

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 75 Session of 2011

INTRODUCED BY MARSICO, CALTAGIRONE, BAKER, BARRAR, BOYD, B. BOYLE, CHRISTIANA, DeLUCA, DePASQUALE, EVERETT, FABRIZIO, GABLER, GEIST, GINGRICH, GOODMAN, GRELL, GROVE, HARRIS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M.K. KELLER, KILLION, KOTIK, LONGIETTI, MATZIE, MILLER, OBERLANDER, PAYNE, PICKETT, PYLE, QUINN, READSHAW, SACCONI, SAYLOR, SCAVELLO, K. SMITH, SONNEY, STEPHENS, STEVENSON, STURLA, SWANGER, TOEPEL, VULAKOVICH, WATSON, YOUNGBLOOD, BOBACK, KORTZ, REICHLEY, HESS, HELM AND CAUSER, JANUARY 19, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 19, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
 2 Pennsylvania Consolidated Statutes, further providing for  
 3 sentence for failure to comply with registration of sexual  
 4 offenders.

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

7 Section 1. Section 9718.3(a) of Title 42 of the Pennsylvania  
 8 Consolidated Statutes is amended and the section is amended by  
 9 adding a subsection to read:

10 § 9718.3. Sentence for failure to comply with registration of  
 11 sexual offenders.

12 (a) Mandatory sentence.--Mandatory sentencing shall be as  
 13 follows:

14 (1) Sentencing upon conviction for a first offense shall  
 15 be as follows:

1 (i) Not less than two years for an individual who:

2 (A) was subject to section 9795.1(a) (relating  
3 to registration) or a similar provision from another  
4 jurisdiction or former section 9793 (relating to  
5 registration of certain offenders for ten years); and

6 (B) violated 18 Pa.C.S. § 4915(a) (1) or (2)  
7 (relating to failure to comply with registration of  
8 sexual offenders requirements).

9 (ii) Not less than three years for an individual

10 who:

11 (A) was subject to section 9795.1(a) or a  
12 similar provision from another jurisdiction or former  
13 section 9793; and

14 (B) violated 18 Pa.C.S. § 4915(a) (3).

15 (iii) Not less than three years for an individual

16 who:

17 (A) was subject to section 9795.1(b) or a  
18 similar provision from another jurisdiction; and

19 (B) violated 18 Pa.C.S. § 4915(a) (1) or (2).

20 (iv) Not less than five years for an individual who:

21 (A) was subject to section 9795.1(b) or a  
22 similar provision from another jurisdiction; and

23 (B) violated 18 Pa.C.S. § 4915(a) (3).

24 (2) Sentencing upon conviction for a second or  
25 subsequent offense shall be as follows:

26 (i) Not less than five years for an individual who:

27 (A) was subject to section 9795.1 or a similar  
28 provision from another jurisdiction or former section  
29 9793; and

30 (B) violated 18 Pa.C.S. § 4915(a) (1) or (2).

1 (ii) Not less than seven years for an individual  
2 who:

3 (A) was subject to section 9795.1 or a similar  
4 provision from another jurisdiction or former section  
5 9793; and

6 (B) violated 18 Pa.C.S. § 4915(a)(3).

7 (a.1) Transients and mandatory sentence.--Mandatory  
8 sentencing shall be as follows for an individual subject to  
9 registration as a transient under section 9796.1 (relating to  
10 registration of transients):

11 (1) Sentencing upon conviction for a first offense shall  
12 be not less than two years for an individual who:

13 (i) was subject to section 9796.1 or a similar  
14 provision from another jurisdiction; and

15 (ii) violated 18 Pa.C.S. § 4915(a.1).

16 (2) Sentencing upon conviction for a second or  
17 subsequent offense shall be not less than five years for an  
18 individual who:

19 (i) was subject to section 9796.1 or a similar  
20 provision from another jurisdiction; and

21 (ii) violated 18 Pa.C.S. § 4915(a.1).

22 \* \* \*

23 Section 2. The amendment or addition of 42 Pa.C.S. §  
24 9718.3(a) and (a.1) shall apply to individuals convicted after  
25 the effective date of this section.

26 Section 3. This act shall take effect in 60 days.