

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 68

Session of
2011

INTRODUCED BY EVERETT, MARSICO, CALTAGIRONE, BAKER, CARROLL,
HESS, HORNAMAN, KAUFFMAN, O'NEILL, SAYLOR, SCAVELLO,
VULAKOVICH, CLYMER, BOYD, REESE, GINGRICH, D. COSTA, HARKINS,
GRELL, HARRIS, DEASY, HAHN, MAJOR, KORTZ, LONGIETTI, MANN,
GIBBONS, PICKETT, TALLMAN, STURLA, CUTLER, FLECK, REICHLEY,
HICKERNELL, GEIST, GROVE, M.K. KELLER, RAPP, SANTARSIERO,
SWANGER AND STEPHENS, JANUARY 19, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 25, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in falsification and intimidation, further
4 providing for failure to comply with registration of sexual
5 offenders requirements; in registration of sexual offenders,
6 further providing for definitions, for registration, for
7 registration procedures and applicability, for sentencing
8 court information and for verification of residence; in
9 registration of sexual offenders, providing for registration
10 of transients; and in registration of sexual offenders,
11 further providing for victim notification, for other
12 notification, for information made available on the Internet,
13 for duties of the Pennsylvania State Police and for
14 photographs and fingerprinting.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 4915(a), (b), (c) and (e)(3) of Title 18
18 of the Pennsylvania Consolidated Statutes are amended and the
19 section is amended by adding subsections to read:

20 § 4915. Failure to comply with registration of sexual offenders

1 requirements.

2 (a) Offense defined.--An individual who is subject to
3 registration under 42 Pa.C.S. § 9795.1(a) (relating to
4 registration) or an individual who is subject to registration
5 under 42 Pa.C.S. § [9795.1(b) (1), (2) or (3)] 9795.1(b) or who
6 was subject to registration under former 42 Pa.C.S § 9793
7 (relating to registration of certain offenders for ten years)
8 commits an offense if he knowingly fails to:

9 (1) register with the Pennsylvania State Police as
10 required under 42 Pa.C.S. § 9795.2 (relating to registration
11 procedures and applicability);

12 (2) verify his address or be photographed as required
13 under 42 Pa.C.S. § 9796 (relating to verification of
14 residence); or

15 (3) provide accurate information when registering under
16 42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S.
17 § 9796.

18 (a.1) Transients.--An individual who is subject to
19 registration as a transient under 42 Pa.C.S. § 9796.1 (relating
20 to registration of transients) commits an offense if the
21 individual knowingly fails to:

22 (1) register with the Pennsylvania State Police as
23 required under 42 Pa.C.S. § 9796.1;

24 (2) provide the information set forth in 42 Pa.C.S. §
25 9796.1;

26 (3) be photographed; or

27 (4) provide accurate information when complying with 42
28 Pa.C.S. § 9796.1.

29 (A.2) COUNSELING.--THE FOLLOWING APPLY:

30 (1) AN INDIVIDUAL WHO IS DESIGNATED AS A SEXUALLY



1 VIOLENT PREDATOR COMMITS AN OFFENSE IF HE KNOWINGLY FAILS TO
2 COMPLY WITH 42 PA.C.S. § 9799.4 (RELATING TO COUNSELING OF
3 SEXUALLY VIOLENT PREDATORS)).

4 (2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
5 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE
6 FOLLOWING CONVICTION IN ANOTHER JURISDICTION COMMITS AN
7 OFFENSE IF HE KNOWINGLY FAILS TO COMPLY WITH THAT
8 REQUIREMENT, AS PROVIDED IN 42 PA.C.S. § 9795.2(B)(4)(I).

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

10 (2) Except as set forth in paragraph (3), an individual
11 subject to registration under 42 Pa.C.S. § 9795.1(a) or
12 former 42 Pa.C.S. § 9793 and required to register for a
13 period of ten years who commits a violation of subsection (a)
14 (1) or (2) commits a felony of the third degree.

15 (3) An individual subject to registration under 42
16 Pa.C.S. § 9795.1(a) or former 42 Pa.C.S. § 9793 and required
17 to register for a period of ten years who commits a violation
18 of subsection (a)(1) or (2) and who has previously been
19 convicted of an offense under subsection (a)(1) or (2) or a
20 similar offense commits a felony of the second degree.

21 (4) An individual subject to registration under 42
22 Pa.C.S. § 9795.1(a) or former 42 Pa.C.S. § 9793 and required
23 to register for a period of ten years who violates subsection
24 (a)(3) commits a felony of the second degree.

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

27 (2) Except as set forth in paragraph (3), an individual
28 subject to registration under 42 Pa.C.S. § [9795.1(b)(1), (2)
29 or (3)] 9795.1(b) or former 42 Pa.C.S. § 9793 and who is
30 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. § [9795.1(b) (1), (2) or (3)] 9795.1(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. § [9795.1(b) (1), (2) or (3)] 9795.1(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 transient offenders.~~ ←

~~(1) Except as set forth in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9796.1 who commits a violation of subsection (a.1) commits a felony of the third degree.~~

~~(2) An individual subject to registration under 42 Pa.C.S. § 9796.1 who commits a violation of subsection (a.1) and who has previously been convicted of an offense under subsection (a.1) or a similar offense commits a felony of the second degree.~~

(C.1) GRADING FOR TRANSIENT OFFENDERS WHO MUST REGISTER FOR TEN YEARS.-- ←

(1) EXCEPT AS SET FORTH IN PARAGRAPH (2), AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9796.1 AND WHO MUST REGISTER FOR TEN YEARS WHO COMMITS A VIOLATION OF SUBSECTION (A.1) (1), (2) OR (3) COMMITS A FELONY OF THE THIRD

1 DEGREE.

2 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
3 PA.C.S. § 9796.1 AND WHO MUST REGISTER FOR TEN YEARS WHO
4 COMMITTS A VIOLATION OF SUBSECTION (A.1) (1), (2) OR (3) AND
5 WHO HAS BEEN PREVIOUSLY CONVICTED OF AN OFFENSE UNDER
6 SUBSECTION (A.1) (1), (2) OR (3) OR A SIMILAR OFFENSE COMMITTS
7 A FELONY OF THE SECOND DEGREE.

8 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
9 PA.C.S. § 9796.1 AND WHO MUST REGISTER FOR TEN YEARS WHO
10 COMMITTS A VIOLATION OF SUBSECTION (A.1) (4) COMMITTS A FELONY
11 OF THE SECOND DEGREE.

12 (C.2) GRADING FOR TRANSIENT OFFENDERS WHO ARE DESIGNATED AS
13 SEXUALLY VIOLENT PREDATORS OR MUST REGISTER FOR LIFETIME.--

14 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), AN INDIVIDUAL
15 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9796.1 AND WHO IS
16 DESIGNATED AS A SEXUALLY VIOLENT PREDATOR OR WHO MUST
17 REGISTER FOR A LIFETIME AND COMMITTS A VIOLATION OF SUBSECTION
18 (A.1) (1), (2) OR (3) COMMITTS A FELONY OF THE SECOND DEGREE.

19 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
20 PA.C.S. § 9796.1 AND WHO IS DESIGNATED AS A SEXUALLY VIOLENT
21 PREDATOR OR WHO MUST REGISTER FOR A LIFETIME AND WHO HAS BEEN
22 PREVIOUSLY CONVICTED OF AN OFFENSE UNDER SUBSECTION (A.1) (1),
23 (2) OR (3) OR A SIMILAR OFFENSE COMMITTS A FELONY OF THE FIRST
24 DEGREE.

25 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
26 PA.C.S. § 9796.1 AND WHO IS DESIGNATED AS A SEXUALLY VIOLENT
27 PREDATOR OR WHO MUST REGISTER FOR A LIFETIME AND COMMITTS A
28 VIOLATION OF SUBSECTION (A.1) (4) COMMITTS A FELONY OF THE
29 FIRST DEGREE.

30 (C.3) GRADING FOR FAILURE TO COMPLY WITH COUNSELING

1 REQUIREMENTS.--AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT
2 PREDATOR OR AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
3 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE FOLLOWING
4 CONVICTION IN ANOTHER JURISDICTION WHO COMMITS A VIOLATION OF
5 SUBSECTION (A.2) COMMITS A MISDEMEANOR OF THE FIRST DEGREE.

6 * * *

7 (e) Arrests for violation.--

8 * * *

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

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

15 (ii) The individual must provide the Pennsylvania
16 State Police with all current or intended residences, all
17 information concerning current or intended employment,
18 including all employment locations, and all information
19 concerning current or intended enrollment as a student.
20 If the individual is a transient, the transient must
21 provide the Pennsylvania State Police with the
22 information required under 42 Pa.C.S. § 9796.1.

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

25 * * *

26 Section 2. The definition of "offender" in section 9792 of
27 Title 42 is amended and the section is amended by adding a
28 definition to read:

29 § 9792. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Offender." An individual required to register under section
5 9795.1(a), (b) (1) [or], (2), (4) or (5) (relating to
6 registration) or under former section 9793 (relating to
7 registration of certain offenders for ten years).

8 * * *

9 "Transient." An individual required to register under this
10 subchapter who does not have a residence.

11 Section 3. Section 9795.1(a) and (b) of Title 42 are amended
12 by adding paragraphs and the section is amended by adding a
13 subsection to read:

14 § 9795.1. Registration.

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

18 * * *

19 (4) Individuals who have moved to this Commonwealth who
20 fail to maintain a residence who have been convicted of
21 offenses similar to the crimes cited in paragraphs (1) and
22 (2) under the laws of the United States or one of the
23 territories or possessions, another state, the District of
24 Columbia, the Commonwealth of Puerto Rico or a foreign nation
25 or under a former law of this Commonwealth.

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

28 * * *

29 (5) Individuals who have moved to this Commonwealth who
30 fail to maintain a residence who have been convicted of

1 offenses similar to the crimes cited in paragraph (2) under
2 the laws of the United States or one of the territories or
3 possessions, another state, the District of Columbia, the
4 Commonwealth of Puerto Rico or a foreign nation or under a
5 former law of this Commonwealth.

6 * * *

7 (d) Failure to maintain a residence.--The fact that an
8 individual required to register under this subchapter does not
9 have a residence shall not relieve the individual from the duty
10 to register or any other duty imposed by this subchapter. Such
11 an individual shall register as a transient in accordance with
12 the provisions of this subchapter.

13 Section 4. Sections 9795.2 and 9795.3 of Title 42 are
14 amended to read:

15 § 9795.2. Registration procedures and applicability.

16 (a) Registration.--

17 (1) Offenders and sexually violent predators shall be
18 required to register with the Pennsylvania State Police upon
19 release from incarceration, upon parole from a State or
20 county correctional institution or upon the commencement of a
21 sentence of intermediate punishment or probation. For
22 purposes of registration, offenders and sexually violent
23 predators shall provide the Pennsylvania State Police with
24 all current or intended residences, all information
25 concerning current or intended employment and all information
26 concerning current or intended enrollment as a student. In
27 the event the offender or sexually violent predator does not
28 have a residence, the offender or sexually violent predator
29 shall, in addition to the other requirements of this
30 subchapter, register with the Pennsylvania State Police as a

1 transient.

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

4 (i) Any change of residence or establishment of an
5 additional residence or residences or, if the offender or
6 sexually violent predator is a transient, the
7 establishment of a residence.

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

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

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

18 (v) Becoming a transient. In addition to the other
19 requirements of this subchapter, the transient shall
20 comply with the provisions of section 9796.1 (relating to
21 registration of transients).

22 (2.1) Registration with a new law enforcement agency
23 shall occur no later than 48 hours after establishing
24 residence in another state or of moving to another state but
25 failing to maintain a residence.

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

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

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

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

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

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

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

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

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

1 administrative or judicial decision or on the basis of a
2 statute or administrative rule requiring active
3 notification and lifetime registration based solely on
4 the offense for which the individual was convicted,
5 sentenced or court martialled, the individual shall,
6 notwithstanding section 9792, be considered a sexually
7 violent predator and subject to lifetime registration
8 pursuant to section 9795.1(b) (relating to registration).
9 The individual shall also be subject to the provisions of
10 this section and sections 9796 (relating to verification
11 of residence), 9796.1, if the individual is a transient,
12 9798 (relating to other notification) and 9798.1(c) (1)
13 (relating to information made available on the Internet
14 and electronic notification), except that the individual
15 shall not be required to receive counseling unless
16 required to do so by the other jurisdiction or by reason
17 of court martial.

18 (ii) Except as provided in subparagraphs (i) and
19 (iv), if the individual has been convicted or sentenced
20 by a court or court martialled for an offense listed in
21 section 9795.1(b) or an equivalent offense, the
22 individual shall, notwithstanding section 9792, be
23 considered an offender and be subject to lifetime
24 registration pursuant to 9795.1(b). The individual shall
25 also be subject to the provisions of this section and
26 sections 9796, 9796.1, if the individual is a transient,
27 and 9798.1(c) (2).

28 (iii) Except as provided in subparagraphs (i), (ii),
29 (iv) and (v), if the individual has been convicted or
30 sentenced by a court or court martialled for an offense

1 listed in section 9795.1(a) or an equivalent offense, the
2 individual shall be, notwithstanding section 9792,
3 considered an offender and subject to registration
4 pursuant to this subchapter. The individual shall also be
5 subject to the provisions of this section and sections
6 9796, 9796.1, if the individual is a transient, and
7 9798.1(c)(2). The individual shall be subject to this
8 subchapter for a period of ten years or for a period of
9 time equal to the time for which the individual was
10 required to register in the other jurisdiction or
11 required to register by reason of court martial,
12 whichever is greater, less any credit due to the
13 individual as a result of prior compliance with
14 registration requirements.

15 (iv) Except as provided in subparagraph (i) and
16 notwithstanding subparagraph (v), if the individual is
17 subject to active notification in the other jurisdiction
18 or subject to active notification by reason of court
19 martial, the individual shall, notwithstanding section
20 9792, be considered an offender and subject to this
21 section and sections 9796, 9796.1, if the individual is a
22 transient, 9798 and 9798.1(c)(1). If the individual was
23 convicted of or sentenced in the other jurisdiction or
24 sentenced by court martial for an offense listed in
25 section 9795.1(b) or an equivalent offense, the
26 individual shall be subject to this subchapter for the
27 individual's lifetime. If the individual was convicted of
28 or sentenced in the other jurisdiction or sentenced by
29 court martial for an offense listed in section 9795.1(a)
30 or an equivalent offense, the individual shall be subject

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

14 (v) Except as provided in subparagraphs (i), (ii),
15 (iii) and (iv), if the individual is subject to passive
16 notification in the other jurisdiction or subject to
17 passive notification by reason of court martial, the
18 individual shall, notwithstanding section 9792, be
19 considered an offender and subject to this section and
20 sections 9796, 9796.1, if the individual is a transient,
21 and 9798.1(c)(2). The individual shall be subject to this
22 subchapter for a period of time equal to the time for
23 which the individual was required to register in the
24 other jurisdiction or required to register by reason of
25 court martial, less any credit due to the individual as a
26 result of prior compliance with registration
27 requirements.

28 (5) Notwithstanding the provisions of Chapter 63
29 (relating to juvenile matters) and except as provided in
30 paragraph (4), an individual who resides, is a transient, is

1 employed or is a student in this Commonwealth and who is
2 required to register as a sex offender under the laws of the
3 United States or one of its territories or possessions,
4 another state, the District of Columbia, the Commonwealth of
5 Puerto Rico or a foreign nation as a result of a juvenile
6 adjudication shall register at an approved registration site
7 within 48 hours of the individual's arrival in this
8 Commonwealth. The provisions of this subchapter shall apply
9 to the individual as follows:

10 (i) If the individual has been classified as a
11 sexually violent predator as defined in section 9792 or
12 determined under the laws of the other jurisdiction to be
13 subject to active notification and lifetime registration
14 on the basis of a statutorily authorized administrative
15 or judicial decision or on the basis of a statute or
16 administrative rule requiring active notification and
17 lifetime registration based solely on the offense for
18 which the individual was adjudicated, the individual
19 shall, notwithstanding section 9792, be considered a
20 sexually violent predator and subject to lifetime
21 registration pursuant to section 9795.1(b). The
22 individual shall also be subject to the provisions of
23 this section and sections 9796, 9796.1, if the individual
24 is a transient, and 9798.1(c)(1), except that the
25 individual shall not be required to receive counseling
26 unless required to do so by the other jurisdiction.

27 (ii) Except as provided in subparagraph (i), if the
28 individual is subject to active notification in the other
29 jurisdiction, the individual shall, notwithstanding
30 section 9792, be considered an offender and subject to

1 registration pursuant to this subchapter. The individual
2 shall also be subject to the provisions of this section
3 and sections 9796, 9796.1, if the individual is a
4 transient, 9798 and 9798.1(c)(1). The individual shall be
5 subject to this subchapter for a period of time equal to
6 the time for which the individual was required to
7 register in the other jurisdiction, less any credit due
8 to the individual as a result of prior compliance with
9 registration requirements.

10 (iii) Except as provided in subparagraphs (i) and
11 (ii), if the individual is subject to passive
12 notification in the other jurisdiction, the individual
13 shall, notwithstanding section 9792, be considered an
14 offender and be subject to this section and sections
15 9796, 9796.1, if the individual is a transient, and
16 9798.1(c)(2). The individual shall be subject to this
17 subchapter for a period of time equal to the time for
18 which the individual was required to register in the
19 other jurisdiction, less any credit due to the individual
20 as a result of prior registration compliance.

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

22 (1) The Pennsylvania State Police shall provide the
23 information obtained under this section and sections 9795.3
24 (relating to sentencing court information) and 9796 (relating
25 to verification of residence) to the chief law enforcement
26 officers of the police departments of the municipalities in
27 which the individual will reside, be employed or enrolled as
28 a student. In addition, the Pennsylvania State Police shall
29 provide this officer with the address at which the individual
30 will reside, be employed or enrolled as a student following

1 his release from incarceration, parole or probation. If the
2 individual is a transient, the Pennsylvania State Police
3 shall provide information obtained under section 9796.1 to
4 the chief law enforcement officers of the police departments
5 of the appropriate municipalities.

6 (2) The Pennsylvania State Police shall provide notice
7 to the chief law enforcement officers of the police
8 departments of the municipalities notified pursuant to
9 paragraph (1) when an individual fails to comply with the
10 registration requirements of this section [or], section 9796
11 or section 9796.1 and request, as appropriate, that these
12 police departments assist in locating and apprehending the
13 individual.

14 (3) The Pennsylvania State Police shall provide notice
15 to the chief law enforcement officers of the police
16 departments of the municipalities notified pursuant to
17 paragraph (1) when they are in receipt of information
18 indicating that the individual is no longer a transient or
19 will no longer reside, be employed or be enrolled as a
20 student in the municipality.

21 (d) Penalty.--An individual subject to registration under
22 section 9795.1(a) or (b) or former section 9793 (relating to
23 registration of certain offenders for ten years) who fails to
24 register with the Pennsylvania State Police as required by this
25 section may be subject to prosecution under 18 Pa.C.S. § 4915
26 (relating to failure to comply with registration of sexual
27 offenders requirements).

28 (d.1) Transients.--An offender or a sexually violent
29 predator or other individual required to register under this
30 subchapter who is a transient 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 (relating to
failure to comply with registration of sexual offender
requirements).

(e) Registration sites.--The following apply:

(1) An individual subject to [section 9795.1] this
subchapter shall register and submit to fingerprinting and
photographing [as required by this subchapter] at approved
registration sites.

(2) An offender or sexually violent predator or other
individual required to register under this subchapter who is
subject to registration as a transient shall register in
accordance with section 9796.1 and submit to fingerprinting
and photographing at approved registration sites.

§ 9795.3. Sentencing court information.

The sentencing court shall inform offenders and sexually
violent predators 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 9796(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 [ten days] 48 hours 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

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

4 (2.1) Specifically inform the offender or sexually
5 violent predator of the duty to inform the Pennsylvania State
6 Police within [ten days] 48 hours of becoming employed or
7 enrolled as a student if the person has not previously
8 provided that information to the Pennsylvania State Police.

9 (2.2) Specifically inform the offender or sexually
10 violent predator of the duty to inform the Pennsylvania State
11 Police within 48 hours of becoming a transient and to provide
12 the information required as a transient, if the offender or
13 sexually violent predator fails to maintain a residence.

14 (3) Specifically inform the offender or sexually violent
15 predator of the duty to register with a new law enforcement
16 agency if the offender or sexually violent predator moves to
17 another state no later than [ten days] 48 hours after
18 establishing residence in another state.

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

22 (5) Specifically inform the offender or sexually violent
23 predator of the duty to register with the appropriate
24 authorities in any state in which the offender or sexually
25 violent predator is a transient, is employed, carries on a
26 vocation or is a student if the state requires such
27 registration.

28 (6) Require the offender or sexually violent predator to
29 read and sign a form stating that the duty to register under
30 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.

Section 5. Section 9796(b) and (e) of Title 42 are amended to read:

§ 9796. Verification of residence.

* * *

(b) Annual verification by offenders.--The Pennsylvania State Police shall verify the residence of offenders. For the period of registration required [by section 9795.1], an offender shall appear within ten days before each annual anniversary date of the offender's initial registration under former section 9793 (relating to registration of certain offenders for ten years) or section 9795.1 at an approved registration site to complete a verification form and to be photographed.

* * *

(e) Penalty.--An individual subject to registration under former section 9793 or section 9795.1(a) or (b) who fails to verify his residence or to be photographed as required by this section may be subject to prosecution under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements).

* * *

Section 6. Title 42 is amended by adding a section to read:
§ 9796.1. Registration of transients.

(a) General rule.--An offender or sexually violent predator or other individual required to register under this subchapter or under former section 9793 (relating to registration of

1 certain offenders for ten years) who does not have a residence
2 shall register with the Pennsylvania State Police as a
3 transient.

4 (b) Frequency of registration.--A transient shall appear
5 every 30 days at an approved registration site to register as a
6 transient, to complete a verification form and to be
7 photographed. The transient shall provide the following:

8 (1) Places the transient sleeps, including a homeless
9 shelter or other temporary habitat. In addition, the
10 transient shall provide a list of places the transient eats,
11 frequents and engages in leisure activities, and any planned
12 destination, including those outside this Commonwealth. If
13 the transient changes or adds to the places listed under this
14 paragraph during a 30-day period, the transient shall list
15 these when re-registering as a transient during the next 30-
16 day period.

17 (2) Where the transient receives mail, including a post
18 office box.

19 (3) If the transient is also a sexually violent
20 predator, compliance with counseling as provided in section
21 9799.4 (relating to counseling of sexually violent
22 predators).

23 (c) Duration of registration requirement.--The duty to
24 register at an approved registration site every 30 days shall
25 apply until the transient establishes a residence. In the event
26 the transient establishes a residence, the requirements of
27 registering under section 9796 (relating to verification of
28 residence) shall apply.

29 (d) Failure to register as a transient.--Where a transient
30 fails to comply with the provisions of this section, the

Pennsylvania State Police shall immediately notify the municipal police department of the transient's last known habitat. The local municipal police shall locate the transient and arrest the transient for violating this section. The Pennsylvania State Police shall assume responsibility for locating and arresting the transient in jurisdictions where no municipal police jurisdiction exists. The Pennsylvania State Police shall assist any municipal police department requesting assistance with locating and arresting a transient who fails to comply with the provisions of this section.

Section 7. Sections 9797 and 9798(a)(1) and (c) of Title 42 are amended to read:

§ 9797. Victim notification.

(a) Duty to inform victim.--

(1) Where the individual is determined to be a sexually violent predator by a court under section 9795.4 (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 he notifies the Pennsylvania State Police of any change of residence or if the sexually violent predator registers as a transient. This notice shall be given within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of address or registers as a transient. The notice shall contain the sexually violent predator's name and the address or addresses where he resides. If the sexually violent predator registers as a transient, the Pennsylvania State Police shall provide the information in section

1 9796.1(b)(1) (relating to registration of transient).

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

8 (b) Where an individual is not determined to be a sexually
9 violent predator.--Where an individual is not determined to be a
10 sexually violent predator by a court under section 9795.4, the
11 victim shall be notified in accordance with section 201 of the
12 act of November 24, 1998 (P.L.882, No.111), known as the Crime
13 Victims Act. This subsection includes the circumstance of an
14 offender registering as a transient.

15 § 9798. Other notification.

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

23 (1) The notice shall contain:

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

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

27 If, however, the sexually violent predator registers as a
28 transient, written notice under this subparagraph shall
29 be limited to that set forth in section 9796.1(b)(2)
30 (relating to registration of transients).

1 (iii) The offense for which he was convicted,
2 sentenced by a court, adjudicated delinquent or court
3 martialled.

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

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

10 * * *

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

14 (1) To neighbors, notice shall be provided within five
15 days after information of the sexually violent predator's
16 release date and residence has been received by the chief law
17 enforcement officer. If the sexually violent predator
18 registers as a transient, notice shall be provided within
19 five days after information of the transient's release date
20 and information under section 9796.1 have been received by
21 the chief law enforcement officer. Notwithstanding the
22 provisions of subsections (a) and (b), verbal notification
23 may be used if written notification would delay meeting this
24 time requirement.

25 (2) To the persons specified in subsection (b) (2), (3),
26 (4) and (5), notice shall be provided within seven days after
27 the chief law enforcement officer receives information
28 regarding the sexually violent predator's release date and
29 residence. If the sexually violent predator registers as a
30 transient, notice shall be provided within seven days after

1 the chief law enforcement officer receives information
2 regarding the transient's release date and the information
3 required under section 9796.1.

4 * * *

5 Section 8. Section 9798.1(a), (b) introductory paragraph and
6 (c) are amended and subsection (b) is amended by adding a
7 paragraph to read:

8 § 9798.1. Information made available on the Internet and
9 electronic notification.

10 (a) Legislative findings.--It is hereby declared to be the
11 finding of the General Assembly that public safety will be
12 enhanced by making information about sexually violent predators,
13 lifetime registrants and other sex offenders available to the
14 public through the Internet and electronic notification.

15 Knowledge of whether a person is a sexually violent predator,
16 lifetime registrant or other sex offender could be a significant
17 factor in protecting oneself and one's family members, or those
18 in care of a group or community organization, from recidivist
19 acts by sexually violent predators, lifetime registrants and
20 other sex offenders. The technology afforded by the Internet and
21 electronic notification would make this information readily
22 accessible to parents and private entities, enabling them to
23 undertake appropriate remedial precautions to prevent or avoid
24 placing potential victims at risk. Public access to information
25 about sexually violent predators, lifetime registrants and other
26 sex offenders is intended solely as a means of public protection
27 and shall not be construed as punitive.

28 (b) Internet posting of sexually violent predators, lifetime
29 registrants [and], other offenders and electronic
30 notification.--The Commissioner of the Pennsylvania State Police

1 shall, in the manner and form directed by the Governor:

2 * * *

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

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

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

15 (i) name and all known aliases;

16 (ii) year of birth;

17 (iii) the street address, municipality, county and
18 zip code of all residences, including, where applicable,
19 the name of the prison or other place of confinement;

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

23 (v) the municipality, county and zip code of any
24 employment location;

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

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

30 (viii) any identifying marks, including scars,

1 birthmarks and tattoos;

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

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

6 (xi) whether the victim is a minor;

7 (xii) a description of the offense or offenses which
8 triggered the application of this subchapter; [and]

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

11 (xiv) whether the sexually violent predator is
12 registered as a transient. If the sexually violent
13 predator is registered as a transient, the information in
14 section 9796.1(b)(2) (relating to registration of
15 transients) shall be provided in addition to the
16 information set forth in subsection (c)(1).

17 (2) For all other lifetime registrants and offenders
18 subject to registration, the information set forth in
19 paragraph (1) shall be posted on the Internet website. If the
20 lifetime registrant or offender is registered as a transient,
21 the information provided in section 9796.1(b)(2) shall be
22 provided in addition to the information set forth in
23 subsection (c)(1).

24 * * *

25 Section 9. Sections 9799.1(2) and (4) and 9799.9 of Title 42
26 are amended to read:

27 § 9799.1. Duties of Pennsylvania State Police.

28 The Pennsylvania State Police shall:

29 * * *

30 (2) In consultation with the Department of Corrections,

1 the Office of Attorney General, the Pennsylvania Board of
2 Probation and Parole and the chairman and the minority
3 chairman of the Judiciary Committee of the Senate and the
4 chairman and the minority chairman of the Judiciary Committee
5 of the House of Representatives, promulgate guidelines
6 necessary for the general administration of this subchapter.
7 These guidelines shall establish procedures to allow an
8 individual subject to the requirements of sections 9795.1
9 (relating to registration) [and], 9796 (relating to
10 verification of residence) and 9796.1 (relating to
11 registration of transients) to fulfill these requirements at
12 approved registration sites throughout this Commonwealth. The
13 Pennsylvania State Police shall publish a list of approved
14 registration sites in the Pennsylvania Bulletin and provide a
15 list of approved registration sites in any notices sent to
16 individuals required to register under section 9795.1. An
17 approved registration site shall be capable of submitting
18 fingerprints, photographs and any other information required
19 electronically to the Pennsylvania State Police. The
20 Pennsylvania State Police shall require that approved
21 registration sites submit fingerprints utilizing the
22 Integrated Automated Fingerprint Identification System or in
23 another manner and in such form as the Pennsylvania State
24 Police shall require. The Pennsylvania State Police shall
25 require that approved registration sites submit photographs
26 utilizing the Commonwealth Photo Imaging Network or in
27 another manner and in such form as the Pennsylvania State
28 Police shall require. Approved registration sites shall not
29 be limited to sites managed by the Pennsylvania State Police
30 and shall include sites managed by local law enforcement

1 agencies that meet the criteria for approved registration
2 sites set forth in this paragraph.

3 * * *

4 (4) Notify, within five days of receiving the offender's
5 or the sexually violent predator's registration, the chief
6 law enforcement officers of the police departments having
7 primary jurisdiction of the municipalities in which an
8 offender or sexually violent predator is registered as a
9 transient, resides, is employed or enrolled as a student of
10 the fact that the offender or sexually violent predator has
11 been registered with the Pennsylvania State Police pursuant
12 to sections 9795.2 (relating to registration procedures and
13 applicability) [and] 9796 [(relating to verification of
14 residence)] or section 9796.1.

15 * * *

16 § 9799.9. Photographs and fingerprinting.

17 An individual subject to former section 9793 (relating to
18 registration of certain offenders for ten years) or section
19 9795.1 (relating to registration) shall submit to fingerprinting
20 and photographing as required by this subchapter at approved
21 registration sites. Fingerprinting as required by this
22 subchapter shall, at a minimum, require submission of a full set
23 of fingerprints. Photographing as required by this subchapter
24 shall, at a minimum, require submission to photographs of the
25 face and any scars, marks, tattoos or other unique features of
26 the individual. Fingerprints and photographs obtained under this
27 subchapter may be maintained for use under this subchapter and
28 for general law enforcement purposes.

29 Section 10. This act shall apply as follows:

30 (1) The following provisions shall apply to individuals

1 incarcerated or convicted on or after the effective date of
2 this section:

3 (i) The addition of the term "transient" in 42
4 Pa.C.S. § 9792.

5 (ii) The addition of 42 Pa.C.S. § 9795.1(a)(4), (b)
6 (5) and (d).

7 (iii) The amendment of 42 Pa.C.S. § 9795.2.

8 (iv) The amendment or addition of 42 Pa.C.S. §
9 9795.3(2.2) and (5).

10 (v) The addition of 42 Pa.C.S. § 9796.1.

11 (vi) The amendment of 42 Pa.C.S. § 9797.

12 (vii) The amendment of 42 Pa.C.S. § 9798(a)(1) and
13 (c).

14 (viii) The amendment of 42 Pa.C.S. § 9798.1(c).

15 (ix) The amendment of 42 Pa.C.S. § 9799.1(4).

16 (2) This act shall not affect the requirements for
17 individuals registered pursuant to 42 Pa.C.S. Ch. 97 Subch. H
18 prior to the effective date of this section.

19 Section 11. This act shall take effect as follows:

20 (1) The following provisions shall take effect
21 immediately:

22 (i) This section.

23 (ii) The amendment of 18 Pa.C.S. § 4915(a), (b) and
24 (c).

25 (iii) The amendment of 42 Pa.C.S. § 9798.1(a) and
26 (b).

27 (2) The remainder of this act shall take effect in 60
28 days.