)(A)(iii), (iv) and (v)~~
14 ~~(relating to relevant definitions, including Amie Zyla expansion~~
15 ~~of sex offender definition and expanded inclusion of child~~
16 ~~predator).~~

17 ~~(c) Mandatory registration. All offenders must register in~~
18 ~~accordance with this subchapter.~~

19 ~~(1) A failure by a sentencing court to provide the~~
20 ~~information required in this section, to correctly inform an~~
21 ~~offender of the offender's obligations or to require an~~
22 ~~offender to register shall not free an offender from the~~
23 ~~registration requirements as stated in this subchapter.~~

24 ~~(2) As registration pursuant to this subchapter is a~~
25 ~~collateral civil consequence of an offender's conviction and~~
26 ~~is not to be construed as punitive, no sentencing court shall~~
27 ~~have the authority to exempt an offender from registration~~
28 ~~pursuant to this subchapter or otherwise modify the terms of~~
29 ~~an offender's registration, except as set forth in section~~
30 ~~9799.15 (relating to exemption from registration and public~~

~~notification for Pennsylvania offenders) and section 9799.17-
(relating to exemption from registration and public
notification for out of State offenders).~~

~~§ 9799.19. Assessments.~~

~~(a) Order for assessment. After conviction but before
sentencing, a court shall order an individual convicted of a
Class 1, Class 2 or Class 3 sexual offense to be assessed by the
board. The order for an assessment shall be sent to the
administrative officer of the board within ten days of the date
of conviction for a Class 1, Class 2 or Class 3 sexual offense.~~

~~(b) Assessment. Upon receipt from the court of an order for
an assessment, a member of the board as designated by the
administrative officer of the board shall conduct an assessment
of the individual to determine if the individual should be
classified as a sexually violent predator. The board shall
establish standards for evaluations and for evaluators
conducting the assessments. An assessment shall include, but not
be limited to, an examination of the following:~~

~~(1) Facts of the current offense, including:~~

~~(i) Whether the offense involved multiple victims.~~

~~(ii) Whether the individual exceeded the means
necessary to achieve the offense.~~

~~(iii) The nature of the sexual contact with the
victim.~~

~~(iv) Relationship of the individual to the victim.~~

~~(v) Age of the victim.~~

~~(vi) Whether the offense included a display of
unusual cruelty by the individual during the commission
of the crime.~~

~~(vii) The mental capacity of the victim.~~

1 ~~(2) Prior offense history, including:~~

2 ~~(i) The individual's prior criminal record.~~

3 ~~(ii) Whether the individual completed any prior~~
4 ~~sentences.~~

5 ~~(iii) Whether the individual participated in~~
6 ~~available programs for sexual offenders.~~

7 ~~(3) Characteristics of the individual, including:~~

8 ~~(i) Age.~~

9 ~~(ii) Use of illegal drugs.~~

10 ~~(iii) Any mental illness, mental disability or~~
11 ~~mental abnormality.~~

12 ~~(iv) Behavioral characteristics that contribute to~~
13 ~~the individual's conduct.~~

14 ~~(4) Factors that are supported in a sexual offender~~
15 ~~assessment field as criteria reasonably related to the risk~~
16 ~~of re-offense.~~

17 ~~(c) Release of information. All State, county and local~~
18 ~~agencies, offices and entities in this Commonwealth, including~~
19 ~~juvenile probation officers, shall cooperate by providing copies~~
20 ~~of records and information as requested by the board in~~
21 ~~connection with the court ordered assessment and the assessment~~
22 ~~requested by the Pennsylvania Board of Probation and Parole or~~
23 ~~the assessment of a delinquent child under section 6358~~
24 ~~(relating to assessment of delinquent children by the State~~
25 ~~Sexual Offenders Assessment Board).~~

26 ~~(d) Submission of report by board. The board shall have 90~~
27 ~~days from the date of conviction of the individual to submit a~~
28 ~~written report containing its assessment to the district~~
29 ~~attorney.~~

30 ~~(d.1) Summary of offense. The board shall prepare a~~

1 ~~description of the offense or offenses that trigger the~~
2 ~~application of this subchapter to include, but not be limited~~
3 ~~to:~~

4 ~~(1) A concise narrative of the offender's conduct.~~

5 ~~(2) Whether the victim was a minor.~~

6 ~~(3) The manner of weapon or physical force used or~~
7 ~~threatened.~~

8 ~~(4) If the offense involved unauthorized entry into a~~
9 ~~room or vehicle occupied by the victim.~~

10 ~~(5) If the offense was part of a course or pattern of~~
11 ~~conduct involving multiple incidents or victims.~~

12 ~~(6) Previous instances in which the offender was~~
13 ~~determined guilty of an offense subject to this subchapter or~~
14 ~~of a crime of violence as defined in section 9714(g)~~
15 ~~(relating to sentences for second and subsequent offenses).~~

16 ~~(c) Hearing.—~~

17 ~~(1) A hearing to determine whether the individual is a~~
18 ~~sexually violent predator shall be scheduled upon the~~
19 ~~praecipe filed by the district attorney. The district~~
20 ~~attorney upon filing a praecipe shall serve a copy of same~~
21 ~~upon defense counsel together with a copy of the report of~~
22 ~~the board.~~

23 ~~(2) The individual and district attorney shall be given~~
24 ~~notice of the hearing and an opportunity to be heard, the~~
25 ~~right to call witnesses, the right to call expert witnesses~~
26 ~~and the right to cross examine witnesses. In addition, the~~
27 ~~individual shall have the right to counsel and to have an~~
28 ~~attorney appointed to represent the individual if the~~
29 ~~individual cannot afford one. If the individual requests~~
30 ~~another expert assessment, the individual shall provide a~~

1 ~~copy of the expert assessment to the district attorney prior~~
2 ~~to the hearing.~~

3 ~~(3) At the hearing prior to sentencing the court shall~~
4 ~~determine whether the Commonwealth has proved by clear and~~
5 ~~convincing evidence that the individual is a sexually violent~~
6 ~~predator.~~

7 ~~(4) A copy of the order containing the determination of~~
8 ~~the court shall be immediately submitted to the individual,~~
9 ~~the district attorney, the Pennsylvania Board of Probation~~
10 ~~and Parole, the Department of Corrections, the board and the~~
11 ~~State sexual offender registry of the Pennsylvania State~~
12 ~~Police.~~

13 ~~(f) Presentence investigation. If the board has performed~~
14 ~~an assessment under this section, copies of the report shall be~~
15 ~~provided to the agency preparing the presentence investigation.~~

16 ~~(g) Parole assessment. The Pennsylvania Board of Probation~~
17 ~~and Parole may request of the board an assessment of an offender~~
18 ~~be conducted and provide a report to the Pennsylvania Board of~~
19 ~~Probation and Parole prior to considering an offender for~~
20 ~~parole.~~

21 ~~(h) Delinquent children. Except if section 6358(b.1) is~~
22 ~~applicable, the probation officer shall notify the board 90 days~~
23 ~~prior to the 20th birthday of the child of the status of the~~
24 ~~delinquent child who is committed to an institution or other~~
25 ~~facility pursuant to section 6352 (relating to disposition of~~
26 ~~delinquent child) after having been found delinquent for an act~~
27 ~~of sexual violence that if committed by an adult would be a~~
28 ~~violation of 18 Pa.C.S. § 3121 (relating to rape), 3123~~
29 ~~(relating to involuntary deviate sexual intercourse), 3124.1~~
30 ~~(relating to sexual assault), 3125 (relating to aggravated~~

1 ~~indecent assault), 3126 (relating to indecent assault) or 4302-~~
2 ~~(relating to incest), together with the location of the facility~~
3 ~~where the child is committed. The board shall conduct an~~
4 ~~assessment of the child, which shall include the board's~~
5 ~~determination of whether or not the child is in need of~~
6 ~~commitment due to a mental abnormality as defined in section~~
7 ~~6402 (relating to definitions) or a personality disorder, either~~
8 ~~of which results in serious difficulty in controlling sexually~~
9 ~~violent behavior, and provide a report to the court within the~~
10 ~~time frames set forth in section 6358(c). The probation officer~~
11 ~~shall assist the board in obtaining access to the child and any~~
12 ~~records or information as requested by the board in connection~~
13 ~~with the assessment. The assessment shall be conducted under~~
14 ~~subsection (b).~~

15 ~~(i) Other assessments. Upon receipt from the court of an~~
16 ~~order for an assessment under section 9799.15 (relating to~~
17 ~~exemption from registration and public notification for~~
18 ~~Pennsylvania offenders) or section 9799.17 (relating to~~
19 ~~exemption from registration and public notification for out-of-~~
20 ~~State offenders), a member of the board as designated by the~~
21 ~~administrative officer of the board shall conduct an assessment~~
22 ~~of the individual to determine if the relief sought, if granted,~~
23 ~~is likely to pose a threat to the safety of any other person.~~
24 ~~The board shall establish standards for evaluations and for~~
25 ~~evaluators conducting these assessments.~~

26 ~~§ 9799.20. Verification of registration information.~~

27 ~~(a) Quarterly verification. Sexually violent predators,~~
28 ~~Class 3 sexual offenders, Class 3 out of State sexual offenders,~~
29 ~~offenders subject to registration under section 9799.13~~
30 ~~(relating to registration) due to an adjudication of delinquency~~

1 ~~for a qualifying offense or a civil commitment and all transient~~
2 ~~offenders and transient out of State offenders shall verify~~
3 ~~their registration information every 90 days after their~~
4 ~~registration start date by reporting in person to an approved~~
5 ~~registration site to verify the offender's registration~~
6 ~~information and be photographed. If the offender or out of State~~
7 ~~offender fails to report on or within ten days prior to the~~
8 ~~offender's quarterly reporting date, the offender or out of~~
9 ~~State offender will be in violation of this subsection.~~

10 ~~(b) Facilitation of quarterly verification. The~~
11 ~~Pennsylvania State Police shall facilitate and administer the~~
12 ~~verification process required under subsection (a) by doing all~~
13 ~~of the following:~~

14 ~~(1) Sending a nonforwardable verification notice by~~
15 ~~first class United States mail to all individuals referenced~~
16 ~~in subsection (a) at their last reported mailing location,~~
17 ~~residence or habitual locale every 90 days. This notice shall~~
18 ~~be sent not more than 30 days nor less than 15 days prior to~~
19 ~~the offender or out of State offender's quarterly~~
20 ~~verification period and shall remind the offender of the~~
21 ~~offender's quarterly verification requirement and provide the~~
22 ~~offender with a list of approved registration sites.~~

23 ~~(2) Providing verification forms as necessary to each~~
24 ~~approved registration site, the Department of Corrections,~~
25 ~~county correctional facilities, the Pennsylvania Board of~~
26 ~~Probation and Parole and county probation and parole~~
27 ~~departments.~~

28 ~~(c) Semiannual verification. All Class 2 sexual offenders~~
29 ~~and Class 2 out of State sexual offenders, except for transient~~
30 ~~offenders subject to quarterly verification, shall verify their~~

1 ~~registration information every 180 days after their registration~~
2 ~~start date by reporting in person to an approved registration~~
3 ~~site to verify the offender's registration information and to be~~
4 ~~photographed. If the offender or out of State offender fails to~~
5 ~~report on or within ten days prior to the offender's semiannual~~
6 ~~reporting date, the offender or out of State offender will be in~~
7 ~~violation of this subsection.~~

8 ~~(d) Facilitation of semiannual verification. The~~
9 ~~Pennsylvania State Police shall facilitate and administer the~~
10 ~~verification process required under subsection (c) by doing all~~
11 ~~of the following:~~

12 ~~(1) Sending a nonforwardable verification notice by~~
13 ~~first class United States mail to all individuals referenced~~
14 ~~in subsection (c) at their last reported mailing location,~~
15 ~~residence or habitual locale every 180 days. This notice~~
16 ~~shall be sent not more than 30 days nor less than 15 days~~
17 ~~prior to the offender or out of State offender's semiannual~~
18 ~~verification period and shall remind the offender of the~~
19 ~~offender's semiannual verification requirement and provide~~
20 ~~the offender with a list of approved registration sites.~~

21 ~~(2) Providing verification forms as necessary to each~~
22 ~~approved registration site, the Department of Corrections,~~
23 ~~county correctional facilities, the Pennsylvania Board of~~
24 ~~Probation and Parole and county probation and parole~~
25 ~~departments.~~

26 ~~(e) Annual verification. All Class 1 offenders and Class 1~~
27 ~~out of State offenders, except for transient offenders subject~~
28 ~~to quarterly verification, shall verify their registration~~
29 ~~information annually following their registration start date by~~
30 ~~reporting in person to an approved registration site to verify~~

1 ~~the offender's registration information and to be photographed.~~
2 ~~If the offender or out of State offender fails to report within~~
3 ~~ten days before the offender's annual reporting date, the~~
4 ~~offender or out of State offender will be in violation of this~~
5 ~~subsection.~~

6 ~~(f) Facilitation of annual verification. The Pennsylvania~~
7 ~~State Police shall facilitate and administer the verification~~
8 ~~process required by subsection (e) by doing the following:~~

9 ~~(1) Sending a nonforwardable verification notice by~~
10 ~~first class United States mail to individuals referenced in~~
11 ~~subsection (e) at their last reported mailing location,~~
12 ~~residence or habitual locale. This notice shall be sent no~~
13 ~~more than 30 days and no less than 15 days prior to the~~
14 ~~offender or out of State offender's annual verification~~
15 ~~period and shall remind the offender of the offender's annual~~
16 ~~verification requirement and provide the offender with a list~~
17 ~~of approved registration sites.~~

18 ~~(2) Providing verification forms as necessary to each~~
19 ~~approved registration site, the Department of Corrections,~~
20 ~~county correctional facilities, the Pennsylvania Board of~~
21 ~~Probation and Parole and county probation and parole~~
22 ~~departments.~~

23 ~~(g) Offenders on probation or parole. If an offender or~~
24 ~~out of State offender is under the supervision of the~~
25 ~~Pennsylvania Board of Probation and Parole or a county or~~
26 ~~juvenile probation or parole department, the offender or out of~~
27 ~~State offender shall report in person to the parole or probation~~
28 ~~office to verify the offender's registration information and to~~
29 ~~be photographed. The Pennsylvania Board of Probation and Parole~~
30 ~~and county and juvenile probation and parole departments shall~~

~~1 collect the verification information for all offenders and out-~~
~~2 of State offenders under their supervision on a form prescribed-~~
~~3 by the Pennsylvania State Police and photograph the offender and~~
~~4 out of State offender. The Pennsylvania Board of Probation and~~
~~5 Parole and county and juvenile probation and parole departments~~
~~6 shall immediately submit the registration information and~~
~~7 photographs to the Pennsylvania State Police.~~

~~8 (h) Imprisoned offenders. If an offender or out of State~~
~~9 offender is incarcerated or committed in a State or county~~
~~10 correctional facility, facility designed or operated for the~~
~~11 benefit of delinquent children or facility designated by the~~
~~12 Department of Public Welfare under 42 Pa.C.S. Ch. 64 (relating~~
~~13 to court ordered involuntary treatment of certain sexually~~
~~14 violent persons), the offender or out of State offender shall~~
~~15 report to the designated official at the facility to verify the~~
~~16 offender's registration information and be photographed. The~~
~~17 facilities shall ensure the collection of the verification~~
~~18 information for offenders and out of State offenders in their~~
~~19 custody on a form prescribed by the Pennsylvania State Police~~
~~20 and photograph the offenders and out of State offenders. The~~
~~21 facilities shall immediately submit the information and~~
~~22 photographs to the Pennsylvania State Police.~~

~~23 (i) Change of registration information. The Pennsylvania~~
~~24 State Police shall report an offender's or out of State~~
~~25 offender's change of registration information to the appropriate~~
~~26 law enforcement agency having jurisdiction. If the offender or~~
~~27 out of State offender changes residence, habitual locale, place~~
~~28 of employment or place of enrollment as a student to another~~
~~29 jurisdiction, the Pennsylvania State Police shall notify the~~
~~30 appropriate law enforcement agency with which the offender or~~

1 ~~out of State offender must register in the new jurisdiction.~~

2 ~~(j) Failure to keep the registration current. If an~~
3 ~~offender or out of State offender fails to verify the offender's~~
4 ~~registration information within the time periods as set forth in~~
5 ~~this section, the Pennsylvania State Police shall notify the~~
6 ~~municipal police department having jurisdiction of the~~
7 ~~offender's or out of State offender's last reported residence,~~
8 ~~habitual locale, employer or school and of the offender's or~~
9 ~~out of State offender's failure to appear. The Pennsylvania~~
10 ~~State Police shall also notify the United States Marshals~~
11 ~~Service of the offender or out of State offender's failure to~~
12 ~~appear. The municipal police shall locate the offender or out~~
13 ~~of State offender and arrest the offender for violating this~~
14 ~~section. If the municipal police are not able to locate the~~
15 ~~offender or out of State offender, the municipal police shall~~
16 ~~obtain an arrest warrant for the offender or out of State~~
17 ~~offender and send a copy of the arrest warrant to the~~
18 ~~Pennsylvania State Police. In jurisdictions where no municipal~~
19 ~~police jurisdiction exists, the Pennsylvania State Police shall~~
20 ~~assume responsibility for locating the offender or out of State~~
21 ~~offender, obtaining an arrest warrant and arresting the offender~~
22 ~~or out of State offender. Upon request, the Pennsylvania State~~
23 ~~Police shall assist any municipal police department with~~
24 ~~locating and arresting an offender or out of State offender who~~
25 ~~fails to verify registration information.~~

26 ~~(k) Penalty. An offender or out of State offender who fails~~
27 ~~to verify registration information or to be photographed as~~
28 ~~required by this section may be subject to prosecution under 18-~~
29 ~~Pa.C.S. § 4915 (relating to failure to comply with registration~~
30 ~~of sexual offenders requirements).~~

~~(1) Effect of notice. Failure to send or receive notice of information under this section shall not relieve the offender or out of State offender from the requirements of this subchapter.~~

~~§ 9799.21. Victim notification.~~

~~(a) Duty to inform victim.~~

~~(1) If an offender is determined to be a sexually violent predator, the municipal police department or the Pennsylvania State Police, if no municipal police jurisdiction exists, shall give written notice to the sexually violent predator's victim when the sexually violent predator registers initially and when he or she notifies the Pennsylvania State Police of a change of residence, habitual locale, employment or school. This notice shall be given within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of residence, habitual locale, employment or school. The notice shall contain the sexually violent predator's name and the address or addresses where the sexually violent predator resides, has the sexually violent predator habitual locales, employment or school.~~

~~(2) A victim may terminate the duty to inform set forth in paragraph (1) by providing the local municipal police department or the Pennsylvania State Police if no local municipal police department exists with a written statement releasing that agency from the duty to comply with this section as it pertains to that victim.~~

~~(b) Individual not determined to be a sexually violent predator. If an individual is not determined to be a sexually violent predator, the victim shall be notified in accordance with section 201 of the act of November 24, 1998 (P.L. 882, No.~~

1 ~~111), known as the Crime Victims Act.~~

2 ~~(c) Electronic notification option. Notwithstanding~~
3 ~~subsections (a) and (b), the Pennsylvania State Police shall~~
4 ~~develop and implement a system that allows victims and other~~
5 ~~members of the public to receive electronic notification in lieu~~
6 ~~of the notification in subsection (a) and (b) when a sexual~~
7 ~~offender, out of State sexual offender or sexually violent~~
8 ~~predator changes residence, habitual locale, employment or~~
9 ~~school.~~

10 ~~§ 9799.22. Other notification.~~

11 ~~(a) Notice. Notwithstanding the provisions of 18 Pa.C.S.~~
12 ~~Ch. 91 (relating to criminal history record information) and 42-~~
13 ~~Pa.C.S. Ch. 63 (relating to juvenile matters), the chief law~~
14 ~~enforcement officer of the police department of the municipality~~
15 ~~where a sexually violent predator lives shall be responsible for~~
16 ~~providing written notice as required under this section.~~

17 ~~(1) The notice shall contain:~~

18 ~~(i) The name of the sexually violent predator.~~

19 ~~(ii) The address or addresses at which the sexually~~
20 ~~violent predator resides. If the sexually violent~~
21 ~~predator is a transient, written notice under this~~
22 ~~subparagraph shall include the municipality and county~~
23 ~~containing the transient's habitual locale.~~

24 ~~(iii) The offense for which the sexually violent~~
25 ~~predator was convicted, sentenced by a court, adjudicated~~
26 ~~delinquent or court martialed.~~

27 ~~(iv) A statement that the offender has been~~
28 ~~determined to be a sexually violent predator, which~~
29 ~~determination has or has not been terminated as of a date~~
30 ~~certain.~~

1 ~~(v) A photograph of the sexually violent predator.~~

2 ~~(2) The notice shall not include any information that~~
3 ~~might reveal the victim's name, identity and residence.~~

4 ~~(b) Written notice recipients. The chief law enforcement~~
5 ~~officer shall provide written notice, under subsection (a), to~~
6 ~~the following persons:~~

7 ~~(1) Neighbors of the sexually violent predator. As used~~
8 ~~in this paragraph, where the sexually violent predator lives~~
9 ~~in a common interest community, the term "neighbor" includes~~
10 ~~the unit owners' association and residents of the common~~
11 ~~interest community. As used in this paragraph, where the~~
12 ~~sexually violent predator is transient, the term "neighbor"~~
13 ~~shall include the area of the offender's habitual locales,~~
14 ~~and the chief law enforcement officer shall determine the~~
15 ~~appropriate method for providing written notice.~~

16 ~~(2) The director of the county children and youth~~
17 ~~service agency of the county where the sexually violent~~
18 ~~predator resides or, if the sexually violent predator is~~
19 ~~transient, each county containing the sexually violent~~
20 ~~predator's habitual locale.~~

21 ~~(3) The superintendent of each school district and the~~
22 ~~equivalent official for private and parochial schools~~
23 ~~enrolling students up through 12th grade in the municipality~~
24 ~~where the sexually violent predator resides or, if the~~
25 ~~sexually violent predator is transient, each municipality~~
26 ~~containing the sexually violent predator's habitual locale.~~

27 ~~(4) The superintendent of each school district and the~~
28 ~~equivalent official for each private and parochial school~~
29 ~~located within a one mile radius of where the sexually~~
30 ~~violent predator resides or maintains a habitual locale.~~

1 ~~(5) The licensee of each certified day care center and~~
2 ~~licensed preschool program and owner/operator of each~~
3 ~~registered family day care home in the municipality where the~~
4 ~~sexually violent predator resides or, if the sexually violent~~
5 ~~predator is transient, each municipality containing the~~
6 ~~sexually violent predator's habitual locale.~~

7 ~~(6) The president of each college, university and~~
8 ~~community college located within 1,000 feet of a sexually~~
9 ~~violent predator's residence or where the sexually violent~~
10 ~~predator maintains a habitual locale.~~

11 ~~(c) Notification time frames. The municipal police~~
12 ~~department's chief law enforcement officer shall provide notice~~
13 ~~within the following time frames:~~

14 ~~(1) To neighbors, notice shall be provided within five~~
15 ~~days after information of the sexually violent predator's~~
16 ~~release date and residence has been received by the chief law~~
17 ~~enforcement officer. Notwithstanding the provisions of~~
18 ~~subsections (a) and (b), verbal notification may be used if~~
19 ~~written notification would delay meeting this time~~
20 ~~requirement.~~

21 ~~(2) To the persons specified in subsection (b) (2), (3),~~
22 ~~(4), (5) and (6), notice shall be provided within seven days~~
23 ~~after the chief law enforcement officer receives information~~
24 ~~regarding the sexually violent predator's release date and~~
25 ~~residence.~~

26 ~~(d) Public notice. Information provided in accordance with~~
27 ~~subsection (a) shall be available to the general public upon~~
28 ~~request. The information may be provided by electronic means.~~

29 ~~(e) Interstate transfers. The duties of police departments~~
30 ~~under this section shall also apply to individuals who are~~

1 ~~transferred to this Commonwealth under 61 Pa.C.S. Ch. 71 Subch.~~
2 ~~B (relating to Interstate Compact for the Supervision of Adult~~
3 ~~Offenders) or the act of July 2, 2004 (P.L.468, No.54), known as~~
4 ~~the Interstate Compact for Juveniles Act.~~

5 ~~§ 9799.23. Information made available to the public.~~

6 ~~(a) Internet website. The Commissioner of the Pennsylvania~~
7 ~~State Police shall do the following:~~

8 ~~(1) Develop and maintain a system for making the~~
9 ~~information described in subsection (b) publicly available by~~
10 ~~electronic means so that the public may, without limitation,~~
11 ~~obtain access to the information via an Internet website to~~
12 ~~view an individual record or the records of offenders and~~
13 ~~out of State offenders and registered with the Pennsylvania~~
14 ~~State Police.~~

15 ~~(2) Ensure the Internet website contains warnings that a~~
16 ~~person who uses the information contained therein to~~
17 ~~threaten, intimidate or harass another or who otherwise~~
18 ~~misuses that information may be criminally prosecuted.~~

19 ~~(3) Ensure the Internet website contains an explanation~~
20 ~~of its limitations, including statements advising that:~~

21 ~~(i) A positive identification of an offender or out~~
22 ~~of State offender whose record has been made available~~
23 ~~may be confirmed only by fingerprints.~~

24 ~~(ii) Some information contained on the Internet~~
25 ~~website may be outdated or inaccurate.~~

26 ~~(iii) The Internet website is not a comprehensive~~
27 ~~listing of every person who has ever committed a sex~~
28 ~~offense in Pennsylvania.~~

29 ~~(4) Strive to ensure the information contained on the~~
30 ~~Internet website is accurate and that the data therein is~~

1 ~~revised and updated within 72 hours of a change in~~
2 ~~registration information.~~

3 ~~(5) Provide on the Internet website general information~~
4 ~~designed to inform and educate the public about sex offenders~~
5 ~~and the operation of this subchapter as well as pertinent and~~
6 ~~appropriate information concerning crime prevention and~~
7 ~~personal safety, with appropriate links to other relevant~~
8 ~~Internet websites operated by the Commonwealth.~~

9 ~~(b) Required information. Notwithstanding 18 Pa.C.S. Ch. 91~~
10 ~~(relating to criminal history record information) and 42 Pa.C.S.~~
11 ~~Ch. 63 (relating to juvenile matters), the Internet website~~
12 ~~shall contain the following information for individuals~~
13 ~~registered with the Pennsylvania State Police:~~

14 ~~(1) Name and aliases.~~

15 ~~(2) Year of birth.~~

16 ~~(3) Street address, city, county and zip code of~~
17 ~~residences and intended residences.~~

18 ~~(4) Street address, city, county and zip code of any~~
19 ~~institution or location at which the person is enrolled as a~~
20 ~~student.~~

21 ~~(5) Street address, city, county and zip code of an~~
22 ~~employment location.~~

23 ~~(6) Photograph of the offender or out of State offender,~~
24 ~~that shall be updated no less than every year.~~

25 ~~(7) Physical description of the offender or out of State~~
26 ~~offender.~~

27 ~~(8) License plate number and a description of a vehicle~~
28 ~~owned or operated by the offender or out of State offender.~~

29 ~~(9) Text of the statutory provision defining the~~
30 ~~criminal offense for which the offender or out of State~~

1 ~~offender is registered.~~

2 ~~(10) Date of the offense and conviction.~~

3 ~~(11) Date the offender or out of State offender last~~
4 ~~verified the offender's registration information.~~

5 ~~(12) Compliance status.~~

6 ~~(13) Abstract of criminal history record indicating~~
7 ~~convictions for Class 1, Class 2 and Class 3 sexual offenses.~~

8 ~~(14) Other information required by Federal law.~~

9 ~~(e) (Reserved).~~

10 ~~(d) Duration of posting. The information listed in~~
11 ~~subsection (b) shall be made available on the Internet unless~~
12 ~~the offender or out of State offender is granted relief under~~
13 ~~section 9799.15 (relating to exemption from registration and~~
14 ~~public notification for Pennsylvania offenders) or section~~
15 ~~9799.17 (relating to exemption from registration and public~~
16 ~~notification for out of State offenders). When an offender or~~
17 ~~out of State offender is deceased or no longer present in this~~
18 ~~Commonwealth, the posting shall remain on the website for a~~
19 ~~period of 60 days along with a notice of the offender or out of~~
20 ~~State offender's change in status and the date the posting will~~
21 ~~be removed from the website.~~

22 ~~(e) Duty of Pennsylvania State Police. Notwithstanding 18~~
23 ~~Pa.C.S. Ch. 91, the Pennsylvania State Police shall develop and~~
24 ~~implement a process that allows members of the public to receive~~
25 ~~electronic notification when any registered offender is present~~
26 ~~or no longer present within a zip code or geographic radius~~
27 ~~specified by the requester.~~

28 ~~(f) Chief law enforcement officer. Notwithstanding any of~~
29 ~~the provisions of 18 Pa.C.S. Ch. 91, the chief law enforcement~~
30 ~~officer of the police department with primary jurisdiction over~~

1 ~~the municipality where an offender or out of State offender is~~
2 ~~present may disseminate all information in subsection (c) to the~~
3 ~~public through any available means it deems necessary including,~~
4 ~~but not limited to, newspaper, television, radio and community~~
5 ~~meetings. This information shall be available, upon request, to~~
6 ~~the general public.~~

7 ~~(g) Exception. Unless the offender or out of State offender~~
8 ~~has been subject to a court ordered involuntary commitment under~~
9 ~~42 Pa.C.S. Ch. 64 (relating to court ordered involuntary~~
10 ~~treatment of certain sexually violent persons) or equivalent~~
11 ~~statute in another jurisdiction, offenders and out of State~~
12 ~~offenders who are required to register under section 9799.13~~
13 ~~(relating to registration) because of an adjudication of~~
14 ~~delinquency for a qualifying offense shall not be subject to~~
15 ~~public notification under the requirements of this section.~~
16 ~~§ 9799.24. Administration.~~

17 ~~The Governor shall direct the Pennsylvania State Police, the~~
18 ~~Pennsylvania Board of Probation and Parole, the board, the~~
19 ~~Department of Corrections, the Department of Transportation and~~
20 ~~any other agency of the Commonwealth the Governor deems~~
21 ~~necessary to collaboratively design, develop and implement an~~
22 ~~integrated and secure system of communication, storage and~~
23 ~~retrieval of information to assure the timely, accurate and~~
24 ~~efficient administration of this subchapter.~~

25 ~~§ 9799.25. Global positioning system technology.~~

26 ~~The Pennsylvania Board of Probation and Parole and county and~~
27 ~~juvenile probation authorities may impose supervision conditions~~
28 ~~that include offender tracking through global positioning system~~
29 ~~technology.~~

30 ~~§ 9799.26. Immunity for good faith conduct.~~

1 ~~The following entities shall be immune from liability for~~
2 ~~good faith conduct under this subchapter:~~

3 ~~(1) Agents and employees of the Pennsylvania State~~
4 ~~Police and local law enforcement agencies.~~

5 ~~(2) District attorneys and their agents and employees.~~

6 ~~(3) Superintendents, administrators, teachers, employees~~
7 ~~and volunteers engaged in the supervision of children of any~~
8 ~~public, private or parochial school.~~

9 ~~(4) Directors and employees of county children and youth~~
10 ~~agencies.~~

11 ~~(5) Presidents or similar officers of universities and~~
12 ~~colleges, including community colleges.~~

13 ~~(6) The Pennsylvania Board of Probation and Parole and~~
14 ~~its agents and employees.~~

15 ~~(7) County probation and parole offices and their agents~~
16 ~~and employees.~~

17 ~~(8) Licensees of certified day care centers and~~
18 ~~directors of licensed preschool programs and owners and~~
19 ~~operators of registered family day care homes and their~~
20 ~~agents and employees.~~

21 ~~(9) The Department of Corrections and its agents and~~
22 ~~employees.~~

23 ~~(10) County correctional facilities and their agents and~~
24 ~~employees.~~

25 ~~(11) The board and its agents and employees.~~

26 ~~(12) Juvenile probation offices and their agents and~~
27 ~~employees.~~

28 ~~(13) The Department of Public Welfare and its agents and~~
29 ~~employees.~~

30 ~~(14) Institutions, youth development centers, camps or~~

~~other facilities designed or operated for the benefit of delinquent children and their agents and employees.~~

~~§ 9799.27. Pennsylvania State Police.~~

~~(a) Duties. The Pennsylvania State Police have the following duties:~~

~~(1) Create and maintain a State sexual offender registry.~~

~~(2) Participate in the National Sex Offender Public Registry maintained by the United States Department of Justice, including the National Sex Offender Public Website.~~

~~(3) Promulgate guidelines necessary for the general administration of this subchapter and for complying with Federal law.~~

~~(4) Notify, within 72 hours of receiving and verifying the offender's or out of State offender's registration, the chief law enforcement officer of the police departments having primary jurisdiction of the municipalities in which an offender or out of State offender is present of the fact that the offender or out of State offender has been registered with the Pennsylvania State Police.~~

~~(5) In consultation with the Department of Education, promulgate guidelines directing licensed day care centers, licensed preschool programs, schools, universities and colleges, including community colleges, on the proper use and administration of information received under section 9799.22 (relating to other notification).~~

~~(6) In consultation with the Department of Corrections and the Pennsylvania Board of Probation and Parole, promulgate guidelines directing State and county correctional facilities and State and county probation and parole offices~~

~~on the completion of registration information, updating of registration information and verification of registration information for all offenders or out of State offenders in their custody or under their supervision.~~

~~(7) In consultation with the Department of Public Welfare and the Juvenile Court Judges Commission, promulgate guidelines directing institutions, youth development centers, camps or other facilities designed or operated for the benefit of delinquent children on the completion of registration information, updating of registration information and verification of registration information for all offenders or out of State offenders in their custody or under their supervision.~~

~~(b) Powers. The Pennsylvania State Police may certify and send to an authorized user, by electronic transmission or otherwise, certified copies of an offender's sex offender registration file. Authorized users shall include State and local police, district attorneys, agents and employees of the Pennsylvania State Police and the Office of Attorney General and other persons or entities determined by the Pennsylvania State Police and listed by notice in the Pennsylvania Bulletin. In any proceeding before the courts or administrative bodies of this Commonwealth, documents certified by the Pennsylvania State Police under this section and offered into evidence by an authorized user shall be admissible into evidence.~~

~~§ 9799.28. Pennsylvania Board of Probation and Parole, county probation and parole departments and juvenile probation departments.~~

~~(a) Duties. The Pennsylvania Board of Probation and Parole, county probation and parole departments and juvenile probation~~

1 ~~departments have the following duties:~~

2 ~~(1) Obtain, verify and update an offender's or out of~~
3 ~~State offender's registration information in accordance with~~
4 ~~this subchapter.~~

5 ~~(2) Immediately transmit the criminal history record of~~
6 ~~the offender or out of State offender as provided in 18~~
7 ~~Pa.C.S. Ch. 91 (relating to criminal history record~~
8 ~~information) along with the registration information to the~~
9 ~~Pennsylvania State Police for immediate entry into the State~~
10 ~~sexual offender registry.~~

11 ~~(3) Require the offender or out of State offender to~~
12 ~~report to the State or county parole and probation office or~~
13 ~~juvenile probation office to complete a change of information~~
14 ~~form within 72 hours of when an offender's or out of State~~
15 ~~offender's registration information changes. This information~~
16 ~~shall be immediately transmitted to the Pennsylvania State~~
17 ~~Police.~~

18 ~~(4) Require the offender or out of State offender to~~
19 ~~report to the State or county parole and probation office or~~
20 ~~juvenile probation office to verify the offender's~~
21 ~~registration information. This information shall be~~
22 ~~immediately transmitted to the Pennsylvania State Police.~~

23 ~~(5) On a form prescribed by the Pennsylvania State~~
24 ~~Police, notify the Pennsylvania State Police each time an~~
25 ~~offender or out of State offender is arrested or is~~
26 ~~incarcerated.~~

27 ~~(b) Supervision conditions. The Pennsylvania Board of~~
28 ~~Probation and Parole and county and juvenile probation~~
29 ~~authorities may impose supervision conditions that include~~
30 ~~offender or out of State offender tracking through global~~

1 ~~positioning system technology.~~

2 ~~§ 9799.29. Department of Corrections, county correctional~~
3 ~~facilities and facilities designed or operated for~~
4 ~~the benefit of delinquent children.~~

5 ~~The Department of Corrections, county correctional facilities~~
6 ~~and facilities designed or operated for the benefit of~~
7 ~~delinquent children have the following duties:~~

8 ~~(1) Obtain, verify and update an offender's or out of~~
9 ~~State offender's registration information in accordance with~~
10 ~~this subchapter.~~

11 ~~(2) Immediately transmit the criminal history record of~~
12 ~~the offender or out of State offender as provided in 18~~
13 ~~Pa.C.S. Ch. 91 (relating to criminal history record~~
14 ~~information) along with the registration information to the~~
15 ~~Pennsylvania State Police for immediate entry into the State~~
16 ~~sexual offender registry.~~

17 ~~(3) On a form prescribed by the Pennsylvania State~~
18 ~~Police, notify the Pennsylvania State Police each time an~~
19 ~~offender or out of State offender is incarcerated in or~~
20 ~~released from their respective facilities or transferred~~
21 ~~between correctional facilities or residential reentry~~
22 ~~facilities.~~

23 ~~(4) Assist offenders and out of State offenders~~
24 ~~registering pursuant to this subchapter, as well as updating~~
25 ~~and verifying registration information pursuant to this~~
26 ~~subchapter.~~

27 ~~§ 9799.30. Board.~~

28 ~~(a) Composition. The board shall be composed of~~
29 ~~psychiatrists, psychologists and criminal justice experts, each~~
30 ~~of whom is an expert in the field of the behavior and treatment~~

1 ~~of sexual offenders.~~

2 ~~(b) Appointment. The Governor shall appoint the board~~
3 ~~members.~~

4 ~~(c) Term of office. Members of the board shall serve four~~
5 ~~year terms.~~

6 ~~(d) Compensation. The members of the board shall be~~
7 ~~compensated at a rate of \$350 per assessment and receive~~
8 ~~reimbursement for their actual and necessary expenses while~~
9 ~~performing the business of the board. The chairman shall receive~~
10 ~~\$500 additional compensation annually.~~

11 ~~(e) Staff. Support staff for the board shall be provided by~~
12 ~~the Pennsylvania Board of Probation and Parole.~~

13 ~~§ 9799.31. Counseling of sexually violent predators.~~

14 ~~A sexually violent predator shall be required to attend at~~
15 ~~least monthly counseling sessions in a program approved by the~~
16 ~~board and be financially responsible for all fees assessed from~~
17 ~~the counseling sessions. The board shall monitor the compliance~~
18 ~~of the sexually violent predator. If the sexually violent~~
19 ~~predator can prove to the satisfaction of the court that the~~
20 ~~sexually violent predator cannot afford to pay for the~~
21 ~~counseling sessions, the offender shall nonetheless attend the~~
22 ~~counseling sessions, and the parole office shall pay the~~
23 ~~requisite fees.~~

24 ~~§ 9799.32. Exemption from notification for certain licensees~~
25 ~~and their employees.~~

26 ~~Nothing in this subchapter shall be construed as imposing a~~
27 ~~duty upon a person licensed under the act of February 19, 1980~~
28 ~~(P.L.15, No.9), known as the Real Estate Licensing and~~
29 ~~Registration Act, or an employee of the person, to disclose any~~
30 ~~information regarding an individual required to register with~~

1 ~~the State sexual offender registry pursuant to this subchapter.~~
2 ~~§ 9799.33. Annual performance audit.~~

3 ~~(a) Duties of the Attorney General. The Attorney General~~
4 ~~has the following duties:~~

5 ~~(1) Conduct a performance audit annually to determine~~
6 ~~compliance with the requirements of this subchapter and any~~
7 ~~guidelines promulgated under this subchapter. The audit~~
8 ~~shall, at a minimum, include a review of the practices,~~
9 ~~procedures and records of the Pennsylvania State Police, the~~
10 ~~Pennsylvania Board of Probation and Parole, the Department of~~
11 ~~Corrections, the board, the Administrative Office of~~
12 ~~Pennsylvania Courts and any other State or local agency the~~
13 ~~Attorney General deems necessary in order to conduct a~~
14 ~~thorough and accurate performance audit.~~

15 ~~(2) Prepare an annual report of its findings and any~~
16 ~~action it recommends be taken by the Pennsylvania State~~
17 ~~Police, the Pennsylvania Board of Probation and Parole, the~~
18 ~~Department of Corrections, the board, the Administrative~~
19 ~~Office of Pennsylvania Courts, other State or local agencies~~
20 ~~and the General Assembly to ensure compliance with this~~
21 ~~subchapter. The first report shall be released to the general~~
22 ~~public no fewer than 18 months following the effective date~~
23 ~~of this section.~~

24 ~~(3) Provide a copy of its report to the Pennsylvania~~
25 ~~State Police, the Pennsylvania Board of Probation and Parole,~~
26 ~~the Department of Corrections, the board, the Administrative~~
27 ~~Office of Pennsylvania Courts, State or local agencies~~
28 ~~referenced in the report, the chairman and the minority~~
29 ~~chairman of the Judiciary Committee of the Senate and the~~
30 ~~chairman and the minority chairman of the Judiciary Committee~~

~~of the House of Representatives no fewer than 30 days prior to its release to the general public.~~

~~(b) Cooperation required. Notwithstanding any other provision of law to the contrary, the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, the Pennsylvania Commission on Sentencing and any other State or local agency requested to do so shall fully cooperate with the Attorney General and assist the Office of Attorney General in satisfying the requirements of this section. For purposes of this subsection, full cooperation shall include, at a minimum, complete access to unredacted records, files, reports and data systems.~~

~~§ 9799.34. Photographs and fingerprinting.~~

~~An individual subject to registration shall submit to fingerprinting and photographing as required by this subchapter. Fingerprinting as required by this subchapter shall, at a minimum, require submission of a full set of fingerprints and palm prints. Photographing as required by this subchapter shall, at a minimum, require submission to photographs of the face and any scars, marks, tattoos or other unique features of the individual. Fingerprints and photographs obtained under this subchapter may be maintained for use under this subchapter and for general law enforcement purposes.~~

~~Section 6. The definition of "other specified offense" in section 2303 of Title 44 is amended to read:~~

~~§ 2303. 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:~~

1 * * *

2 ~~"Other specified offense." Any of the following:~~

3 ~~(1) A felony offense [or an].~~

4 ~~(2) An offense under 18 Pa.C.S. § 2910 (relating to~~
5 ~~luring a child into a motor vehicle) or 3126 (relating to~~
6 ~~indecent assault) or an attempt to commit such an offense.~~

7 ~~(3) An offense subject to 42 Pa.C.S. Ch. 97 Subch. H~~
8 ~~(relating to registration of sexual offenders).~~

9 * * *

10 ~~Section 7. Paragraph (4) of the definition of "eligible~~
11 ~~offender" in section 4503 of Title 61 is amended to read:~~

12 ~~§ 4503. Definitions.~~

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

16 * * *

17 ~~"Eligible offender." A defendant or inmate convicted of a~~
18 ~~criminal offense who will be committed to the custody of the~~
19 ~~department and who meets all of the following eligibility~~
20 ~~requirements:~~

21 * * *

22 ~~(4) Has not been found guilty or previously convicted or~~
23 ~~adjudicated delinquent for violating any of the following~~
24 ~~provisions or an equivalent offense under the laws of the~~
25 ~~United States or one of its territories or possessions,~~
26 ~~another state, the District of Columbia, the Commonwealth of~~
27 ~~Puerto Rico or a foreign nation:~~

28 ~~18 Pa.C.S. § 4302 (relating to incest).~~

29 ~~18 Pa.C.S. § 5901 (relating to open lewdness).~~

30 ~~18 Pa.C.S. § 6312 (relating to sexual abuse of~~

1 ~~children).~~

2 ~~18 Pa.C.S. § 6318 (relating to unlawful contact with~~
3 ~~minor).~~

4 ~~18 Pa.C.S. § 6320 (relating to sexual exploitation of~~
5 ~~children).~~

6 ~~18 Pa.C.S. Ch. 76 Subch. C (relating to Internet~~
7 ~~child pornography).~~

8 ~~Received a criminal sentence pursuant to 42 Pa.C.S. §~~
9 ~~9712.1 (relating to sentences for certain drug offenses~~
10 ~~committed with firearms).~~

11 ~~Any Class 1 sexual offense, Class 2 sexual offense or~~
12 ~~Class 3 sexual offense [listed under 42 Pa.C.S. § 9795.1~~
13 ~~(relating to registration)], as defined in 42 Pa.C.S. §~~
14 ~~9799.12 (relating to definitions).~~

15 ~~* * *~~

16 ~~Section 8. Section 6137(a) (3.1) (ii) of Title 61 is amended~~
17 ~~to read:~~

18 ~~§ 6137. Parole power.~~

19 ~~(a) General criteria for parole.~~

20 ~~* * *~~

21 ~~(3.1) * * *~~

22 ~~(ii) This paragraph shall not apply to offenders who~~
23 ~~are currently serving a term of imprisonment for a crime~~
24 ~~of violence as defined in 42 Pa.C.S. § 9714 (relating to~~
25 ~~sentences for second and subsequent offenses) or for a~~
26 ~~crime requiring registration under 42 Pa.C.S. § [9795.1]~~
27 ~~9799.13 (relating to registration).~~

28 ~~* * *~~

29 ~~Section 9. This act shall take effect in 60 days.~~

30 ~~§ 9799.12. DEFINITIONS.~~



1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
2 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 "APPROVED REGISTRATION SITE." A SITE IN THIS COMMONWEALTH
5 APPROVED BY THE PENNSYLVANIA STATE POLICE AT WHICH INDIVIDUALS
6 SUBJECT TO THIS SUBCHAPTER MAY REGISTER, UPDATE AND VERIFY
7 REGISTRATION INFORMATION AS REQUIRED BY THIS SUBCHAPTER.

8 "BOARD." THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD.

9 "CLASS 1 SEXUAL OFFENDER." ANY INDIVIDUAL CONVICTED OF A
10 CLASS 1 SEXUAL OFFENSE OR DESIGNATED AS A CLASS 1 SEXUAL
11 OFFENDER BY THE PENNSYLVANIA STATE POLICE UNDER SECTION 9799.15
12 (RELATING TO REGISTRATION PROCEDURES FOR OUT-OF-STATE
13 OFFENDERS).

14 "CLASS 2 SEXUAL OFFENDER." ANY INDIVIDUAL CONVICTED OF A
15 CLASS 2 SEXUAL OFFENSE OR DESIGNATED AS A CLASS 2 SEXUAL
16 OFFENDER BY THE PENNSYLVANIA STATE POLICE UNDER SECTION 9799.15
17 (RELATING TO REGISTRATION PROCEDURES FOR OUT-OF-STATE
18 OFFENDERS).

19 "CLASS 3 SEXUAL OFFENDER." ANY INDIVIDUAL CONVICTED OF A
20 CLASS 3 SEXUAL OFFENSE, OR MORE THAN ONE CLASS 1 OR CLASS 2
21 SEXUAL OFFENSE, OR DESIGNATED AS A CLASS 3 SEXUAL OFFENDER BY
22 THE PENNSYLVANIA STATE POLICE UNDER SECTION 9799.15 (RELATING TO
23 REGISTRATION PROCEDURES FOR OUT-OF-STATE OFFENDERS).

24 "CLASS 1 SEXUAL OFFENSE." ANY OF THE FOLLOWING OFFENSES OR
25 ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT ANY OF THE
26 FOLLOWING OFFENSES:

27 18 PA.C.S. § 2902 (RELATING TO UNLAWFUL RESTRAINT) IF THE
28 VICTIM IS A MINOR AND THE PERPETRATOR IS NOT THE VICTIM'S
29 PARENT.

30 18 PA.C.S. § 2903 (RELATING TO FALSE IMPRISONMENT) IF THE

1 VICTIM IS A MINOR AND THE PERPETRATOR IS NOT THE VICTIM'S
2 PARENT.

3 18 PA.C.S. § 2904 (RELATING TO INTERFERENCE WITH CUSTODY
4 OF CHILDREN) IF THE PERPETRATOR IS NOT THE VICTIM'S PARENT.

5 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD INTO A
6 MOTOR VEHICLE OR STRUCTURE).

7 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
8 ASSAULT).

9 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT) IF THE
10 OFFENSE IS GRADED A MISDEMEANOR OF THE FIRST DEGREE OR
11 HIGHER.

12 18 PA.C.S. § 7507.1 (RELATING TO INVASION OF PRIVACY).

13 "CLASS 2 SEXUAL OFFENSE." ANY OF THE FOLLOWING OFFENSES OR
14 ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT ANY OF THE
15 FOLLOWING OFFENSES:

16 18 PA.C.S. § 3122.1 (A) (2) (RELATING TO STATUTORY SEXUAL
17 ASSAULT).

18 18 PA.C.S. § 3126 (A) (2), (3), (4), (5), (6) OR (8)
19 (RELATING TO INDECENT ASSAULT).

20 18 PA.C.S. § 5902 (B) (RELATING TO PROSTITUTION AND
21 RELATED OFFENSES) AND GRADED UNDER SECTION 5902 (C) (1) (III).

22 18 PA.C.S. § 5903 (A) (3), (4), (5), OR (6) (RELATING TO
23 OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES) IF THE
24 VICTIM IS A MINOR.

25 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

26 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
27 MINOR).

28 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF
29 CHILDREN).

30 "CLASS 3 SEXUAL OFFENSE." ANY OF THE FOLLOWING OFFENSES OR

1 ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT ANY OF THE
2 FOLLOWING OFFENSES:

3 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING) IF THE VICTIM
4 IS A MINOR.

5 18 PA.C.S. § 3121 (RELATING TO RAPE).

6 18 PA.C.S. § 3122.1(B) (RELATING TO STATUTORY SEXUAL
7 ASSAULT).

8 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
9 INTERCOURSE).

10 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

11 18 PA.C.S. § 3124.2(A.1) (RELATING TO INSTITUTIONAL
12 SEXUAL ASSAULT).

13 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
14 ASSAULT).

15 18 PA.C.S. § 3126(A) (7) (RELATING TO INDECENT ASSAULT).

16 18 PA.C.S. § 4302 (RELATING TO INCEST) IF THE VICTIM IS
17 LESS THAN 13 YEARS OF AGE OR THE VICTIM IS 13 TO 18 YEARS OF
18 AGE AND THE OFFENDER IS AT LEAST FOUR YEARS OLDER THAN THE
19 VICTIM.

20 "CLEAN." THE COMMONWEALTH LAW ENFORCEMENT ASSISTANCE
21 NETWORK.

22 "COMMON INTEREST COMMUNITY." INCLUDES A COOPERATIVE, A
23 CONDOMINIUM AND A PLANNED COMMUNITY WHERE AN INDIVIDUAL BY
24 VIRTUE OF AN OWNERSHIP INTEREST IN ANY PORTION OF REAL ESTATE IS
25 OR MAY BECOME OBLIGATED BY COVENANT, EASEMENT OR AGREEMENT
26 IMPOSED UPON THE OWNER'S INTEREST TO PAY ANY AMOUNT FOR REAL
27 PROPERTY TAXES, INSURANCE, MAINTENANCE, REPAIR, IMPROVEMENT,
28 MANAGEMENT, ADMINISTRATION OR REGULATION OF ANY PART OF THE REAL
29 ESTATE OTHER THAN THE PORTION OR INTEREST OWNED SOLELY BY THE
30 INDIVIDUAL.

1 "EMPLOYED." INCLUDES CARRYING ON A VOCATION OR EMPLOYMENT
2 THAT IS FULL TIME OR PART TIME FOR A PERIOD OF TIME EXCEEDING
3 FOUR DAYS DURING A SEVEN-DAY PERIOD OR FOR AN AGGREGATE PERIOD
4 OF TIME EXCEEDING 14 DAYS DURING ANY CALENDAR YEAR, WHETHER
5 FINANCIALLY COMPENSATED, VOLUNTEERED, PURSUANT TO A CONTRACT OR
6 FOR THE PURPOSE OF GOVERNMENT OR EDUCATIONAL BENEFIT.

7 "HABITUAL LOCALE." THE PLACE WHERE A TRANSIENT CAN BE
8 HABITUALLY LOCATED, INCLUDING LOCATIONS AN INDIVIDUAL FREQUENTS,
9 OR INTENDS TO FREQUENT, DURING THE DAY OR NIGHT, INCLUDING, BUT
10 NOT LIMITED TO, PARKS, BUILDINGS, LIBRARIES AND HOMELESS
11 SHELTERS.

12 "IAFIS." THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION
13 SYSTEM.

14 "INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM."
15 THE NATIONAL FINGERPRINT AND CRIMINAL HISTORY SYSTEM MAINTAINED
16 BY THE FEDERAL BUREAU OF INVESTIGATION PROVIDING AUTOMATED
17 FINGERPRINT SEARCH CAPABILITIES, LATENT SEARCHING CAPABILITY,
18 ELECTRONIC IMAGE STORAGE AND ELECTRONIC EXCHANGE OF FINGERPRINTS
19 AND RESPONSES.

20 "JUVENILE OFFENDER." ANY INDIVIDUAL OF ANY AGE REQUIRED TO
21 REGISTER UNDER SECTION 9799.13 (RELATING TO REGISTRATION) ON THE
22 BASIS OF AN ADJUDICATION OF DELINQUENCY.

23 "MENTAL ABNORMALITY." A CONGENITAL OR ACQUIRED CONDITION OF
24 A PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF
25 THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE
26 COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE
27 PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

28 "MINOR." ANY INDIVIDUAL LESS THAN 18 YEARS OF AGE.

29 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN OR
30 TOWNSHIP.

1 "OFFENDER." ANY INDIVIDUAL REQUIRED TO REGISTER UNDER
2 SECTION 9799.13 (RELATING TO REGISTRATION).

3 "OUT-OF-STATE OFFENDER." ANY INDIVIDUAL REQUIRED TO REGISTER
4 UNDER SECTION 9799.13 (RELATING TO REGISTRATION) DUE TO A
5 CONVICTION OR ADJUDICATION OF DELINQUENCY IN ANOTHER
6 JURISDICTION OR TO A COURT-MARTIAL.

7 "PENETRATION." INCLUDES ANY PENETRATION, HOWEVER SLIGHT, OF
8 THE GENITALS OR ANUS OR MOUTH OF ANOTHER PERSON WITH A PART OF
9 THE PERSON'S BODY OR A FOREIGN OBJECT FOR ANY PURPOSE OTHER THAN
10 GOOD FAITH MEDICAL, HYGIENIC OR LAW ENFORCEMENT PROCEDURES.

11 "PREDATORY." AN ACT DIRECTED AT A STRANGER OR AT A PERSON
12 WITH WHOM A RELATIONSHIP HAS BEEN INITIATED, ESTABLISHED,
13 MAINTAINED OR PROMOTED, IN WHOLE OR IN PART, IN ORDER TO
14 FACILITATE OR SUPPORT VICTIMIZATION.

15 "PRESENT." THE LOCATION WHERE AN OFFENDER OR OUT-OF-STATE
16 OFFENDER RESIDES, IS HABITUALLY LOCATED, IS EMPLOYED OR IS
17 ENROLLED AS A STUDENT.

18 "REGISTRATION INFORMATION." ALL OF THE FOLLOWING INFORMATION
19 CONCERNING THE OFFENDER:

20 (1) PRIMARY GIVEN NAME, INCLUDING ANY ALIASES,
21 NICKNAMES, ETHNIC OR TRIBAL NAMES AND ANY PSEUDONYMS,
22 REGARDLESS OF THE CONTEXT IN WHICH THEY ARE USED.

23 (2) VALID AND PURPORTED SOCIAL SECURITY NUMBER.

24 (3) ACTUAL AND PURPORTED DATE OF BIRTH.

25 (4) PLACE OF BIRTH.

26 (5) PHYSICAL DESCRIPTION, INCLUDING SEX, HEIGHT, WEIGHT,
27 EYE COLOR, HAIR COLOR, RACE AND ANY SCARS, MARKS, TATTOOS OR
28 OTHER UNIQUE FEATURES OF THE INDIVIDUAL.

29 (6) FINGERPRINTS TAKEN AND SUBMITTED TO IAFIS.

30 (7) PALM PRINTS TAKEN AND SUBMITTED TO THE FEDERAL

1 BUREAU OF INVESTIGATION CENTRAL DATABASE.

2 (8) DNA SAMPLE TAKEN AND SUBMITTED IN ACCORDANCE WITH 44
3 PA.C.S. CH. 23 (RELATING TO DNA DATA AND TESTING) TO THE
4 STATE DNA DATA BASE FOR ENTRY INTO THE COMBINED DNA INDEX
5 SYSTEM (CODIS) IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY
6 THE PENNSYLVANIA STATE POLICE. THE COLLECTION OF DNA AT TIME
7 OF COLLECTING REGISTRATION INFORMATION OR UPDATING OR
8 VERIFYING REGISTRATION INFORMATION IS NOT REQUIRED IF THE
9 REGISTERING OFFICIAL OR APPROVED REGISTRATION SITE CAN
10 CONFIRM THAT THE DNA COLLECTION AND SUBMISSION HAS ALREADY
11 OCCURRED.

12 (9) A DIGITIZED COPY OF A VALID DRIVER'S LICENSE OR
13 IDENTIFICATION CARD ISSUED TO THE OFFENDER.

14 (10) A DIGITIZED COPY OF THE OFFENDER'S PASSPORT AND
15 IMMIGRATION DOCUMENTS.

16 (11) A PHOTOGRAPH OF THE OFFENDER'S FACE.

17 (12) ANY TELEPHONE NUMBERS, INCLUDING LANDLINE AND CELL
18 PHONE NUMBERS, AND ANY OTHER DESIGNATIONS USED BY THE
19 OFFENDER FOR PURPOSES OF ROUTING OR SELF-IDENTIFICATION IN
20 TELEPHONIC COMMUNICATIONS.

21 (13) ANY E-MAIL ADDRESSES, ANY INSTANT MESSAGE ADDRESSES
22 OR IDENTIFIERS, ANY DESIGNATIONS OR MONIKERS USED BY THE
23 OFFENDER FOR PURPOSES OF ROUTING OR SELF-IDENTIFICATION IN
24 INTERNET COMMUNICATIONS OR POSTINGS.

25 (14) THE ADDRESS OF EACH RESIDENCE AT WHICH THE OFFENDER
26 RESIDES OR WILL RESIDE OR, IN THE CASE OF AN OFFENDER WHO
27 DOES NOT HAVE A RESIDENCE, THE OFFENDER'S HABITUAL LOCALE.

28 (15) THE LOCATION AT WHICH THE OFFENDER RECEIVES
29 DELIVERY OF MAIL, INCLUDING A POST OFFICE BOX OR GENERAL
30 DELIVERY POST OFFICE LOCATION.

1 (16) THE NAME AND ADDRESS OF ANY PLACE WHERE THE
2 OFFENDER IS EMPLOYED OR WILL BE EMPLOYED.

3 (17) THE NAME AND ADDRESS OF ANY PLACE WHERE THE
4 OFFENDER ATTENDS SCHOOL OR WILL ATTEND SCHOOL.

5 (18) THE LICENSE PLATE NUMBER, REGISTRATION NUMBER OR
6 ANY OTHER IDENTIFIER OF ALL VEHICLES, INCLUDING LAND
7 VEHICLES, AIRCRAFT OR WATERCRAFT OWNED OR OPERATED BY THE
8 OFFENDER, WHETHER FOR WORK OR PERSONAL USE, INCLUDING A
9 DESCRIPTION OF THE VEHICLE AND THE PERMANENT OR FREQUENT
10 LOCATION WHERE THE VEHICLE IS KEPT.

11 (19) INFORMATION CONCERNING ALL LICENSING AUTHORIZING
12 THE OFFENDER TO ENGAGE IN AN OCCUPATION OR CARRY OUT A TRADE
13 OR BUSINESS.

14 (20) THE OFFENSES REQUIRING REGISTRATION, INCLUDING A
15 CITATION OR LINK TO THE PROVISION OF LAW DEFINING THE OFFENSE
16 FOR WHICH THE OFFENDER IS REGISTERED.

17 (21) THE DATES OF ALL ARRESTS, CONVICTIONS AND
18 OUTSTANDING ARREST WARRANTS THAT HAVE BEEN ENTERED INTO THE
19 COMMONWEALTH LAW ENFORCEMENT ASSISTANCE NETWORK, AS WELL AS
20 THE STATUS OF THE OFFENDER'S PAROLE, PROBATION, SUPERVISED
21 RELEASE AND REGISTRATION.

22 (22) THE DATE OR DATES OF THE CURRENT OR SUBSEQUENT
23 PERIOD OF INCARCERATION AND RELEASE FROM INCARCERATION.

24 (23) FORMS SIGNED BY THE OFFENDER ACKNOWLEDGING THAT HE
25 OR SHE WAS ADVISED OF HIS OR HER REGISTRATION OBLIGATIONS.
26 THE FORM AND SIGNATURE MAY BE ELECTRONIC.

27 "REGISTRATION START DATE." THE DATE ON WHICH AN OFFENDER OR
28 OUT-OF-STATE OFFENDER'S REGISTRATION INFORMATION IS APPROVED AND
29 ENTERED INTO THE STATE SEXUAL OFFENDER REGISTRY BY THE
30 PENNSYLVANIA STATE POLICE.

1 "REGISTRY OFFICIAL." THE PERSON OR ENTITY RESPONSIBLE FOR
2 OBTAINING REGISTRATION INFORMATION AS SET FORTH IN THIS
3 SUBCHAPTER.

4 "RESIDENCE." THE LOCATION OF AN INDIVIDUAL'S HOME OR OTHER
5 PLACE WHERE THE INDIVIDUAL HABITUALLY RESIDES OR INTENDS TO
6 RESIDE FOR 30 CUMULATIVE DAYS OR MORE DURING A CALENDAR YEAR.
7 THE TERM MAY INCLUDE MORE THAN ONE LOCATION AND BE MOBILE OR
8 TRANSITORY, INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER.
9 AN INDIVIDUAL CONFINED IN A STATE CORRECTIONAL INSTITUTION OR
10 MOTIVATIONAL BOOT CAMP SHALL BE CONSIDERED TO BE A RESIDENT OF
11 THE DEPARTMENT OF CORRECTIONS. HOWEVER, AN INDIVIDUAL CONFINED
12 IN A COMMUNITY CORRECTIONS CENTER OPERATED BY THE DEPARTMENT OF
13 CORRECTIONS OR PURSUANT TO A CONTRACT BETWEEN THE DEPARTMENT OF
14 CORRECTIONS AND A CONTRACTOR OR OTHER PROVIDER SHALL BE
15 CONSIDERED A RESIDENT OF THE SPECIFIC FACILITY WHERE THE
16 INDIVIDUAL IS LIVING.

17 "SEXUALLY VIOLENT OFFENSE." ANY CLASS 1, CLASS 2 OR CLASS 3
18 SEXUAL OFFENSE.

19 "SEXUALLY VIOLENT PREDATOR." AN INDIVIDUAL WHO HAS BEEN
20 CONVICTED OF AN OFFENSE AS SET FORTH UNDER SECTION 9799.13
21 (RELATING TO REGISTRATION) AND WHO IS DETERMINED TO BE A
22 SEXUALLY VIOLENT PREDATOR UNDER SECTION 9799.18 (RELATING TO
23 ASSESSMENTS) DUE TO A MENTAL ABNORMALITY OR PERSONALITY DISORDER
24 THAT MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY SEXUALLY
25 VIOLENT OFFENSES. THE TERM INCLUDES:

26 (1) AN INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT
27 PREDATOR, OR OTHER SIMILAR DESIGNATION, IF THE DETERMINATION
28 OCCURRED IN THE UNITED STATES OR ONE OF ITS TERRITORIES OR
29 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, A
30 FEDERALLY RECOGNIZED INDIAN TRIBE, A FOREIGN NATION OR A

1 MILITARY TRIBUNAL.

2 (2) AN INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT
3 DELINQUENT CHILD UNDER CHAPTER 64 (RELATING TO COURT-ORDERED
4 INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT PERSONS),
5 REGARDLESS OF WHETHER THE INDIVIDUAL HAS BEEN SUBSEQUENTLY
6 DISCHARGED FROM INVOLUNTARY TREATMENT.

7 "SIMILAR OFFENSE." AN OFFENSE UNDER A FORMER LAW OF THIS
8 COMMONWEALTH OR THE LAWS OF THE UNITED STATES OR ONE OF ITS
9 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
10 COLUMBIA, A FEDERALLY RECOGNIZED INDIAN TRIBE OR A FOREIGN
11 NATION.

12 "STATE SEXUAL OFFENDER REGISTRY." THE STATEWIDE REGISTRY OF
13 OFFENDERS AND OUT-OF-STATE OFFENDERS MAINTAINED BY THE
14 PENNSYLVANIA STATE POLICE.

15 "STUDENT." A PERSON WHO IS ENROLLED ON A FULL-TIME OR PART-
16 TIME BASIS IN ANY PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION,
17 INCLUDING ANY SECONDARY SCHOOL, TRADE OR PROFESSIONAL
18 INSTITUTION OR INSTITUTION OF HIGHER EDUCATION.

19 "TRANSIENT." AN OFFENDER OR OUT-OF-STATE OFFENDER WHO DOES
20 NOT HAVE A RESIDENCE AND IS PRESENT IN THIS COMMONWEALTH.
21 § 9799.13. REGISTRATION.

22 (A) GENERAL RULE.--THE FOLLOWING INDIVIDUALS PRESENT IN THIS
23 COMMONWEALTH SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE
24 IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBCHAPTER:

25 (1) INDIVIDUALS WHO, ON OR AFTER THE EFFECTIVE DATE OF
26 THIS SECTION, ARE CONVICTED OF A CLASS 1, CLASS 2 OR CLASS 3
27 SEXUAL OFFENSE OR A SIMILAR OFFENSE.

28 (2) INDIVIDUALS WHO, ON OR AFTER THE EFFECTIVE DATE OF
29 THIS SECTION, ARE CONVICTED OF ANY FEDERAL OR MILITARY
30 OFFENSE ENUMERATED IN 42 U.S.C. § 16911(5)(A)(III), (IV) AND

1 (V) (RELATING TO RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA
2 EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION
3 OF CHILD PREDATORS) OR WHO, ON THE EFFECTIVE DATE OF THIS
4 SECTION, ARE REQUIRED TO REGISTER UNDER A SEXUAL OFFENDER
5 STATUTE IN THE JURISDICTION WHERE THE INDIVIDUAL WAS
6 CONVICTED, SENTENCED, ADJUDICATED DELINQUENT OR COURT-
7 MARTIALED.

8 (3) INDIVIDUALS WHO, ON OR AFTER THE EFFECTIVE DATE OF
9 THIS SECTION, ARE INCARCERATED, SERVING A SENTENCE OF
10 INTERMEDIATE PUNISHMENT OR UNDER THE SUPERVISION OF THE
11 PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR ANY FEDERAL OR
12 COUNTY PROBATION AND PAROLE OFFICE FOR A CLASS 1, CLASS 2 OR
13 CLASS 3 OFFENSE OR A SIMILAR OFFENSE OR FOR AN OFFENSE
14 ENUMERATED IN 42 U.S.C. § 16911(5)(A)(III), (IV) AND (V).

15 (4) INDIVIDUALS WHO, ON OR AFTER THE EFFECTIVE DATE OF
16 THIS SECTION, ARE CONVICTED OF OR INCARCERATED, SERVING A
17 SENTENCE OF INTERMEDIATE PUNISHMENT OR UNDER THE SUPERVISION
18 OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR ANY
19 COUNTY PROBATION AND PAROLE OFFICE FOR ANY FELONY OFFENSE, IF
20 THE INDIVIDUAL:

21 (I) WAS PREVIOUSLY CONVICTED AT ANY TIME OF A CLASS
22 1, CLASS 2 OR CLASS 3 SEXUAL OFFENSE OR A SIMILAR
23 OFFENSE, REGARDLESS OF WHETHER THE OFFENSE WAS DESIGNATED
24 AS A CLASS 1, CLASS 2 OR CLASS 3 OFFENSE AT THE TIME OF
25 THE CONVICTION;

26 (II) WAS CONVICTED OF AN OFFENSE ENUMERATED IN 42
27 U.S.C. § 16911(5)(A)(III), (IV) AND (V); OR

28 (III) WAS PREVIOUSLY REQUIRED TO REGISTER UNDER A
29 SEXUAL OFFENDER STATUTE IN ANOTHER JURISDICTION AND HIS
30 OR HER REGISTRATION OBLIGATION IN THAT JURISDICTION HAD

1 EXPIRED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

2 (5) INDIVIDUALS WHO, ON OR AFTER THE EFFECTIVE DATE OF
3 THIS SECTION, ARE ADJUDICATED DELINQUENT FOLLOWING A
4 DETERMINATION BY THE COURT THAT THE INDIVIDUAL HAS COMMITTED
5 ANY OF THE FOLLOWING OFFENSES OR SIMILAR OFFENSES SUBSEQUENT
6 TO ATTAINING 14 YEARS OF AGE:

7 (I) 18 PA.C.S. § 901 (RELATING TO CRIMINAL ATTEMPT)
8 IF THE UNDERLYING OFFENSE IS LISTED IN SUBPARAGRAPH (IV),
9 (V) OR (VI).

10 (II) 18 PA.C.S. § 902 (RELATING TO CRIMINAL
11 SOLICITATION) IF THE UNDERLYING OFFENSE IS LISTED IN
12 SUBPARAGRAPH (IV), (V) OR (VI).

13 (III) 18 PA.C.S. § 903 (RELATING TO CRIMINAL
14 CONSPIRACY) IF THE UNDERLYING OFFENSE IS LISTED IN
15 SUBPARAGRAPH (IV), (V) OR (VI).

16 (IV) 18 PA.C.S. § 3121 (RELATING TO RAPE).

17 (V) 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY
18 DEVIATE SEXUAL INTERCOURSE).

19 (VI) 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED
20 INDECENT ASSAULT).

21 (6) INDIVIDUALS WHO, ON THE EFFECTIVE DATE OF THIS
22 SECTION, ARE UNDER COURT-ORDERED PLACEMENT IN AN INSTITUTION,
23 YOUTH DEVELOPMENT CENTER, CAMP, INSTITUTION OPERATED BY THE
24 DEPARTMENT OF PUBLIC WELFARE OR OTHER FACILITY DESIGNED OR
25 OPERATED FOR THE BENEFIT OF DELINQUENT CHILDREN, OR ARE ON
26 PROBATION OR OTHERWISE UNDER THE SUPERVISION OF THE COURT DUE
27 TO AN ADJUDICATION OF DELINQUENCY FOLLOWING A DETERMINATION
28 BY THE COURT THAT THE INDIVIDUAL HAS COMMITTED ANY OF THE
29 FOLLOWING OFFENSES OR SIMILAR OFFENSES SUBSEQUENT TO
30 ATTAINING 14 YEARS OF AGE:

1 (I) 18 PA.C.S. § 901 IF THE UNDERLYING OFFENSE IS
2 LISTED IN SUBPARAGRAPH (IV), (V) OR (VI).

3 (II) 18 PA.C.S. § 902 (RELATING TO CRIMINAL
4 SOLICITATION) IF THE UNDERLYING OFFENSE IS LISTED IN
5 SUBPARAGRAPH (IV), (V) OR (VI).

6 (III) 18 PA.C.S. § 903 IF THE UNDERLYING OFFENSE IS
7 LISTED IN SUBPARAGRAPH (IV), (V) OR (VI).

8 (IV) 18 PA.C.S. § 3121.

9 (V) 18 PA.C.S. § 3123.

10 (VI) 18 PA.C.S. § 3125.

11 (7) INDIVIDUALS WHO, ON OR AFTER THE EFFECTIVE DATE OF
12 THIS SECTION, ARE COMMITTED TO OR RECEIVING INVOLUNTARY
13 TREATMENT IN A FACILITY UNDER CHAPTER 64 (RELATING TO COURT-
14 ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT
15 PERSONS).

16 (8) INDIVIDUALS WHO, ON THE EFFECTIVE DATE OF THIS
17 SECTION, ARE REGISTERED IN THE STATE SEXUAL OFFENDER REGISTRY
18 UNDER THIS SUBCHAPTER.

19 (B) NATURAL DISASTER.--THE OCCURRENCE OF A NATURAL DISASTER
20 OR OTHER EVENT REQUIRING EVACUATION OF RESIDENCES SHALL NOT
21 RELIEVE AN INDIVIDUAL OF THE DUTY TO REGISTER OR ANY OTHER DUTY
22 IMPOSED BY THIS CHAPTER.

23 § 9799.14. REGISTRATION PROCEDURES FOR PENNSYLVANIA OFFENDERS.

24 (A) EXISTING OFFENDERS.--AN OFFENDER WHO, BEFORE THE
25 EFFECTIVE DATE OF THIS SECTION, WAS CONVICTED IN THIS
26 COMMONWEALTH OF A CLASS 1, CLASS 2 OR CLASS 3 SEXUAL OFFENSE AND
27 IS REQUIRED TO REGISTER UNDER SECTION 9799.13 (RELATING TO
28 REGISTRATION) SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE
29 BY PROVIDING REGISTRATION INFORMATION TO THE APPROPRIATE
30 REGISTERING OFFICIAL FOR INCLUSION IN THE STATE SEXUAL OFFENDER

1 REGISTRY SUBJECT TO THE FOLLOWING:

2 (1) IF THE OFFENDER IS INCARCERATED IN A STATE
3 CORRECTIONAL FACILITY OR COUNTY CORRECTIONAL FACILITY, THE
4 CORRECTIONAL FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE
5 POLICE, NOT MORE THAN 30 DAYS IN ADVANCE OF, BUT NOT LATER
6 THAN TEN DAYS PRIOR TO, THE OFFENDER'S RELEASE FROM THE
7 CORRECTIONAL FACILITY.

8 (I) THE CORRECTIONAL FACILITY SHALL COLLECT THE
9 REGISTRATION INFORMATION FROM THE OFFENDER AND FORWARD
10 THE REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE
11 POLICE.

12 (II) THE CORRECTIONAL FACILITY SHALL NOT RELEASE THE
13 OFFENDER FROM CUSTODY UNTIL THE CORRECTIONAL FACILITY
14 RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE POLICE
15 THAT THE PENNSYLVANIA STATE POLICE HAS RECEIVED THE
16 REGISTRATION INFORMATION. VERIFICATION BY THE
17 PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC MEANS.

18 (2) IF THE OFFENDER IS SERVING A SENTENCE OF
19 INTERMEDIATE PUNISHMENT OR IS UNDER THE SUPERVISION OF THE
20 PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR ANY COUNTY
21 PROBATION AND PAROLE OFFICE, THE STATE OR COUNTY PROBATION
22 AND PAROLE OFFICE SHALL COLLECT THE REGISTRATION INFORMATION
23 FROM THE OFFENDER AND FORWARD THE REGISTRATION INFORMATION TO
24 THE PENNSYLVANIA STATE POLICE.

25 (B) NEW OFFENDERS.--AN OFFENDER WHO, ON OR AFTER THE
26 EFFECTIVE DATE OF THIS SECTION, IS CONVICTED IN THIS
27 COMMONWEALTH OF A CLASS 1, CLASS 2 OR CLASS 3 OFFENSE AND IS
28 REQUIRED TO REGISTER UNDER SECTION 9799.13 SHALL REGISTER WITH
29 THE PENNSYLVANIA STATE POLICE BY PROVIDING THE REGISTRATION
30 INFORMATION TO THE APPROPRIATE REGISTERING OFFICIAL FOR

1 INCLUSION IN THE STATE SEXUAL OFFENDER REGISTRY SUBJECT TO THE
2 FOLLOWING:

3 (1) AT THE TIME OF SENTENCING, THE COURT SHALL REQUIRE
4 THE OFFENDER TO IMMEDIATELY REPORT TO THE OFFICE OF PROBATION
5 AND PAROLE SERVING THAT COUNTY TO REGISTER UNDER THIS
6 SUBCHAPTER.

7 (I) THE APPROPRIATE OFFICE OF PROBATION AND PAROLE
8 SHALL COLLECT THE REGISTRATION INFORMATION FROM THE
9 OFFENDER AND FORWARD THE REGISTRATION INFORMATION TO THE
10 PENNSYLVANIA STATE POLICE.

11 (II) THE COURT SHALL NOT AUTHORIZE RELEASE OF THE
12 OFFENDER FROM CUSTODY UNTIL THE APPROPRIATE OFFICE OF
13 PROBATION AND PAROLE SERVING THAT COUNTY RECEIVES
14 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
15 PENNSYLVANIA STATE POLICE HAS RECEIVED THE REGISTRATION
16 INFORMATION. VERIFICATION BY THE PENNSYLVANIA STATE
17 POLICE MAY OCCUR BY ELECTRONIC MEANS.

18 (2) IF THE OFFENDER IS INCARCERATED IN A STATE
19 CORRECTIONAL FACILITY OR COUNTY CORRECTIONAL FACILITY, THE
20 CORRECTIONAL FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE
21 POLICE, NOT MORE THAN 30 DAYS IN ADVANCE OF, BUT NOT LATER
22 THAN TEN DAYS PRIOR TO, THE OFFENDER'S RELEASE FROM THE
23 CORRECTIONAL FACILITY.

24 (I) THE CORRECTIONAL FACILITY SHALL ENSURE THAT
25 REGISTRATION INFORMATION FOR THE OFFENDER HAS BEEN
26 SUBMITTED TO THE PENNSYLVANIA STATE POLICE.

27 (II) IF REGISTRATION INFORMATION HAS NOT BEEN
28 SUBMITTED TO THE PENNSYLVANIA STATE POLICE, THE
29 CORRECTIONAL FACILITY SHALL COLLECT THE REGISTRATION
30 INFORMATION FROM THE OFFENDER AND FORWARD THE

1 REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE
2 POLICE.

3 (III) THE CORRECTIONAL FACILITY SHALL ALSO REPORT
4 ANY CHANGES TO THE REGISTRATION INFORMATION ON FILE WITH
5 THE PENNSYLVANIA STATE POLICE.

6 (IV) THE CORRECTIONAL FACILITY MAY NOT RELEASE THE
7 OFFENDER UNTIL THE CORRECTIONAL FACILITY RECEIVES
8 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
9 PENNSYLVANIA STATE POLICE HAS RECEIVED ALL REGISTRATION
10 INFORMATION. VERIFICATION BY THE PENNSYLVANIA STATE
11 POLICE MAY OCCUR BY ELECTRONIC MEANS.

12 (C) OTHER NEW OFFENDERS.--AN OFFENDER WHO, ON OR AFTER THE
13 EFFECTIVE DATE OF THIS SECTION, IS CONVICTED OF OR INCARCERATED,
14 SERVING A SENTENCE OF INTERMEDIATE PUNISHMENT OR IS UNDER THE
15 SUPERVISION OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR
16 ANY COUNTY PROBATION AND PAROLE OFFICE FOR ANY FELONY OFFENSE
17 AND IS REQUIRED TO REGISTER UNDER SECTION 9799.13 DUE TO A PRIOR
18 CONVICTION SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE BY
19 PROVIDING THE REGISTRATION INFORMATION TO THE APPROPRIATE
20 REGISTERING OFFICIAL FOR INCLUSION IN THE STATE SEXUAL OFFENDER
21 REGISTRY SUBJECT TO THE FOLLOWING:

22 (1) AT THE TIME OF SENTENCING FOR A FELONY OFFENSE, THE
23 COURT SHALL REQUIRE THE OFFENDER TO IMMEDIATELY REPORT TO THE
24 OFFICE OF PROBATION AND PAROLE SERVING THAT COUNTY TO
25 REGISTER UNDER THIS SUBCHAPTER.

26 (I) THE APPROPRIATE OFFICE OF PROBATION AND PAROLE
27 SHALL COLLECT THE REGISTRATION INFORMATION FROM THE
28 OFFENDER AND FORWARD THE REGISTRATION INFORMATION TO THE
29 PENNSYLVANIA STATE POLICE.

30 (II) THE COURT MAY NOT AUTHORIZE RELEASE OF THE

1 OFFENDER FROM CUSTODY UNTIL THE APPROPRIATE OFFICE OF
2 PROBATION AND PAROLE SERVING THAT COUNTY RECEIVES
3 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
4 PENNSYLVANIA STATE POLICE HAS RECEIVED THE REGISTRATION
5 INFORMATION. VERIFICATION BY THE PENNSYLVANIA STATE
6 POLICE MAY OCCUR BY ELECTRONIC MEANS.

7 (2) IF THE OFFENDER IS INCARCERATED IN A STATE
8 CORRECTIONAL FACILITY OR COUNTY CORRECTIONAL FACILITY, THE
9 CORRECTIONAL FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE
10 POLICE NOT MORE THAN 30 DAYS IN ADVANCE OF, BUT NOT LATER
11 THAN TEN DAYS PRIOR TO, THE OFFENDER'S RELEASE FROM THE
12 CORRECTIONAL FACILITY.

13 (I) THE CORRECTIONAL FACILITY SHALL ENSURE THAT
14 REGISTRATION INFORMATION FOR THE OFFENDER HAS BEEN
15 SUBMITTED TO THE PENNSYLVANIA STATE POLICE.

16 (II) IF REGISTRATION INFORMATION HAS NOT BEEN
17 SUBMITTED TO THE PENNSYLVANIA STATE POLICE, THE
18 CORRECTIONAL FACILITY SHALL COLLECT THE REGISTRATION
19 INFORMATION FROM THE OFFENDER AND FORWARD THE
20 REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE
21 POLICE.

22 (III) THE CORRECTIONAL FACILITY SHALL ALSO REPORT
23 ANY CHANGES TO THE REGISTRATION INFORMATION ON FILE WITH
24 THE PENNSYLVANIA STATE POLICE.

25 (IV) THE CORRECTIONAL FACILITY MAY NOT RELEASE THE
26 OFFENDER FROM CUSTODY UNTIL THE CORRECTIONAL FACILITY
27 RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE POLICE
28 THAT THE PENNSYLVANIA STATE POLICE HAS RECEIVED ALL
29 REGISTRATION INFORMATION. VERIFICATION BY THE
30 PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC MEANS.

1 (3) IF THE OFFENDER IS SERVING A SENTENCE OF
2 INTERMEDIATE PUNISHMENT OR IS UNDER THE SUPERVISION OF THE
3 PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR ANY COUNTY
4 PROBATION AND PAROLE OFFICE FOR A FELONY OFFENSE, THE
5 APPROPRIATE PROBATION AND PAROLE OFFICE SHALL COLLECT THE
6 REGISTRATION INFORMATION FROM THE OFFENDER AND FORWARD THE
7 REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE POLICE.

8 (D) DELINQUENCY.--

9 (1) THIS SUBSECTION APPLIES TO AN OFFENDER WHO MEETS ALL
10 OF THE FOLLOWING REQUIREMENTS:

11 (I) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION,
12 IS ADJUDICATED DELINQUENT FOLLOWING A DETERMINATION BY
13 THE COURT THAT THE INDIVIDUAL HAS COMMITTED ANY OF THE
14 FOLLOWING OFFENSES OR SIMILAR OFFENSES SUBSEQUENT TO
15 ATTAINING 14 YEARS OF AGE:

16 (A) 18 PA.C.S. § 901 (RELATING TO CRIMINAL
17 ATTEMPT) IF THE UNDERLYING OFFENSE IS LISTED IN
18 CLAUSE (D), (E) OR (F).

19 (B) 18 PA.C.S. § 902 (RELATING TO CRIMINAL
20 SOLICITATION) IF THE UNDERLYING OFFENSE IS LISTED IN
21 CLAUSE (D), (E) OR (F).

22 (C) 18 PA.C.S. § 903 (RELATING TO CRIMINAL
23 CONSPIRACY) IF THE UNDERLYING OFFENSE IS LISTED IN
24 CLAUSE (D), (E) OR (F).

25 (D) 18 PA.C.S. § 3121 (RELATING TO RAPE).

26 (E) 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY
27 DEVIATE SEXUAL INTERCOURSE).

28 (F) 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED
29 INDECENT ASSAULT).

30 (II) IS REQUIRED TO REGISTER UNDER SECTION 9799.13.

1 (2) THIS SUBSECTION APPLIES TO AN OFFENDER WHO MEETS ALL
2 OF THE FOLLOWING REQUIREMENTS:

3 (I) ON THE EFFECTIVE DATE OF THIS SECTION, IS UNDER
4 COURT-ORDERED PLACEMENT IN AN INSTITUTION, YOUTH
5 DEVELOPMENT CENTER, CAMP, INSTITUTION OPERATED BY THE
6 DEPARTMENT OF PUBLIC WELFARE OR OTHER FACILITY DESIGNED
7 OR OPERATED FOR THE BENEFIT OF DELINQUENT CHILDREN, OR IS
8 ON PROBATION OR OTHERWISE UNDER THE SUPERVISION OF THE
9 COURT, DUE TO AN ADJUDICATION OF DELINQUENCY FOLLOWING A
10 DETERMINATION BY THE COURT THAT THE INDIVIDUAL HAS
11 COMMITTED ANY OF THE FOLLOWING OFFENSES SUBSEQUENT TO
12 ATTAINING 14 YEARS OF AGE:

13 (A) 18 PA.C.S. § 901 IF THE UNDERLYING OFFENSE
14 IS LISTED IN CLAUSE (D), (E) OR (F).

15 (B) 18 PA.C.S. § 902 IF THE UNDERLYING OFFENSE
16 IS LISTED IN CLAUSE (D), (E) OR (F).

17 (C) 18 PA.C.S. § 903 IF THE UNDERLYING OFFENSE
18 IS LISTED IN CLAUSE (D), (E) OR (F).

19 (D) 18 PA.C.S. § 3121.

20 (E) 18 PA.C.S. § 3123.

21 (F) 18 PA.C.S. § 3125.

22 (II) IS REQUIRED TO REGISTER UNDER SECTION 9799.13.

23 (3) AN OFFENDER SUBJECT TO PARAGRAPH (1) OR (2) SHALL
24 REGISTER WITH THE PENNSYLVANIA STATE POLICE BY PROVIDING
25 REGISTRATION INFORMATION TO THE APPROPRIATE REGISTERING
26 OFFICIAL FOR INCLUSION IN THE STATE SEXUAL OFFENDER REGISTRY.
27 THE FOLLOWING APPLY:

28 (I) AT THE TIME OF DISPOSITION OF AN OFFENDER
29 SUBJECT TO THE PROVISIONS OF PARAGRAPH (1), THE COURT
30 SHALL SPECIFICALLY CLASSIFY THE OFFENDER AS A JUVENILE

1 OFFENDER SUBJECT TO THIS SUBCHAPTER IN ACCORDANCE WITH
2 SECTION 9799.17(A) (6) (RELATING TO COURT NOTIFICATION AND
3 CLASSIFICATION REQUIREMENTS) AND SHALL REQUIRE THE
4 OFFENDER TO IMMEDIATELY REGISTER UNDER THIS SUBCHAPTER.
5 THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT SHALL
6 ENSURE THE COLLECTION OF THE REGISTRATION INFORMATION
7 FROM THE OFFENDER AND FORWARD THE REGISTRATION
8 INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE COURT
9 SHALL NOT RELEASE THE OFFENDER FROM ITS CUSTODY UNTIL IT
10 RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE POLICE
11 THAT IT HAS RECEIVED THE REGISTRATION INFORMATION.
12 VERIFICATION BY THE PENNSYLVANIA STATE POLICE MAY OCCUR
13 BY ELECTRONIC MEANS.

14 (II) IF THE OFFENDER WHO IS SUBJECT TO THE
15 PROVISIONS OF PARAGRAPH (2) IS UNDER COURT-ORDERED
16 PLACEMENT IN ANY INSTITUTION, YOUTH DEVELOPMENT CENTER,
17 CAMP, INSTITUTION OPERATED BY THE DEPARTMENT OF PUBLIC
18 WELFARE OR OTHER FACILITY DESIGNED OR OPERATED FOR THE
19 BENEFIT OF DELINQUENT CHILDREN, THE CHIEF JUVENILE
20 PROBATION OFFICER OF THE COURT WHICH ENTERED THE ORDER
21 SHALL, WITHIN TEN DAYS OF THE EFFECTIVE DATE OF THIS
22 SECTION, INFORM THE DIRECTOR OF THE FACILITY THAT THE
23 OFFENDER IS SUBJECT TO REGISTRATION UNDER SECTION
24 9799.13. THE DIRECTOR OF THE FACILITY, OR A DESIGNEE,
25 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE NOT MORE THAN
26 30 DAYS IN ADVANCE OF, BUT NOT LATER THAN TEN DAYS PRIOR
27 TO, THE OFFENDER'S RELEASE FROM THE FACILITY. THE
28 DIRECTOR OF THE FACILITY, WITH THE ASSISTANCE OF THE
29 CHIEF JUVENILE PROBATION OFFICER, SHALL MAKE THE OFFENDER
30 AVAILABLE FOR AND FACILITATE THE COLLECTION OF THE

1 REGISTRATION INFORMATION FROM THE OFFENDER AS INSTRUCTED
2 BY THE PENNSYLVANIA STATE POLICE AND FORWARD THE
3 REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE
4 POLICE. THE FACILITY SHALL NOT RELEASE THE OFFENDER UNTIL
5 IT RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE
6 POLICE THAT IT HAS RECEIVED THE REGISTRATION INFORMATION.
7 VERIFICATION BY THE PENNSYLVANIA STATE POLICE MAY OCCUR
8 BY ELECTRONIC MEANS.

9 (III) IF THE OFFENDER WHO IS SUBJECT TO THE
10 PROVISIONS OF PARAGRAPH (2) IS ON PROBATION OR OTHERWISE
11 UNDER THE SUPERVISION OF THE COURT, THE CHIEF JUVENILE
12 PROBATION OFFICER OF THE COURT SHALL ENSURE COLLECTION OF
13 THE REGISTRATION INFORMATION FROM THE OFFENDER AND
14 FORWARD THE REGISTRATION INFORMATION TO THE PENNSYLVANIA
15 STATE POLICE.

16 (E) RECEIVING INVOLUNTARY TREATMENT.--

17 (1) THIS SUBSECTION APPLIES TO AN OFFENDER WHO MEETS ALL
18 OF THE FOLLOWING REQUIREMENTS:

19 (I) ON THE EFFECTIVE DATE OF THIS SECTION, IS
20 RECEIVING INVOLUNTARY TREATMENT IN A FACILITY DESIGNATED
21 BY THE DEPARTMENT OF PUBLIC WELFARE UNDER CHAPTER 64
22 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF
23 CERTAIN SEXUALLY VIOLENT PERSONS).

24 (II) IS REQUIRED TO REGISTER UNDER SECTION 9799.13.

25 (2) AN OFFENDER SUBJECT TO PARAGRAPH (1) SHALL REGISTER
26 WITH THE PENNSYLVANIA STATE POLICE BY PROVIDING REGISTRATION
27 INFORMATION TO THE APPROPRIATE REGISTERING OFFICIAL FOR
28 INCLUSION IN THE STATE SEXUAL OFFENDER REGISTRY. THE
29 FOLLOWING SHALL APPLY:

30 (I) WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS

1 SECTION, THE DIRECTOR OF THE FACILITY SHALL MAKE THE
2 OFFENDER AVAILABLE FOR AND FACILITATE THE COLLECTION OF
3 THE REGISTRATION INFORMATION FROM THE OFFENDER AS
4 INSTRUCTED BY THE PENNSYLVANIA STATE POLICE AND FORWARD
5 THAT INFORMATION TO THE PENNSYLVANIA STATE POLICE.

6 (II) THE DIRECTOR OF THE FACILITY, OR A DESIGNEE,
7 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OF THE DATES
8 OF ANY REVIEW HEARING, THE SUBMISSION OF AN OUTPATIENT
9 TREATMENT PLAN UNDER SECTION 6404 (RELATING TO DURATION
10 OF INPATIENT COMMITMENT AND REVIEW) OR THE FILING OF A
11 PETITION FOR DISCHARGE UNDER SECTION 6404.2 (RELATING TO
12 OUTPATIENT COMMITMENT AND REVIEW) AND SHALL PROVIDE TO
13 THE PENNSYLVANIA STATE POLICE COPIES OF ALL COURT ORDERS
14 RESULTING FROM THE HEARING OR PETITION.

15 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
16 THE COURT, UPON DETERMINING THAT THE OFFENDER WILL BE
17 TRANSFERRED TO INVOLUNTARY OUTPATIENT TREATMENT OR
18 DISCHARGED, SHALL REQUIRE THE OFFENDER TO IMMEDIATELY
19 UPDATE THE REGISTRATION INFORMATION COLLECTED UNDER THIS
20 SUBCHAPTER AND SHALL NOT ORDER TRANSFER OF OR DISCHARGE
21 THE OFFENDER UNTIL THE COURT RECEIVES VERIFICATION FROM
22 THE PENNSYLVANIA STATE POLICE THAT IT HAS RECEIVED THE
23 UPDATED REGISTRATION INFORMATION. THE DIRECTOR OF THE
24 FACILITY, OR A DESIGNEE, SHALL MAKE THE OFFENDER
25 AVAILABLE FOR AND FACILITATE THE COLLECTION OF THE
26 UPDATED REGISTRATION INFORMATION AS INSTRUCTED BY THE
27 PENNSYLVANIA STATE POLICE AND FORWARD THAT INFORMATION TO
28 THE PENNSYLVANIA STATE POLICE. VERIFICATION BY THE
29 PENNSYLVANIA STATE POLICE THAT IT HAS RECEIVED THE
30 UPDATED REGISTRATION INFORMATION MAY OCCUR BY ELECTRONIC

1 MEANS.

2 (F) SUBSEQUENT COMMITMENT TO INVOLUNTARY TREATMENT.--

3 (1) THIS SUBSECTION APPLIES TO AN OFFENDER WHO MEETS ALL
4 OF THE FOLLOWING REQUIREMENTS:

5 (I) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION,
6 IS COMMITTED TO INVOLUNTARY TREATMENT IN A FACILITY
7 DESIGNATED BY THE DEPARTMENT OF PUBLIC WELFARE UNDER
8 CHAPTER 64.

9 (II) IS REQUIRED TO REGISTER UNDER SECTION 9799.13.

10 (2) AN OFFENDER SUBJECT TO PARAGRAPH (1) SHALL REGISTER
11 WITH THE PENNSYLVANIA STATE POLICE BY PROVIDING REGISTRATION
12 INFORMATION TO THE APPROPRIATE REGISTERING OFFICIAL FOR
13 INCLUSION IN THE STATE SEXUAL OFFENDER REGISTRY. THE
14 FOLLOWING APPLY:

15 (I) AT THE TIME OF THE COMMITMENT, THE COURT SHALL
16 REQUIRE THE OFFENDER TO IMMEDIATELY REGISTER UNDER THIS
17 SUBCHAPTER. THE CHIEF JUVENILE PROBATION OFFICER OF THE
18 COURT SHALL ENSURE THE COLLECTION OF THE REGISTRATION
19 INFORMATION FROM THE OFFENDER AND FORWARD THE
20 REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE
21 POLICE. VERIFICATION BY THE PENNSYLVANIA STATE POLICE MAY
22 OCCUR BY ELECTRONIC MEANS.

23 (II) THE DIRECTOR OF THE FACILITY, OR A DESIGNEE,
24 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OF THE DATES
25 OF ANY REVIEW HEARING, THE SUBMISSION OF AN OUTPATIENT
26 TREATMENT PLAN UNDER SECTION 6404 OR THE FILING OF A
27 PETITION FOR DISCHARGE UNDER SECTION 6404.2 AND SHALL
28 PROVIDE TO THE PENNSYLVANIA STATE POLICE COPIES OF ALL
29 COURT ORDERS RESULTING FROM THE HEARING OR PETITION.

30 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,

1 THE COURT, UPON DETERMINING THAT THE OFFENDER WILL BE
2 TRANSFERRED TO INVOLUNTARY OUTPATIENT TREATMENT OR
3 DISCHARGED, SHALL REQUIRE THE OFFENDER TO IMMEDIATELY
4 UPDATE THE REGISTRATION INFORMATION COLLECTED UNDER THIS
5 SUBCHAPTER AND SHALL NOT ORDER TRANSFER OF OR DISCHARGE
6 THE OFFENDER UNTIL THE COURT RECEIVES VERIFICATION FROM
7 THE PENNSYLVANIA STATE POLICE THAT IT HAS RECEIVED THE
8 UPDATED REGISTRATION INFORMATION. THE DIRECTOR OF THE
9 FACILITY, OR A DESIGNEE, SHALL MAKE THE OFFENDER
10 AVAILABLE FOR AND FACILITATE THE COLLECTION OF UPDATED
11 REGISTRATION INFORMATION AS INSTRUCTED BY THE
12 PENNSYLVANIA STATE POLICE AND FORWARD THAT INFORMATION TO
13 THE PENNSYLVANIA STATE POLICE. VERIFICATION BY THE
14 PENNSYLVANIA STATE POLICE THAT IT HAS RECEIVED THE
15 UPDATED REGISTRATION INFORMATION MAY OCCUR BY ELECTRONIC
16 MEANS.

17 (G) REFUSAL TO PROVIDE REGISTRATION INFORMATION.--

18 (1) THIS SUBSECTION APPLIES TO AN OFFENDER WHO IS
19 SCHEDULED:

20 (I) TO BE RELEASED FROM A:

21 (A) STATE CORRECTIONAL FACILITY;

22 (B) COUNTY CORRECTIONAL FACILITY;

23 (C) FACILITY DESIGNED OR OPERATED FOR THE
24 BENEFIT OF DELINQUENT CHILDREN; OR

25 (D) FACILITY DESIGNATED BY THE DEPARTMENT OF
26 PUBLIC WELFARE UNDER CHAPTER 64; OR

27 (II) TO COMMENCE A SENTENCE OF PROBATION, PAROLE OR
28 INTERMEDIATE PUNISHMENT.

29 (2) IF AN OFFENDER SUBJECT TO PARAGRAPH (1) REFUSES TO
30 PROVIDE REGISTRATION INFORMATION OR REPORT A CHANGE IN

1 REGISTRATION INFORMATION, THE FACILITY OR PROBATION AND
2 PAROLE OFFICE SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OR
3 POLICE DEPARTMENT WITH PRIMARY JURISDICTION OF THE LOCATION
4 OF THE OFFENDER.

5 (3) THE PENNSYLVANIA STATE POLICE OR POLICE DEPARTMENT
6 WITH PRIMARY JURISDICTION SHALL LOCATE AND ARREST THE
7 OFFENDER FOR A VIOLATION OF 18 PA.C.S. § 4915 (RELATING TO
8 FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS
9 REQUIREMENTS).

10 (H) APPEARANCE REQUIRED FOR CHANGE OF REGISTRATION
11 INFORMATION.--

12 (1) AN OFFENDER SHALL APPEAR IN PERSON AT AN APPROVED
13 REGISTRATION SITE TO COMPLETE A CHANGE OF INFORMATION FORM
14 WITHIN 72 HOURS OF ANY CHANGE IN REGISTRATION INFORMATION.

15 (2) WHEN AN OFFENDER HAS BEEN REINCARCERATED OR
16 RECOMMITTED TO A FACILITY REFERRED TO IN SUBSECTION (G)(1)
17 (I), FOR ANY REASON, THE FACILITY SHALL UPDATE THE OFFENDER'S
18 REGISTRATION INFORMATION.

19 (3) THE CORRECTIONAL FACILITY SHALL NOT RELEASE THE
20 OFFENDER FROM CUSTODY UNTIL THE CORRECTIONAL FACILITY
21 RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT
22 THE PENNSYLVANIA STATE POLICE HAS RECEIVED THE REGISTRATION
23 INFORMATION. VERIFICATION BY THE PENNSYLVANIA STATE POLICE
24 MAY OCCUR BY ELECTRONIC MEANS.

25 (I) APPEARANCE REQUIRED AFTER RELEASE.--AN OFFENDER SUBJECT
26 TO REGISTRATION UNDER SECTION 9799.13 WHO HAS NOT SUBMITTED
27 REGISTRATION INFORMATION UNDER THE PROCEDURES IN THIS SECTION
28 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE WITHIN
29 72 HOURS OF RELEASE FROM SENTENCING OR RELEASE FROM
30 INCARCERATION.

1 (J) NOTICE REQUIRED PRIOR TO TRAVEL OUTSIDE COMMONWEALTH.--

2 (1) AN OFFENDER SHALL PROVIDE NOTICE TO THE PENNSYLVANIA
3 STATE POLICE AT LEAST TEN DAYS BEFORE TRAVELING OUTSIDE THIS
4 COMMONWEALTH AND AT LEAST 21 DAYS BEFORE TRAVELING OUTSIDE
5 THE UNITED STATES, PROVIDED THE OFFENDER WILL BE OUTSIDE THIS
6 COMMONWEALTH FOR AT LEAST SEVEN DAYS.

7 (2) THE OFFENDER SHALL SPECIFY THE PLACE AT WHICH THE
8 OFFENDER WILL BE LOCATED OUTSIDE THIS COMMONWEALTH AND THE
9 PURPOSES OF AND THE DURATION OF THE TRAVEL.

10 (K) APPEARANCE REQUIRED PRIOR TO TEMPORARY LODGINGS.--AN
11 OFFENDER WHO RESIDES OR IS HABITUALLY LOCATED IN THIS
12 COMMONWEALTH AND WHO WILL TRAVEL FROM THE OFFENDER'S RESIDENCE
13 OR HABITUAL LOCALE TO ANY LOCATION FOR AT LEAST SEVEN DAYS
14 SHALL, NOT LESS THAN TEN DAYS IN ADVANCE OF TRAVEL, APPEAR AT AN
15 APPROVED REGISTRATION SITE AND NOTIFY THE PENNSYLVANIA STATE
16 POLICE OF THE PLACE AT WHICH THE OFFENDER WILL BE TEMPORARILY
17 LODGED AND THE DURATION OF THE TRAVEL.

18 (L) REGISTRATION INFORMATION TO LAW ENFORCEMENT.--

19 (1) AS FOLLOWS:

20 (I) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THE
21 INFORMATION OBTAINED UNDER THIS SECTION TO THE DISTRICT
22 ATTORNEY OF THE COUNTY OR COUNTIES IN WHICH THE
23 INDIVIDUAL WILL BE PRESENT, THE CHIEF LAW ENFORCEMENT
24 OFFICERS OF THE POLICE DEPARTMENTS OF THE MUNICIPALITIES
25 IN WHICH THE INDIVIDUAL WILL BE PRESENT AND THE PROBATION
26 OR PAROLE OFFICE WHERE THE INDIVIDUAL WILL BE PRESENT.

27 (II) THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE
28 SEXUAL OFFENDER REGISTRY OF ANY OTHER JURISDICTION WITH
29 WHICH THE INDIVIDUAL IS REGISTERED.

30 (2) AS FOLLOWS:

1 (I) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE
2 NOTICE TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE
3 POLICE DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED
4 PURSUANT TO PARAGRAPH (1) WHEN AN INDIVIDUAL FAILS TO
5 COMPLY WITH THE REGISTRATION REQUIREMENTS OF THIS SECTION
6 AND REQUEST, AS APPROPRIATE, THAT THE POLICE DEPARTMENTS
7 ASSIST IN LOCATING AND APPREHENDING THE INDIVIDUAL.

8 (II) THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE
9 UNITED STATES MARSHALS SERVICE OF THE INDIVIDUAL'S
10 FAILURE TO COMPLY.

11 (3) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE
12 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
13 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED PURSUANT TO
14 PARAGRAPH (1) WHEN THE PENNSYLVANIA STATE POLICE ARE IN
15 RECEIPT OF INFORMATION INDICATING THAT THE INDIVIDUAL WILL NO
16 LONGER BE PRESENT IN THE MUNICIPALITY.

17 (4) AS FOLLOWS:

18 (I) IF AN OFFENDER INFORMS THE PENNSYLVANIA STATE
19 POLICE OF THE OFFENDER'S INTENT TO TRAVEL OUTSIDE OR BE
20 TEMPORARILY LODGED OUTSIDE THIS COMMONWEALTH, THE
21 PENNSYLVANIA STATE POLICE SHALL, WITHIN 72 HOURS OF BEING
22 NOTIFIED, INFORM THE JURISDICTION WHERE THE OFFENDER
23 INTENDS TO TRAVEL OR BE TEMPORARILY LODGED.

24 (II) WHEN AN OFFENDER INFORMS THE PENNSYLVANIA STATE
25 POLICE OF THE OFFENDER'S INTENT TO TRAVEL OUTSIDE OR BE
26 TEMPORARILY LODGED OUTSIDE THE UNITED STATES, THE
27 PENNSYLVANIA STATE POLICE SHALL, WITHIN 72 HOURS OF BEING
28 NOTIFIED, INFORM THE UNITED STATES MARSHALS SERVICE.

29 (M) PENALTY.--AN OFFENDER WHO FAILS TO COMPLY WITH THE
30 REQUIREMENTS OF THIS SUBCHAPTER IS SUBJECT TO PROSECUTION UNDER

1 18 PA.C.S. § 4915.
2 § 9799.15. REGISTRATION PROCEDURES FOR OUT-OF-STATE OFFENDERS.

3 (A) GENERAL DUTIES.--AN OUT-OF-STATE OFFENDER WHO IS
4 REQUIRED TO REGISTER UNDER SECTION 9799.13 (RELATING TO
5 REGISTRATION) SHALL:

6 (1) APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE
7 WITHIN 72 HOURS OF THE OFFENDER'S ARRIVAL IN THIS
8 COMMONWEALTH.

9 (2) PROVIDE THE REQUIRED REGISTRATION INFORMATION TO AN
10 APPROPRIATE OFFICIAL FOR INCLUSION IN THE STATE SEXUAL
11 OFFENDER REGISTRY.

12 (B) CLASSIFICATION.--

13 (1) THE PENNSYLVANIA STATE POLICE SHALL CLASSIFY AN OUT-
14 OF-STATE OFFENDER AS A CLASS 1, CLASS 2 OR CLASS 3 SEXUAL
15 OFFENDER OR SEXUALLY VIOLENT PREDATOR BASED ON WHETHER THE
16 OFFENDER'S OFFENSE IS SIMILAR TO THOSE SPECIFIED IN THIS
17 SUBCHAPTER OR UPON THE OFFENDER'S CLASSIFICATION IN THE
18 JURISDICTION OF CONVICTION OR COURT-MARTIAL, WHICHEVER IS
19 GREATER. IF AN INDIVIDUAL IS REGISTERED SOLELY DUE TO A
20 REQUIREMENT TO REGISTER UNDER A SEXUAL OFFENDER STATUTE IN
21 ANOTHER JURISDICTION AND THE INDIVIDUAL'S CONVICTION IS NOT
22 SIMILAR TO AN OFFENSE SPECIFIED IN THIS SUBCHAPTER, NOR IS
23 THE INDIVIDUAL CLASSIFIED IN THE INDIVIDUAL'S STATE OF
24 CONVICTION, THE PENNSYLVANIA STATE POLICE SHALL CLASSIFY THE
25 OUT-OF-STATE OFFENDER AS A CLASS 1 SEXUAL OFFENDER.

26 (2) IF AN INDIVIDUAL IS REGISTERED SOLELY DUE TO THE
27 INDIVIDUAL'S CONVICTION FOR AN OFFENSE SPECIFIED IN 42 U.S.C.
28 § 16911(5)(A)(III) (RELATING TO RELEVANT DEFINITIONS,
29 INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND
30 EXPANDED INCLUSION OF CHILD PREDATORS) AND THE CONVICTION

1 DOES NOT EQUATE TO A CLASS 1, CLASS 2 OR CLASS 3 OFFENSE, THE
2 OFFENDER SHALL BE CLASSIFIED BASED UPON THE CRITERIA
3 SPECIFIED IN 42 U.S.C. § 16911.

4 (3) IF AN INDIVIDUAL REGISTERED DUE TO AN ADJUDICATION
5 OF DELINQUENCY FOR AN OFFENSE EQUIVALENT TO AN OFFENSE LISTED
6 UNDER SECTION 9799.13, THE OFFENDER SHALL BE CLASSIFIED AS A
7 JUVENILE OFFENDER AND SUBJECT TO THE SAME PROVISIONS
8 APPLICABLE TO PENNSYLVANIA JUVENILE OFFENDERS UNDER THIS
9 SUBCHAPTER.

10 (C) APPEARANCE REQUIRED FOR CHANGE OF REGISTRATION
11 INFORMATION.--

12 (1) AN OUT-OF-STATE OFFENDER SHALL APPEAR IN PERSON AT
13 AN APPROVED REGISTRATION SITE TO COMPLETE A CHANGE OF
14 INFORMATION FORM WITHIN 72 HOURS OF ANY CHANGE IN
15 REGISTRATION INFORMATION.

16 (2) IF AN OUT-OF-STATE OFFENDER HAS BEEN
17 INCARCERATED OR COMMITTED TO A FACILITY IN THIS COMMONWEALTH
18 FOR ANY REASON, THE STATE CORRECTIONAL FACILITY, COUNTY
19 CORRECTIONAL FACILITY, FACILITY DESIGNED OR OPERATED FOR THE
20 BENEFIT OF DELINQUENT CHILDREN OR FACILITY DESIGNATED BY THE
21 DEPARTMENT OF PUBLIC WELFARE UNDER CHAPTER 64 (RELATING TO
22 COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY
23 VIOLENT PERSONS) SHALL UPDATE THE OUT-OF-STATE OFFENDER'S
24 REGISTRATION AND NOTIFY THE PENNSYLVANIA STATE POLICE WITHIN
25 72 HOURS OF INTAKE.

26 (3) IF AN OUT-OF-STATE OFFENDER HAS BEEN INCARCERATED OR
27 COMMITTED TO A FACILITY IN THIS COMMONWEALTH FOR ANY REASON,
28 THE STATE CORRECTIONAL FACILITY, COUNTY CORRECTIONAL
29 FACILITY, FACILITY DESIGNED OR OPERATED FOR THE BENEFIT OF
30 DELINQUENT CHILDREN OR FACILITY DESIGNATED BY THE DEPARTMENT

1 OF PUBLIC WELFARE UNDER CHAPTER 64 SHALL NOT RELEASE THE OUT-
2 OF-STATE OFFENDER FROM CUSTODY UNTIL IT HAS RECEIVED
3 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
4 PENNSYLVANIA STATE POLICE HAS RECEIVED THE REGISTRATION
5 INFORMATION. VERIFICATION BY THE PENNSYLVANIA STATE POLICE
6 MAY OCCUR BY ELECTRONIC MEANS.

7 (D) NOTICE REQUIRED PRIOR TO TRAVEL OUTSIDE COMMONWEALTH.--

8 (1) AN OUT-OF-STATE OFFENDER REGISTERED UNDER THIS
9 SUBCHAPTER SHALL PROVIDE NOTICE TO THE PENNSYLVANIA STATE
10 POLICE AT LEAST TEN DAYS BEFORE TRAVELING OUTSIDE THIS
11 COMMONWEALTH AND AT LEAST 21 DAYS BEFORE TRAVELING OUTSIDE
12 THE UNITED STATES, PROVIDED THE OFFENDER WILL BE OUTSIDE THIS
13 COMMONWEALTH FOR AT LEAST SEVEN DAYS.

14 (2) THE OUT-OF-STATE OFFENDER SHALL SPECIFY THE PLACE AT
15 WHICH THE OUT-OF-STATE OFFENDER WILL BE LOCATED OUTSIDE THIS
16 COMMONWEALTH AND THE PURPOSES OF AND THE DURATION OF THE
17 TRAVEL.

18 (E) APPEARANCE REQUIRED PRIOR TO TEMPORARY LODGINGS.--AN
19 OUT-OF-STATE OFFENDER WHO RESIDES OR IS HABITUALLY LOCATED IN
20 THIS COMMONWEALTH WHO WILL BE AWAY FROM THE OFFENDER'S RESIDENCE
21 OR HABITUAL LOCALE AT ANY LOCATION FOR AT LEAST SEVEN DAYS
22 SHALL, NOT LESS THAN FIVE DAYS IN ADVANCE OF TRAVEL, APPEAR AT
23 AN APPROVED REGISTRATION SITE AND NOTIFY THE PENNSYLVANIA STATE
24 POLICE OF THE PLACE AT WHICH THE OFFENDER WILL BE TEMPORARILY
25 LODGED AND THE DURATION OF THE TRAVEL.

26 (F) DUTIES FOR OFFENDERS IN CUSTODY OR UNDER SUPERVISION.--
27 NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, AN OUT-OF-STATE
28 OFFENDER WHO IS INCARCERATED IN A PENNSYLVANIA CORRECTIONAL
29 FACILITY SERVING A SENTENCE OF INTERMEDIATE PUNISHMENT OR
30 OTHERWISE UNDER THE SUPERVISION OF THE PENNSYLVANIA BOARD OF

1 PROBATION AND PAROLE OR ANY COUNTY PROBATION AND PAROLE OFFICE
2 SHALL REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS
3 SECTION.

4 (G) REGISTRATION INFORMATION TO LAW ENFORCEMENT.--

5 (1) (I) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THE
6 INFORMATION OBTAINED UNDER THIS SECTION TO THE DISTRICT
7 ATTORNEY OF THE COUNTY OR COUNTIES IN WHICH THE
8 INDIVIDUAL WILL BE PRESENT, THE CHIEF LAW ENFORCEMENT
9 OFFICERS OF THE POLICE DEPARTMENTS OF THE MUNICIPALITIES
10 IN WHICH THE INDIVIDUAL WILL BE PRESENT AND THE PROBATION
11 OR PAROLE OFFICE WHERE THE INDIVIDUAL WILL BE PRESENT.

12 (II) THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE
13 SEXUAL OFFENDER REGISTRY OF ANY OTHER JURISDICTION WITH
14 WHICH THE INDIVIDUAL IS REGISTERED.

15 (2) (I) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE
16 NOTICE TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE
17 POLICE DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED
18 PURSUANT TO PARAGRAPH (1) WHEN AN INDIVIDUAL FAILS TO
19 COMPLY WITH THE REGISTRATION REQUIREMENTS OF THIS SECTION
20 AND REQUEST, AS APPROPRIATE, THAT THE POLICE DEPARTMENTS
21 ASSIST IN LOCATING AND APPREHENDING THE INDIVIDUAL.

22 (II) THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE
23 UNITED STATES MARSHALS SERVICE OF THE INDIVIDUAL'S
24 FAILURE TO COMPLY.

25 (3) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE
26 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
27 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED PURSUANT TO
28 PARAGRAPH (1) WHEN THE PENNSYLVANIA STATE POLICE ARE IN
29 RECEIPT OF INFORMATION INDICATING THAT THE INDIVIDUAL WILL NO
30 LONGER BE PRESENT IN THE MUNICIPALITY.

1 (4) (I) IF AN OUT-OF-STATE OFFENDER INFORMS THE
2 PENNSYLVANIA STATE POLICE OF THE OFFENDER'S INTENT TO
3 TRAVEL OUTSIDE OR BE TEMPORARILY LODGED OUTSIDE THIS
4 COMMONWEALTH, THE PENNSYLVANIA STATE POLICE SHALL, WITHIN
5 72 HOURS OF BEING NOTIFIED, INFORM THE JURISDICTION WHERE
6 THE OFFENDER OR OUT-OF-STATE OFFENDER INTENDS TO TRAVEL
7 OR BE TEMPORARILY LODGED.

8 (II) WHEN AN OFFENDER OR OUT-OF-STATE OFFENDER
9 INFORMS THE PENNSYLVANIA STATE POLICE OF THE OFFENDER'S
10 INTENT TO TRAVEL OUTSIDE OR BE TEMPORARILY LODGED OUTSIDE
11 THE UNITED STATES, THE PENNSYLVANIA STATE POLICE SHALL,
12 WITHIN 72 HOURS OF BEING NOTIFIED, INFORM THE UNITED
13 STATES MARSHALS SERVICE.

14 (H) PENALTY.--AN OUT-OF-STATE OFFENDER WHO FAILS TO COMPLY
15 WITH THE REQUIREMENTS OF THIS SUBCHAPTER IS SUBJECT TO
16 PROSECUTION UNDER 18 PA.C.S. § 4915 (RELATING TO FAILURE TO
17 COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS REQUIREMENTS).
18 § 9799.16. LENGTH OF REGISTRATION.

19 (A) CLASSIFICATIONS.--OFFENDERS, OUT-OF-STATE OFFENDERS,
20 JUVENILE OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL REGISTER
21 IN ACCORDANCE WITH THIS SUBCHAPTER FOR THE FOLLOWING PERIODS OF
22 TIME:

23 (1) CLASS 1 OFFENDERS AND CLASS 1 OUT-OF-STATE OFFENDERS
24 SHALL REGISTER FOR 15 YEARS.

25 (2) CLASS 2 OFFENDERS, CLASS 2 OUT-OF-STATE OFFENDERS
26 AND JUVENILE OFFENDERS SHALL REGISTER FOR 25 YEARS.

27 (3) CLASS 3 OFFENDERS, CLASS 3 OUT-OF-STATE OFFENDERS
28 AND SEXUALLY VIOLENT PREDATORS SHALL REGISTER FOR LIFE.

29 (B) TOLLING.--THE REGISTRATION PERIODS REQUIRED BY THIS
30 SUBCHAPTER SHALL BE TOLLED WHEN AN OFFENDER, OUT-OF-STATE

1 OFFENDER OR JUVENILE OFFENDER IS IN CUSTODY OR CIVILLY COMMITTED
2 FOR ANY REASON.

3 § 9799.17. COURT NOTIFICATION AND CLASSIFICATION REQUIREMENTS.

4 (A) NOTICE TO AND CLASSIFICATION OF OFFENDERS.--AT THE TIME
5 OF SENTENCING, JUVENILE DELINQUENCY DISPOSITION OR COMMITMENT
6 FOR INVOLUNTARY TREATMENT UNDER CHAPTER 64 (RELATING TO COURT-
7 ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT
8 PERSONS), THE COURT SHALL INFORM OFFENDERS OF THE PROVISIONS OF
9 THIS SUBCHAPTER. THE COURT SHALL:

10 (1) SPECIFICALLY INFORM THE OFFENDER OF THE DUTY TO
11 REGISTER AND REQUIRE THE OFFENDER TO REGISTER IMMEDIATELY
12 FOLLOWING SENTENCING OR DISPOSITION IN ACCORDANCE WITH THIS
13 SUBCHAPTER.

14 (2) SPECIFICALLY INFORM THE OFFENDER OF THE DUTY TO
15 VERIFY THE OFFENDER'S REGISTRATION IN ACCORDANCE WITH THIS
16 SUBCHAPTER, AND THE DUTY TO UPDATE THE OFFENDER'S
17 REGISTRATION INFORMATION WITH THE PENNSYLVANIA STATE POLICE
18 WITHIN 72 HOURS OF ANY CHANGE IN REGISTRATION INFORMATION.

19 (3) SPECIFICALLY INFORM THE OFFENDER OF THE DUTY TO
20 NOTIFY THE PENNSYLVANIA STATE POLICE WITHIN 72 HOURS IF THE
21 OFFENDER INTENDS TO LEAVE THIS COMMONWEALTH OR IF THE
22 OFFENDER INTENDS TO ESTABLISH AN ADDITIONAL RESIDENCE, PLACE
23 OF EMPLOYMENT OR ATTEND SCHOOL IN ANOTHER JURISDICTION. THE
24 COURT SHALL ALSO INFORM THE OFFENDER OF THE DUTY TO REGISTER
25 IN THE NEW JURISDICTION WITH THE RELEVANT LAW ENFORCEMENT
26 AGENCY NO LATER THAN 72 HOURS AFTER ARRIVAL IN THAT
27 JURISDICTION.

28 (4) SPECIFICALLY INFORM THE OFFENDER OF THE DUTY TO
29 REGISTER WITH THE APPROPRIATE AUTHORITIES IN ANY STATE IN
30 WHICH THE OFFENDER IS EMPLOYED, CARRIES ON A VOCATION OR IS A

1 STUDENT IF THE STATE REQUIRES REGISTRATION.

2 (5) REQUIRE THE OFFENDER TO READ AND SIGN A FORM STATING
3 THAT THE DUTY TO REGISTER UNDER THIS SUBCHAPTER HAS BEEN
4 EXPLAINED. IF THE OFFENDER IS INCAPABLE OF SPEAKING, READING
5 OR WRITING THE ENGLISH LANGUAGE, THE COURT SHALL CERTIFY THE
6 DUTY TO REGISTER WAS EXPLAINED TO THE OFFENDER, AND THE
7 OFFENDER INDICATED AN UNDERSTANDING OF THE DUTY.

8 (6) SPECIFICALLY CLASSIFY THE OFFENDER AS A CLASS 1,
9 CLASS 2 OR CLASS 3 SEXUAL OFFENDER, SEXUALLY VIOLENT PREDATOR
10 OR JUVENILE OFFENDER SUBJECT TO THIS SUBCHAPTER.

11 (B) SUPPLEMENTAL NOTICE.--NOTICE SHALL ALSO BE PROVIDED TO
12 AN INDIVIDUAL A COURT IS SENTENCING FOR A CRIME, IF THAT CRIME
13 IS A FELONY AND THE INDIVIDUAL WAS PREVIOUSLY CONVICTED AT ANY
14 TIME OF A CLASS 1, CLASS 2 OR CLASS 3 SEXUAL OFFENSE OR A
15 SIMILAR OFFENSE OR WAS CONVICTED OF AN OFFENSE SPECIFIED IN 42
16 U.S.C. § 16911(5) (A) (III), (IV) AND (V) (RELATING TO RELEVANT
17 DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER
18 DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS).

19 (C) MANDATORY REGISTRATION.--ALL OFFENDERS MUST REGISTER IN
20 ACCORDANCE WITH THIS SUBCHAPTER.

21 (1) A FAILURE BY A COURT TO PROVIDE THE INFORMATION
22 REQUIRED IN THIS SECTION, TO CORRECTLY INFORM AN OFFENDER OF
23 THE OFFENDER'S OBLIGATIONS OR TO REQUIRE AN OFFENDER TO
24 REGISTER SHALL NOT FREE AN OFFENDER FROM THE REGISTRATION
25 REQUIREMENTS AS STATED IN THIS SUBCHAPTER.

26 (2) AS REGISTRATION PURSUANT TO THIS SUBCHAPTER IS A
27 COLLATERAL CIVIL CONSEQUENCE OF AN OFFENDER'S CONVICTION,
28 ADJUDICATION OF DELINQUENCY OR COMMITMENT FOR INVOLUNTARY
29 TREATMENT, AND IS NOT TO BE CONSTRUED AS PUNITIVE, NO COURT
30 SHALL HAVE THE AUTHORITY TO EXEMPT AN OFFENDER FROM

1 REGISTRATION PURSUANT TO THIS SUBCHAPTER OR OTHERWISE MODIFY
2 THE TERMS OF AN OFFENDER'S REGISTRATION.

3 § 9799.18. ASSESSMENTS.

4 (A) ORDER FOR ASSESSMENT.--AFTER CONVICTION BUT BEFORE
5 SENTENCING, A COURT SHALL ORDER AN INDIVIDUAL CONVICTED OF A
6 CLASS 1, CLASS 2 OR CLASS 3 SEXUAL OFFENSE TO BE ASSESSED BY THE
7 BOARD. THE ORDER FOR AN ASSESSMENT SHALL BE SENT TO THE
8 ADMINISTRATIVE OFFICER OF THE BOARD WITHIN TEN DAYS OF THE DATE
9 OF CONVICTION FOR A CLASS 1, CLASS 2 OR CLASS 3 SEXUAL OFFENSE.

10 (B) ASSESSMENT.--UPON RECEIPT FROM THE COURT OF AN ORDER FOR
11 AN ASSESSMENT, A MEMBER OF THE BOARD AS DESIGNATED BY THE
12 ADMINISTRATIVE OFFICER OF THE BOARD SHALL CONDUCT AN ASSESSMENT
13 OF THE INDIVIDUAL TO DETERMINE IF THE INDIVIDUAL SHOULD BE
14 CLASSIFIED AS A SEXUALLY VIOLENT PREDATOR. THE BOARD SHALL
15 ESTABLISH STANDARDS FOR EVALUATIONS AND FOR EVALUATORS
16 CONDUCTING THE ASSESSMENTS. AN ASSESSMENT SHALL INCLUDE, BUT NOT
17 BE LIMITED TO, AN EXAMINATION OF THE FOLLOWING:

18 (1) FACTS OF THE CURRENT OFFENSE, INCLUDING:

19 (I) WHETHER THE OFFENSE INVOLVED MULTIPLE VICTIMS.

20 (II) WHETHER THE INDIVIDUAL EXCEEDED THE MEANS
21 NECESSARY TO ACHIEVE THE OFFENSE.

22 (III) THE NATURE OF THE SEXUAL CONTACT WITH THE
23 VICTIM.

24 (IV) RELATIONSHIP OF THE INDIVIDUAL TO THE VICTIM.

25 (V) AGE OF THE VICTIM.

26 (VI) WHETHER THE OFFENSE INCLUDED A DISPLAY OF
27 UNUSUAL CRUELTY BY THE INDIVIDUAL DURING THE COMMISSION
28 OF THE CRIME.

29 (VII) THE MENTAL CAPACITY OF THE VICTIM.

30 (2) PRIOR OFFENSE HISTORY, INCLUDING:

1 (I) THE INDIVIDUAL'S PRIOR CRIMINAL RECORD.
2 (II) WHETHER THE INDIVIDUAL COMPLETED ANY PRIOR
3 SENTENCES.

4 (III) WHETHER THE INDIVIDUAL PARTICIPATED IN
5 AVAILABLE PROGRAMS FOR SEXUAL OFFENDERS.

6 (3) CHARACTERISTICS OF THE INDIVIDUAL, INCLUDING:

7 (I) AGE.

8 (II) USE OF ILLEGAL DRUGS.

9 (III) ANY MENTAL ILLNESS, MENTAL DISABILITY OR
10 MENTAL ABNORMALITY.

11 (IV) BEHAVIORAL CHARACTERISTICS THAT CONTRIBUTE TO
12 THE INDIVIDUAL'S CONDUCT.

13 (4) FACTORS THAT ARE SUPPORTED IN A SEXUAL OFFENDER
14 ASSESSMENT FIELD AS CRITERIA REASONABLY RELATED TO THE RISK
15 OF RE-OFFENSE.

16 (C) RELEASE OF INFORMATION.--ALL STATE, COUNTY AND LOCAL
17 AGENCIES, OFFICES AND ENTITIES IN THIS COMMONWEALTH, INCLUDING
18 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING COPIES
19 OF RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN
20 CONNECTION WITH THE COURT-ORDERED ASSESSMENT AND THE ASSESSMENT
21 REQUESTED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR
22 THE ASSESSMENT OF A DELINQUENT CHILD UNDER SECTION 6358
23 (RELATING TO ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE
24 SEXUAL OFFENDERS ASSESSMENT BOARD).

25 (D) SUBMISSION OF REPORT BY BOARD.--THE BOARD SHALL HAVE 90
26 DAYS FROM THE DATE OF CONVICTION OF THE INDIVIDUAL TO SUBMIT A
27 WRITTEN REPORT CONTAINING ITS ASSESSMENT TO THE DISTRICT
28 ATTORNEY.

29 (D.1) SUMMARY OF OFFENSE.--THE BOARD SHALL PREPARE A
30 DESCRIPTION OF THE OFFENSE OR OFFENSES THAT TRIGGER THE

1 APPLICATION OF THIS SUBCHAPTER TO INCLUDE, BUT NOT BE LIMITED
2 TO:

3 (1) A CONCISE NARRATIVE OF THE OFFENDER'S CONDUCT.

4 (2) WHETHER THE VICTIM WAS A MINOR.

5 (3) THE MANNER OF WEAPON OR PHYSICAL FORCE USED OR
6 THREATENED.

7 (4) IF THE OFFENSE INVOLVED UNAUTHORIZED ENTRY INTO A
8 ROOM OR VEHICLE OCCUPIED BY THE VICTIM.

9 (5) IF THE OFFENSE WAS PART OF A COURSE OR PATTERN OF
10 CONDUCT INVOLVING MULTIPLE INCIDENTS OR VICTIMS.

11 (6) PREVIOUS INSTANCES IN WHICH THE OFFENDER WAS
12 DETERMINED GUILTY OF AN OFFENSE SUBJECT TO THIS SUBCHAPTER OR
13 OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 9714(G)
14 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

15 (E) HEARING.--

16 (1) A HEARING TO DETERMINE WHETHER THE INDIVIDUAL IS A
17 SEXUALLY VIOLENT PREDATOR SHALL BE SCHEDULED UPON THE
18 PRAECIPE FILED BY THE DISTRICT ATTORNEY. THE DISTRICT
19 ATTORNEY UPON FILING A PRAECIPE SHALL SERVE A COPY OF SAME
20 UPON DEFENSE COUNSEL TOGETHER WITH A COPY OF THE REPORT OF
21 THE BOARD.

22 (2) THE INDIVIDUAL AND DISTRICT ATTORNEY SHALL BE GIVEN
23 NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD, THE
24 RIGHT TO CALL WITNESSES, THE RIGHT TO CALL EXPERT WITNESSES
25 AND THE RIGHT TO CROSS-EXAMINE WITNESSES. IN ADDITION, THE
26 INDIVIDUAL SHALL HAVE THE RIGHT TO COUNSEL AND TO HAVE AN
27 ATTORNEY APPOINTED TO REPRESENT THE INDIVIDUAL IF THE
28 INDIVIDUAL CANNOT AFFORD ONE. IF THE INDIVIDUAL REQUESTS
29 ANOTHER EXPERT ASSESSMENT, THE INDIVIDUAL SHALL PROVIDE A
30 COPY OF THE EXPERT ASSESSMENT TO THE DISTRICT ATTORNEY PRIOR

1 TO THE HEARING.

2 (3) AT THE HEARING PRIOR TO SENTENCING THE COURT SHALL
3 DETERMINE WHETHER THE COMMONWEALTH HAS PROVED BY CLEAR AND
4 CONVINCING EVIDENCE THAT THE INDIVIDUAL IS A SEXUALLY VIOLENT
5 PREDATOR.

6 (4) A COPY OF THE ORDER CONTAINING THE DETERMINATION OF
7 THE COURT SHALL BE IMMEDIATELY SUBMITTED TO THE INDIVIDUAL,
8 THE DISTRICT ATTORNEY, THE PENNSYLVANIA BOARD OF PROBATION
9 AND PAROLE, THE DEPARTMENT OF CORRECTIONS, THE BOARD AND THE
10 STATE SEXUAL OFFENDER REGISTRY OF THE PENNSYLVANIA STATE
11 POLICE.

12 (F) PRESENTENCE INVESTIGATION.--IF THE BOARD HAS PERFORMED
13 AN ASSESSMENT UNDER THIS SECTION, COPIES OF THE REPORT SHALL BE
14 PROVIDED TO THE AGENCY PREPARING THE PRESENTENCE INVESTIGATION.

15 (G) PAROLE ASSESSMENT.--THE PENNSYLVANIA BOARD OF PROBATION
16 AND PAROLE MAY REQUEST OF THE BOARD THAT AN ASSESSMENT OF AN
17 OFFENDER BE CONDUCTED AND PROVIDE A REPORT TO THE PENNSYLVANIA
18 BOARD OF PROBATION AND PAROLE PRIOR TO CONSIDERING AN OFFENDER
19 FOR PAROLE.

20 (H) DELINQUENT CHILDREN.--THE PROBATION OFFICER SHALL NOTIFY
21 THE BOARD 90 DAYS PRIOR TO THE 20TH BIRTHDAY OF THE CHILD OF THE
22 STATUS OF THE DELINQUENT CHILD WHO IS COMMITTED TO AN
23 INSTITUTION OR OTHER FACILITY PURSUANT TO SECTION 6352 (RELATING
24 TO DISPOSITION OF DELINQUENT CHILD) AFTER HAVING BEEN FOUND
25 DELINQUENT FOR AN ACT OF SEXUAL VIOLENCE THAT IF COMMITTED BY AN
26 ADULT WOULD BE A VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO
27 RAPE), 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
28 INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT), 3125
29 (RELATING TO AGGRAVATED INDECENT ASSAULT), 3126 (RELATING TO
30 INDECENT ASSAULT) OR 4302 (RELATING TO INCEST), TOGETHER WITH

1 THE LOCATION OF THE FACILITY WHERE THE CHILD IS COMMITTED. THE
2 BOARD SHALL CONDUCT AN ASSESSMENT OF THE CHILD, WHICH SHALL
3 INCLUDE THE BOARD'S DETERMINATION OF WHETHER OR NOT THE CHILD IS
4 IN NEED OF COMMITMENT DUE TO A MENTAL ABNORMALITY AS DEFINED IN
5 SECTION 6402 (RELATING TO DEFINITIONS) OR A PERSONALITY
6 DISORDER, EITHER OF WHICH RESULTS IN SERIOUS DIFFICULTY IN
7 CONTROLLING SEXUALLY VIOLENT BEHAVIOR, AND PROVIDE A REPORT TO
8 THE COURT WITHIN THE TIME FRAMES SET FORTH IN SECTION 6358(C).
9 THE PROBATION OFFICER SHALL ASSIST THE BOARD IN OBTAINING ACCESS
10 TO THE CHILD AND ANY RECORDS OR INFORMATION AS REQUESTED BY THE
11 BOARD IN CONNECTION WITH THE ASSESSMENT. THE ASSESSMENT SHALL BE
12 CONDUCTED UNDER SUBSECTION (B).

13 § 9799.19. VERIFICATION OF REGISTRATION INFORMATION.

14 (A) QUARTERLY VERIFICATION.--EXCEPT AS OTHERWISE PROVIDED
15 UNDER SUBSECTION (H), SEXUALLY VIOLENT PREDATORS, CLASS 3 SEXUAL
16 OFFENDERS, CLASS 3 OUT-OF-STATE SEXUAL OFFENDERS, OFFENDERS
17 SUBJECT TO REGISTRATION UNDER SECTION 9799.13 (RELATING TO
18 REGISTRATION) DUE TO AN ADJUDICATION OF DELINQUENCY FOR A
19 QUALIFYING OFFENSE OR A CIVIL COMMITMENT AND ALL TRANSIENT
20 OFFENDERS AND TRANSIENT OUT-OF-STATE OFFENDERS SHALL VERIFY
21 THEIR REGISTRATION INFORMATION QUARTERLY AFTER THEIR
22 REGISTRATION START DATE BY REPORTING IN PERSON TO AN APPROVED
23 REGISTRATION SITE TO VERIFY THE OFFENDER'S REGISTRATION
24 INFORMATION AND BE PHOTOGRAPHED. IF THE OFFENDER OR OUT-OF-STATE
25 OFFENDER FAILS TO REPORT WITHIN TEN DAYS PRIOR TO THE OFFENDER'S
26 QUARTERLY REPORTING DATE, THE OFFENDER OR OUT-OF-STATE OFFENDER
27 WILL BE IN VIOLATION OF THIS SUBSECTION.

28 (B) FACILITATION OF QUARTERLY VERIFICATION.--THE
29 PENNSYLVANIA STATE POLICE SHALL FACILITATE AND ADMINISTER THE
30 VERIFICATION PROCESS REQUIRED UNDER SUBSECTION (A) BY DOING ALL

1 OF THE FOLLOWING:

2 (1) SENDING A NONFORWARDABLE VERIFICATION NOTICE BY
3 FIRST CLASS UNITED STATES MAIL TO ALL INDIVIDUALS REFERENCED
4 IN SUBSECTION (A) AT THEIR LAST REPORTED MAILING LOCATION.
5 THIS NOTICE SHALL BE SENT NOT MORE THAN 30 DAYS NOR LESS THAN
6 15 DAYS PRIOR TO THE OFFENDER'S OR OUT-OF-STATE OFFENDER'S
7 QUARTERLY VERIFICATION PERIOD AND SHALL REMIND THE OFFENDER
8 OF THE OFFENDER'S REPORTING DATE AND PROVIDE THE OFFENDER
9 WITH A LIST OF APPROVED REGISTRATION SITES.

10 (2) PROVIDING VERIFICATION FORMS AS NECESSARY TO EACH
11 APPROVED REGISTRATION SITE, THE DEPARTMENT OF CORRECTIONS,
12 COUNTY CORRECTIONAL FACILITIES, THE PENNSYLVANIA BOARD OF
13 PROBATION AND PAROLE AND COUNTY PROBATION AND PAROLE
14 DEPARTMENTS.

15 (C) SEMIANNUAL VERIFICATION.--EXCEPT AS PROVIDED UNDER
16 SUBSECTION (H), ALL CLASS 2 SEXUAL OFFENDERS AND CLASS 2 OUT-OF-
17 STATE SEXUAL OFFENDERS, EXCEPT FOR TRANSIENT OFFENDERS AND
18 TRANSIENT OUT-OF-STATE OFFENDERS SUBJECT TO QUARTERLY
19 VERIFICATION, SHALL VERIFY THEIR REGISTRATION INFORMATION
20 SEMIANNUALLY AFTER THEIR REGISTRATION START DATE BY REPORTING IN
21 PERSON TO AN APPROVED REGISTRATION SITE TO VERIFY THE OFFENDER'S
22 REGISTRATION INFORMATION AND TO BE PHOTOGRAPHED. IF THE OFFENDER
23 OR OUT-OF-STATE OFFENDER FAILS TO REPORT WITHIN TEN DAYS PRIOR
24 TO THE OFFENDER'S SEMIANNUAL REPORTING DATE, THE OFFENDER OR
25 OUT-OF-STATE OFFENDER WILL BE IN VIOLATION OF THIS SUBSECTION.

26 (D) FACILITATION OF SEMIANNUAL VERIFICATION.--THE
27 PENNSYLVANIA STATE POLICE SHALL FACILITATE AND ADMINISTER THE
28 VERIFICATION PROCESS REQUIRED UNDER SUBSECTION (C) BY DOING ALL
29 OF THE FOLLOWING:

30 (1) SENDING A NONFORWARDABLE VERIFICATION NOTICE BY

1 FIRST CLASS UNITED STATES MAIL TO ALL INDIVIDUALS REFERENCED
2 IN SUBSECTION (C) AT THEIR LAST REPORTED MAILING LOCATION.
3 THIS NOTICE SHALL BE SENT NOT MORE THAN 30 DAYS NOR LESS THAN
4 15 DAYS PRIOR TO THE OFFENDER'S OR OUT-OF-STATE OFFENDER'S
5 SEMIANNUAL REPORTING DATE AND SHALL REMIND THE OFFENDER OF
6 THE OFFENDER'S SEMIANNUAL VERIFICATION REQUIREMENT AND
7 PROVIDE THE OFFENDER WITH A LIST OF APPROVED REGISTRATION
8 SITES.

9 (2) PROVIDING VERIFICATION FORMS AS NECESSARY TO EACH
10 APPROVED REGISTRATION SITE, THE DEPARTMENT OF CORRECTIONS,
11 COUNTY CORRECTIONAL FACILITIES, THE PENNSYLVANIA BOARD OF
12 PROBATION AND PAROLE AND COUNTY PROBATION AND PAROLE
13 DEPARTMENTS.

14 (E) ANNUAL VERIFICATION.--ALL CLASS 1 OFFENDERS AND CLASS 1
15 OUT-OF-STATE OFFENDERS, EXCEPT FOR TRANSIENT OFFENDERS AND
16 TRANSIENT OUT-OF-STATE OFFENDERS SUBJECT TO QUARTERLY
17 VERIFICATION, SHALL VERIFY THEIR REGISTRATION INFORMATION
18 ANNUALLY FOLLOWING THEIR REGISTRATION START DATE BY REPORTING IN
19 PERSON TO AN APPROVED REGISTRATION SITE TO VERIFY THE OFFENDER'S
20 REGISTRATION INFORMATION AND TO BE PHOTOGRAPHED. IF THE OFFENDER
21 OR OUT-OF-STATE OFFENDER FAILS TO REPORT WITHIN TEN DAYS BEFORE
22 THE OFFENDER'S ANNUAL REPORTING DATE, THE OFFENDER OR OUT-OF-
23 STATE OFFENDER WILL BE IN VIOLATION OF THIS SUBSECTION.

24 (F) FACILITATION OF ANNUAL VERIFICATION.--THE PENNSYLVANIA
25 STATE POLICE SHALL FACILITATE AND ADMINISTER THE VERIFICATION
26 PROCESS REQUIRED BY SUBSECTION (E) BY DOING THE FOLLOWING:

27 (1) SENDING A NONFORWARDABLE VERIFICATION NOTICE BY
28 FIRST CLASS UNITED STATES MAIL TO INDIVIDUALS REFERENCED IN
29 SUBSECTION (E) AT THEIR LAST REPORTED MAILING LOCATION. THIS
30 NOTICE SHALL BE SENT NOT MORE THAN 30 DAYS NOR LESS THAN 15

1 DAYS PRIOR TO THE OFFENDER'S OR OUT-OF-STATE OFFENDER'S
2 ANNUAL REPORTING DATE AND SHALL REMIND THE OFFENDER OF THE
3 OFFENDER'S ANNUAL VERIFICATION REQUIREMENT AND PROVIDE THE
4 OFFENDER WITH A LIST OF APPROVED REGISTRATION SITES.

5 (2) PROVIDING VERIFICATION FORMS AS NECESSARY TO EACH
6 APPROVED REGISTRATION SITE, THE DEPARTMENT OF CORRECTIONS,
7 COUNTY CORRECTIONAL FACILITIES, THE PENNSYLVANIA BOARD OF
8 PROBATION AND PAROLE AND COUNTY PROBATION AND PAROLE
9 DEPARTMENTS.

10 (G) OFFENDERS ON PROBATION OR PAROLE.--IF AN OFFENDER OR
11 OUT-OF-STATE OFFENDER IS UNDER THE SUPERVISION OF THE
12 PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR A COUNTY OR
13 JUVENILE PROBATION OR PAROLE DEPARTMENT, THE OFFENDER OR OUT-OF-
14 STATE OFFENDER SHALL REPORT IN PERSON TO THE PAROLE OR PROBATION
15 OFFICE TO VERIFY THE OFFENDER'S REGISTRATION INFORMATION AND TO
16 BE PHOTOGRAPHED. THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE
17 AND COUNTY AND JUVENILE PROBATION AND PAROLE DEPARTMENTS SHALL
18 COLLECT THE VERIFICATION INFORMATION FOR ALL OFFENDERS AND OUT-
19 OF-STATE OFFENDERS UNDER THEIR SUPERVISION ON A FORM PRESCRIBED
20 BY THE PENNSYLVANIA STATE POLICE AND PHOTOGRAPH THE OFFENDER AND
21 OUT-OF-STATE OFFENDER. THE PENNSYLVANIA BOARD OF PROBATION AND
22 PAROLE AND COUNTY AND JUVENILE PROBATION AND PAROLE DEPARTMENTS
23 SHALL IMMEDIATELY SUBMIT THE REGISTRATION INFORMATION AND
24 PHOTOGRAPHS TO THE PENNSYLVANIA STATE POLICE.

25 (H) INCARCERATED OR COURT-COMMITTED OFFENDERS.--

26 (1) IF AN OFFENDER OR OUT-OF-STATE OFFENDER IS
27 INCARCERATED IN A STATE OR COUNTY CORRECTIONAL FACILITY, THE
28 OFFENDER OR OUT-OF-STATE OFFENDER SHALL REPORT TO THE
29 DESIGNATED OFFICIAL AT THE FACILITY ANNUALLY TO VERIFY THE
30 OFFENDER'S REGISTRATION INFORMATION AND BE PHOTOGRAPHED. THE

1 FACILITIES SHALL ENSURE THE COLLECTION OF THE VERIFICATION
2 INFORMATION FOR OFFENDERS AND OUT-OF-STATE OFFENDERS IN THEIR
3 CUSTODY ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE POLICE
4 AND PHOTOGRAPH THE OFFENDERS AND OUT-OF-STATE OFFENDERS. THE
5 FACILITIES SHALL IMMEDIATELY SUBMIT THE INFORMATION AND
6 PHOTOGRAPHS TO THE PENNSYLVANIA STATE POLICE.

7 (2) IF AN OFFENDER OR OUT-OF-STATE OFFENDER IS UNDER A
8 COURT-ORDERED RESIDENTIAL PLACEMENT IN AN INSTITUTION, YOUTH
9 DEVELOPMENT CENTER, CAMP, INSTITUTION OPERATED BY THE
10 DEPARTMENT OF PUBLIC WELFARE OR OTHER FACILITY DESIGNATED BY
11 THE DEPARTMENT OF PUBLIC WELFARE UNDER CHAPTER 64 (RELATING
12 TO COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY
13 VIOLENT PERSONS), THE OFFENDER OR OUT-OF-STATE OFFENDER SHALL
14 REPORT TO THE DESIGNATED OFFICIAL AT THE FACILITY ANNUALLY TO
15 VERIFY THE REGISTRATION INFORMATION AND BE PHOTOGRAPHED. THE
16 DIRECTOR OF THE FACILITY, OR A DESIGNEE, SHALL MAKE THE
17 OFFENDER AVAILABLE FOR AND FACILITATE THE COLLECTION OF
18 REGISTRATION INFORMATION AS INSTRUCTED BY THE PENNSYLVANIA
19 STATE POLICE AND PROVIDE THE INFORMATION TO THE PENNSYLVANIA
20 STATE POLICE.

21 (I) CHANGE OF REGISTRATION INFORMATION.--THE PENNSYLVANIA
22 STATE POLICE SHALL REPORT AN OFFENDER'S OR OUT-OF-STATE
23 OFFENDER'S CHANGE OF REGISTRATION INFORMATION TO THE APPROPRIATE
24 LAW ENFORCEMENT AGENCY HAVING JURISDICTION. IF THE OFFENDER OR
25 OUT-OF-STATE OFFENDER CHANGES RESIDENCE, HABITUAL LOCALE, PLACE
26 OF EMPLOYMENT OR PLACE OF ENROLLMENT AS A STUDENT TO ANOTHER
27 JURISDICTION, THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE
28 APPROPRIATE LAW ENFORCEMENT AGENCY WITH WHICH THE OFFENDER OR
29 OUT-OF-STATE OFFENDER MUST REGISTER IN THE NEW JURISDICTION.

30 (J) FAILURE TO VERIFY REGISTRATION INFORMATION.--IF AN

1 OFFENDER, OUT-OF-STATE OFFENDER, TRANSIENT OFFENDER OR TRANSIENT
2 OUT-OF-STATE OFFENDER FAILS TO VERIFY THE OFFENDER'S
3 REGISTRATION INFORMATION WITHIN THE TIME PERIODS AS SET FORTH IN
4 THIS SECTION, THE PENNSYLVANIA STATE POLICE SHALL NOTIFY, WHERE
5 APPLICABLE, THE MUNICIPAL POLICE DEPARTMENT HAVING JURISDICTION
6 OF THE OFFENDER'S OR OUT-OF-STATE OFFENDER'S LAST REPORTED
7 RESIDENCE, HABITUAL LOCALE, EMPLOYER OR SCHOOL AND OF THE
8 OFFENDER'S OR OUT-OF-STATE OFFENDER'S FAILURE TO APPEAR. THE
9 PENNSYLVANIA STATE POLICE SHALL ALSO NOTIFY THE UNITED STATES
10 MARSHALS SERVICE OF THE OFFENDER'S OR OUT-OF-STATE OFFENDER'S
11 FAILURE TO APPEAR. THE MUNICIPAL POLICE SHALL LOCATE THE
12 OFFENDER OR OUT-OF-STATE OFFENDER AND ARREST THE OFFENDER FOR
13 VIOLATING THIS SECTION. IF THE MUNICIPAL POLICE ARE NOT ABLE TO
14 LOCATE THE OFFENDER OR OUT-OF-STATE OFFENDER, THE MUNICIPAL
15 POLICE SHALL OBTAIN AN ARREST WARRANT FOR THE OFFENDER OR OUT-
16 OF-STATE OFFENDER AND SEND A COPY OF THE ARREST WARRANT TO THE
17 PENNSYLVANIA STATE POLICE. IN JURISDICTIONS WHERE NO MUNICIPAL
18 POLICE JURISDICTION EXISTS, THE PENNSYLVANIA STATE POLICE SHALL
19 ASSUME RESPONSIBILITY FOR LOCATING THE OFFENDER OR OUT-OF-STATE
20 OFFENDER, OBTAINING AN ARREST WARRANT AND ARRESTING THE OFFENDER
21 OR OUT-OF-STATE OFFENDER. UPON REQUEST, THE PENNSYLVANIA STATE
22 POLICE SHALL ASSIST ANY MUNICIPAL POLICE DEPARTMENT WITH
23 LOCATING AND ARRESTING AN OFFENDER OR OUT-OF-STATE OFFENDER WHO
24 FAILS TO VERIFY REGISTRATION INFORMATION.

25 (K) PENALTY.--AN OFFENDER OR OUT-OF-STATE OFFENDER WHO FAILS
26 TO VERIFY REGISTRATION INFORMATION OR TO BE PHOTOGRAPHED AS
27 REQUIRED BY THIS SECTION MAY BE SUBJECT TO PROSECUTION UNDER 18
28 PA.C.S. § 4915 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION
29 OF SEXUAL OFFENDERS REQUIREMENTS).

30 (L) EFFECT OF NOTICE.--FAILURE TO SEND OR RECEIVE NOTICE OF

1 INFORMATION UNDER THIS SECTION SHALL NOT RELIEVE THE OFFENDER OR
2 OUT-OF-STATE OFFENDER FROM THE REQUIREMENTS OF THIS SUBCHAPTER.
3 § 9799.20. VICTIM NOTIFICATION.

4 (A) DUTY TO INFORM VICTIM.--

5 (1) IF AN OFFENDER IS DETERMINED TO BE A SEXUALLY
6 VIOLENT PREDATOR, THE PENNSYLVANIA STATE POLICE SHALL GIVE
7 NOTICE TO THE SEXUALLY VIOLENT PREDATOR'S VICTIM WHEN THE
8 SEXUALLY VIOLENT PREDATOR REGISTERS INITIALLY AND WHEN THE
9 OFFENDER NOTIFIES THE PENNSYLVANIA STATE POLICE OF A CHANGE
10 OF RESIDENCE, HABITUAL LOCALE, EMPLOYMENT OR SCHOOL. THIS
11 NOTICE SHALL BE GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY
12 VIOLENT PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE
13 POLICE OF A CHANGE OF RESIDENCE, EMPLOYMENT OR SCHOOL. THE
14 NOTICE SHALL CONTAIN THE SEXUALLY VIOLENT PREDATOR'S NAME AND
15 THE ADDRESS OR ADDRESSES WHERE THE SEXUALLY VIOLENT PREDATOR
16 RESIDES, IS HABITUALLY LOCATED, EMPLOYED OR ATTENDS SCHOOL.

17 (2) A VICTIM MAY TERMINATE THE DUTY TO INFORM SET FORTH
18 IN PARAGRAPH (1) BY PROVIDING THE PENNSYLVANIA STATE POLICE
19 WITH A WRITTEN STATEMENT RELEASING THAT AGENCY FROM THE DUTY
20 TO COMPLY WITH THIS SECTION AS IT PERTAINS TO THAT VICTIM.

21 (B) INDIVIDUAL NOT DETERMINED TO BE A SEXUALLY VIOLENT
22 PREDATOR.--IF AN INDIVIDUAL IS NOT DETERMINED TO BE A SEXUALLY
23 VIOLENT PREDATOR, THE VICTIM SHALL BE NOTIFIED IN ACCORDANCE
24 WITH SECTION 201 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882,
25 NO.111), KNOWN AS THE CRIME VICTIMS ACT.

26 (C) ELECTRONIC NOTIFICATION OPTION.--NOTWITHSTANDING
27 SUBSECTIONS (A) AND (B), THE PENNSYLVANIA STATE POLICE SHALL
28 DEVELOP AND IMPLEMENT A SYSTEM THAT ALLOWS VICTIMS AND OTHER
29 MEMBERS OF THE PUBLIC TO RECEIVE ELECTRONIC NOTIFICATION IN LIEU
30 OF THE NOTIFICATION IN SUBSECTIONS (A) AND (B) WHEN A SEXUAL

1 OFFENDER, OUT-OF-STATE SEXUAL OFFENDER OR SEXUALLY VIOLENT
2 PREDATOR CHANGES RESIDENCE, HABITUAL LOCALE, EMPLOYMENT OR
3 SCHOOL.

4 § 9799.21. OTHER NOTIFICATION.

5 (A) NOTICE.--NOTWITHSTANDING THE PROVISIONS OF 18 PA.C.S.
6 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION) AND
7 CHAPTER 63 (RELATING TO JUVENILE MATTERS), THE CHIEF LAW
8 ENFORCEMENT OFFICER OF THE POLICE DEPARTMENT OF THE MUNICIPALITY
9 WHERE A SEXUALLY VIOLENT PREDATOR LIVES SHALL BE RESPONSIBLE FOR
10 PROVIDING WRITTEN NOTICE AS REQUIRED UNDER THIS SECTION.

11 (1) THE NOTICE SHALL CONTAIN:

12 (I) THE NAME OF THE SEXUALLY VIOLENT PREDATOR.

13 (II) THE ADDRESS OR ADDRESSES AT WHICH THE SEXUALLY
14 VIOLENT PREDATOR RESIDES. IF THE SEXUALLY VIOLENT
15 PREDATOR IS A TRANSIENT, WRITTEN NOTICE UNDER THIS
16 SUBPARAGRAPH SHALL INCLUDE THE MUNICIPALITY AND COUNTY
17 CONTAINING THE TRANSIENT'S HABITUAL LOCALE.

18 (III) THE OFFENSE FOR WHICH THE SEXUALLY VIOLENT
19 PREDATOR WAS CONVICTED, SENTENCED BY A COURT, ADJUDICATED
20 DELINQUENT OR COURT-MARTIALED.

21 (IV) A STATEMENT THAT THE OFFENDER HAS BEEN
22 DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR, WHICH
23 DETERMINATION HAS OR HAS NOT BEEN TERMINATED AS OF A DATE
24 CERTAIN.

25 (V) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR.

26 (2) THE NOTICE SHALL NOT INCLUDE ANY INFORMATION THAT
27 MIGHT REVEAL THE VICTIM'S NAME, IDENTITY AND RESIDENCE.

28 (B) WRITTEN NOTICE RECIPIENTS.--THE CHIEF LAW ENFORCEMENT
29 OFFICER SHALL PROVIDE WRITTEN NOTICE, UNDER SUBSECTION (A), TO
30 THE FOLLOWING PERSONS:

1 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR. AS USED
2 IN THIS PARAGRAPH, WHERE THE SEXUALLY VIOLENT PREDATOR LIVES
3 IN A COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES
4 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON
5 INTEREST COMMUNITY. AS USED IN THIS PARAGRAPH, WHERE THE
6 SEXUALLY VIOLENT PREDATOR IS TRANSIENT, THE TERM "NEIGHBOR"
7 SHALL INCLUDE THE AREA OF THE OFFENDER'S HABITUAL LOCALES,
8 AND THE CHIEF LAW ENFORCEMENT OFFICER SHALL DETERMINE THE
9 APPROPRIATE METHOD FOR PROVIDING WRITTEN NOTICE.

10 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH
11 SERVICE AGENCY OF THE COUNTY WHERE THE SEXUALLY VIOLENT
12 PREDATOR RESIDES OR, IF THE SEXUALLY VIOLENT PREDATOR IS
13 TRANSIENT, EACH COUNTY CONTAINING THE SEXUALLY VIOLENT
14 PREDATOR'S HABITUAL LOCALE.

15 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
16 EQUIVALENT OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS
17 ENROLLING STUDENTS UP THROUGH 12TH GRADE IN THE MUNICIPALITY
18 WHERE THE SEXUALLY VIOLENT PREDATOR RESIDES OR, IF THE
19 SEXUALLY VIOLENT PREDATOR IS TRANSIENT, EACH MUNICIPALITY
20 CONTAINING THE SEXUALLY VIOLENT PREDATOR'S HABITUAL LOCALE.

21 (4) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
22 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
23 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
24 VIOLENT PREDATOR RESIDES OR MAINTAINS A HABITUAL LOCALE.

25 (5) THE LICENSEE OF EACH CERTIFIED DAY-CARE CENTER AND
26 LICENSED PRESCHOOL PROGRAM AND OWNER/OPERATOR OF EACH
27 REGISTERED FAMILY DAY-CARE HOME IN THE MUNICIPALITY WHERE THE
28 SEXUALLY VIOLENT PREDATOR RESIDES OR, IF THE SEXUALLY VIOLENT
29 PREDATOR IS TRANSIENT, EACH MUNICIPALITY CONTAINING THE
30 SEXUALLY VIOLENT PREDATOR'S HABITUAL LOCALE.

1 (6) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND
2 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF A SEXUALLY
3 VIOLENT PREDATOR'S RESIDENCE OR WHERE THE SEXUALLY VIOLENT
4 PREDATOR MAINTAINS A HABITUAL LOCALE.

5 (C) NOTIFICATION TIME FRAMES.--THE MUNICIPAL POLICE
6 DEPARTMENT'S CHIEF LAW ENFORCEMENT OFFICER SHALL PROVIDE NOTICE
7 WITHIN THE FOLLOWING TIME FRAMES:

8 (1) TO NEIGHBORS, NOTICE SHALL BE PROVIDED WITHIN FIVE
9 DAYS AFTER INFORMATION OF THE SEXUALLY VIOLENT PREDATOR'S
10 RELEASE DATE, ESTABLISHMENT OF RESIDENCE OR HABITUAL LOCALE
11 OR CHANGE OF RESIDENCE OR HABITUAL LOCALE HAS BEEN RECEIVED
12 BY THE CHIEF LAW ENFORCEMENT OFFICER. NOTWITHSTANDING THE
13 PROVISIONS OF SUBSECTIONS (A) AND (B), VERBAL NOTIFICATION
14 MAY BE USED IF WRITTEN NOTIFICATION WOULD DELAY MEETING THIS
15 TIME REQUIREMENT.

16 (2) TO THE PERSONS SPECIFIED IN SUBSECTION (B) (2), (3),
17 (4), (5) AND (6), NOTICE SHALL BE PROVIDED WITHIN SEVEN DAYS
18 AFTER THE CHIEF LAW ENFORCEMENT OFFICER RECEIVES INFORMATION
19 REGARDING THE SEXUALLY VIOLENT PREDATOR'S RELEASE DATE,
20 ESTABLISHMENT OF RESIDENCE OR HABITUAL LOCALE OR CHANGE OF
21 RESIDENCE OR HABITUAL LOCALE.

22 (D) PUBLIC NOTICE.--INFORMATION PROVIDED IN ACCORDANCE WITH
23 SUBSECTION (A) SHALL BE AVAILABLE TO THE GENERAL PUBLIC UPON
24 REQUEST. THE INFORMATION MAY BE PROVIDED BY ELECTRONIC MEANS.

25 (E) INTERSTATE TRANSFERS.--THE DUTIES OF POLICE DEPARTMENTS
26 UNDER THIS SECTION SHALL ALSO APPLY TO INDIVIDUALS WHO ARE
27 TRANSFERRED TO THIS COMMONWEALTH UNDER 61 PA.C.S. CH. 71 SUBCH.
28 B (RELATING TO INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT
29 OFFENDERS) OR THE ACT OF JULY 2, 2004 (P.L.468, NO.54), KNOWN AS
30 THE INTERSTATE COMPACT FOR JUVENILES ACT.

1 § 9799.22. INFORMATION MADE AVAILABLE TO THE PUBLIC.

2 (A) INTERNET WEBSITE.--THE COMMISSIONER OF THE PENNSYLVANIA
3 STATE POLICE SHALL DO THE FOLLOWING:

4 (1) DEVELOP AND MAINTAIN A SYSTEM FOR MAKING THE
5 INFORMATION DESCRIBED IN SUBSECTION (B) PUBLICLY AVAILABLE BY
6 ELECTRONIC MEANS SO THAT THE PUBLIC MAY, WITHOUT LIMITATION,
7 OBTAIN ACCESS TO THE INFORMATION VIA AN INTERNET WEBSITE TO
8 VIEW AN INDIVIDUAL RECORD OR THE RECORDS OF OFFENDERS AND
9 OUT-OF-STATE OFFENDERS AND WHO ARE REGISTERED WITH THE
10 PENNSYLVANIA STATE POLICE.

11 (2) ENSURE THE INTERNET WEBSITE CONTAINS WARNINGS THAT A
12 PERSON WHO USES THE INFORMATION CONTAINED THEREIN TO
13 THREATEN, INTIMIDATE OR HARASS ANOTHER OR WHO OTHERWISE
14 MISUSES THAT INFORMATION MAY BE CRIMINALLY PROSECUTED.

15 (3) ENSURE THE INTERNET WEBSITE CONTAINS AN EXPLANATION
16 OF ITS LIMITATIONS, INCLUDING STATEMENTS ADVISING THAT:

17 (I) A POSITIVE IDENTIFICATION OF AN OFFENDER OR OUT-
18 OF-STATE OFFENDER WHOSE RECORD HAS BEEN MADE AVAILABLE
19 MAY BE CONFIRMED ONLY BY FINGERPRINTS.

20 (II) SOME INFORMATION CONTAINED ON THE INTERNET
21 WEBSITE MAY BE OUTDATED OR INACCURATE.

22 (III) THE INTERNET WEBSITE IS NOT A COMPREHENSIVE
23 LISTING OF EVERY PERSON WHO HAS EVER COMMITTED A SEX
24 OFFENSE IN PENNSYLVANIA.

25 (4) STRIVE TO ENSURE THE INFORMATION CONTAINED ON THE
26 INTERNET WEBSITE IS ACCURATE AND THAT THE DATA THEREIN IS
27 REVISED AND UPDATED WITHIN 72 HOURS OF A CHANGE IN
28 REGISTRATION INFORMATION.

29 (5) PROVIDE ON THE INTERNET WEBSITE GENERAL INFORMATION
30 DESIGNED TO INFORM AND EDUCATE THE PUBLIC ABOUT SEX OFFENDERS

1 AND THE OPERATION OF THIS SUBCHAPTER AS WELL AS PERTINENT AND
2 APPROPRIATE INFORMATION CONCERNING CRIME PREVENTION AND
3 PERSONAL SAFETY, WITH APPROPRIATE LINKS TO OTHER RELEVANT
4 INTERNET WEBSITES OPERATED BY THE COMMONWEALTH.

5 (B) REQUIRED INFORMATION.--NOTWITHSTANDING 18 PA.C.S. CH. 91
6 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION) AND CHAPTER 63
7 (RELATING TO JUVENILE MATTERS), THE INTERNET WEBSITE SHALL
8 CONTAIN THE FOLLOWING INFORMATION FOR INDIVIDUALS REGISTERED
9 WITH THE PENNSYLVANIA STATE POLICE:

10 (1) NAME AND ALIASES.

11 (2) YEAR OF BIRTH.

12 (3) STREET ADDRESS, CITY, MUNICIPALITY, COUNTY AND ZIP
13 CODE OF RESIDENCES AND INTENDED RESIDENCES.

14 (4) STREET ADDRESS, CITY, MUNICIPALITY, COUNTY AND ZIP
15 CODE OF ANY INSTITUTION OR LOCATION AT WHICH THE PERSON IS
16 ENROLLED AS A STUDENT.

17 (5) STREET ADDRESS, CITY, MUNICIPALITY, COUNTY AND ZIP
18 CODE OF AN EMPLOYMENT LOCATION.

19 (6) PHOTOGRAPH OF THE OFFENDER OR OUT-OF-STATE OFFENDER
20 THAT SHALL BE UPDATED NO LESS THAN EVERY YEAR.

21 (7) PHYSICAL DESCRIPTION OF THE OFFENDER OR OUT-OF-STATE
22 OFFENDER.

23 (8) LICENSE PLATE NUMBER AND A DESCRIPTION OF A VEHICLE
24 OWNED OR OPERATED BY THE OFFENDER OR OUT-OF-STATE OFFENDER.

25 (9) A CITATION OR LINK TO TEXT OF THE STATUTORY
26 PROVISION DEFINING THE CRIMINAL OFFENSE FOR WHICH THE
27 OFFENDER OR OUT-OF-STATE OFFENDER IS REGISTERED.

28 (10) DATE OF THE OFFENSE AND CONVICTION.

29 (11) DATE THE OFFENDER OR OUT-OF-STATE OFFENDER LAST
30 VERIFIED THE OFFENDER'S REGISTRATION INFORMATION.

1 (12) COMPLIANCE STATUS.

2 (13) ABSTRACT OF CRIMINAL HISTORY RECORD INDICATING
3 CONVICTIONS FOR CLASS 1, CLASS 2 AND CLASS 3 SEXUAL OFFENSES,
4 AS WELL AS, WHERE APPLICABLE, CONVICTIONS FOR VIOLATIONS OF
5 18 PA.C.S. § 4915 (RELATING TO FAILURE TO COMPLY WITH
6 REGISTRATION OF SEXUAL OFFENDERS REQUIREMENTS).

7 (14) OTHER INFORMATION REQUIRED BY FEDERAL LAW.

8 (C) (RESERVED).

9 (D) DURATION OF POSTING.--WHEN AN OFFENDER OR OUT-OF-STATE
10 OFFENDER IS DECEASED OR NO LONGER PRESENT IN THIS COMMONWEALTH,
11 THE POSTING SHALL REMAIN ON THE WEBSITE FOR A PERIOD OF 60 DAYS
12 ALONG WITH A NOTICE OF THE OFFENDER'S OR OUT-OF-STATE OFFENDER'S
13 CHANGE IN STATUS AND THE DATE THE POSTING WILL BE REMOVED FROM
14 THE WEBSITE.

15 (E) DUTY OF PENNSYLVANIA STATE POLICE.--NOTWITHSTANDING 18
16 PA.C.S. CH. 91, THE PENNSYLVANIA STATE POLICE SHALL DEVELOP AND
17 IMPLEMENT A PROCESS THAT ALLOWS MEMBERS OF THE PUBLIC TO RECEIVE
18 ELECTRONIC NOTIFICATION WHEN ANY REGISTERED OFFENDER IS PRESENT
19 OR NO LONGER PRESENT WITHIN A GEOGRAPHIC RADIUS SPECIFIED BY THE
20 REQUESTER.

21 (F) CHIEF LAW ENFORCEMENT OFFICER.--NOTWITHSTANDING ANY OF
22 THE PROVISIONS OF 18 PA.C.S. CH. 91, THE CHIEF LAW ENFORCEMENT
23 OFFICER OF THE POLICE DEPARTMENT WITH PRIMARY JURISDICTION OVER
24 THE MUNICIPALITY WHERE AN OFFENDER OR OUT-OF-STATE OFFENDER IS
25 PRESENT MAY DISSEMINATE ALL INFORMATION IN SUBSECTION (C) TO THE
26 PUBLIC THROUGH ANY AVAILABLE MEANS IT DEEMS NECESSARY INCLUDING,
27 BUT NOT LIMITED TO, NEWSPAPER, TELEVISION, RADIO AND COMMUNITY
28 MEETINGS. THIS INFORMATION SHALL BE AVAILABLE, UPON REQUEST, TO
29 THE GENERAL PUBLIC.

30 (G) EXCEPTION.--UNLESS THE OFFENDER OR OUT-OF-STATE OFFENDER

1 HAS BEEN SUBJECT TO A COURT-ORDERED INVOLUNTARY COMMITMENT UNDER
2 CHAPTER 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF
3 CERTAIN SEXUALLY VIOLENT PERSONS) OR EQUIVALENT STATUTE IN
4 ANOTHER JURISDICTION, OFFENDERS AND OUT-OF-STATE OFFENDERS WHO
5 ARE REQUIRED TO REGISTER UNDER SECTION 9799.13 (RELATING TO
6 REGISTRATION) BECAUSE OF AN ADJUDICATION OF DELINQUENCY FOR A
7 QUALIFYING OFFENSE SHALL NOT BE SUBJECT TO PUBLIC NOTIFICATION
8 UNDER THE REQUIREMENTS OF THIS SECTION.

9 § 9799.23. ADMINISTRATION.

10 THE GOVERNOR SHALL DIRECT THE PENNSYLVANIA STATE POLICE, THE
11 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE BOARD, THE
12 DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF TRANSPORTATION AND
13 ANY OTHER AGENCY OF THE COMMONWEALTH THE GOVERNOR DEEMS
14 NECESSARY TO COLLABORATIVELY DESIGN, DEVELOP AND IMPLEMENT AN
15 INTEGRATED AND SECURE SYSTEM OF COMMUNICATION, STORAGE AND
16 RETRIEVAL OF INFORMATION TO ASSURE THE TIMELY, ACCURATE AND
17 EFFICIENT ADMINISTRATION OF THIS SUBCHAPTER.

18 § 9799.24. GLOBAL POSITIONING SYSTEM TECHNOLOGY.

19 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND COUNTY
20 ADULT AND JUVENILE PROBATION AUTHORITIES MAY IMPOSE SUPERVISION
21 CONDITIONS THAT INCLUDE OFFENDER TRACKING THROUGH GLOBAL
22 POSITIONING SYSTEM TECHNOLOGY.

23 § 9799.25. IMMUNITY FOR GOOD FAITH CONDUCT.

24 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
25 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

26 (1) AGENTS AND EMPLOYEES OF THE PENNSYLVANIA STATE
27 POLICE AND LOCAL LAW ENFORCEMENT AGENCIES.

28 (2) DISTRICT ATTORNEYS AND THEIR AGENTS AND EMPLOYEES.

29 (3) SUPERINTENDENTS, ADMINISTRATORS, TEACHERS, EMPLOYEES
30 AND VOLUNTEERS ENGAGED IN THE SUPERVISION OF CHILDREN OF ANY

1 PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.

2 (4) DIRECTORS AND EMPLOYEES OF COUNTY CHILDREN AND YOUTH
3 AGENCIES.

4 (5) PRESIDENTS OR SIMILAR OFFICERS OF UNIVERSITIES AND
5 COLLEGES, INCLUDING COMMUNITY COLLEGES.

6 (6) THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND
7 ITS AGENTS AND EMPLOYEES.

8 (7) COUNTY PROBATION AND PAROLE OFFICES AND THEIR AGENTS
9 AND EMPLOYEES.

10 (8) LICENSEES OF CERTIFIED DAY-CARE CENTERS AND
11 DIRECTORS OF LICENSED PRESCHOOL PROGRAMS AND OWNERS AND
12 OPERATORS OF REGISTERED FAMILY DAY-CARE HOMES AND THEIR
13 AGENTS AND EMPLOYEES.

14 (9) THE DEPARTMENT OF CORRECTIONS AND ITS AGENTS AND
15 EMPLOYEES.

16 (10) COUNTY CORRECTIONAL FACILITIES AND THEIR AGENTS AND
17 EMPLOYEES.

18 (11) THE BOARD AND ITS AGENTS AND EMPLOYEES.

19 (12) JUVENILE PROBATION OFFICES AND THEIR AGENTS AND
20 EMPLOYEES.

21 (13) THE DEPARTMENT OF PUBLIC WELFARE AND ITS AGENTS AND
22 EMPLOYEES.

23 (14) INSTITUTIONS, YOUTH DEVELOPMENT CENTERS, CAMPS OR
24 OTHER FACILITIES DESIGNED OR OPERATED FOR THE BENEFIT OF
25 DELINQUENT CHILDREN AND THEIR AGENTS AND EMPLOYEES.

26 § 9799.26. PENNSYLVANIA STATE POLICE.

27 (A) DUTIES.--THE PENNSYLVANIA STATE POLICE HAVE THE
28 FOLLOWING DUTIES:

29 (1) CREATE AND MAINTAIN A STATE SEXUAL OFFENDER
30 REGISTRY.

1 (2) PARTICIPATE IN THE NATIONAL SEX OFFENDER PUBLIC
2 REGISTRY MAINTAINED BY THE UNITED STATES DEPARTMENT OF
3 JUSTICE, INCLUDING THE NATIONAL SEX OFFENDER PUBLIC WEBSITE.

4 (3) PROMULGATE GUIDELINES NECESSARY FOR THE GENERAL
5 ADMINISTRATION OF THIS SUBCHAPTER AND FOR COMPLYING WITH
6 FEDERAL LAW.

7 (4) NOTIFY, WITHIN 72 HOURS OF RECEIVING AND VERIFYING
8 THE OFFENDER'S OR OUT-OF-STATE OFFENDER'S REGISTRATION, THE
9 CHIEF LAW ENFORCEMENT OFFICER OF THE POLICE DEPARTMENTS
10 HAVING PRIMARY JURISDICTION OF THE MUNICIPALITIES IN WHICH AN
11 OFFENDER OR OUT-OF-STATE OFFENDER IS PRESENT OF THE FACT THAT
12 THE OFFENDER OR OUT-OF-STATE OFFENDER HAS BEEN REGISTERED
13 WITH THE PENNSYLVANIA STATE POLICE.

14 (5) IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION AND
15 THE DEPARTMENT OF PUBLIC WELFARE, PROMULGATE GUIDELINES
16 DIRECTING LICENSED DAY-CARE CENTERS, LICENSED PRESCHOOL
17 PROGRAMS, SCHOOLS, UNIVERSITIES AND COLLEGES, INCLUDING
18 COMMUNITY COLLEGES, ON THE PROPER USE AND ADMINISTRATION OF
19 INFORMATION RECEIVED UNDER SECTION 9799.22 (RELATING TO
20 INFORMATION MADE AVAILABLE TO THE PUBLIC).

21 (6) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS
22 AND THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
23 PROMULGATE GUIDELINES DIRECTING STATE AND COUNTY CORRECTIONAL
24 FACILITIES AND STATE AND COUNTY PROBATION AND PAROLE OFFICES
25 ON THE COMPLETION OF REGISTRATION INFORMATION, UPDATING OF
26 REGISTRATION INFORMATION AND VERIFICATION OF REGISTRATION
27 INFORMATION FOR ALL OFFENDERS OR OUT-OF-STATE OFFENDERS IN
28 THEIR CUSTODY OR UNDER THEIR SUPERVISION.

29 (7) IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC
30 WELFARE AND THE JUVENILE COURT JUDGES COMMISSION, PROMULGATE

1 GUIDELINES DIRECTING INSTITUTIONS, YOUTH DEVELOPMENT CENTERS,
2 CAMPS OR OTHER FACILITIES DESIGNED OR OPERATED FOR THE
3 BENEFIT OF DELINQUENT CHILDREN ON THE COMPLETION OF
4 REGISTRATION INFORMATION, UPDATING OF REGISTRATION
5 INFORMATION AND VERIFICATION OF REGISTRATION INFORMATION FOR
6 ALL OFFENDERS OR OUT-OF-STATE OFFENDERS IN THEIR CUSTODY OR
7 UNDER THEIR SUPERVISION.

8 (B) POWERS.--THE PENNSYLVANIA STATE POLICE MAY CERTIFY AND
9 SEND TO AN AUTHORIZED USER, BY ELECTRONIC TRANSMISSION OR
10 OTHERWISE, CERTIFIED COPIES OF AN OFFENDER'S SEX OFFENDER
11 REGISTRATION FILE. AUTHORIZED USERS SHALL INCLUDE STATE AND
12 LOCAL POLICE, DISTRICT ATTORNEYS, AGENTS AND EMPLOYEES OF THE
13 PENNSYLVANIA STATE POLICE AND THE OFFICE OF ATTORNEY GENERAL AND
14 OTHER PERSONS OR ENTITIES DETERMINED BY THE PENNSYLVANIA STATE
15 POLICE AND LISTED BY NOTICE IN THE PENNSYLVANIA BULLETIN. IN ANY
16 PROCEEDING BEFORE THE COURTS OR ADMINISTRATIVE BODIES OF THIS
17 COMMONWEALTH, DOCUMENTS CERTIFIED BY THE PENNSYLVANIA STATE
18 POLICE UNDER THIS SECTION AND OFFERED INTO EVIDENCE BY AN
19 AUTHORIZED USER SHALL BE ADMISSIBLE INTO EVIDENCE.

20 § 9799.27. PENNSYLVANIA BOARD OF PROBATION AND PAROLE, COUNTY
21 PROBATION AND PAROLE DEPARTMENTS AND JUVENILE
22 PROBATION DEPARTMENTS.

23 (A) DUTIES.--THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
24 COUNTY PROBATION AND PAROLE DEPARTMENTS AND JUVENILE PROBATION
25 DEPARTMENTS HAVE THE FOLLOWING DUTIES:

26 (1) OBTAIN, VERIFY AND UPDATE AN OFFENDER'S OR OUT-OF-
27 STATE OFFENDER'S REGISTRATION INFORMATION IN ACCORDANCE WITH
28 THIS SUBCHAPTER.

29 (2) IMMEDIATELY TRANSMIT THE CRIMINAL HISTORY RECORD OF
30 THE OFFENDER OR OUT-OF-STATE OFFENDER AS PROVIDED IN 18

1 PA.C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD
2 INFORMATION) ALONG WITH THE REGISTRATION INFORMATION TO THE
3 PENNSYLVANIA STATE POLICE FOR IMMEDIATE ENTRY INTO THE STATE
4 SEXUAL OFFENDER REGISTRY.

5 (3) REQUIRE THE OFFENDER OR OUT-OF-STATE OFFENDER TO
6 REPORT TO THE STATE OR COUNTY PAROLE AND PROBATION OFFICE OR
7 JUVENILE PROBATION OFFICE TO COMPLETE A CHANGE OF INFORMATION
8 FORM WITHIN 72 HOURS OF WHEN AN OFFENDER'S OR OUT-OF-STATE
9 OFFENDER'S REGISTRATION INFORMATION CHANGES. THIS INFORMATION
10 SHALL BE IMMEDIATELY TRANSMITTED TO THE PENNSYLVANIA STATE
11 POLICE.

12 (4) REQUIRE THE OFFENDER OR OUT-OF-STATE OFFENDER TO
13 REPORT TO THE STATE OR COUNTY PAROLE AND PROBATION OFFICE OR
14 JUVENILE PROBATION OFFICE TO VERIFY THE OFFENDER'S
15 REGISTRATION INFORMATION. THIS INFORMATION SHALL BE
16 IMMEDIATELY TRANSMITTED TO THE PENNSYLVANIA STATE POLICE.

17 (5) ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE
18 POLICE, NOTIFY THE PENNSYLVANIA STATE POLICE EACH TIME AN
19 OFFENDER OR OUT-OF-STATE OFFENDER IS ARRESTED OR IS
20 INCARCERATED.

21 (B) SUPERVISION CONDITIONS.--THE PENNSYLVANIA BOARD OF
22 PROBATION AND PAROLE MAY IMPOSE SUPERVISION CONDITIONS THAT
23 INCLUDE OFFENDER OR OUT-OF-STATE OFFENDER TRACKING THROUGH
24 GLOBAL POSITIONING SYSTEM TECHNOLOGY.

25 § 9799.28. DEPARTMENT OF CORRECTIONS, COUNTY CORRECTIONAL
26 FACILITIES AND FACILITIES DESIGNED OR OPERATED FOR
27 THE BENEFIT OF DELINQUENT CHILDREN.

28 THE DEPARTMENT OF CORRECTIONS, COUNTY CORRECTIONAL FACILITIES
29 AND FACILITIES DESIGNED OR OPERATED FOR THE BENEFIT OF
30 DELINQUENT CHILDREN SHALL HAVE THE FOLLOWING DUTIES:

1 (1) OBTAIN, VERIFY AND UPDATE AN OFFENDER'S OR OUT-OF-
2 STATE OFFENDER'S REGISTRATION INFORMATION IN ACCORDANCE WITH
3 THIS SUBCHAPTER.

4 (2) IMMEDIATELY TRANSMIT THE CRIMINAL HISTORY RECORD OF
5 THE OFFENDER OR OUT-OF-STATE OFFENDER AS PROVIDED IN 18
6 PA.C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD
7 INFORMATION) ALONG WITH THE REGISTRATION INFORMATION TO THE
8 PENNSYLVANIA STATE POLICE FOR IMMEDIATE ENTRY INTO THE STATE
9 SEXUAL OFFENDER REGISTRY.

10 (3) ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE
11 POLICE, NOTIFY THE PENNSYLVANIA STATE POLICE EACH TIME AN
12 OFFENDER OR OUT-OF-STATE OFFENDER IS INCARCERATED IN OR
13 RELEASED FROM THE RESPECTIVE FACILITIES OR TRANSFERRED
14 BETWEEN CORRECTIONAL FACILITIES OR RESIDENTIAL REENTRY
15 FACILITIES.

16 (4) ASSIST OFFENDERS AND OUT-OF-STATE OFFENDERS
17 REGISTERING PURSUANT TO THIS SUBCHAPTER, AS WELL AS UPDATING
18 AND VERIFYING REGISTRATION INFORMATION PURSUANT TO THIS
19 SUBCHAPTER.

20 § 9799.29. BOARD.

21 (A) COMPOSITION.--THE BOARD SHALL BE COMPOSED OF
22 PSYCHIATRISTS, PSYCHOLOGISTS AND CRIMINAL JUSTICE EXPERTS, EACH
23 OF WHOM IS AN EXPERT IN THE FIELD OF THE BEHAVIOR AND TREATMENT
24 OF SEXUAL OFFENDERS.

25 (B) APPOINTMENT.--THE GOVERNOR SHALL APPOINT THE BOARD
26 MEMBERS.

27 (C) TERM OF OFFICE.--MEMBERS OF THE BOARD SHALL SERVE FOUR-
28 YEAR TERMS.

29 (D) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL BE
30 COMPENSATED AT A RATE OF \$350 PER ASSESSMENT AND RECEIVE

1 REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE
2 PERFORMING THE BUSINESS OF THE BOARD. THE CHAIRMAN SHALL RECEIVE
3 \$500 ADDITIONAL COMPENSATION ANNUALLY.

4 (E) STAFF.--SUPPORT STAFF FOR THE BOARD SHALL BE PROVIDED BY
5 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

6 § 9799.30. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

7 A SEXUALLY VIOLENT PREDATOR SHALL BE REQUIRED TO ATTEND AT
8 LEAST MONTHLY COUNSELING SESSIONS IN A PROGRAM APPROVED BY THE
9 BOARD AND BE FINANCIALLY RESPONSIBLE FOR ALL FEES ASSESSED FROM
10 THE COUNSELING SESSIONS. THE BOARD SHALL MONITOR THE COMPLIANCE
11 OF THE SEXUALLY VIOLENT PREDATOR. IF THE SEXUALLY VIOLENT
12 PREDATOR CAN PROVE TO THE SATISFACTION OF THE COURT THAT THE
13 SEXUALLY VIOLENT PREDATOR CANNOT AFFORD TO PAY FOR THE
14 COUNSELING SESSIONS, THE OFFENDER SHALL NONETHELESS ATTEND THE
15 COUNSELING SESSIONS, AND THE PAROLE OFFICE SHALL PAY THE
16 REQUISITE FEES.

17 § 9799.31. EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES
18 AND THEIR EMPLOYEES.

19 NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED AS IMPOSING A
20 DUTY UPON A PERSON LICENSED UNDER THE ACT OF FEBRUARY 19, 1980
21 (P.L.15, NO.9), KNOWN AS THE REAL ESTATE LICENSING AND
22 REGISTRATION ACT, OR AN EMPLOYEE OF THE PERSON, TO DISCLOSE ANY
23 INFORMATION REGARDING AN INDIVIDUAL REQUIRED TO REGISTER WITH
24 THE STATE SEXUAL OFFENDER REGISTRY PURSUANT TO THIS SUBCHAPTER.

25 § 9799.32. ANNUAL PERFORMANCE AUDIT.

26 (A) DUTIES OF THE ATTORNEY GENERAL.--THE ATTORNEY GENERAL
27 HAS THE FOLLOWING DUTIES:

28 (1) CONDUCT A PERFORMANCE AUDIT ANNUALLY TO DETERMINE
29 COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBCHAPTER AND ANY
30 GUIDELINES PROMULGATED UNDER THIS SUBCHAPTER. THE AUDIT

1 SHALL, AT A MINIMUM, INCLUDE A REVIEW OF THE PRACTICES,
2 PROCEDURES AND RECORDS OF THE PENNSYLVANIA STATE POLICE, THE
3 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT OF
4 CORRECTIONS, THE BOARD, THE ADMINISTRATIVE OFFICE OF
5 PENNSYLVANIA COURTS AND ANY OTHER STATE OR LOCAL AGENCY THE
6 ATTORNEY GENERAL DEEMS NECESSARY IN ORDER TO CONDUCT A
7 THOROUGH AND ACCURATE PERFORMANCE AUDIT.

8 (2) PREPARE AN ANNUAL REPORT OF ITS FINDINGS AND ANY
9 ACTION IT RECOMMENDS BE TAKEN BY THE PENNSYLVANIA STATE
10 POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE
11 DEPARTMENT OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE
12 OFFICE OF PENNSYLVANIA COURTS, OTHER STATE OR LOCAL AGENCIES
13 AND THE GENERAL ASSEMBLY TO ENSURE COMPLIANCE WITH THIS
14 SUBCHAPTER. THE FIRST REPORT SHALL BE RELEASED TO THE GENERAL
15 PUBLIC NO FEWER THAN 18 MONTHS FOLLOWING THE EFFECTIVE DATE
16 OF THIS SECTION.

17 (3) PROVIDE A COPY OF ITS REPORT TO THE PENNSYLVANIA
18 STATE POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
19 THE DEPARTMENT OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE
20 OFFICE OF PENNSYLVANIA COURTS, STATE OR LOCAL AGENCIES
21 REFERENCED IN THE REPORT, THE CHAIRMAN AND THE MINORITY
22 CHAIRMAN OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
23 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE
24 OF THE HOUSE OF REPRESENTATIVES NO FEWER THAN 30 DAYS PRIOR
25 TO ITS RELEASE TO THE GENERAL PUBLIC.

26 (B) COOPERATION REQUIRED.--NOTWITHSTANDING ANY OTHER
27 PROVISION OF LAW TO THE CONTRARY, THE PENNSYLVANIA STATE POLICE,
28 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT
29 OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE OFFICE OF
30 PENNSYLVANIA COURTS, THE PENNSYLVANIA COMMISSION ON SENTENCING

1 AND ANY OTHER STATE OR LOCAL AGENCY REQUESTED TO DO SO SHALL
2 FULLY COOPERATE WITH THE ATTORNEY GENERAL AND ASSIST THE OFFICE
3 OF ATTORNEY GENERAL IN SATISFYING THE REQUIREMENTS OF THIS
4 SECTION. FOR PURPOSES OF THIS SUBSECTION, FULL COOPERATION SHALL
5 INCLUDE, AT A MINIMUM, COMPLETE ACCESS TO UNREDACTED RECORDS,
6 FILES, REPORTS AND DATA SYSTEMS.

7 § 9799.33. PHOTOGRAPHS AND FINGERPRINTING.

8 AN INDIVIDUAL SUBJECT TO REGISTRATION SHALL SUBMIT TO
9 FINGERPRINTING AND PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER.
10 FINGERPRINTING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A
11 MINIMUM, REQUIRE SUBMISSION OF A FULL SET OF FINGERPRINTS AND
12 PALM PRINTS. PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER SHALL,
13 AT A MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE FACE AND
14 ANY SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF THE
15 INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS
16 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND
17 FOR GENERAL LAW ENFORCEMENT PURPOSES.

18 SECTION 6. THE DEFINITION OF "OTHER SPECIFIED OFFENSE" IN
19 SECTION 2303 OF TITLE 44 IS AMENDED TO READ:

20 § 2303. DEFINITIONS.

21 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
22 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
23 CONTEXT CLEARLY INDICATES OTHERWISE:

24 * * *

25 "OTHER SPECIFIED OFFENSE." ANY OF THE FOLLOWING:

26 (1) A FELONY OFFENSE [OR AN].

27 (2) AN OFFENSE UNDER 18 PA.C.S. § 2910 (RELATING TO
28 LURING A CHILD INTO A MOTOR VEHICLE OR STRUCTURE) OR 3126
29 (RELATING TO INDECENT ASSAULT) OR AN ATTEMPT TO COMMIT SUCH
30 AN OFFENSE.

1 (3) AN OFFENSE SUBJECT TO 42 PA.C.S. CH. 97 SUBCH. H
2 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

3 * * *

4 SECTION 7. SECTION 2316 OF TITLE 44 IS AMENDED BY ADDING A
5 SUBSECTION TO READ:

6 § 2316. DNA SAMPLE REQUIRED UPON CONVICTION, DELINQUENCY
7 ADJUDICATION AND CERTAIN ARD CASES.

8 * * *

9 (A.1) SEX OFFENDER REGISTRATION.--NOTWITHSTANDING ANY
10 PROVISION OF THIS CHAPTER TO THE CONTRARY, ANY PERSON WHO IS
11 SUBJECT TO REGISTRATION PURSUANT TO 42 PA.C.S. CH. 97 SUBCH. H
12 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS) SHALL HAVE A DNA
13 SAMPLE TAKEN IN ACCORDANCE WITH THAT SUBCHAPTER AND FORWARDED TO
14 THE STATE POLICE FOR INCLUSION IN THE STATE DNA DATA BASE AND
15 STATE DNA DATA BANK. THE COLLECTION OF DNA AT THE TIME OF THE
16 SEX OFFENDER'S REGISTRATION, UPDATING OR VERIFYING SEX OFFENDER
17 REGISTRATION INFORMATION IS NOT REQUIRED IF THE INDIVIDUAL HAS
18 PREVIOUSLY SUBMITTED A DNA SAMPLE AND THE SUBMISSION HAS BEEN
19 CONFIRMED WITH THE STATE POLICE.

20 * * *

21 SECTION 8. PARAGRAPH (4) OF THE DEFINITION OF "ELIGIBLE
22 OFFENDER" IN SECTION 4503 OF TITLE 61 IS AMENDED TO READ:

23 § 4503. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 * * *

28 "ELIGIBLE OFFENDER." A DEFENDANT OR INMATE CONVICTED OF A
29 CRIMINAL OFFENSE WHO WILL BE COMMITTED TO THE CUSTODY OF THE
30 DEPARTMENT AND WHO MEETS ALL OF THE FOLLOWING ELIGIBILITY

1 REQUIREMENTS:

2 * * *

3 (4) HAS NOT BEEN FOUND GUILTY OR PREVIOUSLY CONVICTED OR
4 ADJUDICATED DELINQUENT FOR VIOLATING ANY OF THE FOLLOWING
5 PROVISIONS OR AN EQUIVALENT OFFENSE UNDER THE LAWS OF THE
6 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
7 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
8 PUERTO RICO OR A FOREIGN NATION:

9 18 PA.C.S. § 4302 (RELATING TO INCEST).

10 18 PA.C.S. § 5901 (RELATING TO OPEN LEWDNESS).

11 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF
12 CHILDREN).

13 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
14 MINOR).

15 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF
16 CHILDREN).

17 18 PA.C.S. CH. 76 SUBCH. C (RELATING TO INTERNET
18 CHILD PORNOGRAPHY).

19 RECEIVED A CRIMINAL SENTENCE PURSUANT TO 42 PA.C.S. §
20 9712.1 (RELATING TO SENTENCES FOR CERTAIN DRUG OFFENSES
21 COMMITTED WITH FIREARMS).

22 ANY CLASS 1 SEXUAL OFFENSE, CLASS 2 SEXUAL OFFENSE OR
23 CLASS 3 SEXUAL OFFENSE [LISTED UNDER 42 PA.C.S. § 9795.1
24 (RELATING TO REGISTRATION)] , AS DEFINED IN 42 PA.C.S. §
25 9799.12 (RELATING TO DEFINITIONS).

26 * * *

27 SECTION 9. SECTION 6137(A)(3.1)(II) OF TITLE 61 IS AMENDED
28 TO READ:

29 § 6137. PAROLE POWER.

30 (A) GENERAL CRITERIA FOR PAROLE.--

1 * * *

2 (3.1) * * *

3 (II) THIS PARAGRAPH SHALL NOT APPLY TO OFFENDERS WHO
4 ARE CURRENTLY SERVING A TERM OF IMPRISONMENT FOR A CRIME
5 OF VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714 (RELATING TO
6 SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES) OR FOR A
7 CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S. § [9795.1]
8 9799.13 (RELATING TO REGISTRATION).

9 * * *

10 SECTION 10. THIS ACT SHALL TAKE EFFECT IN ONE YEAR.