

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 519 Session of  
2013

INTRODUCED BY WARD, VULAKOVICH, SOLOBAY AND WHITE,  
FEBRUARY 20, 2013

REFERRED TO JUDICIARY, FEBRUARY 20, 2013

AN ACT

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

4 This act shall be referred to as Sage's Law.

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

7 Section 1. Chapter 99 of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER B

10 REGISTRATION OF DRUG OFFENDERS

11 Sec.

12 9921. Definitions.

13 9922. Applicability.

14 9923. Registration.

15 9924. Statewide registry.

16 9925. Information.

17 9926. Duty to inform.

18 9927. Penalty.

1 9928. Enforcement.  
2 9929. Court notification.  
3 9930. Verification by registered drug offenders and  
4 Pennsylvania State Police.  
5 9931. Notification.  
6 9932. Public Internet website.  
7 9933. Administration.  
8 9934. Global positioning system technology.  
9 9935. Immunity for good faith conduct.  
10 9936. Pennsylvania State Police.  
11 9937. Duties of probation and parole officials.  
12 9938. Duties of facilities housing registered drug offenders.  
13 9939. Exemption from notification for certain licensees and  
14 their employees.  
15 9940. Annual performance audit.  
16 9941. Photographs and fingerprinting.  
17 § 9921. Definitions.

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

21 "Approved registration site." A site in this Commonwealth  
22 approved by the Pennsylvania State Police at which individuals  
23 subject to this subchapter may comply with this subchapter.

24 "Common interest community." A cooperative, a condominium  
25 and a planned community where an individual by virtue of an  
26 ownership interest in any portion of real estate is or may  
27 become obligated by covenant, easement or agreement imposed upon  
28 the owner's interest to pay an amount for real property taxes,  
29 insurance, maintenance, repair, improvement, management,  
30 administration or regulation of any part of the real estate,

other than the portion or interest owned solely by the individual. The term includes all individuals residing in a nursing home, assisted living center, retirement community or personal care home.

"Convicted." Conviction by entry of a plea of guilty or nolo contendere, conviction after trial or court martial and a finding of not guilty due to insanity or of guilty but mentally ill.

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

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

"NCIC." The National Crime Information Center.

"Registry." The Statewide Registry of Drug Offenders established in section 9924 (relating to Statewide registry).

"Registered drug offender." An individual required to register under this subchapter.

"Residence." A location where an individual resides or is domiciled or intends to be domiciled for 14 consecutive days or more during a calendar year. The term includes a residence which is mobile, including a houseboat, mobile home, trailer or recreational vehicle.

"The Controlled Substance, Drug, Device and Cosmetic Act." The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.  
§ 9922. Applicability.

An individual who, on or after the effective date of this section, is convicted of a third or subsequent offense under section 13(a)(30) of The Controlled Substance, Drug, Device and Cosmetic Act and has a residence within this Commonwealth shall register with the Pennsylvania State Police as provided under sections 9923 (relating to registration) and 9925 (relating to information) and comply with this subchapter.

§ 9923. Registration.

(a) Period.--An individual subject to the requirements of this subchapter shall register with the Pennsylvania State Police for a period of ten years.

(b) Commencement.--The period of registration under subsection (a) shall commence upon any of the following:

(1) Release from incarceration in a State or county correctional facility, including release to a community correction center or community contract facility.

(2) Parole or a sentence of probation.

(3) A sentence of State or county intermediate punishment in which the person is not sentenced to a period of incarceration.

(c) Tolling.--The period of registration under subsection (a) shall be tolled for the period of time in which the individual specified under section 9922 (relating to applicability) meets any of the following:

(1) Is incarcerated in a Federal, State or county correctional institution, excluding a community contract facility or community corrections center.

(2) Is subject to a sentence of intermediate punishment which is restrictive and where the individual is sentenced to a period of incarceration.

1       (3) Is incarcerated in a Federal correctional  
2       institution, excluding a community contract facility or  
3       community corrections center.

4   § 9924. Statewide registry.

5       There is established a Statewide registry of registered drug  
6       offenders in order to carry out the provisions of this  
7       subchapter. The Pennsylvania State Police shall create and  
8       maintain the registry. The registry shall:

9           (1) Be composed of an electronic database and digitized  
10          records.

11          (2) Be able to communicate with the United States  
12          Department of Justice or any database which is maintained by  
13          the Department of Justice.

14          (3) Be able to communicate with drug offender registries  
15          established in other jurisdictions.

16   § 9925. Information.

17       (a) Requirement.--A registered drug offender shall provide  
18       the following information which shall be included in the  
19       registry:

20           (1) Primary or given name, including an alias used by  
21           the individual, nickname, pseudonym, ethnic or tribal name,  
22           regardless of the context used and any designations or  
23           monikers used for self-identification in Internet  
24           communications or postings.

25           (2) Designation used by the individual for purposes of  
26           routing or self-identification in Internet communications or  
27           postings.

28           (3) Telephone number, including cell phone number, and  
29           any other designation used by the individual for purposes of  
30           routing or self-identification in telephonic communications.

1       (4) Valid Social Security number issued to the  
2       individual by the Federal Government and any purported Social  
3       Security number.

4       (5) Address of each residence or intended residence and  
5       the location at which the individual receives mail, including  
6       a post office box.

7       (6) A passport and documents establishing immigration  
8       status, which shall be copied in a digitized format for  
9       inclusion in the registry.

10       (7) Actual date of birth and purported date of birth.

11       (8) Form signed by the individual acknowledging the  
12       individual's obligations under this subchapter provided in  
13       accordance with section 9929 (relating to court  
14       notification).

15       (b) Periodic in-person appearance required.--A registered  
16       drug offender shall appear in person at an approved registration  
17       site to provide or verify the information under this section and  
18       to be photographed annually.

19       (c) Additional updates.--In addition to the periodic in-  
20       person appearance required under subsection (b), a registered  
21       drug offender shall appear in person at an approved registration  
22       site within three business days to provide current information  
23       relating to:

24               (1) A change in name, including an alias.

25               (2) A commencement of residence, change in residence or  
26       termination of residence.

27               (3) An addition and a change in telephone number,  
28       including a cell phone number, or a termination of telephone  
29       number, including a cell phone number.

30               (4) An addition, change in or termination of e-mail

address, instant message address or any other designations  
used in Internet communications or postings.

(d) Criminal justice information.--The Pennsylvania State  
Police shall ensure that the following information is included  
in or electronically accessible by the registry:

(1) Physical description of the registered drug  
offender, including a general physical description and  
tattoos, scars and other identifying marks.

(2) Text of the statute defining the criminal offense  
for which the registered drug offender is registered.

(3) Criminal history record information of the  
registered drug offender, including:

(i) Dates of arrests and convictions.

(ii) Status of probation, parole or supervised  
release.

(iii) Whether the registered drug offender is in  
compliance with requirements regarding this subchapter or  
has absconded.

(iv) Existence of any outstanding warrants.

(4) Current photograph of the registered drug offender.

In order to fulfill the requirements of this paragraph, in  
addition to the taking of photographs under this section, the  
Pennsylvania State Police shall ensure that additional  
photographs are taken as needed if there is a significant  
change in appearance of the registered drug offender,  
including the taking of a current photograph before the  
registered drug offender is released from a State or county  
correctional institution due to any of the following:

(i) The expiration of sentence, period of commitment  
or involuntary treatment.

1           (ii) Parole or other supervised release, including  
2           release to a community corrections center or a community  
3           contract facility.

4           (iii) Commencement of a sentence of intermediate  
5           punishment.

6           (iv) Any other form of supervised release.

7           (5) Set of fingerprints and palm prints of the  
8           registered drug offender. In order to fulfill the  
9           requirements of this paragraph, the palm prints shall be  
10           taken for the purpose of submission to the Federal Bureau of  
11           Investigation Central Database. The palm prints shall be  
12           submitted for entry into the database.

13           (6) DNA sample of the registered drug offender. In order  
14           to fulfill the requirements of this paragraph, the sample  
15           shall be taken for the purpose of analysis and entry into the  
16           Combined DNA Index System (CODIS) and shall be analyzed and  
17           submitted for entry into CODIS.

18           (7) Photocopy of valid driver's license or  
19           identification card issued to the registered drug offender by  
20           the Commonwealth, another jurisdiction or a foreign country.

21           (f) Cooperation.--The Pennsylvania State Police, State and  
22           county correctional institutions, the Pennsylvania Board of  
23           Probation and Parole, the county office of probation and parole,  
24           any court with jurisdiction over a drug offender and the  
25           Department of Public Welfare shall cooperate to ensure that the  
26           information under this section is provided and placed in the  
27           registry.

28           § 9926. Duty to inform.

29           In order to implement section 9925 (relating to information),  
30           the Pennsylvania State Police, the court having jurisdiction



1 over the registered drug offender and the appropriate official  
2 of the Pennsylvania Board of Probation and Parole, county office  
3 of probation and parole, the Department of Public Welfare or a  
4 State or county correctional institution shall:

5 (1) Inform the individual required to register of the  
6 individual's duties under this subchapter.

7 (2) Require the individual to read and sign a form  
8 stating that the duty to register has been explained and that  
9 the individual understands the registration requirement.

10 (3) Collect the information required under section 9925  
11 and forward the information to the Pennsylvania State Police  
12 for inclusion in the registry as under this subchapter.

13 § 9927. Penalty.

14 (a) Registration.--A registered drug offender commits an  
15 offense if he knowingly fails to do any of the following:

16 (1) Register with the Pennsylvania State Police as  
17 required under this subchapter.

18 (2) Verify his address, be photographed or meet any  
19 other requirement under section 9925(a), (b), (c) or (d)  
20 (relating to information).

21 (3) Provide accurate information when registered under  
22 this subchapter.

23 (b) Grading.--A registered drug offender who commits a  
24 violation of subsection (a) commits a felony of the third  
25 degree.

26 § 9928. Enforcement.

27 (a) Failure to comply.--If an individual under section 9922  
28 (relating to applicability) fails to comply with section 9925  
29 (relating to information) or 9927 (relating to penalty), the  
30 Pennsylvania State Police shall do one of the following:

1       (1) In cooperation with the district attorney, seek  
2       issuance of a warrant for the arrest of the individual and  
3       locate and arrest the individual for violating this section.

4       (2) Notify the municipal police department where the  
5       individual has a residence. The municipal police shall, in  
6       cooperation with the district attorney, seek issuance of a  
7       warrant for the arrest of the individual and locate and  
8       arrest the individual for violating this section. In  
9       municipalities where no municipal police department exists,  
10      the Pennsylvania State Police shall proceed under paragraph  
11      (1).

12      (b) Individual not found.--If the individual cannot be  
13      located, the following apply:

14      (1) The Pennsylvania State Police shall enter  
15      information on the Internet website of registered drug  
16      offenders and in the registry indicating that the individual  
17      cannot be located.

18      (2) The Pennsylvania State Police shall provide  
19      information to NCIC to reflect that the individual cannot be  
20      located.

21      (3) The Pennsylvania State Police shall notify the  
22      United States Marshals Service.

23      (4) If a warrant is issued under this subsection, the  
24      police department executing the warrant shall provide  
25      information to the National Crime Information Center Wanted  
26      Person File to reflect that a warrant has been issued for the  
27      individual's arrest.

28      (c) Duty to inform Pennsylvania State Police.--In order to  
29      implement this subchapter, the court with jurisdiction over the  
30      registered drug offender and the appropriate official of the

Pennsylvania Board of Probation and Parole, the county office of probation and parole, the Department of Public Welfare or a State or county correctional institution shall inform the Pennsylvania State Police if the individual refuses to provide the information required by this subchapter so that the Pennsylvania State Police may comply with this section.  
§ 9929. Court notification.

(a) Notice to drug offenders.--At the time of sentencing, the court shall inform the drug offender meeting the requirements of section 9922 (relating to applicability) of the provisions of this subchapter. The court shall:

(1) Specifically inform the drug offender of the duty to register under this subchapter and inform the drug offender of all procedures related to fulfilling the requirements of this subchapter.

(2) Order that the fingerprints, palm prints, DNA sample and photograph of the drug offender be provided to the Pennsylvania State Police upon sentencing.

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

(b) Mandatory registration.--All drug offenders meeting the requirements of this subchapter must register in accordance with this subchapter. The following apply:

(1) Failure by the court to provide the information required under this section, to correctly inform a drug

1 offender of the drug offender's obligations or to require a  
2 drug offender to register shall not relieve the drug offender  
3 from the requirements of this subchapter.

4 (2) The court shall have no authority to relieve a drug  
5 offender from the duty to register under this subchapter or  
6 to modify the requirements of this subchapter as they relate  
7 to the drug offender.

8 § 9930. Verification by registered drug offenders and  
9 Pennsylvania State Police.

10 (a) Facilitation of verification.--The Pennsylvania State  
11 Police shall administer and facilitate the process of  
12 verification of information and photographing the registered  
13 drug offender by:

14 (1) Sending a notice by first class United States mail  
15 to each registered drug offender at the last reported  
16 location where the offender receives mail. The notice shall  
17 be sent not more than 30 days nor less than 15 days prior to  
18 the date a registered drug offender is required to appear  
19 pursuant to section 9925(b) (relating to information). The  
20 notice shall remind the registered drug offender of the  
21 registered drug offender's responsibilities under this  
22 subchapter and provide a list of approved registration sites.

23 (2) Providing verification and compliance forms as  
24 necessary at each approved registration site.

25 (b) Effect of notice.--Failure to send or receive notice of  
26 information under this section shall not relieve the registered  
27 drug offender from the requirements of this subchapter.

28 (c) Natural disaster.--The occurrence of a natural disaster  
29 or other event requiring evacuation of residences shall not  
30 relieve the registered drug offender of the duty to register or

1 any other duty imposed under this subchapter.

2 § 9931. Notification.

3 (a) Notice.--Notwithstanding Chapter 63 (relating to  
4 juvenile matters) and 18 Pa.C.S. Ch. 91 (relating to criminal  
5 history record information), the chief law enforcement officer  
6 of the police department of the municipality where a registered  
7 drug offender resides shall be responsible for providing written  
8 notice as required under this section. The notice shall contain:

9 (1) The name of the individual.

10 (2) The address of the residence of the individual.

11 (3) The offenses for which the individual was convicted,  
12 sentenced by a court, adjudicated delinquent or court-  
13 martialed.

14 (4) A statement that the individual has been determined  
15 to be a registered drug offender and the determination has or  
16 has not been terminated as of a date certain.

17 (5) A photograph of the registered drug offender.

18 The notice shall not include any information that might reveal  
19 any victim's name, identity and residence.

20 (b) Provision of written notice.--The chief law enforcement  
21 officer shall provide written notice under subsection (a) to  
22 neighbors of the registered drug offender. If the registered  
23 drug offender lives in a common interest community, the term  
24 "neighbor" includes the unit owners' association and residents  
25 of the common interest community.

26 (c) Notification time frames.--The municipal police  
27 department's chief law enforcement officer shall provide notice  
28 within five days after information of the registered drug  
29 offender's release date and residence has been received by the  
30 chief law enforcement officer. Notwithstanding subsections (a)

1 and (b), verbal notification may be used if written notification  
2 would delay meeting the requirement of this subsection.

3 (d) Public notice.--Information provided in accordance with  
4 subsection (a) shall be available to the general public upon  
5 request. The information may be provided by electronic means.  
6 § 9932. Public Internet website.

7 (a) Internet information.--The Pennsylvania State Police  
8 shall, in the manner and form directed by the Governor:

9 (1) Develop and maintain a system for making information  
10 about registered drug offenders publicly available by  
11 electronic means via an Internet website. In order to fulfill  
12 its duties under this subsection, the Pennsylvania State  
13 Police shall ensure that the Internet website:

14 (i) Contains a feature to permit a member of the  
15 public to obtain relevant information for a registered  
16 drug offender by a query of the Internet website based on  
17 search criteria including searches for any given zip code  
18 or geographic radius set by the user.

19 (ii) Contains a feature to allow a member of the  
20 public to receive electronic notification when a  
21 registered drug offender provides information under  
22 section 9923 (relating to registration). The feature  
23 shall allow a member of the public to receive electronic  
24 notification when the registered drug offender moves into  
25 or out of a geographic area chosen by the user.

26 (iii) Is updated within three business days with the  
27 information required.

28 (2) Include on the Internet website the following:

29 (i) Instructions on how to seek correction of  
30 information that an individual contends is erroneous.

1           (ii) A warning that the information on the Internet  
2           website may not be used to unlawfully injure, harass or  
3           commit a crime against a registered drug offender and  
4           that action under this subparagraph could result in  
5           criminal or civil penalties.

6           (3) Include on the Internet website an explanation of  
7           its limitations, including statements advising that:

8                 (i) A positive identification of a registered drug  
9                 offender may be confirmed only by fingerprints.

10                (ii) Some information contained on the Internet  
11                website may be outdated or inaccurate.

12                (iii) The Internet website is not a comprehensive  
13                listing of every person who has ever committed a drug  
14                offense in Pennsylvania.

15           (4) Strive to ensure that the information contained on  
16           the Internet website is accurate and that the data on the  
17           Internet website is revised and updated as provided under  
18           paragraph (1)(iii).

19           (5) Provide on the Internet website general information  
20           designed to inform and educate the public about drug  
21           offenders and the operation of this subchapter as well as  
22           pertinent and appropriate information concerning crime  
23           prevention and personal safety, with appropriate links to  
24           other relevant Internet websites operated by the  
25           Commonwealth.

26           (b) Required information.--Notwithstanding Chapter 63  
27           (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating  
28           to criminal history record information), the Internet website  
29           shall contain the following information regarding a registered  
30           drug offender:

1       (1) Name and aliases.

2       (2) Year of birth.

3       (3) Street address, municipality, county, State and zip  
4 code of residences and intended residences.

5       (4) Current facial photograph of the registered drug  
6 offender. In order to comply with this paragraph, the last  
7 eight facial photographs taken of the individual and the date  
8 each photograph was entered into the registry shall be  
9 included, if available.

10       (5) Physical description of the registered drug  
11 offender.

12       (6) Offenses for which the registered drug offender was  
13 convicted to merit registration under this subchapter and  
14 other offenses for which the individual was convicted.

15       (7) A statement whether a registered drug offender is in  
16 compliance with registration.

17       (8) A statement whether any victim or victims of the  
18 registered drug offender were minors.

19       (9) Date on which the registered drug offender is made  
20 active within the registry and date when the individual most  
21 recently updated registration information.

22       (c) Prohibited information.--The public Internet website  
23 established under this section may not contain:

24       (1) The identity of any victim.

25       (2) The Social Security number of a registered drug  
26 offender.

27       (3) Any information relating to arrests of a registered  
28 drug offender that did not result in conviction.

29       (d) Duration of posting.--The information listed under  
30 subsection (b) shall be made available on the Internet website



unless a registered drug offender is deceased or is no longer  
required to register under this subchapter.

§ 9933. Administration.

The Governor shall direct the Pennsylvania State Police, the  
Pennsylvania Board of Probation and Parole, the Department of  
Corrections, the Department of Transportation and any other  
agency of the Commonwealth that the Governor deems necessary to  
collaboratively design, develop and implement an integrated and  
secure system of communication, storage and retrieval of  
information to assure the timely, accurate and efficient  
administration of this subchapter.

§ 9934. Global positioning system technology.

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

§ 9935. Immunity for good faith conduct.

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

(1) Agents and employees of the Pennsylvania State  
Police and local law enforcement agencies.

(2) District attorneys and their agents and employees.

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

(4) County probation and parole offices and their agents  
and employees.

(5) The Department of Corrections and its agents and  
employees.

(6) County correctional facilities and their agents and  
employees.

(7) The Department of Public Welfare and its agents and

1 employees.

2 (8) The unit owners' association of a common interest  
3 community and its agents and employees as it relates to  
4 distributing information regarding section 9931(b) (relating  
5 to notification).

6 § 9936. Pennsylvania State Police.

7 The Pennsylvania State Police have the following duties:

8 (1) To create and maintain the Statewide registry of  
9 registered drug offenders in conformity with the provisions  
10 of this subchapter.

11 (2) In consultation with the Department of Corrections,  
12 the Office of Attorney General, the Administrative Office of  
13 Pennsylvania Courts, the Pennsylvania Board of Probation and  
14 Parole and the chairman and minority chairman of the  
15 Judiciary Committee of the Senate and the chairman and  
16 minority chairman of the Judiciary Committee of the House of  
17 Representatives, to promulgate guidelines necessary for the  
18 general administration of this subchapter. These guidelines  
19 shall establish procedures to allow an individual subject to  
20 the requirements of this subchapter to fulfill these  
21 requirements at approved registration sites throughout this  
22 Commonwealth. The Pennsylvania State Police shall publish a  
23 list of approved registration sites in the Pennsylvania  
24 Bulletin and provide a list of approved registration sites in  
25 any notice sent to individuals required to register under  
26 this subchapter. An approved registration site shall be  
27 capable of submitting fingerprints, palm prints, DNA samples  
28 and any other information required electronically to the  
29 Pennsylvania State Police. The Pennsylvania State Police  
30 shall require that approved registration sites submit

1 fingerprints utilizing the Integrated Automated Fingerprint  
2 Identification System or in another manner and in such form  
3 as the Pennsylvania State Police shall require. Approved  
4 registration sites shall not be limited to sites managed by  
5 the Pennsylvania State Police and shall include sites managed  
6 by local law enforcement agencies that meet the criteria for  
7 approved registration sites under this paragraph.

8 (3) To write guidelines regarding neighbor notification  
9 under section 9931 (relating to notification).

10 (4) Within three business days, to transfer information  
11 as under section 9925 (relating to information).

12 (5) To enforce the provisions of this subchapter as  
13 under section 9928 (relating to enforcement).

14 (6) To facilitate verification of information from  
15 individuals required to register under this subchapter as  
16 provided in section 9930 (relating to verification by  
17 registered drug offenders and Pennsylvania State Police).

18 (7) In consultation with the Department of Corrections  
19 and the Pennsylvania Board of Probation and Parole, to  
20 promulgate guidelines directing State and county correctional  
21 facilities and State and county probation and parole offices  
22 regarding the completion of information, including the taking  
23 of photographs, required by registered drug offenders under  
24 this subchapter.

25 § 9937. Duties of probation and parole officials.

26 (a) Duties.--The Pennsylvania Board of Probation and Parole  
27 and the county office of probation and parole shall:

28 (1) Perform their respective duties set forth for the  
29 Pennsylvania Board of Probation and Parole and the county  
30 office of probation and parole in accordance with section

1 9925 (relating to information).

2 (2) On a form prescribed by the Pennsylvania State  
3 Police, notify the Pennsylvania State Police each time a  
4 registered drug offender is arrested, recommitted to a State  
5 or county correctional institution for a parole violation or  
6 incarcerated.

7 (b) Notification form.--The Pennsylvania Board of Probation  
8 and Parole shall create a notification form which will inform  
9 State and county prison and probation and parole personnel how  
10 to inform registered drug offenders of their duties under this  
11 subchapter.

12 § 9938. Duties of facilities housing registered drug offenders.

13 The Department of Corrections or a county correctional  
14 facility shall have the following duties:

15 (1) To perform their respective duties in accordance  
16 with section 9925 (relating to information). In order to  
17 comply with this paragraph, a current photograph of the  
18 individual required to register under this subchapter shall  
19 be taken before the individual is released from confinement  
20 or commitment or is discharged.

21 (2) To notify the Pennsylvania State Police each time a  
22 registered drug offender is incarcerated, committed or  
23 released, including supervised release, on a form prescribed  
24 by the Pennsylvania State Police.

25 (3) To assist drug offenders registering under this  
26 subchapter.

27 § 9939. Exemption from notification for certain licensees and  
28 their employees.

29 Nothing under this subchapter shall be construed as imposing  
30 a duty upon a person licensed under the act of February 19, 1980

1 (P.L.15, No.9), known as the Real Estate Licensing and  
2 Registration Act, or an employee of the person, to disclose any  
3 information regarding an individual required to be included in  
4 the registry under this subchapter.

5 § 9940. Annual performance audit.

6 (a) Duties of the Attorney General.--The Attorney General  
7 shall have the following duties:

8 (1) To conduct a performance audit annually to determine  
9 compliance with the requirements of this subchapter and any  
10 guidelines promulgated under this subchapter. The audit shall  
11 include a review of the practices, procedures and records of  
12 the Pennsylvania State Police, the Pennsylvania Board of  
13 Probation and Parole, the Department of Corrections, the  
14 Administrative Office of Pennsylvania Courts and any other  
15 State or local agency the Attorney General deems necessary in  
16 order to conduct a thorough and accurate performance audit.

17 (2) To prepare an annual report of its findings and any  
18 action that it recommends be taken by the Pennsylvania State  
19 Police, the Pennsylvania Board of Probation and Parole, the  
20 Department of Corrections, the Administrative Office of  
21 Pennsylvania Courts, other State or local agencies and the  
22 General Assembly to ensure compliance with this subchapter.  
23 The first report shall be released to the general public not  
24 fewer than 18 months following the effective date of this  
25 section.

26 (3) To provide a copy of its report to the Pennsylvania  
27 State Police, the Pennsylvania Board of Probation and Parole,  
28 the Department of Corrections, the Administrative Office of  
29 Pennsylvania Courts, State or local agencies referenced in  
30 the report, the chairman and the minority chairman of the

1 Judiciary Committee of the Senate and the chairman and the  
2 minority chairman of the Judiciary Committee of the House of  
3 Representatives not fewer than 30 days prior to its release  
4 to the general public.

5 (b) Cooperation required.--Notwithstanding any other  
6 provision of law, the Pennsylvania State Police, the  
7 Pennsylvania Board of Probation and Parole, the Department of  
8 Corrections, the Administrative Office of Pennsylvania Courts,  
9 the Pennsylvania Commission on Sentencing and any other State or  
10 local agency requested to do so shall fully cooperate with the  
11 Attorney General and assist the Office of Attorney General in  
12 satisfying the requirements of this section. For purposes of  
13 this subsection, full cooperation shall include complete access  
14 to unredacted records, files, reports and data systems.

15 § 9941. Photographs and fingerprinting.

16 An individual subject to registration shall submit to  
17 fingerprinting and photographing as required under this  
18 subchapter. Fingerprinting as required under this subchapter  
19 shall require submission of a full set of fingerprints and palm  
20 prints. Photographing as required under this subchapter shall  
21 require submission to photographs of the face and any scars,  
22 marks, tattoos or other unique features of the individual.  
23 Fingerprints and photographs obtained under this subchapter may  
24 be maintained for use under this subchapter and for general law  
25 enforcement purposes.

26 Section 2. This act shall take effect in 180 days.