

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 164 Session of 2007

INTRODUCED BY PAYNE, BELFANTI, CAPPELLI, CREIGHTON, KOTIK,  
McILHATTAN, PYLE, RAPP, RAYMOND, READSHAW, SAYLOR, STERN,  
TRUE, WATSON, YOUNGBLOOD, SURRA, KILLION, SCAVELLO, GINGRICH  
AND SOLOBAY, FEBRUARY 1, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 1, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for rape and for involuntary  
4 deviate sexual intercourse; providing for loss of property  
5 rights by certain offenders and for conduct relating to sex  
6 offenders; further providing for failure to comply with  
7 sexual offender registration requirements; defining "GPS" and  
8 "GPS tracking device"; further providing for registration and  
9 for registration procedures and applicability; providing for  
10 GPS tracking, for restricted travel, for alert system and for  
11 child protective zones; and further providing for offenses  
12 against infant persons, for verification of residence and for  
13 information made available on the Internet.

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

16 Section 1. Sections 3121(e) and 3123(d) of Title 18 of the  
17 Pennsylvania Consolidated Statutes are amended and the sections  
18 are amended by adding subsections to read:

19 § 3121. Rape.

20 \* \* \*

21 (e) Sentences.--Notwithstanding the provisions of section  
22 1103 (relating to sentence of imprisonment for felony), except

1 as set forth in subsection (f), a person convicted of an offense  
2 under:

3 (1) Subsection (c) shall be sentenced to a term of  
4 imprisonment which shall be fixed by the court at not less  
5 than 25 years nor more than [40] 75 years.

6 (2) Subsection (d) shall be sentenced [up] to a minimum  
7 term of 50 years and a maximum term of life imprisonment with  
8 no possibility of parole.

9 (f) Multiple victims.--A consecutive term of imprisonment  
10 shall be imposed for each victim of an offense under subsection  
11 (c) or (d).

12 § 3123. Involuntary deviate sexual intercourse.

13 \* \* \*

14 (d) Sentences.--Notwithstanding the provisions of section  
15 1103 (relating to sentence of imprisonment for felony), except  
16 as set forth in subsection (d.1), a person convicted of an  
17 offense under:

18 (1) Subsection (b) shall be sentenced to a term of  
19 imprisonment which shall be fixed by the court at not less  
20 than 25 years nor more than [40] 75 years.

21 (2) Subsection (c) shall be sentenced [up] to a minimum  
22 term of 50 years and to a maximum term of life imprisonment  
23 with no possibility of parole.

24 (d.1) Multiple victims.--A consecutive term of imprisonment  
25 shall be imposed for each victim of an offense under subsection  
26 (b) or (c).

27 Section 2. Section 4915 of Title 18, amended November 29,  
28 2006 (P.L.1567, No.178), is amended to read:

29 § 4915. Failure to comply with registration of sexual offenders  
30 requirements.

1 (a) Offense defined.--An individual who is subject to  
2 registration under 42 Pa.C.S. § 9795.1(a) (relating to  
3 registration) or an individual who is subject to registration  
4 under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) commits an offense  
5 if he knowingly fails to:

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

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

12 (3) provide accurate information when registering under  
13 42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S.  
14 § 9796.

15 (a.1) Harboring offenders.--A person commits a felony of the  
16 third degree if the person knowingly or intentionally assists an  
17 individual subject to registration under 42 Pa.C.S. § 9795.1 in  
18 evading the requirements of 42 Pa.C.S. § 9795.2.

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

20 (2) Except as set forth in paragraph (3), an individual  
21 subject to registration under 42 Pa.C.S. § 9795.1(a) who  
22 commits a violation of subsection (a)(1) [or (2)], (2) or (3)  
23 commits a felony of the [third] second degree.

24 (3) An individual subject to registration under 42  
25 Pa.C.S. § 9795.1(a) who commits a violation of subsection  
26 (a)(1) [or (2)], (2) or (3) and who has previously been  
27 convicted of an offense under subsection (a)(1) or (2) or a  
28 similar offense commits a felony of the [second] first  
29 degree.

30 [(4) An individual subject to registration under 42

1 Pa.C.S. § 9795.1(a) who violates subsection (a)(3) commits a  
2 felony of the second degree.]

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

5 (2) Except as set forth in paragraph (3), an individual  
6 subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2)  
7 or (3) who commits a violation of subsection (a)(1) or (2)  
8 commits a felony of the [second] third degree.

9 (3) An individual subject to registration under 42  
10 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of  
11 subsection (a)(1) or (2) and who has previously been  
12 convicted of an offense under subsection (a)(1) or (2) or a  
13 similar offense commits a felony of the [first] second  
14 degree.

15 (4) An individual subject to registration under 42  
16 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection  
17 (a)(3) commits a felony of the [first] second degree.

18 (d) Effect of notice.--Neither failure on the part of the  
19 Pennsylvania State Police to send nor failure of a sexually  
20 violent predator or offender to receive any notice or  
21 information pursuant to 42 Pa.C.S. § 9796(a.1) or (b.1) shall be  
22 a defense to a prosecution commenced against an individual  
23 arising from a violation of this section. The provisions of 42  
24 Pa.C.S. § 9796(a.1) and (b.1) are not an element of an offense  
25 under this section.

26 (e) Arrests for violation.--

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

1 occurred in the presence of the police officer.

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

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

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

13 (ii) The individual must provide the Pennsylvania  
14 State Police with all current or intended residences, all  
15 information concerning current or intended employment,  
16 including all employment locations, and all information  
17 concerning current or intended enrollment as a student.

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

20 (f) Definition.--As used in this section, the term "a  
21 similar offense" means an offense similar to an offense under  
22 either subsection (a)(1) or (2) under the laws of this  
23 Commonwealth, the United States or one of its territories or  
24 possessions, another state, the District of Columbia, the  
25 Commonwealth of Puerto Rico or a foreign nation.

26 Section 3. Section 9718(a) of Title 42, amended November 29,  
27 2006 (P.L.1567, No.178), is amended to read:

28 § 9718. Sentences for offenses against [infant persons]  
29 children.

30 (a) Mandatory sentence.--

1           (1) A person convicted of the following offenses when  
2 the victim is under 16 years of age shall be sentenced to a  
3 mandatory term of imprisonment as follows:

4           18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated  
5 assault) - not less than [two years.] ten years for a first  
6 offense, 20 years for a second offense or 40 years for a  
7 third offense.

8           18 Pa.C.S. § 3121(a)(1), (2), (3), (4) and (5) (relating  
9 to rape) - not less than ten years for a first offense, 20  
10 years for a second offense or 40 years for a third offense.

11           18 Pa.C.S. § 3123 (relating to involuntary deviate sexual  
12 intercourse) - not less than ten years for a first offense,  
13 20 years for a second offense or 40 years for a third  
14 offense.

15           18 Pa.C.S. § 3125(a)(1) through (6) (relating to  
16 aggravated indecent assault) - not less than [five years] ten  
17 years for a first offense, 20 years for a second offense or  
18 40 years for a third offense.

19           (2) A person convicted of the following offenses when  
20 the victim is less than 13 years of age shall be sentenced to  
21 a mandatory term of imprisonment as follows:

22           18 Pa.C.S. § 2702(a)(1) - not less than [five years] ten  
23 years for a first offense, 20 years for a second offense or  
24 40 years for a third offense.

25           (3) A person convicted of the following offenses shall  
26 be sentenced to a mandatory term of imprisonment as follows:

27           18 Pa.C.S. § 3121(c) and (d) - not less than ten years  
28 for a first offense, 20 years for a second offense or 40  
29 years for a third offense.

30           18 Pa.C.S. § 3125(a)(7) - not less than [five years] ten

1 years for a first offense, 20 years for a second offense or  
2 40 years for a third offense.

3 18 Pa.C.S. § 3125(b) - not less than ten years[.] for a  
4 first offense, 20 years for a second offense or 40 years for  
5 a third offense.

6 (4) An offender designated as a "sexually violent  
7 predator" as defined in section 9792 (relating to  
8 definitions) who commits any of the offenses in paragraph (1)  
9 or (2) shall be sentenced to a mandatory term of imprisonment  
10 as follows: 25 years for a first offense, 50 years for a  
11 second offense or 75 years for a third offense.

12 \* \* \*

13 Section 4. Section 9792 of Title 42 is amended by adding  
14 definitions to read:

15 § 9792. Definitions.

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

19 \* \* \*

20 "GPS." A global positioning system operated by the United  
21 States Department of Defense which provides specially coded  
22 satellite signals that can be processed by a receiver to compute  
23 location.

24 "GPS tracking device." A device which enables the location  
25 of the offender to be monitored through use of GPS and related  
26 technology and which is designed so that it:

27 (1) actively and continuously monitors, identifies and  
28 reports location data within a 100-mile radius;

29 (2) permits the Pennsylvania State Police and any local  
30 police department to receive location data, record it

1 securely and confidentially and retain it indefinitely;

2 (3) can be worn around the wrist or ankle; and

3 (4) cannot be removed without:

4 (i) employing specialized equipment specifically  
5 designed for that purpose; and

6 (ii) alerting the Pennsylvania State Police and each  
7 local police department that it has been removed.

8 \* \* \*

9 Section 5. Section 9795.2 heading, (a) and (d) of Title 42,  
10 amended November 24, 2004 (P.L.1243, No.152) and November 29,  
11 2006 (P.L.1567, No.178), are amended and the section is amended  
12 by adding subsections to read:

13 § 9795.2. Registration procedures [and]; applicability;  
14 probationary supervision; alert system; and child  
15 protection zone.

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[,]. If the offender or  
25 sexually violent predator's place of residence is a motor  
26 vehicle, trailer, mobile home or manufactured home, the  
27 offender or sexually violent predator shall also provide the  
28 vehicle identification number, the license tag number, the  
29 registration number and a description, including color  
30 scheme, of the motor vehicle, trailer, mobile home or



1 manufactured home. If the offender or sexually violent  
2 predator's place of residence is a vessel, live-aboard vessel  
3 or houseboat, the offender or sexually violent predator shall  
4 also provide the hull identification number, the  
5 manufacturer's serial number, the name of the vessel, live-  
6 aboard vessel or houseboat, the registration number and a  
7 description, including color scheme, of the vessel, live-  
8 aboard vessel or houseboat. The registration process also  
9 requires offenders and sexually violent predators to disclose  
10 all information concerning current or intended employment and  
11 all information concerning current or intended enrollment as  
12 a student.

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

15 (i) Any change of residence or establishment of an  
16 additional residence or residences.

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

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

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

27 (2.1) Registration with a new law enforcement agency  
28 shall occur no later than 48 hours after establishing  
29 residence in another state.

30 (2.2) Persons required to comply with registration

1 provisions pursuant to a conviction for a sexual offense  
2 under the laws of the United States or one of its territories  
3 or possessions, another state, the District of Columbia, the  
4 Commonwealth of Puerto Rico or a foreign nation shall  
5 register with the Pennsylvania State Police no later than ten  
6 days after establishing residence in this Commonwealth.

7 (3) The ten-year registration period required in section  
8 9795.1(a) (relating to registration) shall be tolled when an  
9 offender is recommitted for a parole violation or sentenced  
10 to an additional term of imprisonment. In such cases, the  
11 Department of Corrections or county correctional facility  
12 shall notify the Pennsylvania State Police of the admission  
13 of the offender.

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

16 (i) Where the offender or sexually violent predator  
17 was granted parole by the Pennsylvania Board of Probation  
18 and Parole or the court or is sentenced to probation or  
19 intermediate punishment, the board or county office of  
20 probation and parole shall collect registration  
21 information from the offender or sexually violent  
22 predator and forward that registration information to the  
23 Pennsylvania State Police. The Department of Corrections  
24 or county correctional facility shall not release the  
25 offender or sexually violent predator until it receives  
26 verification from the Pennsylvania State Police that it  
27 has received the registration information. Verification  
28 by the Pennsylvania State Police may occur by electronic  
29 means, including e-mail or facsimile transmission. Where  
30 the offender or sexually violent predator is scheduled to

1 be released from a State correctional facility or county  
2 correctional facility because of the expiration of the  
3 maximum term of incarceration, the Department of  
4 Corrections or county correctional facility shall collect  
5 the information from the offender or sexually violent  
6 predator no later than ten days prior to the maximum  
7 expiration date. The registration information shall be  
8 forwarded to the Pennsylvania State Police.

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

20 \* \* \*

21 (c.1) GPS tracking device.--

22 (1) Upon classification as a sexually violent predator,  
23 the sexually violent predator shall be fitted with a GPS  
24 tracking device.

25 (2) The Pennsylvania State Police shall combine data  
26 collected by use of GPS tracking devices and retain the data  
27 in a single database which can be searched by date, time and  
28 location. Information in the database is confidential and  
29 shall be accessed only by authorized law enforcement  
30 personnel in connection with official investigation of cases

1 in which the status of an individual fitted with a GPS  
2 tracking device may be relevant to the investigation.

3 (d) Penalty.--

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

9 (2) An individual who fails to immediately notify the  
10 nearest police department that a sexually violent predator's  
11 GPS tracking device has been removed commits a felony of the  
12 third degree.

13 (3) A person that, without court order, removes, alters,  
14 tampers with, interferes with the operation of, damages or  
15 destroys a GPS tracking device commits a felony of the third  
16 degree.

17 (4) A person that violates subsection (c.1)(2) commits a  
18 misdemeanor of the third degree.

19 \* \* \*

20 (f) Travel restricted.--No person subject to section 9795.1  
21 who is on parole, commencing a sentence of intermediate  
22 punishment or subject to probationary supervision shall be  
23 permitted to travel out of the person's county of residence  
24 without specific permission of the court of record.

25 (g) Alert system.--The Pennsylvania State Police shall  
26 establish and maintain an alert system which provides prompt  
27 notification to the general public and law enforcement  
28 authorities and assists in identifying and locating persons  
29 subject to GPS tracking who fail to register as required by this  
30 chapter or who violate subsection (d)(3) or (h). The

Pennsylvania State Police shall establish such protocols and procedures as are necessary for the effective operation of the alert system and shall educate and inform local law enforcement agencies and the public with regard to its availability. Owners, licensees, operators and employees of any communication medium, including, but not limited to, telephone, radio, television, newspaper, digital communications network or global communications network shall be immune from civil liability for good faith conduct while participating in accordance with this subsection.

(h) Child protective zone.--A person subject to the registration requirements of section 9795.1 who intentionally or knowingly enters into an area within 2,000 feet of a school, playground, park or day-care center commits a felony of the third degree.

Section 6. Section 9796 of Title 42, amended November 24, 2004 (P.L.1243, No.152), is amended to read:

§ 9796. Verification of residence.

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

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

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

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

16 (a.2) Quarterly verification.--Sexually violent predators  
17 shall appear quarterly between January 5 and January 15, April 5  
18 and April 15, July 5 and July 15 and October 5 and October 15 of  
19 each calendar year at an approved registration site to complete  
20 a verification form and to be photographed.

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

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

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

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

10       (b.2) Quarterly verification by offenders.--The Pennsylvania  
11 State Police shall verify the residence of offenders every 90  
12 days through the use of a nonforwardable verification form to  
13 the last reported residence.

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

25       (d) Failure to provide verification.--Where an offender or  
26 sexually violent predator fails to provide verification of  
27 residence within the ten-day period as set forth in this  
28 section, the Pennsylvania State Police shall immediately notify  
29 the municipal police department of the offender's or the  
30 sexually violent predator's last verified residence. The local

1 municipal police shall locate the offender or sexually violent  
2 predator and arrest him for violating this section. The  
3 Pennsylvania State Police shall assume responsibility for  
4 locating the offender or sexually violent predator and arresting  
5 him in jurisdictions where no municipal police jurisdiction  
6 exists. The Pennsylvania State Police shall assist any municipal  
7 police department requesting assistance with locating and  
8 arresting an offender or sexually violent predator who fails to  
9 verify his residence.

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

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

20 Section 7. Section 9798.1 of Title 42, added November 24,  
21 2004 (P.L.1243, No.152), November 9, 2006 (P.L.1352, No.143) and  
22 November 29, 2006 (P.L.1581, No.179), is amended to read:

23 § 9798.1. Information made available on the Internet.

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



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

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

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

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

27 (3) Ensure that the Internet website contains an  
28 explanation of its limitations, including statements advising  
29 that a positive identification of a sexually violent  
30 predator, lifetime registrant or other offender whose record

1 has been made available may be confirmed only by  
2 fingerprints; that some information contained on the Internet  
3 website may be outdated or inaccurate; and that the Internet  
4 website is not a comprehensive listing of every person who  
5 has ever committed a sex offense in Pennsylvania.

6 (4) Strive to ensure that:

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

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

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

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

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

24 (7) Provide current or prospective Commonwealth  
25 residents the ability to search the database of an Internet  
26 website by inputting a home address. This type of Internet  
27 search shall enable current or prospective residents to input  
28 an address and discover if persons required to register under  
29 section 9795.1 (relating to registration) live within five  
30 miles of their residence. This function shall allow current

1 or prospective Commonwealth residents the ability to view the  
2 location of the residence of those required to register under  
3 section 9795.1 in relation to their own by electronic map.

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

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

10 (i) name and all known aliases;

11 (ii) year of birth;

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

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

18 (v) the municipality, county and zip code of any  
19 employment location;

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

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

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

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

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

(xi) whether the victim is a minor;  
(xii) a description of the offense or offenses which triggered the application of this subchapter; and  
(xiii) the date of the offense and conviction, if available.

(2) For all other lifetime registrants and offenders subject to registration, the information set forth 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 9795.5 (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 any extension of this period pursuant to 9795.2(a)(3) (relating to registration procedures and applicability).

(e) Use of information to commit offense.--Use of information published on the Internet in accordance with this section with intent to facilitate commission of a criminal offense shall constitute an offense of the same grade and degree as the underlying criminal offense.

Section 8. This act shall take effect January 1, 2008.