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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 231 Session of  
2017

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INTRODUCED BY BOSCOLA, SCARNATI, FONTANA, FARNESE, BREWSTER,  
HAYWOOD, SABATINA, TARTAGLIONE, VULAKOVICH, RAFFERTY AND  
RESCHENTHALER, JANUARY 26, 2017

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REFERRED TO JUDICIARY, JANUARY 26, 2017

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in offenses against the family,  
3 providing for residency restrictions for certain offenders  
4 and imposing a penalty.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 4307. Residency restrictions for certain offenders.

10 (a) General rule.--

11 (1) No person who is subject to registration under 42  
12 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual  
13 offenders) due to conviction for an offense wherein the  
14 victim was a minor may establish a residence or maintain a  
15 residence or other living accommodation within 1,000 feet of  
16 the real property on which is located any of the following:

17 (i) A public, private or parochial school.

18 (ii) A licensed preschool program.

1 (iii) A certified day-care center.

2 (iv) A registered family day-care home.

3 (v) A public playground recreation center.

4 (vi) A playground.

5 (2) No such person may establish a residence or maintain  
6 a residence or other living accommodation within 500 feet of  
7 any point at which transportation is provided to students of  
8 any public, private or parochial school except that provided  
9 by a fixed-route public transportation service as defined in  
10 74 Pa.C.S. § 1503 (relating to definitions).

11 (3) No such person who is subject to any order of  
12 parole, probation or supervision may be placed by any  
13 governmental authority in any residential setting that does  
14 not comply with the provisions of this section.

15 (b) Applicability.--Nothing in this section may require any  
16 person subject to the provisions of this section or 42 Pa.C.S.  
17 Ch. 97 Subch. H to sell or otherwise dispose of any real estate,  
18 home or other real property or to cancel any lease of real  
19 property that was acquired or entered prior to the effective  
20 date of this section. The provision of this section may not  
21 prohibit such a person from maintaining a residence at a  
22 location as provided in this subsection. In order for a person  
23 to comply with an exception provided under subsection (c), the  
24 person is required to provide evidence of the ownership or lease  
25 to the court wherein sentencing occurred and to the Pennsylvania  
26 State Police at the time of registration and verification under  
27 42 Pa.C.S. Ch. 97 Subch H:

28 (1) For real property, a copy of a deed, security  
29 interest or mortgage to which the person is a signatory.

30 (2) For purposes of a leasehold, a copy of the

1 applicable lease agreement to which the person is a  
2 signatory.

3 (c) Exceptions.--This section shall not apply to any person  
4 who resides in any of the following on a temporary or permanent  
5 basis:

6 (1) A hospital licensed by the Commonwealth.

7 (2) A nursing home or similar entity licensed by the  
8 Commonwealth.

9 (3) Except as provided in subsection (a), any place  
10 where the person is incarcerated due to a criminal charge or  
11 conviction.

12 (4) Any location where a person is voluntarily or  
13 involuntarily committed for treatment under the act of July  
14 9, 1976 (P.L.817, No.143), known as the Mental Health  
15 Procedures Act.

16 (5) A temporary lodging for consideration for a term  
17 that is less than 15 consecutive days.

18 (d) Notice.--Any person subject to this section who lives  
19 within 1,000 feet of the real property of any entity provided in  
20 subsection (a) by operation of subsection (b) or (c) shall be  
21 subject to the notification provisions under 42 Pa.C.S. §  
22 9799.27 (relating to other notification).

23 (e) Board of school directors.--Each year, for the  
24 forthcoming school year, the board of school directors of any  
25 school district that provides for the transportation of students  
26 under section 1361 of the act of March 10, 1949 (P.L.30, No.14),  
27 known as the Public School Code of 1949, shall determine if a  
28 person subject to the restrictions provided in this section  
29 resides within 500 feet of a point where students receiving  
30 transportation to and from school shall embark or disembark from

1 the conveyance. If it is determined that a person subject to the  
2 restrictions provided in this section resides within 500 feet of  
3 the point of embarking or disembarking a conveyance and it is  
4 impracticable for the school district or its agent to assign  
5 another point of embarking or disembarking, the board of school  
6 directors shall do all of the following:

7 (1) Notify each law enforcement agency with jurisdiction  
8 over the point of embarking or disembarking the conveyance.

9 (2) Notify each law enforcement agency with jurisdiction  
10 in the school district.

11 (3) Notify the parents of any student who will be  
12 required to use a point of embarking or disembarking that  
13 falls within 500 feet of the residence of a person subject to  
14 the restrictions of this section.

15 (f) Grading.--

16 (1) Except as provided in paragraph (2), an offense  
17 under this section shall be graded as a misdemeanor of the  
18 first degree.

19 (2) A second or subsequent offense under this section  
20 shall be graded as a felony of the third degree.

21 (g) Immunity for good faith conduct.--The following shall be  
22 immune from liability under this section for good faith conduct:

23 (1) A school district, including, but not limited to,  
24 its board of school directors and employees.

25 (2) Agents of a school district who, pursuant to their  
26 contract with the school district, provide transportation for  
27 students to or from any public, private or parochial school.

28 Section 2. This act shall take effect in 60 days.