

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, FEBRUARY 5, 2018

SESSION OF 2018 202ND OF THE GENERAL ASSEMBLY

No. 8

SENATE

MONDAY, February 5, 2018

The Senate met at 1 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

PRAYER

The Chaplain, Reverend TED KEATING, Pastor of Seven Sorrows of the Blessed Virgin Mary, Middletown, offered the following prayer:

This prayer actually is taken from a Pope several hundred years ago, and I chose this prayer because you and I live under the constant scrutiny of the public. This beautiful prayer takes our actions and this kind of prayer will help us deal with those.

So, let us begin in the name of the Father, the Son, and the Holy Spirit. Amen.

Lord, we believe in You, increase our faith. We trust in You, strengthen our trust. Guide each one of us by Your wisdom, correct us with Your justice, comfort us with Your wisdom, protect us with Your power, enlighten our understanding, strengthen our wills, and purify our hearts. Help us to conquer anger with gentleness, greed by generosity, and apathy by fervor. Help us to forget ourselves and to reach out toward others. Keep us attentive at prayer, temperate in food and drink, diligent in our work, and always firm in our good intentions. Let our conscience be clear, our conduct without fault, our speech blameless, and our life well ordered. We ask this through the God of Abraham, and our Lord Jesus, Christ our Lord. Amen.

The PRESIDENT. The Chair thanks Father Keating, who is the guest today of Senator Folmer. Thank you for your prayer, Father.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

February 1, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 27, 2017, of Elise Claire Schell (Public Member), 1506 Penn Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lynell Scaff, Aliquippa, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF
Governor

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE COUNCIL OF TRUSTEES OF
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

February 5, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Yablonski, Jr., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until February 6, 2018, and until his successor is appointed and qualified, vice Joseph Mowad, Danville, deceased.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

February 5, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nathanael R. Brague, 1465 Hillcrest Court, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Randall Derr, Lititz, whose term expired.

TOM WOLF
Governor

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,
WASHINGTON COUNTY

February 1, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

Please note that the letter dated January 26, 2018, for the nomination of Ann Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Montgomery [sic] County, to serve until the first Monday of January 2020, vice addition to complement, should be corrected to read:

Ann Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Washington County, to serve until the first Monday of January 2020, vice addition to complement.

**APPOINTMENT BY THE
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Mr. David W. Trimpey as a member of the Conservation and Natural Resources Advisory Council.

BILL REPORTED FROM COMMITTEE

Senator GREENLEAF, from the Committee on Judiciary, reported the following bill:

HB 1952 (Pr. No. 2820)

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for conduct relating to sex offenders and for general rule; in falsification and intimidation, further providing for the offense of failure to comply with registration requirements, defining the offense of failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements and imposing penalties; in proceedings prior to petition to adopt, further providing for grounds for involuntary termination and for definitions; in domestic and sexual violence victim address confidentiality, further providing for agency use of designated address; in sentencing, extensively revising registration of sexual offenders provisions; and making editorial changes.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request legislative leaves for Senator Brooks, Senator McIlhinney, Senator Mensch, Senator Tomlinson, and Senator Ward.

The PRESIDENT. Senator Corman requests legislative leaves for Senator Brooks, Senator McIlhinney, Senator Mensch, Senator Tomlinson, and Senator Ward. Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator CORMAN asked and obtained leaves of absence for Senator HUTCHINSON, Senator KILLION, and Senator WHITE, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

JOINT SESSION

Senator CORMAN offered the following resolution, which was read as follows:

In the Senate, February 5, 2018

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, February 6, 2018, at 11:30 A.M., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Tom Wolf; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

YEA-47

Alloway	Dinniman	Leach	Stefano
Argall	DiSanto	Martin	Street
Aument	Eichelberger	McGarrigle	Tartaglione
Baker	Farnese	McIlhinney	Tomlinson
Bartolotta	Folmer	Mensch	Vogel
Blake	Fontana	Rafferty	Vulakovich
Boscola	Gordner	Regan	Wagner
Brewster	Greenleaf	Resenthaler	Ward
Brooks	Haywood	Sabatina	Williams
Browne	Hughes	Scarnati	Yaw
Corman	Langerholc	Scavello	Yudichak
Costa	Laughlin	Schwank	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**GUEST OF SENATOR MICHAEL J. FOLMER
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, I rise today to introduce today's guest Chaplain of the Senate, Father Ted Keating of Seven Sorrows of the Blessed Virgin Mary in Middletown. Father Keating has been a priest at Seven Sorrows for 5 1/2 years. Prior to Seven Sorrows, he was the pastor at St. Pius in Selinsgrove. Prior to St. Pius, he was the parochial vicar at St. Patrick's Catholic Church in Carlisle. Father Keating is a graduate of Lancaster Catholic High School and has been a priest in the Harrisburg Diocese for 24 years.

We thank Father Keating for being here with us today. Senators, please join me in a warm Senate welcome to Father Ted Keating.

The PRESIDENT. Would the guest of Senator Folmer, Father Ted Keating, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

**GUESTS OF SENATOR MARIO M. SCAVELLO
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, I welcome Jordan Oney, who is serving as a guest Page today. Jordan is 11 years old and lives in Middle Smithfield Township with his parents, Mark and Kelli. He attends J.T. Lambert Intermediate School in the East Stroudsburg Area School District. He is part of the school chorus, plays percussion in the school band, and has a role in the upcoming school musical *Joseph and the Amazing Technicolor Dreamcoat*. Jordan plays baseball with the East Stroudsburg Little League. He also enjoys playing the piano, acting, drawing, photography, swimming, skiing, hiking, and bicycling, especially at the River's Edge Bike Pump Park at the Delaware Water Gap. Jordan is passionate about making YouTube videos and playing video games with his friends. Jordan attends East Stroudsburg United Methodist Church and is part of Boy Scout Troop 87 in Lehman Township.

Jordan gives back to his community by volunteering with various nonprofit organizations through Family Promise. He and his family prepare and have dinner with families in this program. The organization partners with local churches to provide homeless families in our community a place to stay and receive the help that they need to move into independent housing. Twice a year, Jordan helps the VFW Post 250 in East Stroudsburg and replaces the American flags on veterans' graves at Prospect and Sandhill Cemeteries. Along with his troop, Jordan participates in Scouting for Food, in which the food collected benefits the Bushkill Outreach that serves many in the local area, and 1,000 Feet of Street roadside litter cleanup day in Middle Smithfield Township as well.

I thank Jordan for his many contributions to the community, and please join me in giving Jordan Oney, who is here on the Senate floor, and his father, Mark, and his mother, Kelli, who are seated in the gallery, a warm Senate welcome.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Scavello, Jordan Oney, your special floor intern, and your mom and dad, Kelli and Mark, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Tomlinson and Senator Ward have returned, and their legislative leaves are cancelled.

**GUESTS OF SENATOR JOHN P. BLAKE
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, before I introduce guests, let me extend heartfelt congratulations to the Philadelphia Eagles and all of their faithful fans.

Later today, we will be adopting a resolution here in the Senate designating February as "Turner Syndrome Awareness Month." My special guest today, Carly Joy Bozym, is the one who educated me on this disorder and who inspires me to offer this resolution every year. Turner syndrome is a noninheritable chromosomal disorder that affects 1 in 2,500 live female births. Earlier diagnosis will help girls and women get a complete cardiac screening that can facilitate prevention or remediation of growth failure, hearing problems, and learning difficulties. Individuals with Turner syndrome have an increased risk of a non-verbal learning disorder that can cause problems in math and visual/spatial skills, executive function skills, and job retention. A disproportionately small amount of funding is available for Turner syndrome research. Mr. President, that is the reason why I do this resolution every year, to try to elevate its profile and see if additional Federal and State dollars can be dedicated to research. With the help of medical specialists and a good social support system, a woman with Turner syndrome can live a happy and healthy life like Carly Joy, a brave 10-year-old from my district who joins us here today. We consider Carly Joy a miracle because only 1 percent survive full-term pregnancy when it comes to Turner syndrome.

So, for all of the other miracles out there and for the awareness we must continue to raise, let us give Carly Joy and her mom, Dana, and her pop-pop, Joseph, a warm Senate welcome.

The PRESIDENT. Would the guests of Senator Blake, Carly Joy and your relatives, please rise so that we may welcome you to the Pennsylvania State Senate. Thank you so much. Keep being an inspiration, Carly Joy.

(Applause.)

PERMISSION TO ADDRESS

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I seek a point of personal privilege. There are a few of my colleagues who want to make some comments with respect to the seismic change of the world that occurred yesterday. So, if you would be so kind, and I appreciate Senator Corman for being so gracious yesterday to all of us. I ask in the following order, Senator Boscola--I am not sure

where she is. She stands first, and then Senator Hughes, Senator Street, and anybody else, and I will close out, okay?

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, oh, my gosh, we are all Pennsylvania proud today. Those Eagles were incredible last night. A shoutout to Doug Pederson for being such -- he should be the coach of the year. Nick Foles, a touchdown, and Brady could not even do it. We were the underdogs, but now we are the top dogs, and I am just so thrilled. They handled this game classily. They have always been a classy team and a humble team. But, anyway, go Eagles, fly high for the next 10, 20, 30 years. Go Birds. Thank you.

(Applause.)

The PRESIDENT. The Chair recognizes the gentlewoman from the City of Brotherly Love and sisterly affection, whose district was the site of some of the biggest celebrating at Frankford and Cottman, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, go Eagles. I will say that I am proud that Frankford and Cottman had thousands and thousands of people, and there was no destruction, nothing. We handled it with grace, and I am proud that my district was there, and it happens to be the second place where everybody goes in the center of Philadelphia. Go Eagles, go. Thank you.

(Applause.)

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, home dogs are going to eat, and the home dogs ate last night. These comments, Mr. President, come from a gentleman who, in fact, was at the game where they threw snowballs at Santa Claus at Franklin Field as a kid and has been on this journey for at least the 52 years of the Super Bowl and all of the years prior to 1960 when they won the National Football League Championship. The thing I take away from last night's victory, I think more than anyone, is the concept of what it means to be a team and how when people work together, significant things can be accomplished.

The other thing that I would like to add to the mix is how a number of the players stepped up and challenged the rest of us to be our best selves. I wear this T-shirt proudly, and I wore it all night during the game--you can get close to me, do not worry, it is okay--because this shirt represents the product of Lane Johnson and a number of other Eagles who decided that they would make up T-shirts and gear, and if you purchased it, the proceeds would go to the School District of Philadelphia. Knowing the cost of shirts and knowing the cost of gear and how much profit exists between the actual printing of a T-shirt and the \$28 or \$30 that folks charge, the amount of money from this very generous donation that goes to the School District of Philadelphia has got to be significant, and we are getting reports in that, in fact, it has reached six figures, and it is growing. I wear this shirt in honor of the players who stepped up and stepped out and made a commitment personally and then challenged the National Football League and the www.nflshop.com that if they sold dog shirts, that they also would make a contribution as well.

So, if you are in the business of buying gear now, now that you are either late to the bandwagon, all right, even if you are late to getting on the bandwagon, gentlemen and ladies, or if you like the fact that this team rose up and stood tall last night, please

go and buy this gear because this gear represents well, but it is also a donation to the School District of Philadelphia and the children there need these extra resources.

Mr. President, I know you and your family, and I know you have been long-suffering Eagles fans. I know how proud you are on this day, at this hour of this very significant accomplishment.

Thank you, Mr. President.

The PRESIDENT. Let us keep this going. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, I rise to recognize the greatest football team in the world, on the entire planet, the Philadelphia Eagles.

(Applause.)

Senator STREET. It feels good to say that. Like many Eagles fans, I did not suffer through quite as many losses as Senator Hughes because I have only been around for 44 years, but I can remember the loss where our coach, in the early 1980s, declared he was burned out afterward, to the time when our quarterback gave up so much that he vomited as we lost. It was great to see, but as a team, as a city, we never gave up on our Birds, and this team this year never gave up through all of the adversity. When the left tackle went down, when they lost their best running back, when their signal caller on the defense was not available, other people stepped up as a team, and as a society we can take some lessons and step up, too. When they were faced with odds that everyone believed to be insurmountable, a team that everybody said could not be beaten, and the announcers were declaring the opposing team's quarterback the greatest of all time and the game to be over, our guys did not pay any attention to that. In the end, it was an unsung, unexpected hero who took the ball out of the hands of the guy they thought was the greatest to make sure that a team led by a backup quarterback would show us all that we all matter, we all can win, and that the Eagles are, in fact, the greatest football team on Earth.

So, with that, I thank you, Mr. President, and I will conclude with this: E-A-G-L-E-S, Eagles.

(Applause.)

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I suspect that will not be the last time you will hear that.

The PRESIDENT. Senator Williams, would you like to let our suburban friend, so that it is a nice balance, and then we will build it to a crescendo with you?

Senator WILLIAMS. Mr. President, absolutely.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, I certainly am one who believes that Senator Williams should be the closer on this deal, and I am very anxious to hear what he has to say, and I thank him for yielding the floor.

Mr. President, all of us in the greater Philadelphia area are taking great pride today in the Philadelphia Eagles being Super Bowl Champions, and, in my opinion, the best Super Bowl game ever played, and one of the best NFL games ever played. Where the offense lit up the field and when it came time for the defense to step up, the Eagles D came in and stripped the ball out of probably the best quarterback ever in NFL history, stripped it right out of his hand. That is the attitude and the grit and the

drive of this team to make sure that they all pulled together as a team and acted together as a team to bring home the championship.

Mr. President, I have to say, I spoke before on the strong faith of Carson Wentz and the strong faith of Nick Foles, and last night when Doug Pederson, the coach, was asked a question, the first thing he did was praise God, and we all recognize the fact that we are blessed with special gifts and an abundance of grace from on high. The Eagles kept that faith strong all throughout the season in adversities of injuries, certainly with the franchise quarterback going down in December, Carson Wentz. With Carson Wentz and Nick Foles, the determination of our defense, and the smartness and willingness to adapt and change situations of our coaching staff and the management of the Eagles, we today are celebrating the world championship.

So, on behalf of the Senate of Pennsylvania, my Caucus, I want to say thank you to the Philadelphia Eagles, congratulate them, and I know that the city of Philadelphia and the suburbs celebrated wildly and long last night. I heard fireworks going off in my neighborhood well into the early morning hours, but deservedly so. This is something very rich for our area, very appreciative for our area, and thank you very much, Mr. President, and now, the closer.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I thank Senator Rafferty. I would say that, you know, we spend a lot of time here. Over the years I have shared personal moments, even though we do not necessarily know each other in an intimate way. So, I have gone through a marriage, and, unfortunately, a divorce, and being remarried here. I have lost my parents while I have been here. I have suffered through cancer and recovered while I have been here, and I have shared some of that with you. Many of you know my desire and love for the Philadelphia Eagles, but I do not think many of you know that the significance goes beyond sports.

My father, who has gone on to heaven, introduced me to the Eagles when I was about 5 years old at Franklin Field. Senator Hughes and I share the same time period of life and can remember those games, and I will tell you that when people talk about their underdog status now, they were not underdogs, they were just under the stadium. They were terrible back then. But the reality was, it was an experience between a father and a son. And the reason why I love this team is because now it brings back those memories, but also, much more significantly, it brings back why I love sports.

I was 5 years old, and I can remember on the field there was an African American wide receiver by the name of Ben Hawkins, and there was a Polish running back, and there was a Catholic quarterback, Norm Snead. The section of the stadium I sat in, I did not realize, was a segregated section that was allocated to African Americans at that period in time. At 5 years old, you do not really understand the significance or necessarily appreciate that. I did not realize that I was established as an underdog early in my life in terms of who I would be and where I would go simply because of the color of my skin. But at that sporting event early at that 5-year-old period of time, when Joe Kuharich was a terrible coach, and they would drink out of a bucket, I was inspired by what I saw by all types of people on a

playing field. They really did not seem to care much about where they came from, all they cared about was the passion of how bad their team was, and they were going to fight to the end.

I followed the Eagles ever since from Franklin Field, to the Vet, to the Linc. And I will tell you, last night was not just the crowning jewel of a professional team at a Super Bowl, it was the crowning jewel of underdogs, and, most importantly, everybody recognizing their limitations. I happened to be a kid who sat in a section but understood that whether it was a woman, or there was a Catholic, or there was somebody from Clearfield County, all of us have our challenges in this country because of where we come from, what we look like, or who we are. But in sports, it does not allow for those limitations of the heart to invade us. What it does is encourages us and inspires us to go beyond.

And I have to tell you, the most eloquent person of all, and I want to tell you, on both sides of the ball there are a ton of people who believe in God and are very faithful people, but Nick Foles, a guy written off, a guy who was pushed aside, and I would hear every time, how can you believe in this man? He not only succeeded, but he was better than Tom Brady. He was better than their defense. He was better than our limited expectations of him, and most importantly, when he stood up and had something to say, he was not talking about me, me, me, he was talking about we. He talked about how we collectively moved forward as a group of people. He talked about his faith, he talked about his wife, he talked about his father struggling, he talked about all of those things that we all remember as children regardless of where we come from in Pennsylvania. All of us have those stories, if we are blessed to have a father like his. All of us have those stories, and we have had those challenges in life. All of us have been written off, especially when we come to the Senate of Pennsylvania. It is about winning and losing, but the fact is once we are here, it is about the spirit of we, if we challenge ourselves to move Pennsylvania forward.

So, I am ecstatic. I obviously lost my voice a little bit last night. It was not from drinking, Senator Corman, it was from yelling at the television. I want to thank all of you, and I want to thank our Leader here, the President, and my Minority Leader here for allowing us a few moments to reflect. I will tell you right now, I miss my father more than anything in the world because he would have enjoyed it as much as I did, but most importantly, I cannot tell you how grateful I am to be here today with you to tell you my little bit of history with this team, and, most importantly, share the joy. For an entire year you will hear stories about how great they are for me, so do not run the other way because I will tackle you in some portion of the building. But I want to tell you how grateful I am to share it with you.

Go Eagles. Go Pennsylvania. Thank you very much.

The PRESIDENT. Right on. Excellent job, Senator.

Senator, I am from Philadelphia also, and what I always say about the Philadelphia Eagles' fan base is, we hope for the very best and often expect the absolute worst. But last night, we stopped for one second and said, it can happen, and it is amazing, the power of hope. That is what that team represents, the power of hope. The Philadelphia fan base, we do not get a week ruined by an Eagles loss, we get years ruined, and it is because we have such aspirations and hope, and it is great to see that hope realized into something so positive. Our friends from the west do not always understand how we feel, because they have had those

Super Bowl victories. But now, we are going to try to catch up, we have a few rings to go.

But the bottom line is, Senator, you said it right. Pennsylvania can do it, those who are afraid or cynical or who think the job cannot be done, the power of hope is there, and we can do it. Together, we can do it.

BILL ON FIRST CONSIDERATION AND REREFERRED

Senator CORMAN. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

HB 1952.

And said bill having been considered for the first time,

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I request that Senate Democrats report to our caucus room after the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Brooks has returned, and her legislative leave is cancelled.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I request a temporary Capitol leave for Senator Stefano.

The PRESIDENT. Senator Gordner requests a temporary Capitol leave for Senator Stefano. Without objection, the leave will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 21 -- Without objection, the bill was passed over in its order at the request of Senator GORDNER.

BILL AMENDED

HB 631 (Pr. No. 668) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for a mandatory period of probation for certain sexual offenders.

On the question,

Will the Senate agree to the bill on third consideration?

Senator VULAKOVICH offered the following amendment No. A5676:

Amend Bill, page 1, lines 1 through 4, by striking out all of said lines and inserting:

Amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for conduct relating to sex offenders and for general rule; in falsification and intimidation, further providing for the offense of failure to comply with registration requirements, defining the offense of failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements and imposing penalties; in proceedings prior to petition to adopt, further providing for grounds for involuntary termination and for definitions; in domestic and sexual violence victim address confidentiality, further providing for agency use of designated address; in sentencing, providing for a mandatory period of probation for certain sexual offenders and extensively revising registration of sexual offenders provisions; and making editorial changes.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting:

Section 1. Section 3130 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3130. Conduct relating to sex offenders.

(a) Offense defined.--A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offender's probation or parole or the requirements of 42 Pa.C.S. Ch. 97 Subch. H or I:

(1) withholds information from or does not notify the law enforcement agent or agency about the sex offender's noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. Ch. 97 Subch. H or I or, if known, the sex offender's whereabouts;

(2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;

(3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or

(4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

(b) Definition.--As used in this section, the term "sex offender" means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H or I.

Section 1.1. Section 3141 of Title 18, amended June 29, 2017

(P.L.247, No.13), is amended to read:
 § 3141. General rule.

A person:

(1) convicted under section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault); or

(2) required to register with the Pennsylvania State Police under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders); may be required to forfeit property rights in any property or assets used to implement or facilitate commission of the crime or crimes of which the person has been convicted. The forfeiture shall be conducted in accordance with 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions).

Section 2. Section 4915.1(a.2)(2), (b)(4), (c.1)(4), (c.3) and (d) of Title 18 are amended, subsection (f) is amended by adding a definition and the section is amended by adding a subsection to read:

§ 4915.1. Failure to comply with registration requirements.

(a.2) Counseling.--The following apply:

(2) An individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction where the requirement is based on the commitment of an offense on or after December 20, 2012, for which the individual was convicted, commits an offense if [he] the individual knowingly fails to comply with 42 Pa.C.S. § 9799.36.

(b) Grading for sexual offenders who must register for 15 years or who must register pursuant to 42 Pa.C.S. § 9799.13(7.1).--

(4) For the purposes of this subsection, an individual shall mean an individual that meets any of the following:

(i) Is a sexual offender subject to registration under 42 Pa.C.S. § 9799.13 and is required to register for a period of 15 years.

(ii) Is a sexual offender subject to registration under 42 Pa.C.S. § 9799.13(7.1).

(c.1) Grading for sexual offenders who are transients who must register for 15 years.--

(4) For the purposes of this subsection, an individual shall mean an individual that meets any of the following:

(i) Is a sexual offender subject to registration under 42 Pa.C.S. § 9799.13 and is a transient who must register for a period of 15 years.

(ii) Is a sexual offender subject to registration under 42 Pa.C.S. § 9799.13(7.1) and is a transient.

(c.3) Grading for failure to comply with counseling requirements.--An individual designated as a sexually violent predator or sexually violent delinquent child or an individual who is subject to a counseling requirement under a sex offender registration statute following conviction of a sexual offense on or after December 20, 2012, in another jurisdiction commits a misdemeanor of the first degree if the individual violates subsection (a.2).

(d) Effect of notice.--Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or sexual offender to receive any notice or information pursuant to 42 Pa.C.S. § 9799.25 shall be a defense to a prosecution commenced against an individual arising from a violation of this section. The provisions of 42 Pa.C.S. § 9799.25 are not an element of an offense under this section.

(e.1) Affirmative defense.--It is an affirmative defense for a prosecution under this section that the individual acted in accordance with a court order under 42 Pa.C.S. § 9799.15(a.2) (relating to period of registration).

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Sexual offender." The term shall have the meaning given to it in 42 Pa.C.S. § 9799.12 (relating to definitions).

Section 3. Title 18 is amended by adding a section to read:

§ 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements.

(a) Offense defined.--An individual who is subject to registration under 42 Pa.C.S. § 9799.55(a), (a.1) or (b) (relating to registration) or who was subject to registration under former 42 Pa.C.S. § 9793 (relating to registration of certain offenders for ten years) commits an offense if the individual knowingly fails to:

(1) register with the Pennsylvania State Police as required under 42 Pa.C.S. § 9799.56 (relating to registration procedures and applicability);

(2) verify the individual's residence or be photographed as required under 42 Pa.C.S. § 9799.60 (relating to verification of residence); or

(3) provide accurate information when registering under 42 Pa.C.S. § 9799.56 or verifying a residence under 42 Pa.C.S. § 9799.60.

(a.1) Counseling.--The following apply:

(1) An individual who is designated as a sexually violent predator commits an offense if the individual knowingly fails to comply with 42 Pa.C.S. § 9799.70 (relating to counseling of sexually violent predators).

(2) An individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction commits an offense if the individual knowingly fails to comply with that requirement, as provided in 42 Pa.C.S. § 9799.56(b)(4)(i).

(b) Grading for offenders who must register for 10 years.--

(1) (Reserved).

(2) Except as set forth in paragraph (3), an individual subject to registration under 42 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a period of 10 years who commits a violation of subsection (a)(1) or (2) commits a felony of the third degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a period of 10 years who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a felony of the second degree.

(4) An individual subject to registration under 42 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a period of 10 years who violates subsection (a)(3) commits a felony of the second degree.

(c) Grading for sexually violent predators and others with lifetime registration.--

(1) (Reserved).

(2) Except as set forth in paragraph (3), an individual subject to registration under 42 Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is subject to lifetime registration who commits a violation of subsection (a)(1) or (2) commits a felony of the second degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is subject to lifetime registration who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a felony of the first degree.

(4) An individual subject to registration under 42 Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is subject to lifetime registration who violates subsection (a)(3) commits a felony of the first degree.

(c.1) Grading for failure to comply with counseling requirements.--An individual designated as a sexually violent predator or an individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction who commits a violation of subsection (a.1) commits a misdemeanor of the first degree.

(d) Effect of notice.--Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive a notice or information under 42 Pa.C.S. § 9799.54(b) (relating to applicability) or 9799.60(a.1), (b.1) or (b.3) shall be a defense to a prosecution commenced against an individual arising from a violation of this section. The provisions of 42 Pa.C.S. §§

9799.54(b) and 9799.60(a.1), (b.1) or (b.3) are not an element of an offense under this section.

(c) Arrests for violation.--

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

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

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

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

(ii) The individual must provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment, including all employment locations, and all information concerning current or intended enrollment as a student. If the individual has a residence as defined in paragraph (2) of the definition of "residence" set forth in 42 Pa.C.S. § 9799.53 (relating to definitions), the individual must provide the Pennsylvania State Police with the information required under 42 Pa.C.S. § 9799.56(a)(2)(i)(A), (B) and (C).

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

(e.1) Affirmative defense.--It is an affirmative defense for any prosecution under this section that the individual acted in accordance with a court order under section 9799.59 (relating to exemption from certain notifications).

(f) Applicability.--This section applies to:

(1) An individual who committed an offense set forth in 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before December 20, 2012, and whose period of registration under 42 Pa.C.S. § 9799.55 has not expired.

(2) An individual who was required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.

(3) An individual who, before the effective date of this paragraph:

(i) Commits an offense subject to 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders); but

(ii) because of a judicial determination on or after the effective date of this section of the invalidity of 42 Pa.C.S. Ch. 97 Subch. H, is not subject to registration as a sexual offender.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Sexually violent predator." As defined in 42 Pa.C.S. § 9799.53.

"Similar offense." An offense similar to an offense under either subsection (a)(1) or (2) under the laws of this Commonwealth, the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

Section 4. Sections 2511(a)(11), 6303(b.1)(8)(vii), 6338.1(c)(4) and 6707 of Title 23 are amended to read:

§ 2511. Grounds for involuntary termination.

(a) General rule.--The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

(11) The parent is required to register as a sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders) or to register with a sexual offender registry in another jurisdiction or foreign country.

§ 6303. Definitions.

(b.1) Child abuse.--The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

(8) Engaging in any of the following recent acts:

(vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(D) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

§ 6338.1. Expunction of information of perpetrator who was under 18 years of age when child abuse was committed.

(c) Nonapplicability.--The provisions of this section shall not apply to any of the following cases:

(4) [A sexual offender, as defined in 42 Pa.C.S. § 9799.12, who meets all of the following:] An individual who:

(i) Is required to register under 42 Pa.C.S. Ch. 97 Subch. H or I (relating to continued registration of sexual offenders) as a result of a criminal conviction for the same acts which resulted in the sexual offender being named a perpetrator of child abuse.

(ii) Has not completed the period of registration required under 42 Pa.C.S. [§ 9799.15 (relating to period of registration)] Subch. H or I.

§ 6707. Agency use of designated address.

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

(1) when the State or local government agency has been granted a waiver pursuant to section 6709 (relating to waiver process); or

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

(i) a released offender complying with State or county probation or parole requirements; or

(ii) a convicted sexual offender who has fulfilled the offender's sentence but must register the offender's community residence as required under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders) or any similar registration requirement imposed by any other jurisdiction.

Section 5. Section 9718.1(a) introductory paragraph of Title 42 is amended to read:

§ 9718.1. Sexual offender treatment.

(a) General rule.--A person, including an offender designated as a "sexually violent predator" as defined in section 9799.12 (relating to definitions) or 9799.53 (relating to definitions), shall attend and participate in a Department of Corrections program of counseling or therapy designed for incarcerated sex offenders if the person is incarcerated in a State institution for any of the following provisions under 18 Pa.C.S. (relating to crimes and offenses):

Section 5.1. Title 42 is amended by adding a section to read:

Amend Bill, page 2, line 14, by striking out all of said line and inserting:

Section 5.2. Section 9799.10(4) of Title 42 is amended to read:

§ 9799.10. Purposes of subchapter.

This subchapter shall be interpreted and construed to effectuate the following purposes:

(4) To require individuals who are [currently] subject to the criminal justice system of this Commonwealth as inmates, supervised with respect to probation or parole or registrants [under this subchapter]

due to committing a sexually violent offense on or after December 20, 2012, for which the individual was convicted, to register with the Pennsylvania State Police and to otherwise comply with this subchapter. To the extent practicable and consistent with the requirements of the Adam Walsh Child Protection and Safety Act of 2006, this subchapter shall be construed to maintain existing procedures regarding registration of sexual offenders who are subject to the criminal justice system of this Commonwealth.

Section 6. Section 9799.11 heading of Title 42 is amended, subsection (b) is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 9799.11. Legislative findings [and], declaration of policy and scope.

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

(4) It is the intention of the General Assembly to address the Pennsylvania Supreme Court's decision in *Commonwealth v. Muniz*, 164 A.3d 1189 (Pa. 2017) and the Pennsylvania Superior Court's decision in *Commonwealth v. Butler* (2017 WL3882445).

(c) Scope.--This subchapter shall apply to individuals who committed a sexually violent offense on or after December 20, 2012, for which the individual was convicted.

Section 7. The definitions of "sexual offender," "sexually violent delinquent child," "sexually violent offense," "sexually violent predator" and "transient" in section 9799.12 of Title 42 are amended to read:

§ 9799.12. Definitions.

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

"Sexual offender." An individual [required to register under this subchapter.] who has committed a sexually violent offense. The term includes a sexually violent predator.

"Sexually violent delinquent child." As defined in section 6402 (relating to definitions)[.] if the determination as a sexually violent delinquent child is based on an act of sexual violence, as defined in section 6402, committed on or after December 20, 2012, for which the child was adjudicated delinquent and determined to be in need of commitment for involuntary treatment as specified in Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).

"Sexually violent offense." An offense specified in section 9799.14 (relating to sexual offenses and tier system) as a Tier I, Tier II or Tier III sexual offense committed on or after December 20, 2012, for which the individual was convicted.

"Sexually violent predator." An individual [determined to be a sexually violent predator under section 9795.4 (relating to assessments) prior to the effective date of this subchapter or an individual convicted of an offense] who committed a sexually violent offense on or after December 20, 2012, for which the individual was convicted, specified in:

(1) section 9799.14(b)(1), (2), (3), (4), (5), (6), (8), (9) or (10) (relating to sexual offenses and tier system) or an attempt, conspiracy or solicitation to commit any offense under section 9799.14(b)(1), (2), (3), (4), (5), (6), (8), (9) or (10);

(2) section 9799.14(c)(1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(c)(1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or

(3) section 9799.14(d)(1), (2), (3), (4), (5), (6), (7), (8) or (9) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(d)(1), (2), (3), (4), (5), (6), (7), (8) or (9)

who[, on or after the effective date of this subchapter,] is determined to be a sexually violent predator under section 9799.24 (relating to assessments) due to a mental abnormality or personality disorder that makes the individual likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator or similar designation where the determination occurred in another jurisdiction, a foreign country or by court martial following a judicial or administrative determination pursuant to a process similar to that under section 9799.24[. In addition, the term shall include any person convicted between January 23, 2005, and December 19, 2012,

of any offense set forth in section 9799.13(3.1) (relating to applicability) determined by a court to be a sexually violent predator due to a mental abnormality or personality disorder that made the person likely to engage in predatory sexually violent offenses, which person shall be deemed a sexually violent predator under this subchapter.] where the determination or designation is based on the commitment of a sexually violent offense on or after December 20, 2012, for which the individual was convicted.

"Transient." [An individual required to register under this subchapter] A sexual offender who does not have a residence but nevertheless resides in this Commonwealth in a temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park.

Section 8. Section 9799.13 of Title 42 is amended to read:

§ 9799.13. Applicability.

The following individuals shall register with the Pennsylvania State Police as provided in sections 9799.15 (relating to period of registration), 9799.19 (relating to initial registration) and 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police) and otherwise comply with the provisions of this subchapter:

(1) [An individual who, on or after the effective date of this section, is convicted of a sexually violent offense and who has a residence within this Commonwealth or is a transient.] A sexual offender who has a residence within this Commonwealth or is a transient.

(1.1) [An individual who, on or after the effective date of this section, is convicted of a sexually violent offense in this Commonwealth and] A sexual offender who is convicted in this Commonwealth and who does not have a residence in this Commonwealth and:

- (i) is employed in this Commonwealth; or
- (ii) is a student in this Commonwealth.

(1.2) [An individual who, on or after the effective date of this section, is convicted of a sexually violent offense and] A sexual offender who does not have a residence within this Commonwealth or is not a transient in this Commonwealth and:

- (i) is employed in this Commonwealth; or
- (ii) is a student in this Commonwealth.

(2) [An individual who, on or after the effective date of this section, is, as a result of a conviction for a sexually violent offense.] A sexual offender who is an inmate in a State or county correctional institution of this Commonwealth, including a community corrections center or a community contract facility, is being supervised by the Pennsylvania Board of Probation and Parole or county probation or parole, is subject to a sentence of intermediate punishment or has supervision transferred pursuant to the Interstate Compact for Adult Supervision in accordance with section 9799.19(g).

(2.1) [An individual who, on or after the effective date of this section, is, as a result of a conviction for a sexually violent offense.] A sexual offender who is an inmate in a Federal correctional institution or is supervised by Federal probation authorities and who:

(i) has a residence within this Commonwealth or is a transient;

- (ii) is employed within this Commonwealth; or
- (iii) is a student within this Commonwealth.

[(3) An individual who:

(i) was required to register with the Pennsylvania State Police pursuant to this subchapter prior to December 20, 2012, and who had not fulfilled the individual's period of registration as of December 20, 2012; or

(ii) was required to register with the Pennsylvania State Police pursuant to this subchapter prior to December 20, 2012, and did not register.

(3.1) The following:

(i) An individual who between January 23, 2005, and December 19, 2012, was:

(A) convicted of a sexually violent offense;

(B) released from a period of incarceration resulting from a conviction for a sexually violent offense; or

(C) under the supervision of the Pennsylvania Board of Probation and Parole or county probation or parole as a result of a conviction for a sexually violent offense.

(ii) For purposes of this paragraph, the term "sexually violent offense" shall have the meaning set forth in section 9799.12 (relating to definitions), except that it shall not include:

(A) Convictions:

(I) Under the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 2902(b) (relating to unlawful restraint).
 Section 2903(b) (relating to false imprisonment).
 Section 2904 (relating to interference with custody of children).
 Section 3122.1 (relating to statutory sexual assault).
 Section 6301 (relating to corruption of minors).
 Section 7507.1 (relating to invasion of privacy).

(II) For a comparable military offense or similar offense under the laws of another jurisdiction or foreign country or under a former law of this Commonwealth prior to December 8, 2008.

(B) A conviction under 18 Pa.C.S. § 3126 (relating to indecent assault) where the crime is graded as a misdemeanor of the second degree or where the conviction occurred between January 22, 2006, and January 1, 2007, when the crime is graded as a felony of the third degree.

(3.2) An individual who between December 8, 2008, and December 19, 2012, was:

(i) convicted of conspiracy or solicitation to commit a sexually violent offense as defined in paragraph (3.1);
 (ii) released from serving a period of incarceration resulting from a conviction for conspiracy or solicitation to commit a sexually violent offense as defined in paragraph (3.1); or
 (iii) under the supervision of the Pennsylvania Board of Probation and Parole or county probation or parole as a result of a conviction for conspiracy or solicitation to commit a sexually violent offense as defined in paragraph (3.1).]

(7) [An individual who, on or after the effective date of this section, is] A sexual offender required to register in a sexual offender registry in another jurisdiction or in a foreign country based upon a conviction for a sexually violent offense or under a sexual offender statute in the jurisdiction where the individual is convicted and:

(i) has a residence in this Commonwealth or is a transient;
 (ii) is employed within this Commonwealth; or
 (iii) is a student within this Commonwealth.

(7.1) An individual who, [on or after the effective date of this section,] as a result of committing an offense set forth in section 9799.14(b)(23) (relating to sexual offenses and tier system) on or after December 20, 2012, for which the individual was convicted, is required to register in a sexual offender registry in another jurisdiction or foreign country [based upon a conviction of an offense set forth in section 9799.14(b)(23) (relating to sexual offenses and tier system)] and:

(i) has a residence in this Commonwealth or is a transient;
 (ii) is employed within this Commonwealth; or
 (iii) is a student within this Commonwealth.

(7.2) [An individual who, on or after the effective date of this paragraph,] A sexual offender who is convicted [of a sexually violent offense] in another jurisdiction or foreign country, or is incarcerated or under supervision as a result of a conviction [for a sexually violent offense] in another jurisdiction or foreign country and:

(i) has a residence in this Commonwealth or is a transient;
 (ii) is employed within this Commonwealth; or
 (iii) is a student within this Commonwealth.

(8) An individual who, on or after the effective date of this section, is a juvenile offender who was adjudicated delinquent within this Commonwealth or was adjudicated delinquent in another jurisdiction or a foreign country and:

(i) has a residence within this Commonwealth;
 (ii) is employed within this Commonwealth; or
 (iii) is a student within this Commonwealth.

(8.1) An individual who is a juvenile offender who is adjudicated delinquent in this Commonwealth on or after the effective date of this paragraph but who does not have a residence within this Commonwealth, is not a transient, is not employed in this Commonwealth or is not a student within this Commonwealth must register with the Pennsylvania State Police in accordance with section 9799.19 prior to leaving this Commonwealth.

(8.2) An individual who between January 23, 2005, and December 19, 2012, established a residence or was a transient in this Commonwealth, was employed within this Commonwealth, or was a student in this Commonwealth, and who was required to register in a sexual

offender registry as a result of an adjudication of delinquency for an offense which occurred in a foreign country or another jurisdiction and that required the individual to register in that foreign country or other jurisdiction.

(9) An individual whof, on or after the effective date of this section,] is a sexually violent delinquent child, [who is committed for involuntary treatment or, on the effective date of this section, is under commitment receiving involuntary treatment in the State-owned facility or unit as set forth in Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).]

Section 9. Section 9799.14(b)(3) of Title 42 is amended and subsection (d) is amended by adding a paragraph to read:
 § 9799.14. Sexual offenses and tier system.
 * * *

(b) Tier I sexual offenses.--The following offenses shall be classified as Tier I sexual offenses:
 * * *

(3) 18 Pa.C.S. § 2904 (relating to interference with custody of children), except in cases where the defendant is the child's parent, guardian or other lawful custodian.
 * * *

(d) Tier III sexual offenses.--The following offenses shall be classified as Tier III sexual offenses:
 * * *

(17) One conviction of a sexually violent offense and one conviction of a sexually violent offenses as defined in section 9799.55 (relating to registration).

Section 10. Section 9799.15(a.1) and (b)(1)(i) and (iv) of Title 42 are amended and the section is amended by adding a subsection to read:
 § 9799.15. Period of registration.
 * * *

[a.1) Credit for time on registry.--The following apply:

(1) An individual subject to registration under this subchapter shall receive credit for any time registered with the Pennsylvania State Police prior to December 20, 2012.

(2) An individual subject to registration under this subchapter shall register with the Pennsylvania State Police for the period of time set forth in subsection (a), except that:

(i) An individual registered pursuant to section 9799.13(2), (2.1), (3), (3.1) or (3.2) for a sexually violent offense shall register for the period set forth in subsection (a), less any credit for time spent registered pursuant to this subchapter for that offense prior to December 20, 2012.

(ii) An individual registered pursuant to section 9799.13(7), (7.1) or (7.2) for a sexually violent offense shall register for the period set forth in subsection (a), less any credit as a result of time registered in a sexual offender registry for that sexually violent offense in the foreign country or other jurisdiction where the individual was convicted.

(iii) An individual registered pursuant to section 9799.13(8), (8.1) or (8.2) as a result of an adjudication of delinquency occurring in a foreign country or other jurisdiction shall register for the period set forth in subsection (a), less any credit as a result of time registered in a sexual offender registry in the foreign country or other jurisdiction where the individual was adjudicated delinquent.]

(a.2) Assessment by court after 25 years.--An individual required to register under subsection (a)(3),(5), (6) and (7) may be exempt from the requirement to register, the requirement to verify residence, employment and enrollment in an educational institution, the requirement to appear on the publicly accessible Internet website maintained by the Pennsylvania State Police and all other requirements of this subchapter if:

(1) Subject to subsection (c), at least 25 years have elapsed prior to filing a petition with the sentencing court to be exempt from the requirements of this subchapter, during which time the petitioner has not been convicted in this Commonwealth or any other jurisdiction or foreign country of an offense punishable by imprisonment of more than one year, or the petitioner's release from custody following the petitioner's most recent conviction for an offense, whichever is later.

(2) Upon receipt of a petition filed under paragraph (1), the sentencing court shall enter an order directing that the petitioner be assessed by the board. Upon receipt from the court of an order for an assessment under this subsection, a member of the board designated by the administrative officer of the board shall conduct an assessment of

the petitioner to determine if the relief sought, if granted, is likely to pose a threat to the safety of any other person. The board shall establish standards for evaluations and for evaluators conducting assessments.

(3) The order for an assessment under this subsection shall be sent to the administrative officer of the board within 10 days of the entry. No later than 90 days following receipt of the order, the board shall submit a written report containing the board's assessment to the sentencing court, the district attorney and the attorney for the petitioner.

(4) Within 120 days of filing the petition under paragraph (1), the sentencing court shall hold a hearing to determine whether to exempt the petitioner from the application of any or all of the requirements of this subchapter. The petitioner and the district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses and the right to cross-examine witnesses. The petitioner shall have the right to counsel and to have a lawyer appointed to represent the petitioner if the petitioner cannot afford one.

(5) The sentencing court shall exempt the petitioner from application of any or all of the requirements of this subchapter, at the discretion of the court, only upon a finding of clear and convincing evidence that exempting the sexual offender from a particular requirement or all of the requirements of this subchapter is not likely to pose a threat to the safety of any other person.

(6) A court granting relief under this subsection shall notify the Pennsylvania State Police in writing within 10 days from the date the relief is granted. If a memorandum of understanding has been entered into under section 9799.26 (relating to victim notification) with respect to relief granted to the petitioner, the Pennsylvania State Police shall transmit the information about the relief to the Office of Victim Advocate as soon as is practicable. The Office of Victim Advocate shall notify the victim of the relief, in accordance with the memorandum of understanding, as described in section 9799.26.

(7) The petitioner and the Commonwealth shall have the right to appellate review of the actions of the sentencing court under this subsection. An appeal by the Commonwealth shall stay the order of the sentencing court.

(8) The petitioner may file an additional petition with the sentencing court no sooner than five years from the date of the final determination of a court regarding the petition and no sooner than every five years thereafter.

(9) If the petitioner is exempt from any provisions of this subchapter and the petitioner is subsequently convicted under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements), relief granted under this subsection shall be void and the petitioner shall automatically and immediately again be subject to the provisions of this subchapter, as previously determined by this subchapter.

(a.3) Agency cooperation.--All State, county and local agencies, offices and entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing access to records and information as requested by the board in connection with the court-ordered assessment under subsection (a.2).

(b) Commencement of registration.--The following apply:

(1) The period of registration set forth in subsection (a) shall commence as follows:

(i) For an individual [convicted of] who committed a sexually violent offense in this Commonwealth, the period of registration shall commence upon:

(A) release from incarceration in a State or county correctional facility, including release to a community correction center or community contract facility;

(B) parole or a sentence of probation; or

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

(iv) For an individual who [is convicted of] committed a sexually violent offense in another jurisdiction or foreign country or a comparable military offense, the period of registration shall commence upon establishment of a residence or commencement of employment or enrollment as a student within this Commonwealth. This subparagraph shall apply to an individual convicted of a sexually violent offense in another jurisdiction or foreign country or comparable military offense and who is a transient.

Section 11. Section 9799.16(a) of Title 42 is amended by adding

a paragraph to read:

§ 9799.16. Registry.

(a) Establishment.--There is established a Statewide registry of sexual offenders in order to carry out the provisions of this subchapter. The Pennsylvania State Police shall create and maintain the registry. The registry shall maintain a complete and systematic index of all records required regarding sexual offenders in order to comply with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587). The registry shall:

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

(2) Be able to communicate with the Sex Offender Registration and Notification Act Exchange Portal developed by the United States Department of Justice, the National Sex Offender Registry or any successor database which is maintained by the Department of Justice and the Dru Sjodin National Sex Offender Public Internet Website maintained by the Department of Justice.

(3) Be able to communicate with sexual offender registries established in other jurisdictions.

(4) Contain information about individuals required to register with the Pennsylvania State Police under Subchapter I (relating to continued registration of sexual offenders)

Section 12. Section 9799.19(b), (b.1), (c), (d), (e), (e.1), (e.2), (f), (g), (i)(3) and (j) of Title 42 are amended and the section is amended by adding subsections to read:

§ 9799.19. Initial registration.

[(b) Initial registration if incarcerated within Commonwealth or by Federal Court on effective date of section.--The following apply:

(1) If the individual is, prior to the effective date of this section, incarcerated in a Federal, State or county correctional facility, the individual shall provide the information set forth in section 9799.16(b) (relating to registry) to the appropriate official of the Federal, State or county correctional facility or the Pennsylvania Board of Probation and Parole for inclusion in the registry before being released due to:

(i) the expiration of sentence, in which case the information shall be collected no later than ten days prior to the maximum expiration date;

(ii) parole;

(iii) State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional institution or a work release facility; or

(iv) special probation supervised by the Pennsylvania Board of Probation and Parole.

(2) For individuals set forth in paragraph (1), the appropriate official of the Federal, State or county correctional facility or the Pennsylvania Board of Probation and Parole shall collect and forward the information in section 9799.16(b) to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information in section 9799.16(b) and (c) shall be included in the registry. With respect to individuals released under paragraph (1)(ii), (iii) or (iv), the State or county correctional facility shall not release the individual until it receives verification from the Pennsylvania State Police that it has received the information set forth in section 9799.16(b) and (c). Verification may take place by electronic means. With respect to individuals released under paragraph (1)(i), if the individual refuses to provide the information set forth in section 9799.16(b), the State or county correctional institution shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

(b.1) Initial registration if sentenced to a county or State correctional facility on or after the effective date of section.--If the individual is, on or after the effective date of this section, sentenced to a period of incarceration in a county or State correctional facility, the individual shall provide the information set forth in section 9799.16(b) as follows:

(1) At the time of sentencing, the court shall require the individual to immediately report to the Office of Probation and Parole serving that county to register under this subchapter. The appropriate office of probation and parole shall collect the information set forth in section

9799.16(b) from the individual and forward the information to the Pennsylvania State Police. The appropriate office of probation and parole shall, in addition, ensure the information set forth in 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information in section 9799.16(b) and (c) shall be included in the registry.

(2) If the individual is incarcerated in a State correctional facility or county correctional facility, the correctional facility shall notify the Pennsylvania State Police, not more than 30 days in advance of, but not later than ten days prior to, the individual's release from the correctional facility. The following apply:

(i) The correctional facility shall ensure that the information set forth in section 9799.16(b) and (c) for the individual has been submitted to the Pennsylvania State Police.

(ii) If the information has not been submitted to the Pennsylvania State Police, the correctional facility shall collect the information set forth in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police.

(iii) The correctional facility shall also report any changes to the information set forth in section 9799.16(b) and (c) on file with the Pennsylvania State Police.

(iv) In the case of parole, State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional institution or work release facility or special probation supervised by the Pennsylvania Board of Probation and Parole, the correctional facility may not release the individual until the correctional facility receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the information set forth in section 9799.16(b) and (c). Verification by the Pennsylvania State Police may occur by electronic means.

(v) If the individual is scheduled to be released from a State or county correctional institution due to the expiration of sentence and the individual refuses to provide the information set forth in section 9799.16(b), the State or county correctional institution shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

(c) Initial registration if sentenced to county intermediate punishment on effective date of section.--If the individual is, on the effective date of this section, sentenced to county intermediate punishment which is restorative where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this subsection. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(d) Initial registration if sentenced to county intermediate punishment after effective date of section.--If the individual is, after the effective date of this section, sentenced to county intermediate punishment, the following apply:

(1) If the individual is sentenced to county intermediate punishment which is restorative, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(2) If the individual is sentenced to county intermediate punishment which is restrictive where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set

forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(e) Initial registration if sentenced to county probation on or after effective date of section.--If the individual is, on or after the effective date of this section, sentenced to county probation, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(e.1) Initial registration for county or Federal probationers on the effective date of this section.--

(1) If the individual is, on the effective date of this section, already serving a sentence of county probation, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information set forth in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) is collected. The information in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.

(2) If the individual is, on the effective date of this section, already under the supervision of Federal probation authorities for a sexually violent offense, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section.

(e.2) Initial registration for county or State parolees on the effective date of this section.--

(1) If the individual is, on the effective date of this section, already serving a sentence of county parole, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information set forth in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) is collected. The information in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.

(2) If the individual is, on the effective date of this section, already serving a sentence of State parole, the Pennsylvania Board of Probation and Parole shall register the individual within 48 hours. The appropriate official of the Pennsylvania Board of Probation and Parole shall collect the information set forth in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) is collected. The information in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of the Pennsylvania Board of Probation and Parole shall notify the Pennsylvania State Police.]

(f) Initial registration if being supervised by Commonwealth under Interstate Compact for Adult Offender Supervision.--If an individual is in this Commonwealth and is being supervised by the State Board of Probation and Parole or the county office of probation and parole pursuant to the Interstate Compact for Adult Offender Supervision, the following apply:

(1) If the individual is being supervised under the compact [after the effective date of this section.] for committing a sexually violent offense which requires registration in another jurisdiction or foreign country whether or not the sexual offense is designated as a sexually violent offense, the individual shall provide the information set forth in section 9799.16(b) to the appropriate official of the State Board of Probation and Parole or the county office of probation and parole for inclusion in the registry. The appropriate official shall collect the information set forth in section 9799.16(b) and forward the information to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information set forth in section 9799.16(c) is collected and

forwarded to the Pennsylvania State Police. If the individual fails to provide the information in section 9799.16(b), the appropriate official of the State Board of Probation and Parole or county office of probation and parole shall notify the Pennsylvania State Police.

(2) If the individual is being supervised under the compact on the effective date of this section, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section. The appropriate official of the Pennsylvania Board of Probation and Parole or the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official shall notify the Pennsylvania State Police. The appropriate official shall, in addition, ensure the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police.]

(g) Supervision of individual convicted in Commonwealth who does not intend to reside in Commonwealth.--[On or after the effective date of this section, an individual convicted of] An individual who committed a sexually violent offense within this Commonwealth who seeks transfer of supervision to another jurisdiction pursuant to the Interstate Compact for Adult Offender Supervision shall not have supervision transferred to another jurisdiction prior to the individual's registration with the Pennsylvania State Police as set forth in this section.

(i) Initial registration if convicted or adjudicated delinquent outside Commonwealth.--

(3) If the individual is[, on or after the effective date of this section,] convicted of a sexually violent offense and incarcerated in a Federal correctional institution or being supervised by Federal probation authorities, the individual shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student in this Commonwealth. In addition, the individual shall comply with other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered into the registry.

(j) Former law and registration.--An individual subject to registration under section 9799.13(3) shall appear at an approved registration site to update registration or, if necessary, to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within 90 days of the effective date of this section. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.]

(k) Registration if incarcerated within Commonwealth or by Federal court.--The following apply to an individual who committed a sexually violent offense:

(1) If the individual is incarcerated in a Federal, State or county correctional facility, the individual shall provide the information specified in section 9799.16(b) (relating to registry) to the appropriate official of the Federal, State or county correctional facility or the Pennsylvania Board of Probation and Parole for inclusion in the registry before being released due to:

(i) the expiration of sentence, in which case the information shall be collected no later than 10 days prior to the maximum expiration date;

(ii) parole;

(iii) State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional facility or a work release facility; or

(iv) special probation supervised by the Pennsylvania Board of Probation and Parole.

(2) For individuals described in paragraph (1), the appropriate official of the Federal, State or county correctional facility or the Pennsylvania Board of Probation and Parole shall collect and forward the information in section 9799.16(b) to the Pennsylvania State Police. The

appropriate official shall, in addition, ensure that the information specified in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information specified in section 9799.16(b) and (c) shall be included in the registry. With respect to individuals released under paragraph (1)(ii), (iii) or (iv), the State or county correctional facility shall not release the individual until the State or county correctional facility receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the information specified in section 9799.16(b) and (c). Verification may take place by electronic means. With respect to individuals released under paragraph (1)(i), if the individual refuses to provide the information specified in section 9799.16(b), the State or county correctional facility shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

(l) Registration if sentenced to a State or county correctional facility.--If the individual committed a sexually violent offense and is sentenced to a period of incarceration in a State or county correctional facility, the individual shall provide the information specified in section 9799.16(b) as follows:

(1) At the time of sentencing, the court shall require the individual to immediately report to the office of probation and parole serving that county to register under this subchapter. The appropriate office of probation and parole shall collect the information specified in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police. The appropriate office of probation and parole shall, in addition, ensure the information specified in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information specified in section 9799.16(b) and (c) shall be included in the registry.

(2) If the individual is incarcerated in a State or county correctional facility, the correctional facility shall notify the Pennsylvania State Police, not more than 30 days in advance of, but not later than 10 days prior to, the individual's release from the correctional facility. The following apply:

(i) The correctional facility shall ensure that the information specified in section 9799.16(b) and (c) for the individual has been submitted to the Pennsylvania State Police.

(ii) If the information has not been submitted to the Pennsylvania State Police, the correctional facility shall collect the information specified in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police.

(iii) The correctional facility shall also report any changes to the information specified in section 9799.16(b) and (c) on file with the Pennsylvania State Police.

(iv) In the case of parole, State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional facility or work release facility or special probation supervised by the Pennsylvania Board of Probation and Parole, the correctional facility may not release the individual until the correctional facility receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the information specified in section 9799.16(b) and (c). Verification by the Pennsylvania State Police may occur by electronic means.

(v) If the individual is scheduled to be released from a State or county correctional facility due to the expiration of sentence and the individual refuses to provide the information specified in section 9799.16(b), the State or county correctional facility shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

(m) Registration if sentenced to county intermediate punishment.--If the individual committed a sexually violent offense and is sentenced to county intermediate punishment which is restorative where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information specified in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as described in this subsection. If the individual fails to appear, the appropriate official of the county office of probation and

parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information specified in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(n) Registration if sentenced to county intermediate punishment.--If the individual committed a sexually violent offense and is sentenced to county intermediate punishment, the following apply:

(1) If the individual is sentenced to county intermediate punishment which is restorative, the individual shall provide the information specified in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as specified in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information specified in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(2) If the individual is sentenced to county intermediate punishment which is restrictive where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information specified in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as described in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information specified in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(o) Registration if sentenced to county probation.--If the individual committed a sexually violent offense and is sentenced to county probation, the individual shall provide the information specified in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as described in this subsection. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information specified in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(p) Registration for county or Federal probationers.--If the individual committed a sexually violent offense, the following apply:

(1) If the individual is serving a sentence of county probation, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information specified in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information specified in section 9799.16(c) is collected. The information specified in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.

(2) If the individual is under the supervision of Federal probation authorities for a sexually violent offense, the individual shall provide the information specified in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section.

(q) Registration for State or county parolees.--

(1) If the individual committed a sexually violent offense and is serving a sentence of county parole, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information specified in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information specified in section 9799.16(c) is collected. The information specified in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.

(2) If the individual committed a sexually violent offense and is serving a sentence of State parole, the Pennsylvania Board of Probation and Parole shall register the individual within 48 hours. The appropriate official of the Pennsylvania Board of Probation and Parole shall collect the information specified in section 9799.16(b) from the individ-

ual and forward the information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information specified in section 9799.16(c) is collected. The information specified in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of the Pennsylvania Board of Probation and Parole shall notify the Pennsylvania State Police.

Section 13. Section 9799.23(b)(2) of Title 42 is amended to read: § 9799.23. Court notification and classification requirements.

(b) Mandatory registration.--All sexual offenders must register in accordance with this subchapter. The following apply:

(2) Except as provided in [section] sections 9799.15(a.2) (relating to period of registration) and 9799.17 (relating to termination of period of registration for juvenile offenders), the court shall have no authority to relieve a sexual offender from the duty to register under this subchapter or to modify the requirements of this subchapter as they relate to the sexual offender.

Section 14. Sections 9799.25(b)(2) and (3), (c)(1) and (f)(1) and 9799.26(a)(1) of Title 42 are amended and the sections are amended by adding subsections to read:

§ 9799.25. Verification by sexual offenders and Pennsylvania State Police.

(a.1) Alternate requirements regarding verification.--The following apply to an individual required to appear in person under subsection (a)(2) or (a)(3):

(1) If the individual has been in compliance with the requirements of this subchapter for the first three years of the individual's period of registration and, during the same three-year period, the individual has not been convicted in this Commonwealth or any other jurisdiction or foreign country of an offense punishable by imprisonment of more than one year, the individual shall appear at an approved registration site annually. The individual shall appear within 10 days before the date designated by the Pennsylvania State Police to verify information in section 9799.16(b) and be photographed.

(2) The other appearances required of the individual under this section may be completed by contacting the Pennsylvania State Police by telephone at a telephone number designated by the Pennsylvania State Police. The individual shall call the Pennsylvania State Police within three business days of the date designated by the Pennsylvania State Police.

(3) If the individual fails to comply with the provisions of this subsection and the individual is subsequently convicted under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements), any relief granted under this subsection shall be void, and the petitioner shall automatically and immediately again be subject to the provisions of this subchapter, as previously determined by this subchapter.

(a.2) Telephonic verification system.--The Pennsylvania State Police shall develop a mechanism to permit individuals to utilize the telephonic verification system established in this section. No individual may utilize the telephonic verification system until the Pennsylvania State Police publishes notice in the Pennsylvania Bulletin that the system is operational.

(b) Deadline.--The following apply:

(2) In the case of a sexual offender who fails to appear in person or telephonically as required under this section, the Pennsylvania State Police shall notify the municipal police department where the sexual offender has a residence, is employed or is enrolled as a student. The municipal police shall locate the sexual offender and arrest the sexual offender for violating this section. A municipal police department may request assistance locating or arresting a sexual offender from the Pennsylvania State Police. In municipalities where no municipal police department exists, the Pennsylvania State Police shall locate the offender and arrest the sexual offender for violating this section.

(3) In the case of a sexual offender who fails to appear in person or telephonically as required under this section, the Pennsylvania State Police shall notify the United States Marshals Service in accordance with section 9799.22(b)(3) (relating to enforcement).

(c) Facilitation of verification.--The Pennsylvania State Police shall administer and facilitate the process of verification of information, including compliance with counseling in the case of sexually violent

predators and sexually violent delinquent children, and photographing the sexual offender by:

(1) Sending a notice by first class United States mail to each sexual offender at the last reported location where the offender receives mail. The notice shall be sent not more than 30 days nor less than 15 days prior to the date a sexual offender is required to appear pursuant to subsection (a) or (a.1). The notice shall remind the sexual offender of the sexual offender's responsibilities under this subchapter, including counseling in the case of sexually violent predators and sexually violent delinquent children, and provide a list of approved registration sites and the telephone number to contact the Pennsylvania State Police under subsection (a.1).

(f) Residents in group-based homes.--

(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals in total who are required to register under this [chapter] subchapter and Subchapter I (relating to continued registration of sexual offenders) as sexually violent predators.

§ 9799.26. Victim notification.

(a) Duty to inform victim.--

(1) If an [offender] individual is determined to be a sexually violent predator or a sexually violent delinquent child, the municipal police department or the Pennsylvania State Police, if no municipal police jurisdiction exists, shall give written notice to the victim when the sexually violent predator or the sexually violent delinquent child registers initially under section 9799.19 (relating to initial registration) or under section 9799.15(g)(2), (3) or (4) (relating to period of registration). The notice shall be given within 72 hours after the sexually violent predator or the sexually violent delinquent child registers or notifies the Pennsylvania State Police of current information under section 9799.15(g). The notice shall contain the following information about the sexually violent predator or sexually violent delinquent child:

(i) Name.

(ii) Residence. This subparagraph includes whether the sexually violent predator or sexually violent delinquent child is a transient, in which case the notice shall contain information about the transient's temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park. In addition, the notice shall contain a list of places the transient eats, frequents and engages in leisure activities.

(iii) The address of employment.

(iv) The address where the sexually violent predator or sexually violent delinquent child is enrolled as a student.

(d) Alternate means of notifying victims.--

(1) The Pennsylvania State Police may enter into a memorandum of understanding with the Office of Victim Advocate to assist the Pennsylvania State Police in notifying victims and providing the information under subsection (a). In addition, the memorandum of understanding may also include the Office of Victim Advocate's notifying a victim of relief granted to a petitioner under section 9799.15(a.2). The memorandum of understanding must state the manner and method of notifying victims and the duties of the Pennsylvania State Police and the Office of Victim Advocate under this section and section 9799.15(a.2). A memorandum of understanding entered into under this subsection shall be valid for no more than 10 years. There shall be no limit to the number of memoranda of understanding which may be executed by the Pennsylvania State Police and the Office of Victim Advocate under this subsection.

(2) As used in this subsection, the term "Office of Victim Advocate" shall mean the office established under section 301 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

Section 15. Section 9799.31(13) of Title 42 is amended to read: § 9799.31. Immunity for good faith conduct.

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

(13) The Department of [Public Welfare] Human Services and its agents and employees.

Section 16. Section 9799.32(6) of Title 42 is amended and the

section is amended by adding a paragraph to read:

§ 9799.32. Pennsylvania State Police.

The Pennsylvania State Police have the following duties:

(6) To facilitate verification of information from individuals [required to register under this subchapter] under section 9799.13 (relating to applicability) as provided in section 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

(10) To develop the telephonic verification system established under section 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

Section 17. Sections 9799.34(1), 9799.36(b), 9799.38(a)(1) and (2) and 9799.39 of Title 42 are amended to read:

§ 9799.34. Duties of facilities housing sexual offenders.

The Department of Corrections, a county correctional facility, an institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child) and the separate, State-owned facility or unit established under Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons) shall have the following duties:

(1) To perform their respective duties in accordance with section 9799.19 (relating to initial registration). This paragraph includes taking a current photograph of the individual [required to register under this subchapter] specified in section 9799.13 (relating to applicability) before the individual is released from confinement or commitment or is discharged.

§ 9799.36. Counseling of sexually violent predators.

(b) Designation in another jurisdiction.--If an individual [required to register under this subchapter] specified in section 9799.13 (relating to applicability) has been designated as a sexually violent predator in another jurisdiction and was required to undergo counseling, the individual shall be subject to the provisions of this section.

§ 9799.38. Annual performance audit.

(a) Duties of the Attorney General.--The Attorney General has the following duties:

(1) To conduct a performance audit annually to determine compliance with the requirements of this subchapter and Subchapter I (relating to continued registration of sexual offenders) and any guidelines promulgated under this subchapter and Subchapter I. The audit shall, at a minimum, include a review of the practices, procedures and records of the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts and any other State or local agency the Attorney General deems necessary in order to conduct a thorough and accurate performance audit.

(2) To prepare an annual report of its findings and any action that it recommends be taken by the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, other State or local agencies and the General Assembly to ensure compliance with this subchapter and Subchapter I. The first report shall be released to the general public no fewer than 18 months following the effective date of this section.

§ 9799.39. Photographs and fingerprinting.

An individual subject to registration under section 9799.13 (relating to applicability) 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 18. Title 42 is amended by adding a section to read:

§ 9799.42. Standing for Pennsylvania State Police.

Except for petitions filed under section 9799.15(a.2) (relating to period of registration), the Pennsylvania State Police shall have standing to appear and contest a filing in a court of this Commonwealth which

seeks to challenge in any way the obligation of an individual required to register with the Pennsylvania State Police under this subchapter.

Section 19. Chapter 97 of Title 42 is amended by adding a subchapter to read:

SUBCHAPTER I
CONTINUED REGISTRATION OF SEXUAL OFFENDERS

Sec.

9799.51. Legislative findings and declaration of policy.

9799.52. Scope.

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9799.70. Counseling of sexually violent predators.

9799.71. Exemption from notification for certain licensees and their employees.

9799.72. Annual performance audit.

9799.73. Photographs and fingerprinting.

§ 9799.51. Legislative findings and declaration of policy.

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

(1) If the public is provided adequate notice and information about sexually violent predators and offenders, as well as those sexually violent predators and offenders who do not have a fixed place of habitation or abode, the community can develop constructive plans to prepare itself for the release of sexually violent predators and offenders. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to their children.

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

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

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

(5) Persons found to have committed a sexual offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

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

(b) Declaration of policy.--It is hereby declared to be the intention of the General Assembly to:

(1) Protect the safety and general welfare of the people of this Commonwealth by providing for registration, community notification and access to information regarding sexually violent predators and offenders who are about to be released from custody and will live in or near their neighborhood.

(2) Require the exchange of relevant information about sexually violent predators and offenders among public agencies and officials and to authorize the release of necessary and relevant information about

sexually violent predators and offenders to members of the general public, including information available through the publicly accessible Internet website of the Pennsylvania State Police, as a means of assuring public protection and shall not be construed as punitive.

(3) Address the Superior Court's opinion in the case of *Commonwealth v. Wilgus*, 975 A.2d 1183 (2009), by requiring sexually violent predators and offenders without a fixed place of habitation or abode to register under this subchapter.

(4) Address the Pennsylvania Supreme Court's decision in *Commonwealth v. Muniz*, No. 47 MAP 2016 (Pa. 2016) and the Pennsylvania Superior Court's decision in *Commonwealth v. Butler* (2017 WL3882445).

§ 9799.52. Scope.

This subchapter shall apply to individuals who were:

(1) convicted of a sexually violent offense committed on or after April 22, 1996, but before December 20, 2012, whose period of registration with the Pennsylvania State Police, as described in section 9799.55 (relating to registration), has not expired; or

(2) required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.

§ 9799.53. Definitions.

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

"Active notification." Notification in accordance with section 9799.62 (relating to other notification) or a process whereby law enforcement, pursuant to the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, notifies persons in the community in which the individual resides, including a person identified in section 9799.62(b), of the residence, employment or school location of the individual.

"Approved registration site." A site in this Commonwealth approved by the Pennsylvania State Police as required by section 9799.67(2) (relating to duties of Pennsylvania State Police):

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

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

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

"Board." The State Sexual Offenders Assessment Board.

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

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

"Employed." Includes a vocation or employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during a calendar year, whether financially compensated, volunteered, under a contract or for the purpose of government or educational benefit.

"Integrated Automated Fingerprint Identification System." 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.

"Mental abnormality." A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and

safety of other persons.

"Minor." As used in section 9799.55 (relating to registration), is an individual under 18 years of age unless the age of the victim who is considered a minor is otherwise defined in section 9799.55.

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

"Offender." Subject to section 9799.75 (relating to construction of subchapter), an individual required to register under section 9799.55(a), (b)(1) or (2) (relating to registration).

"Passive notification." Notification in accordance with section 9799.63 (relating to information made available on Internet and electronic notification) or a process whereby persons, under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, are able to access information pertaining to an individual as a result of the individual having been convicted or sentenced by a court for an offense similar to an offense listed in section 9799.55 (relating to registration).

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

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

"Residence." With respect to an individual required to register under this subchapter, any of the following:

(1) A location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year.

(2) In the case of an individual who fails to establish a residence as specified in paragraph (1), a temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park, where the individual is lodged.

"Sexually violent offense." The following criminal offenses:

(1) Except as provided in paragraph (2):

(i) a criminal offense specified in section 9799.55 (relating to registration) committed on or after April 22, 1996, but before December 20, 2012, for which the individual was convicted; or

(ii) a criminal offense for which an individual was required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.

(2) The following criminal offenses committed on or after January 26, 2005, but before December 20, 2012, for which the individual was convicted:

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

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

"Sexually violent predator." Subject to section 9799.75, a person who has been convicted of a sexually violent offense and who is determined to be a sexually violent predator under section 9799.58 (relating to assessments) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator where the determination occurred in the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or by court martial.

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

§ 9799.54. Applicability.

(a) Registration.--The following individuals shall register with the Pennsylvania State Police as provided in this subchapter:

(1) An individual who committed a sexually violent offense within this Commonwealth and whose period of registration with the Pennsylvania State Police, as specified in section 9799.55 (relating to registration), as of the effective date of this section, has not expired. The individual shall register for the period of time under section 9799.55 less any credit for time spent registered with the Pennsylvania State Police prior to the effective date of this section.

(2) An individual who committed a sexually violent offense within this Commonwealth and who has failed to register with the Pennsylvania State Police. In such a case, the individual shall register for the period of time under section 9799.55.

(3) An individual who committed a sexually violent offense within this Commonwealth and is an inmate in a State or county correctional facility of this Commonwealth, including a community corrections center or a community contract facility, is being supervised by the Pennsylvania Board of Probation and Parole or county probation or parole, is subject to a sentence of intermediate punishment or has supervision transferred under the Interstate Compact for Adult Supervision in accordance with section 9799.62(e) (relating to other notification). The individual shall register for the period of time under section 9799.55, except that the period required in section 9799.55 shall be tolled for any period of time the individual is recommitted for a parole violation or sentenced to a term of imprisonment.

(4) An individual who was convicted of an offense similar to an offense set forth in section 9799.55 under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or under a former law of this Commonwealth or who was court martialled for a similar offense and who, as of the effective date of this section, has not completed registration requirements. The period of registration shall be as set forth in section 9799.56(b)(4) (relating to registration procedures and applicability) less any credit for time spent on a sexual offender registry of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or with the Pennsylvania State Police prior to the effective date of this section.

(b) Initial registration.--Individuals required to register under this section shall have 90 days from the effective date of this section to initially register with the Pennsylvania State Police. The individual shall appear at an approved registration site to be photographed, fingerprinted and to verify information. The Pennsylvania State Police shall send a notice by first class United States mail to the individual's last reported residence in order to inform the individual of the requirements of this subchapter. The notice shall specifically inform the individual of the duties specified in section 9799.57 (relating to sentencing court information). The notice shall be sent no later than 30 days from the effective date of this section. The notice shall also provide a list of approved registration sites. Neither failure on the part of the Pennsylvania State Police to send nor failure of an individual to receive notice or information under this paragraph shall relieve the individual of the requirements of this subchapter.

§ 9799.55. Registration.

(a) Ten-year registration.--Except as provided under subsection (a.1) or (b), the following individuals shall be required to register with the Pennsylvania State Police for a period of 10 years:

(1) (i) (A) Individuals convicted within this Commonwealth of any of the following offenses committed on or after April 22, 1996, but before December 20, 2012:

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

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

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

18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses) where the actor promotes the prostitution of a minor.

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

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

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

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

(B) Individuals convicted within this Commonwealth of an offense set forth in clause (A) who were required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.

(ii) Individuals convicted within this Commonwealth of any of the following offenses committed on or after January 26, 2005, but before December 20, 2012:

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

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

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

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

(a.1) Exception to 10-year registration.--Except as provided under subsection (b), an individual considered to be an offender under section 9799.56(b) (relating to registration procedures and applicability) shall be required to register with the Pennsylvania State Police for a period less than life, the duration of which is to be determined under sections 9799.54 (relating to applicability) and 9799.56(b).

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

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

(2) Individuals convicted:

(i) (A) in this Commonwealth of the following offenses, if committed on or after April 22, 1996, but before December 20, 2012:

18 Pa.C.S. § 3121 (relating to rape);

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

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

18 Pa.C.S. § 3125 (relating to aggravated indecent assault); or

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

(B) in this Commonwealth of offenses set forth in clause (A) who were required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired; or

(ii) of offenses similar to the crimes cited in subparagraph (i) under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation or under a former law of this Commonwealth, if committed, or for which registration with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth was required, on or after April 22, 1996, but before December 20, 2012, who currently reside in this Commonwealth.

(3) Sexually violent predators.

(4) An individual who is considered to be a sexually violent predator under section 9799.56(b) or who is otherwise required to register for life under section 9799.56(b), if the sexual offense which is the basis for the consideration or requirement for which the individual was convicted was committed, or for which registration with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth was required, on or after April 22, 1996, but before December 20, 2012.

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

(d) Residents in group-based homes.--

(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals in total who are required to register under Subchapter H (relating to registration of sexual offenders) and this subchapter as sexually violent predators.

(2) A group-based home that violates paragraph (1) shall be subject to a civil penalty in the amount of \$2,500 for a first violation and in the amount of \$5,000 for a second or subsequent violation.

(3) The Pennsylvania State Police or local law enforcement agency of jurisdiction shall investigate compliance with this subsection, and the Attorney General or district attorney may commence a civil action in the court of common pleas of the county in which a group-

based home is located to impose and collect from the group-based home the penalty under paragraph (2).

(4) As used in this subsection, the term "group-based home" has the meaning given to it in 61 Pa.C.S. § 6124(c) (relating to certain offenders residing in group-based homes).

§ 9799.56. Registration procedures and applicability.

(a) Registration.--

(1) (i) Offenders and sexually violent predators shall be required to register with the Pennsylvania State Police as specified in section 9799.54 (relating to applicability).

(ii) Offenders and sexually violent predators shall be required to register with the Pennsylvania State Police upon release from incarceration, upon parole from a State or county correctional facility or upon the commencement of a sentence of intermediate punishment or probation.

(iii) For purposes of registration, offenders and sexually violent predators shall provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment and all information concerning current or intended enrollment as a student.

(2) Offenders and sexually violent predators shall inform the Pennsylvania State Police within three business days of:

(i) A change of residence or establishment of an additional residence or residences. In the case of an individual who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53 (relating to definitions), the individual shall inform the Pennsylvania State Police of the following:

(A) the location of a temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park, where the individual is lodged;

(B) a list of places the individual eats, frequents and engages in leisure activities and any planned destinations, including those outside this Commonwealth; and

(C) the place the individual receives mail, including a post office box.

The duty to provide the information specified in this subparagraph shall apply until the individual establishes a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53. If the individual who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53 changes or adds to the places listed in this subparagraph during a 30-day period, the individual shall list these when reregistering during the next 30-day period.

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

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

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

(2.1) Registration with a new law enforcement agency shall occur no later than three business days after establishing residence in another state.

(3) The registration period required in section 9799.55(a) and (a.1) (relating to registration) shall be tolled when an offender is recommitted for a parole violation or sentenced to an additional term of imprisonment. In such cases, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police of the admission of the offender.

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

(i) Where the offender or sexually violent predator was granted parole by the Pennsylvania Board of Probation and Parole or the court or is sentenced to probation or intermediate punishment, the board or county office of probation and parole shall collect registration information from the offender or sexually violent predator and forward that registration information to the Pennsylvania State Police. The Department of Corrections or county correctional facility shall not release the offender or sexually violent predator until it receives verification from the Pennsylvania State Police that the Pennsylvania State Police have received the registration information. Verification by the Pennsylvania State Police may occur by electronic means, including e-mail or facsimile transmission. Where the offender or sexually violent predator

is scheduled to be released from a State or county correctional facility because of the expiration of the maximum term of incarceration, the Department of Corrections or county correctional facility shall collect the information from the offender or sexually violent predator no later than 10 days prior to the maximum expiration date. The registration information shall be forwarded to the Pennsylvania State Police.

(ii) Where the offender or sexually violent predator scheduled to be released from a State or county correctional facility due to the maximum expiration date refuses to provide the registration information, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police or police department with jurisdiction over the facility of the failure to provide registration information and of the expected date, time and location of the release of the offender or sexually violent predator.

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

(1) (Reserved).

(2) (Reserved).

(3) (Reserved).

(4) An individual who has a residence, is employed or is a student in this Commonwealth and who has been convicted of or sentenced by a court or court martial for a sexually violent offense or a similar offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or who was required to register under a sexual offender statute in the jurisdiction where convicted, sentenced or court martial, shall register at an approved registration site within three business days of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:

(i) If the individual has been classified as a sexually violent predator as defined in section 9799.53 or determined under the laws of the other jurisdiction or by reason of court martial to be subject to active notification and lifetime registration on the basis of a statutorily authorized administrative or judicial decision or on the basis of a statute or administrative rule requiring active notification and lifetime registration based solely on the offense for which the individual was convicted, sentenced or court martial, the individual shall, notwithstanding section 9799.53, be considered a sexually violent predator and subject to lifetime registration under section 9799.55(b). The individual shall also be subject to the provisions of this section and sections 9799.60 (relating to verification of residence), 9799.62 (relating to other notification) and 9799.63(c)(1) (relating to information made available on Internet and electronic notification), except that the individual shall not be required to receive counseling unless required to do so by the other jurisdiction or by reason of court martial.

(ii) Except as provided in subparagraphs (i) and (iv), if the individual has been convicted or sentenced by a court or court martial for an offense listed in section 9799.55(b) or an equivalent offense, the individual shall, notwithstanding section 9799.53, be considered an offender and be subject to lifetime registration under section 9799.55(b). The individual shall also be subject to the provisions of this section and sections 9799.60 and 9799.63(c)(2).

(iii) Except as provided in subparagraphs (i), (ii), (iv) and (v), if the individual has been convicted or sentenced by a court or court martial for an offense listed in section 9799.55(a) or an equivalent offense, the individual shall be, notwithstanding section 9799.53, considered an offender and subject to registration under this subchapter. The individual shall also be subject to the provisions of this section and sections 9799.60 and 9799.63(c)(2). The individual shall be subject to this subchapter for a period of 10 years or for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, whichever is greater, less any credit due to the individual as a result of prior compliance with registration requirements.

(iv) Except as provided in subparagraph (i) and notwithstanding subparagraph (v), if the individual is subject to active notification in the other jurisdiction or subject to active notification by reason of court martial, the individual shall, notwithstanding section 9799.53, be considered an offender and subject to this section and sections 9799.60, 9799.62 and 9799.63(c)(1). If the individual was convicted of or sentenced in the other jurisdiction or sentenced by court martial for an offense listed in section 9799.55(b) or an equivalent offense, the

individual shall be subject to this subchapter for the individual's lifetime. If the individual was convicted of or sentenced in the other jurisdiction or sentenced by court martial for an offense listed in section 9799.55(a) or an equivalent offense, the individual shall be subject to this subchapter for a period of 10 years or for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, whichever is greater, less any credit due to the individual as a result of prior compliance with registration requirements. Otherwise, the individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, less any credit due to the individual as a result of prior compliance with registration requirements.

(v) Except as provided in subparagraphs (i), (ii), (iii) and (iv), if the individual is subject to passive notification in the other jurisdiction or subject to passive notification by reason of court martial, the individual shall, notwithstanding section 9799.53, be considered an offender and subject to this section and sections 9799.60 and 9799.63(c)(2). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, less any credit due to the individual as a result of prior compliance with registration requirements.

(5) Notwithstanding the provisions of Chapter 63 (relating to juvenile matters) and except as provided in paragraph (4), an individual who has a residence, is employed or is a student in this Commonwealth and who is required to register as a sex offender under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation as a result of a juvenile adjudication shall register at an approved registration site within three business days of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:

(i) If the individual has been classified as a sexually violent predator as defined in section 9799.53 or determined under the laws of the other jurisdiction to be subject to active notification and lifetime registration on the basis of a statutorily authorized administrative or judicial decision or on the basis of a statute or administrative rule requiring active notification and lifetime registration based solely on the offense for which the individual was adjudicated, the individual shall, notwithstanding section 9799.53, be considered a sexually violent predator and subject to lifetime registration under section 9799.55(b). The individual shall also be subject to the provisions of this section and sections 9799.60 and 9799.63(c)(1), except that the individual shall not be required to receive counseling unless required to do so by the other jurisdiction.

(ii) Except as provided in subparagraph (i), if the individual is subject to active notification in the other jurisdiction, the individual shall, notwithstanding section 9799.53, be considered an offender and subject to registration under this subchapter. The individual shall also be subject to the provisions of this section and sections 9799.60, 9799.62 and 9799.63(c)(1). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction, less any credit due to the individual as a result of prior compliance with registration requirements.

(iii) Except as provided in subparagraphs (i) and (ii), if the individual is subject to passive notification in the other jurisdiction, the individual shall, notwithstanding section 9799.53, be considered an offender and be subject to this section and sections 9799.60 and 9799.63(c)(2). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction, less any credit due to the individual as a result of prior registration compliance.

(c) Registration information to local police.--

(1) The Pennsylvania State Police shall provide the information obtained under this section and sections 9799.57 (relating to sentencing court information) and 9799.60 to the chief law enforcement officers of the police departments of the municipalities in which the individual will establish a residence or be employed or enrolled as a student. In addition, the Pennsylvania State Police shall provide this officer with the address at which the individual will establish a residence or be employed or enrolled as a student following the individual's release from incarceration, parole or probation.

(2) The Pennsylvania State Police shall provide notice to the chief law enforcement officers of the police departments of the municipalities notified under paragraph (1) when an individual fails to comply with the registration requirements of this section or section 9799.60 and request, as appropriate, that these police departments assist in locating and apprehending the individual.

(3) The Pennsylvania State Police shall provide notice to the chief law enforcement officers of the police departments of the municipalities notified under paragraph (1) when they are in receipt of information indicating that the individual will no longer have a residence or be employed or be enrolled as a student in the municipality.

(d) Penalty.--An individual subject to registration under this subchapter who fails to register with the Pennsylvania State Police as required by this section may be subject to prosecution under 18 Pa.C.S. § 4915.2 (relating to failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements).

(e) Registration sites.--An individual subject to section 9799.55 shall register and submit to fingerprinting and photographing as required by this subchapter at approved registration sites. § 9799.57. Sentencing court information.

The sentencing court shall inform offenders and sexually violent predators convicted on or after the effective date of this section at the time of sentencing of the provisions of this subchapter. The court shall:

(1) Specifically inform the offender or sexually violent predator of the duty to register and provide the information required for each registration, including verification as required in section 9799.60(a) (relating to verification of residence).

(2) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within three business days if the offender or sexually violent predator changes residence or establishes an additional residence or residences, changes employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during a calendar year or terminates employment or changes institution or location at which the person is enrolled as a student or terminates enrollment. In order to fulfill the requirements of this paragraph, the sentencing court shall specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police of:

(i) the location of a temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park, where the individual is lodged;

(ii) the places the individual eats, frequents and engages in leisure activities and any planned destinations, including those outside this Commonwealth; and

(iii) the place the individual receives mail, including a post office box.

if the individual fails to establish a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53 (relating to definitions).

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

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

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

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

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

§ 9799.58. Assessments.

(a) Order for assessment.--After conviction but before sentencing, a court shall order an individual convicted of an offense specified in

section 9799.55 (relating to registration) to be assessed by the board. The order for an assessment shall be sent to the administrative officer of the board within 10 days of the date of conviction.

(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.

(2) Prior offense history, including:

(i) The individual's prior criminal record.

(ii) Whether the individual completed any prior sentences.

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

(3) Characteristics of the individual, including:

(i) Age of the individual.

(ii) Use of illegal drugs by the individual.

(iii) A mental illness, mental disability or mental abnormality.

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

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

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

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

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

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

(2) Whether the victim was a minor.

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

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

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

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

(e) Hearing.--

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

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

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

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

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

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

(h) Delinquent children.--Except where section 6358(b.1) is applicable, the probation officer shall notify the board 90 days prior to the 20th birthday of the child of the status of the delinquent child who is committed to an institution or other facility under section 6352 (relating to disposition of delinquent child) after having been found delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest), together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality as defined in section 6402 (relating to definitions) or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court within the time frames under section 6358(c). The probation officer shall assist the board in obtaining access to the child and records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).

(i) Other assessments.--Upon receipt from the court of an order for an assessment under section 9799.59 (relating to exemption from certain notifications), 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 relief sought, if granted, is likely to pose a threat to the safety of any other person. The board shall establish standards for evaluations and for evaluators conducting these assessments. § 9799.59. Exemption from certain notifications.

(a) General rule.--An individual required to register under section 9799.55(a.1) and (b) (relating to registration) may be exempt from the requirement to register, the requirement to verify residence, employment and enrollment in an educational institution, the requirement to appear on the publicly accessible Internet website maintained by the Pennsylvania State Police and all other requirements of this subchapter if:

(1) At least 25 years have elapsed prior to filing a petition with the sentencing court to be exempt from the requirements of this subchapter, during which time the petitioner has not been convicted in this Commonwealth or any other jurisdiction or foreign country of an offense punishable by imprisonment of more than one year, or the petitioner's release from custody following the petitioner's most recent conviction for an offense, whichever is later.

(2) Upon receipt of a petition filed under paragraph (1), the sentencing court shall enter an order directing that the petitioner be assessed by the board. Upon receipt from the court of an order for an assessment under this section, a member of the board designated by the administrative officer of the board shall conduct an assessment of the petitioner to determine if the relief sought, if granted, is likely to pose a threat to the safety of any other persons. The board shall establish standards for evaluations and for evaluators conducting assessments.

(3) The order for an assessment under this section shall be sent to the administrative officer of the board within 10 days of the entry. No later than 90 days following receipt of the order, the board shall submit a written report containing the board's assessment to the sentencing court, the district attorney and the attorney for the sexual offender.

(4) Within 120 days of filing the petition under paragraph (1), the sentencing court shall hold a hearing to determine whether to exempt the petitioner from the application of any or all of the requirements of this subchapter. The petitioner and the district attorney shall

be given notice of the hearing and an opportunity to be heard, the right to call witnesses and the right to cross-examine witnesses. The petitioner shall have the right to counsel and to have a lawyer appointed to represent the petitioner if the petitioner cannot afford one.

(5) The sentencing court shall exempt the petitioner from application of any or all of the requirements of this subchapter, at the discretion of the court, only upon a finding of clear and convincing evidence that exempting the petitioner from a particular requirement or all of the requirements of this subchapter is not likely to pose a threat to the safety of any other person.

(6) A court granting relief under this section shall notify the Pennsylvania State Police in writing within 10 days from the date relief is granted.

(7) The petitioner and the Commonwealth shall have the right to appellate review of the actions of the sentencing court under this section. An appeal by the Commonwealth shall stay the order of the sentencing court. A court granting relief under this section shall notify the Pennsylvania State Police in writing within 10 days from the date the relief is granted. If a memorandum of understanding has been entered into under section 9799.61 (relating to victim notification) with respect to relief granted to the petitioner, the Pennsylvania State Police shall transmit the information about the relief to the Office of Victim Advocate as soon as is practicable. The Office of Victim Advocate shall notify the victim of the relief, in accordance with the memorandum of understanding, as specified in section 9799.61.

(8) The petitioner may file an additional petition with the sentencing court no sooner than five years from the date of the final determination of a court regarding the petition and every five years thereafter.

(9) If a petitioner is exempt from any provisions of this subchapter and the petitioner is subsequently convicted under 18 Pa.C.S. § 4915.2 (relating to failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements), relief granted under this section shall be void, and the petitioner shall automatically and immediately again be subject to the provisions of this subchapter, as previously determined by this subchapter.

(b) Agency cooperation.--All State, county and local agencies, offices and entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing access to records and information as requested by the board in connection with the court-ordered assessment under subsection (a).

§ 9799.60. Verification of residence.

(a) Quarterly verification by sexually violent predators.--The Pennsylvania State Police shall verify the residence and compliance with counseling as provided for in section 9799.70 (relating to counseling of sexually violent predators) of sexually violent predators every 90 days through the use of a nonforwardable verification form to the last reported residence. For the period of registration required by section 9799.55 (relating to registration), a sexually violent predator shall appear quarterly within 10 days of the dates designated by the Pennsylvania State Police each calendar year at an approved registration site to complete a verification form and to be photographed.

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

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

(2) providing verification and compliance forms as necessary to each approved registration site not less than 10 days before each of the quarterly verification periods.

(b) Annual verification by offenders.--The Pennsylvania State Police shall verify the residence of offenders. For the period of registration required by section 9799.55, an offender shall appear within 10 days before each annual anniversary date of the offender's initial registration under section 9799.55 at an approved registration site to complete a verification form and to be photographed.

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

(1) sending a notice by first class United States mail to all registered offenders at their last reported residence addresses. This notice shall be sent not more than 30 days nor less than 15 days prior to each offender's annual anniversary date and shall remind the offender of the annual verification requirement and provide the offender with a list of approved registration sites; and

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

(b.2) Monthly verification by individuals with temporary habitats located within this Commonwealth.--The Pennsylvania State Police shall verify the residence of individuals required to register under this subchapter who have a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53 (relating to definitions) every 30 days through the use of a nonforwardable verification form to the last reported location where the individual receives mail. The individual shall appear every 30 days at an approved registration site to complete a verification form and to be photographed. The individual shall appear within three business days of the date designated by the Pennsylvania State Police.

(b.3) Facilitation of monthly verification.--The Pennsylvania State Police shall facilitate and administer the verification process required by subsection (b.2) by:

(1) sending a notice by first class United States mail to an individual required to register under this subchapter who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53 at the last reported location where the individual receives mail. This notice shall be sent not more than 10 days nor less than five days prior to each of the monthly verification periods and shall remind the individual of the monthly verification requirement and provide a list of approved registration sites; and

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

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

(d) Failure to provide verification.--Where an offender or sexually violent predator fails to provide verification of residence defined in paragraph (1) of the definition of "residence" in section 9799.53 within the 10-day period or three business days in the case of an offender or sexually violent predator who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53, as specified in this section, the Pennsylvania State Police shall immediately notify the municipal police department of the offender's or the sexually violent predator's last verified residence. The local municipal police shall locate the offender or sexually violent predator and arrest the individual for violating this section. The Pennsylvania State Police shall assume responsibility for locating and arresting the offender or sexually violent predator in jurisdictions where no municipal police jurisdiction exists. The Pennsylvania State Police shall assist a municipal police department requesting assistance with locating and arresting an offender or sexually violent predator who fails to verify the offender's or sexually violent predator's residence.

(e) Penalty.--An individual subject to registration under section 9799.55(a) or (b) who fails to verify the individual's residence or to be photographed as required by this section may be subject to prosecution under 18 Pa.C.S. § 4915.2 (relating to failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration of sexual offenders requirements).

(f) Effect of notice.--Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive notice or information under subsection (a.1), (b.1) or (b.3) shall relieve that predator or offender from the requirements of this subchapter.

§ 9799.61. Victim notification.

(a) Duty to inform victim.--

(1) Where the individual is determined to be a sexually violent predator by a court under section 9799.58 (relating to assessments), the local municipal police department or the Pennsylvania State Police

where 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 the sexually violent predator notifies the Pennsylvania State Police of a change of residence. In the case of a sexually violent predator who has a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53 (relating to definitions), notice shall be given within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of address. The notice shall contain the sexually violent predator's name and the address or addresses where the individual has a residence. In the case of a sexually violent predator who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53, the notice shall contain the sexually violent predator's name and the information specified in section 9799.56(a)(2)(i)(A) and (B) (relating to registration procedures and applicability). The notice shall be given to the victim within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of residence.

(2) A victim may terminate the duty to inform described in paragraph (1) by providing the local municipal police department or the Pennsylvania State Police where 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) Where an individual is not determined to be a sexually violent predator.--Where an individual is not determined to be a sexually violent predator by a court under section 9799.58, the victim shall be notified in accordance with section 201 of the act of November 24, 1998 (P.L. 882, No. 111), known as the Crime Victims Act. This subsection includes the circumstance of an offender having a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53.

(c) Alternate means of notifying victims.--

(1) The Pennsylvania State Police may enter into a memorandum of understanding with the Office of Victim Advocate to assist the Pennsylvania State Police in notifying victims and providing the information under subsection (a). In addition, the memorandum of understanding may also include the Office of Victim Advocate's notifying a victim of relief granted to a petitioner under section 9799.59 (relating to exemption from certain notifications). The memorandum of understanding must set forth the manner and method of notifying victims and the duties of the Pennsylvania State Police and the Office of Victim Advocate under this section and section 9799.59(a). A memorandum of understanding entered into under this subsection shall be valid for no more than 10 years. There shall be no limit to the number of memoranda of understanding which may be executed by the Pennsylvania State Police and the Office of Victim Advocate under this subsection.

(2) As used in this subsection, the term "Office of Victim Advocate" shall mean the office established under section 301 of the Crime Victims Act.

§ 9799.62. Other notification.

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

(1) The notice shall contain:

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

(ii) The address or addresses at which the sexually violent predator has a residence. If, however, the sexually violent predator has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53 (relating to definitions), the notice shall be limited to that provided for under section 9799.56(a)(2)(i)(C) (relating to registration procedures and applicability).

(iii) The offense for which the sexually violent predator was convicted, sentenced by a court, adjudicated delinquent or court martialled.

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

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

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

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

following persons:

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

(2) The director of the county children and youth service agency of the county where the sexually violent predator has a residence.

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

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

(4) The licensee of each certified day care center and licensed preschool program and owner/operator of each registered family day-care home in the municipality where the sexually violent predator has a residence.

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

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

(1) To neighbors, notice shall be provided within five days after information of the sexually violent predator's release date and residence has been received by the chief law enforcement officer. Notwithstanding the provisions of subsections (a) and (b), verbal notification may be used if written notification would delay meeting this time requirement.

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

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

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

§ 9799.63. Information made available on Internet and electronic notification.

(a) Legislative findings.--It is hereby declared to be the finding of the General Assembly that public safety will be enhanced by making information about sexually violent predators, lifetime registrants and other sex offenders available to the public through the Internet and electronic notification. Knowledge of whether a person is a sexually violent predator, lifetime registrant or other sex offender could be a significant factor in protecting oneself and one's family members, or those in care of a group or community organization, from recidivist acts by sexually violent predators, lifetime registrants and other sex offenders. The technology afforded by the Internet and electronic notification would make this information readily accessible to parents and private entities, enabling them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk. Public access to information about sexually violent predators, lifetime registrants and other sex offenders is intended solely as a means of public protection and shall not be construed as punitive.

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

(1) Develop and maintain a system for making the information described in subsection (c) publicly available by electronic means so that the public may, without limitation, obtain access to the information via an Internet website to view an individual record or the records of all sexually violent predators, lifetime registrants and other offenders who are registered with the Pennsylvania State Police. The publicly accessible Internet website created under this subchapter and the information required to be posted under this subchapter shall be included on the publicly accessible Internet website created and maintained by the Pennsylvania State Police under Subchapter H (relating to registration

of sexual offenders).

(2) Ensure that the Internet website contains warnings that a person who uses the information contained on the Internet website to threaten, intimidate or harass another or who otherwise misuses that information may be criminally prosecuted.

(3) Ensure that the Internet website contains:

(i) An explanation of its limitations, including statements advising that a positive identification of a sexually violent predator, lifetime registrant or other offender whose record has been made available may be confirmed only by fingerprints.

(ii) A statement that some information contained on the Internet website may be outdated or inaccurate.

(iii) A statement that the Internet website is not a comprehensive listing of every person who has ever committed a sex offense in Pennsylvania.

(4) Strive to ensure that:

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

(ii) the data on the Internet website is revised and updated as appropriate in a timely and efficient manner; and

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

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

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

(7) Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history record information), develop, implement and maintain a process which allows members of the public to receive electronic notification when an individual required to register under this subchapter moves into or out of a user-designated location.

(c) Information permitted to be disclosed regarding individuals.--Notwithstanding 18 Pa.C.S. Ch. 91, the Internet website shall contain the following information on each individual:

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

(i) name and all known aliases;

(ii) year of birth;

(iii) in the case of an individual who has a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53 (relating to definitions), the street address, municipality, county and zip code of all residences, including, where applicable, the name of the prison or other place of confinement;

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

(v) the municipality, county and zip code of an employment location;

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

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

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

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

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

(xi) whether the victim is a minor;

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

(xiii) the date of the offense and conviction, if available;

and

(xiv) in the case of an individual who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53, the information listed in section 9799.56(a)(2)(i)(C) (relating to registration procedures and applicability), including, where applicable, the name of the prison or other place of confinement.

(2) For all other lifetime registrants and offenders subject to

registration, the information specified in paragraph (1) shall be posted on the Internet website.

(d) Duration of Internet posting.--

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

(2) The information listed in subsection (c) about an offender who is subject to lifetime registration shall be made available on the Internet for the lifetime of the offender unless the offender is granted relief under section 9799.59 (relating to exemption from certain notifications).

(3) The information listed in subsection (c) about any other offender subject to registration shall be made available on the Internet for the entire period during which the offender is required to register, including an extension of this period under section 9799.56(a)(3).

§ 9799.64. Administration.

The Governor shall direct the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the State Sexual Offenders Assessment Board, the Department of Corrections, the Department of Transportation and any other agency of this Commonwealth 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.

§ 9799.65. Global positioning system technology.

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

§ 9799.66. Immunity for good faith conduct.

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

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

(2) District attorneys and their agents and employees.

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

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

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

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

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

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

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

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

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

(12) The unit owners' association of a common interest community and its agents and employees as it relates to distributing information regarding sexually violent predators obtained under section 9799.62(b)(1) (relating to other notification).

§ 9799.67. Duties of Pennsylvania State Police.

The Pennsylvania State Police shall:

(1) Create and maintain a State registry of offenders and sexually violent predators required to register under this subchapter. The registry shall be incorporated as part of the registry established under Subchapter H (relating to registration of sexual offenders).

(2) In consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole and the chairperson and the minority chairperson of the Judiciary Committee of the Senate and the chairperson and the minority chairperson of the Judiciary Committee of the House of Representatives, promulgate guidelines necessary for the general administration of this subchapter. These guidelines shall establish procedures to allow an individual subject to the requirements of sections 9799.55 (relating to registration) and 9799.60 (relating to verification of residence) to fulfill these requirements at approved registration sites throughout this Com-

monwealth. This paragraph includes the duty to establish procedures to allow an individual who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53 (relating to definitions) to fulfill the requirements regarding registration at approved registration sites throughout this Commonwealth. The Pennsylvania State Police shall publish a list of approved registration sites in the Pennsylvania Bulletin and provide a list of approved registration sites in any notices sent to individuals required to register under section 9799.55. An approved registration site shall be capable of submitting fingerprints, photographs and other information required electronically to the Pennsylvania State Police. The Pennsylvania State Police shall require that approved registration sites submit fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in the form as the Pennsylvania State Police shall require. The Pennsylvania State Police shall require that approved registration sites submit photographs utilizing the Commonwealth Photo Imaging Network or in another manner and in the form as the Pennsylvania State Police shall require. Approved registration sites shall not be limited to sites managed by the Pennsylvania State Police and shall include sites managed by local law enforcement agencies that meet the criteria for approved registration sites specified in this paragraph.

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

(4) Notify, within five business days of receiving the offender's or the sexually violent predator's registration, the chief law enforcement officers of the police departments having primary jurisdiction of the municipalities in which an offender or sexually violent predator has a residence, is employed or enrolled as a student of the fact that the offender or sexually violent predator has been registered with the Pennsylvania State Police under sections 9799.56 (relating to registration procedures and applicability) and 9799.60.

(5) In consultation with the Department of Education and the Pennsylvania Board of Probation and Parole, 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 9799.62 (relating to other notification).

(6) Immediately transfer the information received from the Pennsylvania Board of Probation and Parole under section 9799.68(2) and (3) (relating to duties of Pennsylvania Board of Probation and Parole) and the fingerprints of a sexually violent predator to the Federal Bureau of Investigation.

(7) Notify individuals of the requirements under this subchapter, as specified in section 9799.54 (relating to applicability).

§ 9799.68. Duties of Pennsylvania Board of Probation and Parole.

The Pennsylvania Board of Probation and Parole shall:

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

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

(i) Name, including aliases.

(ii) Identifying factors.

(iii) Anticipated future residence.

(iv) Offense history.

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

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

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

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

§ 9799.69. Board.

(a) Composition.--The State Sexual Offenders Assessment Board shall be composed of psychiatrists, psychologists and criminal justice experts, each of whom is an expert in the field of the behavior and treat-

ment of sexual offenders.

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

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

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

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

§ 9799.70. Counseling of sexually violent predators.

For the period of registration required by section 9799.55(b) (relating to registration), a sexually violent predator shall be required to attend at least monthly counseling sessions in a program approved by the board and be financially responsible for all fees assessed from the counseling sessions. The board shall monitor the compliance of the sexually violent predator. If the sexually violent predator can prove to the satisfaction of the court that the person cannot afford to pay for the counseling sessions, that person shall still attend the counseling sessions and the parole office shall pay the requisite fees.

§ 9799.71. Exemption from notification for certain licensees and their employees.

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

(1) a sexually violent predator; or

(2) an individual who is transferred to this Commonwealth under the Interstate Compact for the Supervision of Adult Offenders or the Interstate Compact for Juveniles.

§ 9799.72. Annual performance audit.

(a) Duties of Attorney General.--The Attorney General shall:

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

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

(3) Provide a copy of its report to the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the State Sexual Offenders Assessment Board, the Administrative Office of Pennsylvania Courts, State or local agencies referenced therein, the chairperson and the minority chairperson of the Judiciary Committee of the Senate and the chairperson and the minority chairperson of the Judiciary Committee of the House of Representatives no less than 30 days prior to the report's 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 State Sexual Offenders Assessment 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 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.

§ 9799.73. Photographs and fingerprinting.

An individual subject to section 9799.55 (relating to registration) shall submit to fingerprinting and photographing as required by this subchapter at approved registration sites. Fingerprinting as required by this subchapter shall, at a minimum, require submission of a full set of fingerprints. Photographing as required by this subchapter shall, at a

minimum, require submission to photographs of the face and 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. § 9799.74. Standing for Pennsylvania State Police.

Except for petitions filed under section 9799.59(a) (relating to exemptions from certain notifications), the Pennsylvania State Police shall have standing to appear and contest a filing in a court of this Commonwealth which seeks to challenge in any way the obligation of an individual required to register with the Pennsylvania State Police under this subchapter.

§ 9799.75. Construction of subchapter.

(a) Registration.--Nothing in this subchapter shall be construed to relieve an individual from the obligation to register with the Pennsylvania State Police under Subchapter I if the individual:

(1) committed a sexually violent offense within this Commonwealth or committed an offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation which is similar or equivalent to a sexually violent offense, or who was court martialled for a similar or equivalent offense, whether or not the offense is designated as a sexually violent offense; and

(2) was required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth that was enacted before December 20, 2012, or would have been required to register with the Pennsylvania State Police under Act 152 of 2004.

(b) Reregistration.--Nothing in this subchapter shall be construed to require an individual who had previously registered with the Pennsylvania State Police for a sexually violent offense prior to July 9, 2000, to reregister under this subchapter if the individual's registration requirements were satisfied.

Section 20. This act applies as follows:

(1) The amendment of 18 Pa.C.S. § 4915.1 and 42 Pa.C.S. Ch. 97 Subch. H shall apply to an individual who commits an offense on or after December 20, 2012.

(2) The addition of 18 Pa.C.S. § 4915.2 and 42 Pa.C.S. Ch. 97 Subch. I shall apply to:

(i) An individual who committed an offense set forth in 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before December 20, 2012, and whose period of registration as set forth in 42 Pa.C.S. § 9799.55 has not expired.

(ii) An individual required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth as set forth in 42 Pa.C.S. § 9799.55(a)(1)(i), (b)(2) and (4).

(iii) An individual who, before or after the effective date of this paragraph:

(A) Commits an offense subject to 42 Pa.C.S. Subch. H; but
(B) because of a judicial determination on or after the effective date of this section of the invalidity of 42 Pa.C.S. Subch. H, is not subject to registration as a sexual offender.

Section 21. The amendment or addition of 42 Pa.C.S. §§ 9799.25(f) and 9799.55(d) shall apply to all group-based homes and their residents, regardless of when the group-based homes began to provide housing or the residents began their residency.

Section 22. This act shall take effect as follows:

(1) The addition of 42 Pa.C.S. § 9718.5 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Vulakovich.

Senator VULAKOVICH. Mr. President, the amendment addresses the 2017 decisions by the Pennsylvania Supreme Court in *Commonwealth v. Muniz*, and the Superior Court's decision in *Commonwealth v. Butler*. In *Muniz*, the Supreme Court held that the Sex Offender Registration and Notification Act, commonly

known as the Adam Walsh Act, violated the ex post facto clauses of the United States Constitution and the Pennsylvania Constitution by applying punitive registration requirements retroactively to offenders who committed offenses before the effective date of the act. The Superior Court in *Butler* held that the provisions of the act relating to sexually violent predators violated the ex post facto clauses by imposing retroactively an additional punishment. The bill seeks to make the registration and reporting requirements less onerous and punitive by permitting offenders whose offenses occurred before the effective date of the act to petition the court for relief from those requirements.

I thank you, Mr. President, and I ask for an affirmative vote. I believe it is an agreed-to amendment. Thank you.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator GORDNER.

BILLS OVER IN ORDER

SB 653, HB 653 and SB 792 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 796 (Pr. No. 1008) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in fees, further providing for exemptions from other fees.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-47

Alloway	Dinniman	Leach	Stefano
Argall	DiSanto	Martin	Street
Aument	Eichelberger	McGarrigle	Tartaglione
Baker	Farnese	McIlhinney	Tomlinson
Bartolotta	Folmer	Mensch	Vogel
Blake	Fontana	Rafferty	Vulakovich
Boscola	Gordner	Regan	Wagner
Brewster	Greenleaf	Reschenthaler	Ward
Brooks	Haywood	Sabatina	Williams
Browne	Hughes	Scarnati	Yaw
Corman	Langerholc	Scavello	Yudichak
Costa	Laughlin	Schwank	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

SB 955 (Pr. No. 1450) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for firefighter and emergency service training.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-47

Alloway	Dinniman	Leach	Stefano
Argall	DiSanto	Martin	Street
Aument	Eichelberger	McGarrigle	Tartaglione
Baker	Farnese	McIlhinney	Tomlinson
Bartolotta	Folmer	Mensch	Vogel
Blake	Fontana	Rafferty	Vulakovich
Boscola	Gordner	Regan	Wagner
Brewster	Greenleaf	Reschenthaler	Ward
Brooks	Haywood	Sabatina	Williams
Browne	Hughes	Scarnati	Yaw
Corman	Langerholc	Scavello	Yudichak
Costa	Laughlin	Schwank	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 26, SB 55, HB 99, HB 104, SB 114 and SB 263 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 266 (Pr. No. 1338) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for special plates for recipients of Soldier's Medal.

Without objection, the bill was passed over in its order at the request of Senator GORDNER.

Pursuant to Senate Rule 9, the bill was laid on the table.

BILLS OVER IN ORDER

HB 291, SB 313, SB 370, SB 384, SB 435, HB 444, SB 500, HB 566, HB 595, SB 597 and SB 637 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 729 (Pr. No. 1339) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration plates, providing for special plates for veterans of an ally foreign country.

Without objection, the bill was passed over in its order at the request of Senator GORDNER.

Pursuant to Senate Rule 9, the bill was laid on the table.

BILLS OVER IN ORDER

SB 748, SB 761 and SB 762 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS ON SECOND CONSIDERATION
AND REREFERRED

SB 771 (Pr. No. 969) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 8 (Boroughs and Incorporated Towns) and 11 (Cities) of the Pennsylvania Consolidated Statutes, in powers and duties of elected officials, further providing for completion, filing and publication of auditor's report and financial statement; and, in accounts and finances, further providing for annual reports, publication, filing report with Department of Community and Economic Development and penalty.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

SB 772 (Pr. No. 970) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in auditors, further providing for surcharges, auditors' report and publication of financial statements.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

SB 773 (Pr. No. 971) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 18, 1929 (P.L.612, No.253), entitled "An act for the election of the mayor, members of town council, and auditors, in incorporated towns of the Commonwealth; regulating the manner of voting for such officers, and repealing inconsistent general, local and special laws," further providing for publication of audit report.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 776, SB 780, HB 783, SB 816, HB 913, HB 914, HB 915, HB 916, SB 919, SB 938, SB 950, SB 952, SB 961, SB 963, SB 979, HB 1001, SB 1002, SB 1003 and SB 1024 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1031 (Pr. No. 1449) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, in examinations, further providing for purpose and providing for scheduling conference, for budget estimate and revisions, for billing invoices and for annual examination and analysis report.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1034, HB 1239, HB 1341, HB 1364, HB 1486 and HB 1550 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS ON SECOND CONSIDERATION

HB 1845 (Pr. No. 2584) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of State Route 2026 over the North Branch Blacklick Creek, Buffington Township, Indiana County, as First Lieutenant Theodore P. Pytash Bridge.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

HB 1854 (Pr. No. 2585) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of U.S. Route 522 in Snyder County as the Staff Sgt. Stanley R. Saylor Memorial Highway.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 1917 (Pr. No. 2815) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, in humane society police officers, further providing for appointment by nonprofit corporations, for qualifications for appointment, for suspension, revocation, limitation and restriction of appointment and restoration of appointment, for training program, for continuing education program, for Statewide registry and for Humane Society Police Officer Advisory Board.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 1926 -- Without objection, the bill was passed over in its order at the request of Senator GORDNER.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JAY COSTA
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise today to welcome in the gallery and to our Senate Chamber the new CEO of the Pittsburgh Parks Conservancy, Jayne Miller. Jayne comes to Pittsburgh by way of Minneapolis, where she was the superintendent of the parks and recreation board. Under her leadership, the Minneapolis parks system was named number one among U.S. park systems for 5 of the last 7 years, and we fully expect to have Pittsburgh hold that number one position for our parks as we go forward.

Prior to her appointment as the Minneapolis parks superintendent, Jayne served as director of the Huron-Clinton Metropolitan Authority, a five-county regional park system in southeast Michigan, as well as community service as area administrator for the city of Ann Arbor, as well as a number of other positions in the city of Ann Arbor for more than 22 years. She holds a master's degree in recreation administration from the University of Maryland, and a bachelor's degree from Midland University in the State of Nebraska.

Mr. President, following a national search by the Pittsburgh Parks Conservancy, Miller was chosen to replace Meg Cheever. Meg has been an outstanding leader for a number of years at the parks conservancy and was the founder and has served as its president and CEO for the past 21 years.

Mr. President, the Pittsburgh Parks Conservancy was founded in December 1996 by a group of citizens concerned with the deteriorating conditions of our Pittsburgh historic city parks. As a nonprofit organization, the parks conservancy works very closely with the city of Pittsburgh, under what is deemed to be a public-private partnership agreement to restore and improve the

city's park system. To date, Mr. President, the parks conservancy has raised over \$105 million and completed 17 major park improvement projects. Annually, the parks conservancy works with thousands of volunteers and provides programming for more than 5,000 children.

Mr. President, I am very, very honored to have not only Meg Cheever here, who has been an outstanding leader of the program and is retiring from the parks conservancy, but I would also like to welcome Jayne Miller to the Pennsylvania Senate, and I ask my colleagues to give them both a warm welcome.

Mr. President, thank you.

The PRESIDENT. Would the guests of Senator Costa, the new CEO of the Pittsburgh Parks Conservancy, Jayne Miller, and a former great CEO, Meg Cheever, please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

The PRESIDENT. Of course, we all know that no one is anyone from Pittsburgh unless Chuck Kolling brings them in. It is nice to see Chuck up there in the gallery, ever so humbly. Chuck, go Eagles.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ALLOWAY, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

February 1, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 27, 2017, of Elise Claire Schell (Public Member), 1506 Penn Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lynell Scaff, Aliquippa, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

January 18, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 12, 2018, of Elise Claire Schell, 1506 Penn Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher

Education, to serve until December 31, 2018, and until her successor is appointed and qualified, vice Daniel Meuser, Shavertown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ALLOWAY. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

A voice vote having been taken, the question was determined in the affirmative.

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ALLOWAY, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Kelly III, 904 Swedesford Road, Lower Gwynedd 19002, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael D. Ocker, 105 Fifth Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald Burgard, Mechanicsburg, whose term expired.

TOM WOLF
Governor

**MEMBER OF THE AGRICULTURAL LANDS
CONDEMNATION APPROVAL BOARD**

January 12, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marlin Lynch, 10004 Buck Valley Road, Warfordsburg 17267, Fulton County, Thirtieth Senatorial District, for appointment as a member of the Agricultural Lands Condemnation Approval Board, to serve for a term of four years, and until his successor is appointed and qualified, vice Russell Orner, Rockton, whose term expired.

TOM WOLF
Governor

**MEMBER OF THE AGRICULTURAL LANDS
CONDEMNATION APPROVAL BOARD**

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jaclyn Renee Matter, 17651 Route 235, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Agricultural Lands Condemnation Approval Board, to serve for a term of four years, and until her successor is appointed and qualified, vice Norman Morrison, Transfer, whose term expired.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Adrean Hahn, 295 Maple Drive, Hanover 17331, York County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years, and until her successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF DENTISTRY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theresa Groody, 302 Glennbrook Way, Chalfont 18914, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

**MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS**

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard P. Rauso, 267 Saunders Station Road, Trafford 15085, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years, and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Davis C. Haire, 424 KenMar Drive, Meshoppen 18630, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE BOARD OF PARDONS

November 30, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harris Gubernick, 1064 Jefferson Court, Warrington 18976, Bucks County, Twelfth Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 2023.

TOM WOLF
Governor

MEMBER OF THE PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

January 18, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen Barden, 4220 Spruce Street, Philadelphia 19104, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Michael Potteiger, York Haven, whose term expired.

TOM WOLF
Governor

MEMBER OF THE PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

January 18, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony C. Moscato, 56 Huckleberry Circle, Emporium 15834, Cameron County, Twenty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Apryle Horbal, 1301 Grandview Avenue, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Mark Guise, Harrisburg, whose term expired.

TOM WOLF
Governor

NOMINATIONS LAID ON THE TABLE

Senator ALLOWAY. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ALLOWAY,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ALLOWAY. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Kelly III, 904 Swedesford Road, Lower Gwynedd 19002, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael D. Ocker, 105 Fifth Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald Burgard, Mechanicsburg, whose term expired.

TOM WOLF
Governor

MEMBER OF THE AGRICULTURAL LANDS
CONDEMNATION APPROVAL BOARD

January 12, 2018

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marlin Lynch, 10004 Buck Valley Road, Warfordsburg 17267, Fulton County, Thirtieth Senatorial District, for appointment as a member of the Agricultural Lands Condemnation Approval Board, to serve for a term of four years, and until his successor is appointed and qualified, vice Russell Orner, Rockton, whose term expired.

TOM WOLF
Governor

MEMBER OF THE AGRICULTURAL LANDS
CONDEMNATION APPROVAL BOARD

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jaelyn Renee Matter, 17651 Route 235, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Agricultural Lands Condemnation Approval Board, to serve for a term of four years, and until her successor is appointed and qualified, vice Norman Morrison, Transfer, whose term expired.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Adrean Hahn, 295 Maple Drive, Hanover 17331, York County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years, and until her successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF DENTISTRY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theresa Groody, 302 Glennbrook Way, Chalfont 18914, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard P. Rauso, 267 Saunders Station Road, Trafford 15085, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years, and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

December 12, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Davis C. Haire, 424 KenMar Drive, Meshoppen 18630, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE BOARD OF PARDONS

November 30, 2017

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harris Gubernick, 1064 Jefferson Court, Warrington 18976, Bucks County, Twelfth Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 2023.

TOM WOLF
Governor

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

January 18, 2018

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen Barden, 4220 Spruce Street, Philadelphia 19104, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Michael Potteiger, York Haven, whose term expired.

TOM WOLF Governor

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

January 18, 2018

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony C. Moscato, 56 Huckleberry Circle, Emporium 15834, Cameron County, Twenty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

TOM WOLF Governor

MEMBER OF THE STATE BOARD OF VETERINARY MEDICINE

December 12, 2017

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Apryle Horbal, 1301 Grandview Avenue, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Mark Guise, Harrisburg, whose term expired.

TOM WOLF Governor

On the question, Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator ALLOWAY and were as follows, viz:

YEA-47

Table with 4 columns: Alloway, Argall, Aument, Dinniman, DiSanto, Eichelberger, Leach, McGarrigle, Stefano, Street, Tartaglione

Table with 4 columns: Baker, Bartolotta, Blake, Boscola, Brewster, Brooks, Browne, Corman, Costa, Farnese, Folmer, Fontana, Gordner, Greenleaf, Haywood, Hughes, Langerhole, Laughlin, McIlhinney, Mensch, Rafferty, Regan, Reschenthaler, Sabatina, Scarnati, Scavello, Schwank, Tomlinson, Vogel, Vulakovich, Wagner, Ward, Williams, Yaw, Yudichak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ALLOWAY. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

BILLS REPORTED FROM COMMITTEE

Senator CORMAN, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 354 (Pr. No. 1426) (Rereported) (Concurrence)

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for definitions; providing for reporting of sanctions and criminal proceedings and for suspension; and further providing for civil penalties.

SB 894 (Pr. No. 1372) (Rereported) (Concurrence)

An Act designating a portion of State Route 2005 in Saxonburg Borough, Butler County, as the Chief Gregory B. Adams Way; designating a bridge on that portion of Pennsylvania Rout 271 over US Route 22, Jackson Township, Cambria County, as the Trooper Gary Fisher Memorial Bridge; designating a bridge on that portion of Pennsylvania Route 53 over US Route 22, Cresson Township, Cambria County, as the Corporal Robert J. Sherwood, Jr., Memorial Bridge; designating a bridge on Segment 80 of State Route 2015, along Overbridge Street and over Railroad Street, Lilly Borough, Cambria County, as the Paul E. Sweeney Memorial Bridge; designating a bridge on that portion of Avenue A over the Allegheny River, Coudersport Borough, Potter County, as the Commander Philip F. "Jet" Palmatier, Jr., Memorial Bridge; designating a bridge on that portion of Sunnyside Road over the Oswayo Creek, Shinglehouse Borough, Potter County, as the PVT Malon Stanley Memorial Bridge; designating a portion of State Route 1001 in Greene Township, Franklin County, as the Lance Corporal Michael L. Freeman, Jr., Memorial Highway; designating a bridge on that portion of State Route 533 over Muddy Run, Southampton Township, Franklin County, as the Private First Class Dana Edward Diehl Memorial Bridge; and designating a bridge on that portion of State Route 1004 over the Conococheague Creek, Greene Township, Franklin County, as the Private Charles W. "Bill" Roher Memorial Bridge.

SENATE RESOLUTIONS ADOPTED

Senator SCHWANK, by unanimous consent, offered Senate Resolution No. 268, entitled:

A Resolution designating the week of February 5 through 9, 2018, as "School Counselors Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, annually I meet with a regional group of school guidance counselors, and they like to hear that the Senate of Pennsylvania is interested in the work that they are doing, and I would like to present a citation to them. So, I appreciate my colleagues in supporting this, but I would like to add in my commentary.

I think all of us think we know what guidance counselors do, right? We all can recall our days in high school when you went to the school guidance counselor to talk about what your future plans may be in regards to college. You may have been there in regards to some disciplinary issues that you may have been facing, but today, Mr. President, school guidance counselors provide so much more. In fact, in so many ways they are de facto social workers in the school. Think of all of the problems that we are seeing here and things that we are trying to resolve in terms of legislation. The school guidance counselors are on the front lines of seeing some of those issues that students face: poverty, issues of violence in their families, issues of homelessness or transience. There are certainly so many things that students are facing: truancy, issues of students who actually have to go to work.

Recently, to give everyone a reminder of what we are facing, I met with a group of guidance counselors from Reading School District, and they talked about the fact that they were interested in proposing to the administration hiring a social worker or two social workers because their workload has become so extreme. Mr. President, the reason that has happened is that they are facing a problem with homeless students in the high school. These are not students who are with their parents and are living in shelters, these are students who are literally on their own. They are either couch surfing, sleeping at night in a friend's home, or else they are actually living in apartments on their own. One of the stories that they related to me is the fact that these students are upset when they have a snow day. Contrary to what we hear from so many other students who are so delighted when they have a snow day, these students know that if they have a snow day, they are not going to eat. There is not going to be school breakfast and there is not going to be school lunch. That is how serious that issue has become for us in that particular school district. I do not think we are alone, but I can tell you this, I am so proud that we have school guidance counselors who are looking to see how they can remedy the situations that the students face in school districts throughout the Commonwealth.

So again, Mr. President, I appreciate the fact that my colleagues will join with me in recognizing the work of school guidance counselors. Thank you.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senator STREET, on behalf of Senators WILLIAMS, BOSCOLA, LEACH, BROWNE, BREWSTER, SCHWANK, DINNIMAN, HUGHES, FONTANA, HAYWOOD, TARTAGLIONE, KILLION, SABATINA, STREET, BROOKS, FARNESE, MARTIN, FOLMER, RAFFERTY, ARGALL, RESCHENTHALER, BARTOLOTTA, GREENLEAF, YUDICHAK, WARD, BAKER, WAGNER, MENSCH, YAW, COSTA, SCAVELLO and AUMENT, by unanimous consent, offered **Senate Resolution No. 269**, entitled:

A Resolution congratulating the Philadelphia Eagles on their stunning victory over the New England Patriots in Super Bowl LII.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, whether northeast Philly down to southwest Philly or in the heart of north Philadelphia and Temple University where I represent, people all over the Delaware Valley and across the nation and indeed the world were pleased and excited to watch a remarkable performance by the world's greatest football team, the Philadelphia Eagles. Today, I am pleased to offer this resolution congratulating them in their stunning victory and encouraging Pennsylvanians to never give up. I offer this resolution on behalf of my colleague, Senator Williams, who joins me in congratulating the Eagles and holding them up as a shining example of why you should never give up, never give in, always work hard. Go Eagles. E-A-G-L-E-S, Eagles. Thank you.

The PRESIDENT. The Chair wholeheartedly agrees and is on board.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators BROWNE, BAKER, FONTANA, BREWSTER, ARGALL, SCAVELLO, EICHELBERGER, GREENLEAF, DINNIMAN, WHITE, HUGHES, SABATINA, KILLION, SCHWANK, MENSCH, AUMENT, RAFFERTY, TARTAGLIONE, COSTA, YAW and VULAKOVICH, by unanimous consent, offered **Senate Resolution No. 270**, entitled:

A Resolution designating February 11, 2018, as "PA 2-1-1 Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I am proud to rise to ask for Senate support of this resolution to highlight a very important resource here in the Commonwealth that is available to allow our citizens to gain access to the tremendous compendium of social services we have in every region of Pennsylvania, and something that we are trying to raise awareness so it can expand to all parts of the Commonwealth.

Mr. President, part of the responsibility of any Member of the General Assembly is to be intimately aware of the many issues that the residents of Pennsylvania face on a daily basis. My legislative staff, along with legislative staffs across the Commonwealth, work tirelessly with constituents every day to help provide assistance, and in partnership with the tremendous system of social services in the Lehigh Valley and throughout Pennsylvania, to direct them where they can receive the help or guidance they need. However, through the power of technology, we can and we are doing better. The PA 2-1-1 system provides that same crucial and quick connection between people in need and the assistance available to them in their communities, but on a 24-hour, 365-day-a-year basis. Whether the person or family is in need of help with veterans services, senior care, or assistance with opioid or other drug addictions, this one-stop shop possesses the most comprehensive database of public and private resources available to residents in their communities.

As the largest private funder of the 2-1-1 network in Pennsylvania, the support of the United Way of Pennsylvania gives the 2-1-1 program critical support for helping Pennsylvanians on a daily basis. Hundreds of thousands of Pennsylvanians have already benefitted from this program, and with financial support from the Commonwealth, this service can only grow and help more individuals and families. This is why we are collectively leading an effort to develop a statewide public-private partnership and establish a statewide 2-1-1 system grant program. This will enhance the already established PA 2-1-1 system by providing grants to qualified applicants for the development, implementation, operation, and support of a statewide 2-1-1 system. To ensure its success, 2-1-1 received its first-ever appropriation of State funds in the 2017-18 State budget.

As part of this partnership, the United Way and 2-1-1 are launching the Connect To Home project in the Lehigh Valley. This is an excellent example of how this partnership can and should work. The Lehigh Valley is partnering with 2-1-1 to pilot a program aimed at providing an access point for housing and homeless services for individuals who are either already homeless or immediately at risk of becoming homeless. Those who call will receive standard prescreening to assess their current situation, and then 2-1-1 will conduct the assessment utilized by the whole continuum. It is a strategy to connect people to the right services as quickly as possible, prioritize based on need and vulnerability, raise intimate awareness in the community regarding the challenges of homelessness, and enhance data driven decisionmaking for planning, resource allocation, and performance evaluation. But this is one example of how PA 2-1-1 systems' vast resources and community knowledge can provide vital information and direction to so many Pennsylvanians in need.

Building on the incredible work of the United Way of Pennsylvania and what they have done for the 2-1-1 system and the financial resources it has delivered, I am pleased that the Commonwealth is joining in the effort and is financially supporting this referral service that is tremendously helpful to our citizens. This investment in the 2-1-1 system will streamline and improve the delivery of services to all Pennsylvanians and also achieve cost savings for State government.

Mr. President, at their core, Pennsylvanians are driven to serve. It is why the Commonwealth in all regions has an extraordinary compendium of social service resources. With this outstanding partnership and the leverage provided through technol-

ogy, we will insure that all Pennsylvanians are given the assistance they require when they are most in need.

Thank you, Mr. President. I am asking the Members to support honoring and raising recognition of the PA 2-1-1 system through this resolution. Thank you very much.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators BLAKE, DINNIMAN, GREENLEAF, BREWSTER, FONTANA, TARTAGLIONE, KILLION, SCHWANK, BROWNE, SABATINA, WHITE, MENSCH, RAFFERTY, BARTOLOTTA, SCAVELLO, COSTA, FARNESE, AUMENT and VULAKOVICH, by unanimous consent, offered **Senate Resolution No. 271**, entitled:

A Resolution designating the month of February 2018 as "Turner Syndrome Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, earlier today we welcomed a beautiful young lady, 10-year-old Carly Joy Bozym. She is a very brave young lady who is a survivor of Turner syndrome, which affects 1 in 2,500 live female births. Mr. President, as I noted earlier, only 1 percent survive to a full-term pregnancy, so we really think Carly is a bit of a miracle. I want to thank her and her mom, Dana, and her pop-pop, Joseph, for bringing her to the Capitol today so that we could acknowledge and elevate some profile on Turner syndrome in hope that we would see additional resources dedicated to research for this dangerous illness.

So, thank you, Mr. President, I appreciate the opportunity to present this resolution today.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senator CORMAN, by unanimous consent, offered **Senate Resolution No. 272**, entitled:

A Resolution recognizing the month of February 2018 as "Benevolent and Protective Order of Elks Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognize the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, my colleague is still a little giddy from last night.

The PRESIDENT. So true.

Senator CORMAN. Mr. President, he has been going around bothering everybody all day.

Mr. President, this resolution designates the month of February 2018 as the "Benevolent and Protective Order of Elks Month" in Pennsylvania. As a proud member of the Elks, I am happy to offer this resolution on their 150th anniversary of their formation. Nearly 1 million members strong, the Elks have a solid history of supporting our communities by providing assistance to our homeless veterans, lending a hand during natural disasters, and taking an interest in the lives of our young people. I hope you will join me in recognizing February as the Benevolent and Protective Order of Elks Month here in Pennsylvania.

Thank you, Mr. President.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Mensch has returned, and his legislative leave is cancelled.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Mr. Christopher E. Deery as a member of the Board of the Insurance Fraud Prevention Authority.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Mike Stack) in the presence of the Senate signed the following bill:

HB 1653.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, FEBRUARY 7, 2018

10:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 735 and 962)	Room 461 Main Capitol
	C A N C E L L E D	

Off the Floor	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 800)	Rules Cmte. Conf. Rm.
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RECESS

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that the Senate do now recess until Tuesday, February 6, 2018, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 3:47 p.m., Eastern Standard Time.