

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of 2011

INTRODUCED BY ORIE, RAFFERTY, WARD, ALLOWAY, FONTANA, BROWNE, BOSCOLA, MENSCH, SCARNATI, FARNESE AND TARTAGLIONE, JUNE 28, 2011

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, NOVEMBER 14, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations), 42 (Judiciary and Judicial Procedure), 44 (Law
3 and Justice) and 61 (Prisons and Parole) of the Pennsylvania
4 Consolidated Statutes, extensively revising provisions
5 relating to the treatment, classification, sentencing and
6 registration of sexual offenders; FURTHER PROVIDING FOR
7 OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES; and
8 making editorial changes.



9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Sections 2901, 2902, 2903, 3122.1, 3124.2,
12 3130(a) introductory paragraph and (1) and (b), 3141, ~~4302, 4915~~
13 ~~and 5902(c)~~ AND 4302 of Title 18 of the Pennsylvania



14 Consolidated Statutes are amended to read:

15 § 2901. Kidnapping.

16 (a) Offense defined.--[A] Except as provided for in
17 subsection (a.1), a person is guilty of kidnapping if he
18 unlawfully removes another a substantial distance under the
19 circumstances from the place where he is found, or if he
20 unlawfully confines another for a substantial period in a place

1 of isolation, with any of the following intentions:

2 (1) To hold for ransom or reward, or as a shield or
3 hostage.

4 (2) To facilitate commission of any felony or flight
5 thereafter.

6 (3) To inflict bodily injury on or to terrorize the
7 victim or another.

8 (4) To interfere with the performance by public
9 officials of any governmental or political function.

10 (a.1) Kidnapping of a minor.--A person is guilty of
11 kidnapping of a minor if he unlawfully removes a person under 18
12 years of age a substantial distance under the circumstances from
13 the place where he is found, or if he unlawfully confines
14 another for a substantial period in a place of isolation, with
15 any of the following intentions:

16 (1) To hold for ransom or reward, or as a shield or
17 hostage.

18 (2) To facilitate commission of any felony or flight
19 thereafter.

20 (3) To inflict bodily injury on or to terrorize the
21 victim or another.

22 (4) To interfere with the performance by public
23 officials of any governmental or political function.

24 (b) Grading.--Kidnapping [is a felony] and kidnapping of a
25 minor are both felonies of the first degree. A removal or
26 confinement is unlawful within the meaning of this section if it
27 is accomplished by force, threat or deception, or, in the case
28 of a person who is under the age of 14 years or an incapacitated
29 person, if it is accomplished without the consent of a parent,
30 guardian or other person responsible for general supervision of

1 his welfare.

2 § 2902. Unlawful restraint.

3 (a) Offense defined.--[A person commits an offense] Except
4 as provided for under subsection (b), a person commits a
5 misdemeanor of the first degree if he knowingly:

6 (1) restrains another unlawfully in circumstances
7 exposing him to risk of serious bodily injury; or

8 (2) holds another in a condition of involuntary
9 servitude.

10 [(b) Grading.--

11 (1) Except as provided in paragraph (2), an offense
12 under subsection (a) is a misdemeanor of the first degree.

13 (2) If the victim of the offense is an individual under
14 18 years of age, an offense under subsection (a) is a felony
15 of the second degree.]

16 (b) Unlawful restraint of a minor.--If the victim is a
17 person under 18 years of age, a person WHO IS NOT THE VICTIM'S ←
18 PARENT commits a felony of the second degree if he knowingly:

19 (1) restrains another unlawfully in circumstances
20 exposing him to risk of serious bodily injury; or

21 (2) holds another in a condition of involuntary
22 servitude.

23 § 2903. False imprisonment.

24 (a) Offense defined.--[A person commits an offense] Except
25 as provided for under subsection (b), a person commits a
26 misdemeanor of the second degree if he knowingly restrains
27 another unlawfully so as to interfere substantially with his
28 liberty.

29 [(b) Grading.--

30 (1) Except as provided in paragraph (2), an offense

1 under subsection (a) is a misdemeanor of the second degree.

2 (2) If the victim of the offense is an individual under
3 18 years of age, an offense under subsection (a) is a felony
4 of the second degree.]

5 (b) False imprisonment of a minor.--If the victim is a
6 person under 18 years of age, a person WHO IS NOT THE VICTIM'S ←
7 PARENT commits a felony of the second degree if he knowingly
8 restrains another unlawfully so as to interfere substantially
9 with his liberty.

10 § 3122.1. Statutory sexual assault.

11 (a) Felony of the second degree.--Except as provided in
12 section 3121 (relating to rape), a person commits a felony of
13 the second degree when that person engages in sexual intercourse
14 with a complainant to whom the person is not married who is
15 under the age of 16 years and that person is either:

16 (1) four [or more] years older but not more than seven
17 years older than the complainant [and the complainant and the
18 person are not married to each other.]; or

19 (2) eight years older but not more than ten years older
20 than the complainant.

21 (b) Felony of the first degree.--A person commits a felony
22 of the first degree when that person engages in sexual
23 intercourse with a complainant under the age of 16 years and
24 that person is 11 or more years older than the complainant and
25 the complainant and the person are not married to each other.

26 § 3124.2. Institutional sexual assault.

27 (a) General rule.--Except as provided under subsection (a.1)
28 and in sections 3121 (relating to rape), 3122.1 (relating to
29 statutory sexual assault), 3123 (relating to involuntary deviate
30 sexual intercourse), 3124.1 (relating to sexual assault) and

1 3125 (relating to aggravated indecent assault), a person who is
2 an employee or agent of the Department of Corrections or a
3 county correctional authority, youth development center, youth
4 forestry camp, State or county juvenile detention facility,
5 other licensed residential facility serving children and youth,
6 or mental health or mental retardation facility or institution
7 commits a felony of the third degree when that person engages in
8 sexual intercourse, deviate sexual intercourse or indecent
9 contact with an inmate, detainee, patient or resident.

10 (a.1) Institutional sexual assault of a minor.--If the
11 inmate, detainee, patient or resident is a person under 18 years
12 of age, a person who is an employee or agent of the Department
13 of Corrections or a county correctional authority, youth
14 development center, youth forestry camp, State or county
15 juvenile detention facility, other licensed residential facility
16 serving children and youth or a mental health or a mental
17 retardation facility or institution commits a felony of the
18 third degree when that person engages in sexual intercourse,
19 deviate sexual intercourse or indecent contact with an inmate,
20 detainee, patient or resident.

21 (b) Definition.--As used in this section, the term "agent"
22 means a person who is assigned to work in a State or county
23 correctional or juvenile detention facility, a youth development
24 center, youth forestry camp, other licensed residential facility
25 serving children and youth, or mental health or mental
26 retardation facility or institution who is employed by any State
27 or county agency or any person employed by an entity providing
28 contract services to the agency.

29 § 3130. Conduct relating to sex offenders.

30 (a) Offense defined.--A person commits a felony of the third

1 degree if the person has reason to believe that a sex offender
2 is not complying with or has not complied with the requirements
3 of the sex offender's probation or parole, imposed by statute or
4 court order, or with the registration requirements of 42 Pa.C.S.
5 [§ 9795.2 (relating to registration procedures and
6 applicability)] Ch. 97 Subch. H (relating to registration of
7 sexual offenders), and the person, with the intent to assist the
8 sex offender in eluding a law enforcement agent or agency that
9 is seeking to find the sex offender to question the sex offender
10 about, or to arrest the sex offender for, noncompliance with the
11 requirements of the sex offender's probation or parole or the
12 requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H:

13 (1) withholds information from or does not notify the
14 law enforcement agent or agency about the sex offender's
15 noncompliance with the requirements of parole, the
16 requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H or, if
17 known, the sex offender's whereabouts;

18 * * *

19 (b) Definition.--As used in this section, the term "sex
20 offender" means a person who is required to register with the
21 Pennsylvania State Police pursuant to the provisions of 42
22 Pa.C.S. [§ 9795.1 (relating to registration)] Ch. 97 Subch. H.
23 § 3141. General rule.

24 A person:

25 (1) convicted under section 3121 (relating to rape),
26 3122.1 (relating to statutory sexual assault), 3123 (relating
27 to involuntary deviate sexual intercourse), 3124.1 (relating
28 to sexual assault), 3125 (relating to aggravated indecent
29 assault) or 3126 (relating to indecent assault); or

30 (2) required to register with the Pennsylvania State

1 Police under 42 Pa.C.S. [§ 9795.2 (relating to registration
2 procedures and applicability)] Ch. 97 Subch. H (relating to
3 registration of sexual offenders);

4 may be required to forfeit property rights in any property or
5 assets used to implement or facilitate commission of the crime
6 or crimes of which the person has been convicted. Such property
7 may include, but is not limited to, a computer or computers,
8 telephone equipment, firearms, licit or illicit prescription
9 drugs or controlled substances, a motor vehicle or such other
10 property or assets as determined by the court of common pleas to
11 have facilitated the person's criminal misconduct.

12 § 4302. Incest.

13 [A] (a) General rule.--Except as provided for under
14 subsection (b), a person is guilty of incest, a felony of the
15 second degree, if that person knowingly marries or cohabits or
16 has sexual intercourse with an ancestor or descendant, a brother
17 or sister of the whole or half blood or an uncle, aunt, nephew
18 or niece of the whole blood. [The relationships referred to in
19 this section include blood relationships without regard to
20 legitimacy, and relationship of parent and child by adoption.]

21 (b) Incest of a minor.--A person is guilty of incest of a
22 minor, a felony of the second degree, if that person knowingly
23 marries, cohabits with or has sexual intercourse with a
24 complainant who is an ancestor or descendant, a brother or
25 sister of the whole or half blood or an uncle, aunt, nephew or
26 niece of the whole blood and:

27 (1) is under the age of 13 years; or

28 (2) is 13 to 18 years of age and the person is four or
29 more years older than the complainant.

30 (c) Relationships.--The relationships referred to in this

1 section include blood relationships without regard to
2 legitimacy, and relationship of parent and child by adoption.

3 ~~§ 4915. Failure to comply with registration of sexual offenders~~ ←
4 ~~requirements.~~

5 ~~(a) Offense defined. An individual who is subject to~~
6 ~~registration under 42 Pa.C.S. [§ 9795.1(a) (relating to~~
7 ~~registration) or an individual who is subject to registration~~
8 ~~under 42 Pa.C.S. § 9795.1(b) (1), (2) or (3)] Ch. 97 Subch. H~~
9 ~~(relating to registration of sexual offenders) commits an~~
10 ~~offense if he knowingly fails to:~~

11 ~~(1) register with the Pennsylvania State Police or~~
12 ~~report a change in registration information as required under~~
13 ~~42 Pa.C.S. [§ 9795.2 (relating to registration procedures and~~
14 ~~applicability)] Ch. 97 Subch. H;~~

15 ~~(2) verify his address or registration information or be~~
16 ~~photographed as required under 42 Pa.C.S. [§ 9796 (relating~~
17 ~~to verification of residence)] Ch. 97 Subch. H; or~~

18 ~~(3) provide accurate information when registering [under~~
19 ~~42 Pa.C.S. § 9795.2], reporting a change in registration or~~
20 ~~verifying an address or registration information as required~~
21 ~~under 42 Pa.C.S. [§ 9796] Ch. 97 Subch. H.~~

22 ~~(b) Grading for Class 1 and Class 2 sexual offenders [who~~
23 ~~must register for ten years].~~

24 ~~(2) Except as set forth in paragraph (3), [an individual] a~~
25 ~~Class 1 sexual offender or Class 2 sexual offender subject to~~
26 ~~registration under 42 Pa.C.S. [§ 9795.1(a)] Ch. 97 Subch. H who~~
27 ~~commits a violation of subsection (a) (1) or (2) commits a felony~~
28 ~~of the third degree.~~

29 ~~(3) [An individual] A Class 1 sexual offender or Class 2~~
30 ~~sexual offender subject to registration under 42 Pa.C.S. [§~~

1 ~~9795.1(a)] Ch. 97 Subch. H who commits a violation of~~
2 ~~subsection (a) (1) or (2) and who has previously been~~
3 ~~convicted of an offense under subsection (a) (1) or (2) or a~~
4 ~~similar offense commits a felony of the second degree.~~

5 ~~(4) [An individual] A Class 1 sexual offender or Class 2~~
6 ~~sexual offender subject to registration under 42 Pa.C.S. [§~~
7 ~~9795.1(a)] Ch. 97 Subch. H who violates subsection (a) (3)~~
8 ~~commits a felony of the second degree.~~

9 ~~(c) Grading for Class 3 sexual offenders and sexually~~
10 ~~violent predators [and others with lifetime registration].~~

11 ~~(2) Except as set forth in paragraph (3), [an~~
12 ~~individual] a Class 3 sexual offender or sexually violent~~
13 ~~predator subject to registration under 42 Pa.C.S. [§~~
14 ~~9795.1(b) (1), (2) or (3)] Ch. 97 Subch. H who commits a~~
15 ~~violation of subsection (a) (1) or (2) commits a felony of the~~
16 ~~second degree.~~

17 ~~(3) [An individual] A Class 3 sexual offender or~~
18 ~~sexually violent predator subject to registration under 42~~
19 ~~Pa.C.S. [§ 9795.1(b) (1), (2) or (3)] Ch. 97 Subch. H who~~
20 ~~commits a violation of subsection (a) (1) or (2) and who has~~
21 ~~previously been convicted of an offense under subsection (a)~~
22 ~~(1) or (2) or a similar offense commits a felony of the first~~
23 ~~degree.~~

24 ~~(4) [An individual] A Class 3 sexual offender or~~
25 ~~sexually violent predator subject to registration under 42~~
26 ~~Pa.C.S. [§ 9795.1(b) (1), (2) or (3)] Ch. 97 Subch. H who~~
27 ~~violates subsection (a) (3) commits a felony of the first~~
28 ~~degree.~~

29 ~~(d) Effect of notice. Neither failure on the part of the~~
30 ~~Pennsylvania State Police to send nor failure of a sexually~~

1 ~~violent predator or offender to receive any notice or~~
2 ~~information pursuant to 42 Pa.C.S. [§ 9796(a.1) or (b.1)] Ch. 97-~~
3 ~~Subch. H shall be a defense to a prosecution commenced against~~
4 ~~an individual arising from a violation of this section. The~~
5 ~~provisions of 42 Pa.C.S. § [9796(a.1) and (b.1)] 9799.20-~~
6 ~~(relating to verification of registration information) are not~~
7 ~~an element of an offense under this section.~~

8 ~~(e) Arrests for violation.~~

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

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

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

22 ~~(i) The individual must be fingerprinted and~~
23 ~~photographed in the manner required by 42 Pa.C.S. Ch. 97-~~
24 ~~Subch. H (relating to registration of sexual offenders).~~

25 ~~(ii) The [individual must provide the Pennsylvania~~
26 ~~State Police with all current or intended residences, all~~
27 ~~information concerning current or intended employment,~~
28 ~~including all employment locations, and all information~~
29 ~~concerning current or intended enrollment as a student.]~~
30 ~~following apply:~~

1 ~~(A) If an individual previously registered with~~
2 ~~the Pennsylvania State Police, the individual shall~~
3 ~~update registration information.~~

4 ~~(B) If an individual did not previously register~~
5 ~~with the Pennsylvania State Police, the individual~~
6 ~~shall register under 42 Pa.C.S. Ch. 97 Subch. H.~~

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

9 ~~(f) [Definition] Definitions. As used in this section, [the~~
10 ~~term "a similar offense" means an offense similar to an offense~~
11 ~~under either subsection (a) (1) or (2) under the laws of this~~
12 ~~Commonwealth, the United States or one of its territories or~~
13 ~~possessions, another state, the District of Columbia, the~~
14 ~~Commonwealth of Puerto Rico or a foreign nation.] the following~~
15 ~~words and phrases shall have the meanings given to them in this~~
16 ~~subsection unless the context clearly indicates otherwise:~~

17 ~~"Class 1 sexual offender." As defined in 42 Pa.C.S. §~~
18 ~~9799.12 (relating to definitions). The term includes a Class 1~~
19 ~~out of State offender.~~

20 ~~"Class 2 sexual offender." As defined in 42 Pa.C.S. §~~
21 ~~9799.12 (relating to definitions). The term includes a Class 2~~
22 ~~out of State offender.~~

23 ~~"Class 3 sexual offender." As defined in 42 Pa.C.S. §~~
24 ~~9799.12 (relating to definitions). The term includes a Class 3~~
25 ~~out of State offender.~~

26 ~~"Out of State offender." As defined in 42 Pa.C.S. § 9799.12~~
27 ~~(relating to definitions).~~

28 ~~"Sexually violent predator." As defined in 42 Pa.C.S. §~~
29 ~~9799.12 (relating to definitions).~~

30 ~~"Similar offense." An offense similar to an offense under~~

1 ~~either subsection (a) (1) or (2) under the laws of the United~~
2 ~~States or one of its territories or possessions, another state,~~
3 ~~the District of Columbia, a federally recognized Indian tribe or~~
4 ~~a foreign nation.~~

5 SECTION 1.1. SECTION 4501 OF TITLE 18 IS AMENDED BY ADDING
6 DEFINITIONS TO READ:

7 § 4501. DEFINITIONS.

8 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
9 PROVISIONS OF THIS ARTICLE WHICH ARE APPLICABLE TO SPECIFIC
10 CHAPTERS OR OTHER PROVISIONS OF THIS ARTICLE, THE FOLLOWING
11 WORDS AND PHRASES, WHEN USED IN THIS ARTICLE SHALL HAVE, UNLESS
12 THE CONTEXT CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO
13 THEM IN THIS SECTION:

14 * * *

15 "REGISTRATION INFORMATION." AS DEFINED IN 42 PA.C.S. § 9792
16 (RELATING TO DEFINITIONS).

17 "SEX OFFENDER REGISTRATION LAW." AS DEFINED IN 42 PA.C.S. §
18 9792 (RELATING TO DEFINITIONS).

19 SECTION 1.2. SECTION 4915(A) INTRODUCTORY PARAGRAPH, (2) AND
20 (3), (B) AND (C) OF TITLE 18 ARE AMENDED, SUBSECTION (A) IS
21 AMENDED BY ADDING A PARAGRAPH AND THE SECTION IS AMENDED BY
22 ADDING A SUBSECTION TO READ:

23 § 4915. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS
24 REQUIREMENTS.

25 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO
26 REGISTRATION UNDER 42 PA.C.S. § [9795.1(A)] 9795.1 (RELATING TO
27 REGISTRATION) OR [AN INDIVIDUAL WHO IS SUBJECT TO REGISTRATION
28 UNDER 42 PA.C.S. § 9795.1(B) (1), (2) OR (3)] WHO WAS SUBJECT TO
29 REGISTRATION UNDER FORMER 42 PA.C.S § 9793 (RELATING TO
30 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) COMMITS AN

1 OFFENSE IF HE KNOWINGLY FAILS TO:

2 * * *

3 (2) VERIFY HIS [ADDRESS] REGISTRATION INFORMATION OR BE
4 PHOTOGRAPHED AS REQUIRED UNDER 42 PA.C.S. § 9796 (RELATING TO
5 VERIFICATION OF [RESIDENCE] REGISTRATION INFORMATION); [OR]

6 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING, _____
7 VERIFYING OR UPDATING REGISTRATION INFORMATION UNDER 42
8 PA.C.S. § 9795.2 OR [VERIFYING AN ADDRESS UNDER 42 PA.C.S. §]
9 9796; OR

10 (4) COMPLY WITH ANY SEXUAL OFFENDER COUNSELING
11 CONDITIONS IMPOSED BY 42 PA.C.S. § 9799.4 (RELATING TO
12 COUNSELING OF SEXUALLY VIOLENT PREDATORS) AS A RESULT OF
13 BEING DESIGNATED A SEXUALLY VIOLENT PREDATOR OR IMPOSED UNDER
14 A SEX OFFENDER REGISTRATION STATUTE FOLLOWING CONVICTION IN
15 ANOTHER JURISDICTION.

16 (B) GRADING FOR OFFENDERS [WHO MUST REGISTER FOR TEN YEARS]
17 WITHOUT LIFETIME REGISTRATION.--

18 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
19 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) OR (A.1)
20 OR FORMER 42 PA.C.S. § 9793, AND REQUIRED TO REGISTER AS AN
21 OFFENDER FOR A PERIOD OF TIME LESS THAN LIFETIME, WHO COMMITS
22 A VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A FELONY OF
23 THE THIRD DEGREE.

24 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
25 PA.C.S. § 9795.1(A) OR (A.1) OR FORMER 42 PA.C.S. § 9793, AND
26 REQUIRED TO REGISTER AS AN OFFENDER FOR A PERIOD OF TIME LESS
27 THAN LIFETIME, WHO COMMITS A VIOLATION OF SUBSECTION (A) (1)
28 OR (2) AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE
29 UNDER SUBSECTION (A) (1) OR (2) OR A SIMILAR OFFENSE COMMITS A
30 FELONY OF THE SECOND DEGREE.

1 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
2 PA.C.S. § 9795.1(A) OR (A.1) OR FORMER 42 PA.C.S. § 9793, AND
3 REQUIRED TO REGISTER AS AN OFFENDER FOR A PERIOD OF TIME LESS
4 THAN LIFETIME, WHO VIOLATES SUBSECTION (A) (3) COMMITS A
5 FELONY OF THE SECOND DEGREE.

6 (C) GRADING FOR SEXUALLY VIOLENT PREDATORS AND OTHERS WITH
7 LIFETIME REGISTRATION.--

8 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
9 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § [9795.1(B) (1), (2)
10 OR (3)] 9795.1(B) OR FORMER 42 PA.C.S. § 9793, AND REQUIRED
11 TO REGISTER AS A SEXUALLY VIOLENT PREDATOR OR AS AN OFFENDER
12 FOR LIFE, WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR (2)
13 COMMITS A FELONY OF THE SECOND DEGREE.

14 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
15 PA.C.S. § [9795.1(B) (1), (2) OR (3)] 9795.1(B) OR FORMER 42
16 PA.C.S. § 9793, AND REQUIRED TO REGISTER AS A SEXUALLY
17 VIOLENT PREDATOR OR AS AN OFFENDER FOR LIFE, WHO COMMITS A
18 VIOLATION OF SUBSECTION (A) (1) OR (2) AND WHO HAS PREVIOUSLY
19 BEEN CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (1) OR (2)
20 OR A SIMILAR OFFENSE COMMITS A FELONY OF THE FIRST DEGREE.

21 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
22 PA.C.S. § [9795.1(B) (1), (2) OR (3)] 9795.1(B) OR FORMER 42
23 PA.C.S. § 9793, AND REQUIRED TO REGISTER AS A SEXUALLY
24 VIOLENT PREDATOR OR AS AN OFFENDER FOR LIFE, WHO VIOLATES
25 SUBSECTION (A) (3) COMMITS A FELONY OF THE FIRST DEGREE.

26 (5) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
27 PA.C.S. § 9795.1(B) AND REQUIRED TO REGISTER AS A SEXUALLY
28 VIOLENT PREDATOR WHO VIOLATES SUBSECTION (A) (4) COMMITS A
29 FELONY OF THE THIRD DEGREE.

30 * * *

1 (G) EXPIRATION.--THIS SECTION SHALL EXPIRE ONE YEAR AFTER
2 THE EFFECTIVE DATE OF THIS SUBSECTION.

3 SECTION 1.3. TITLE 18 IS AMENDED BY ADDING A SECTION TO
4 READ:

5 § 4915.1. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
6 OFFENDERS REQUIREMENTS.

7 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO
8 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO
9 REGISTRATION OF SEXUAL OFFENDERS) COMMITS AN OFFENSE IF HE
10 KNOWINGLY FAILS TO:

11 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE OR
12 REPORT A CHANGE IN REGISTRATION INFORMATION AS REQUIRED UNDER
13 42 PA.C.S. CH. 97 SUBCH. H;

14 (2) VERIFY HIS ADDRESS OR REGISTRATION INFORMATION OR BE
15 PHOTOGRAPHED AS REQUIRED UNDER 42 PA.C.S. CH. 97 SUBCH. H; OR

16 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING,
17 REPORTING A CHANGE IN REGISTRATION OR VERIFYING AN ADDRESS OR
18 REGISTRATION INFORMATION AS REQUIRED UNDER 42 PA.C.S. CH. 97
19 SUBCH. H.

20 (B) GRADING FOR CLASS 1 AND CLASS 2 SEXUAL OFFENDERS.--

21 (1) EXCEPT AS SET FORTH IN PARAGRAPH (3), A CLASS 1
22 SEXUAL OFFENDER OR CLASS 2 SEXUAL OFFENDER SUBJECT TO
23 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H WHO COMMITS A
24 VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A FELONY OF THE
25 THIRD DEGREE.

26 (2) A CLASS 1 SEXUAL OFFENDER OR CLASS 2 SEXUAL OFFENDER
27 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H WHO
28 COMMITS A VIOLATION OF SUBSECTION (A) (1) OR (2) AND WHO HAS
29 PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER SUBSECTION (A)
30 (1) OR (2) OR A SIMILAR OFFENSE COMMITS A FELONY OF THE

1 SECOND DEGREE.

2 (3) A CLASS 1 SEXUAL OFFENDER OR CLASS 2 SEXUAL OFFENDER
3 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H WHO
4 VIOLATES SUBSECTION (A) (3) COMMITS A FELONY OF THE SECOND
5 DEGREE.

6 (C) GRADING FOR CLASS 3 SEXUAL OFFENDERS AND SEXUALLY
7 VIOLENT PREDATORS.--

8 (1) EXCEPT AS SET FORTH IN PARAGRAPH (3), A CLASS 3
9 SEXUAL OFFENDER OR SEXUALLY VIOLENT PREDATOR SUBJECT TO
10 REGISTRATION UNDER 42 PA.C.S. CH. 97 SUBCH. H WHO COMMITS A
11 VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A FELONY OF THE
12 SECOND DEGREE.

13 (2) A CLASS 3 SEXUAL OFFENDER OR SEXUALLY VIOLENT
14 PREDATOR SUBJECT TO REGISTRATION UNDER 42 PA.C.S. CH. 97
15 SUBCH. H WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR (2)
16 AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER
17 SUBSECTION (A) (1) OR (2) OR A SIMILAR OFFENSE COMMITS A
18 FELONY OF THE FIRST DEGREE.

19 (3) A CLASS 3 SEXUAL OFFENDER OR SEXUALLY VIOLENT
20 PREDATOR SUBJECT TO REGISTRATION UNDER 42 PA.C.S. CH. 97
21 SUBCH. H WHO VIOLATES SUBSECTION (A) (3) COMMITS A FELONY OF
22 THE FIRST DEGREE.

23 (D) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
24 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
25 VIOLENT PREDATOR OR OFFENDER TO RECEIVE ANY NOTICE OR
26 INFORMATION PURSUANT TO 42 PA.C.S. CH. 97 SUBCH. H SHALL BE A
27 DEFENSE TO A PROSECUTION COMMENCED AGAINST AN INDIVIDUAL ARISING
28 FROM A VIOLATION OF THIS SECTION. THE PROVISIONS OF 42 PA.C.S. §
29 9799.20 (RELATING TO VERIFICATION OF REGISTRATION INFORMATION)
30 ARE NOT AN ELEMENT OF AN OFFENSE UNDER THIS SECTION.

1 (E) ARRESTS FOR VIOLATION.--

2 (1) A POLICE OFFICER SHALL HAVE THE SAME RIGHT OF ARREST
3 WITHOUT A WARRANT AS IN A FELONY WHENEVER THE POLICE OFFICER
4 HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL HAS COMMITTED A
5 VIOLATION OF THIS SECTION REGARDLESS OF WHETHER THE VIOLATION
6 OCCURRED IN THE PRESENCE OF THE POLICE OFFICER.

7 (2) AN INDIVIDUAL ARRESTED FOR A VIOLATION OF THIS
8 SECTION SHALL BE AFFORDED A PRELIMINARY ARRAIGNMENT BY THE
9 PROPER ISSUING AUTHORITY WITHOUT UNNECESSARY DELAY. IN NO
10 CASE MAY THE INDIVIDUAL BE RELEASED FROM CUSTODY WITHOUT
11 FIRST HAVING APPEARED BEFORE THE ISSUING AUTHORITY.

12 (3) PRIOR TO ADMITTING AN INDIVIDUAL ARRESTED FOR A
13 VIOLATION OF THIS SECTION TO BAIL, THE ISSUING AUTHORITY
14 SHALL REQUIRE ALL OF THE FOLLOWING:

15 (I) THE INDIVIDUAL MUST BE FINGERPRINTED AND
16 PHOTOGRAPHED IN THE MANNER REQUIRED BY 42 PA.C.S. CH. 97
17 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

18 (II) THE FOLLOWING APPLY:

19 (A) IF AN INDIVIDUAL PREVIOUSLY REGISTERED WITH
20 THE PENNSYLVANIA STATE POLICE, THE INDIVIDUAL SHALL
21 UPDATE REGISTRATION INFORMATION.

22 (B) IF AN INDIVIDUAL DID NOT PREVIOUSLY REGISTER
23 WITH THE PENNSYLVANIA STATE POLICE, THE INDIVIDUAL
24 SHALL REGISTER UNDER 42 PA.C.S. CH. 97 SUBCH. H.

25 (III) LAW ENFORCEMENT MUST MAKE REASONABLE ATTEMPTS
26 TO VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL.

27 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
28 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
29 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

30 "CLASS 1 SEXUAL OFFENDER." AS DEFINED IN 42 PA.C.S. §

1 9799.12 (RELATING TO DEFINITIONS). THE TERM INCLUDES A CLASS 1
2 OUT-OF-STATE OFFENDER.

3 "CLASS 2 SEXUAL OFFENDER." AS DEFINED IN 42 PA.C.S. §
4 9799.12 (RELATING TO DEFINITIONS). THE TERM INCLUDES A CLASS 2
5 OUT-OF-STATE OFFENDER.

6 "CLASS 3 SEXUAL OFFENDER." AS DEFINED IN 42 PA.C.S. §
7 9799.12 (RELATING TO DEFINITIONS). THE TERM INCLUDES A CLASS 3
8 OUT-OF-STATE OFFENDER.

9 "OUT-OF-STATE OFFENDER." AS DEFINED IN 42 PA.C.S. § 9799.12
10 (RELATING TO DEFINITIONS).

11 "SEXUALLY VIOLENT PREDATOR." AS DEFINED IN 42 PA.C.S. §
12 9799.12 (RELATING TO DEFINITIONS).

13 "SIMILAR OFFENSE." AN OFFENSE SIMILAR TO AN OFFENSE UNDER
14 EITHER SUBSECTION (A) (1) OR (2) UNDER THE LAWS OF THE UNITED
15 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE,
16 THE DISTRICT OF COLUMBIA, A FEDERALLY RECOGNIZED INDIAN TRIBE OR
17 A FOREIGN NATION.

18 SECTION 1.4. SECTIONS 5902(C) AND 5903(A) (3), (4) AND (5) OF
19 TITLE 18 ARE AMENDED TO READ:

20 § 5902. Prostitution and related offenses.

21 * * *

22 (c) Grading of offenses under subsection (b).--

23 (1) An offense under subsection (b) constitutes a felony
24 of the third degree if:

25 (i) the offense falls within paragraphs (b) (1), (b)

26 (2) or (b) (3);

27 (ii) the actor compels another to engage in or
28 promote prostitution;

29 (iii) the actor promotes prostitution of a [child
30 under the age of 16 years] person under 18 years of age,

1 whether or not he is aware of the age of the child;

2 (iv) the actor promotes prostitution of his spouse,
3 child, ward or any person for whose care, protection or
4 support he is responsible; or

5 (v) the person knowingly promoted prostitution of
6 another who was HIV positive or infected with the AIDS
7 virus.

8 (2) Otherwise the offense is a misdemeanor of the second
9 degree.

10 * * *

11 § 5903. OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES. ←

12 (A) OFFENSES DEFINED.--NO PERSON, KNOWING THE OBSCENE
13 CHARACTER OF THE MATERIALS OR PERFORMANCES INVOLVED, SHALL:

14 * * *

15 (3) (I) DESIGN, COPY, DRAW, PHOTOGRAPH, PRINT, UTTER,
16 PUBLISH OR IN ANY MANNER MANUFACTURE OR PREPARE ANY
17 OBSCENE MATERIALS; OR

18 (II) DESIGN, COPY, DRAW, PHOTOGRAPH, PRINT, UTTER,
19 PUBLISH OR IN ANY MANNER MANUFACTURE OR PREPARE ANY
20 OBSCENE MATERIALS IF THE VICTIM IS A MINOR;

21 (4) (I) WRITE, PRINT, PUBLISH, UTTER OR CAUSE TO BE
22 WRITTEN, PRINTED, PUBLISHED OR UTTERED ANY ADVERTISEMENT
23 OR NOTICE OF ANY KIND GIVING INFORMATION, DIRECTLY OR
24 INDIRECTLY, STATING OR PURPORTING TO STATE WHERE, HOW,
25 FROM WHOM, OR BY WHAT MEANS ANY OBSCENE MATERIALS CAN BE
26 PURCHASED, OBTAINED OR HAD; OR

27 (II) WRITE, PRINT, PUBLISH, UTTER OR CAUSE TO BE
28 WRITTEN, PRINTED, PUBLISHED OR UTTERED ANY ADVERTISEMENT
29 OR NOTICE OF ANY KIND GIVING INFORMATION, DIRECTLY OR
30 INDIRECTLY, STATING OR PURPORTING TO STATE WHERE, HOW,

1 FROM WHOM OR BY WHAT MEANS ANY OBSCENE MATERIALS CAN BE
2 PURCHASED, OBTAINED OR HAD IF THE VICTIM IS A MINOR;

3 (5) (I) PRODUCE, PRESENT OR DIRECT ANY OBSCENE
4 PERFORMANCE OR PARTICIPATE IN A PORTION THEREOF THAT IS
5 OBSCENE OR THAT CONTRIBUTES TO ITS OBSCENITY; OR

6 (II) PRODUCE, PRESENT OR DIRECT ANY OBSCENE
7 PERFORMANCE OR PARTICIPATE IN A PORTION THEREOF THAT IS
8 OBSCENE OR THAT CONTRIBUTES TO ITS OBSCENITY IF THE
9 VICTIM IS A MINOR;

10 * * *

11 Section 2. Section 6707(2)(ii) of Title 23 is amended to
12 read:

13 § 6707. Agency use of designated address.

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

18 * * *

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

21 * * *

22 (ii) a convicted sexual offender who has fulfilled
23 the offender's sentence but must register the offender's
24 community residence as required under 42 Pa.C.S. [§§
25 9795.1 (relating to registration) and 9795.2 (relating to
26 registration procedures and applicability)] Ch. 97 Subch.
27 H (relating to registration of sexual offenders) or any
28 similar registration requirement imposed by any other
29 jurisdiction.

30 Section 2.1. Sections 6358(a) and (b) and 6403(a)(2), (b)(3)

1 and (d) of Title 42 are amended to read:

2 § 6358. Assessment of delinquent children by the State Sexual
3 Offenders Assessment Board.

4 (a) General rule.--A child who has been found to be
5 delinquent for an act of sexual violence which if committed by
6 an adult would be a violation of 18 Pa.C.S. § 3121 (relating to
7 rape), 3123 (relating to involuntary deviate sexual
8 intercourse), 3124.1 (relating to sexual assault), 3125
9 (relating to aggravated indecent assault), 3126 (relating to
10 indecent assault) or 4302 (relating to incest) who is committed
11 to an institution or other facility pursuant to section 6352
12 (relating to disposition of delinquent child) and who remains in
13 any such institution or facility upon attaining 20 years of age
14 shall be subject to an assessment by the board.

15 (b) Duty of probation officer.--Ninety days prior to the
16 20th birthday of the child, the probation officer shall have the
17 duty to notify the board of the status of the delinquent child
18 and the institution or other facility where the child is
19 presently committed. The probation officer shall assist the
20 board in obtaining access to the child and any information
21 required by the board to perform the assessment, including, but
22 not limited to, the child's official court record and the
23 child's complete juvenile probation file.

24 * * *

25 § 6403. Court-ordered involuntary treatment.

26 (a) Persons subject to involuntary treatment.--A person may
27 be subject to court-ordered commitment for involuntary treatment
28 under this chapter if the person:

29 * * *

30 (2) Has been committed to an institution or other

1 facility pursuant to section 6352 (relating to disposition of
2 delinquent child) and remains in [the] any such institution
3 or [other] facility upon attaining 20 years of age.

4 * * *

5 (b) Procedures for initiating court-ordered involuntary
6 commitment.--

7 * * *

8 (3) The court shall set a date for the hearing which
9 shall be held within 30 days of the filing of the petition
10 pursuant to paragraph (1) and direct the person to appear for
11 the hearing. A copy of the petition and notice of the hearing
12 date shall be served on the person, the attorney who
13 represented the person at the most recent dispositional
14 review hearing pursuant to section 6358(e) and the county
15 solicitor or a designee and shall be provided to the director
16 of the facility operated by the department under section
17 6406(a) (relating to duty of Department of Public Welfare).

18 The person and the attorney who represented the person shall,
19 along with copies of the petition, also be provided with
20 written notice advising that the person has the right to
21 counsel and that, if he cannot afford one, counsel shall be
22 appointed for the person.

23 * * *

24 (d) Determination and order.--Upon a finding by clear and
25 convincing evidence that the person has a mental abnormality or
26 personality disorder which results in serious difficulty in
27 controlling sexually violent behavior that makes the person
28 likely to engage in an act of sexual violence, an order shall be
29 entered directing the immediate commitment of the person for
30 [inpatient] involuntary inpatient treatment to a facility

1 designated by the department. The order shall be in writing and
2 shall be consistent with the protection of the public safety and
3 the appropriate control, care and treatment of the person. An
4 appeal shall not stay the execution of the order. If the court
5 does not order the person to be committed for involuntary
6 inpatient treatment by the department, the court shall order the
7 director of the facility operated by the department under
8 section 6406(a) to destroy the facility's copy of the petition
9 and the assessment.

10 Section 2.2. Section 6404 heading, (b) (2) and (c) heading,
11 (1), (3) and (4) of Title 42 are amended, subsection (c) is
12 amended by adding paragraphs and the section is amended by
13 adding a subsection to read:

14 § 6404. Duration of inpatient commitment and review.

15 * * *

16 (b) Annual review.--

17 * * *

18 (2) The court shall schedule a review hearing which
19 shall be conducted pursuant to section 6403(c) (relating to
20 court-ordered involuntary treatment) and which shall be held
21 no later than 30 days after receipt of both the evaluation
22 and the assessment under paragraph (1). Notice of the review
23 hearing shall be provided to the person, the attorney who
24 represented the person at the previous hearing held pursuant
25 to this subsection or section 6403, the district attorney and
26 the county solicitor or a designee. The person and the
27 person's attorney shall also be provided with written notice
28 advising that the person has the right to counsel and that,
29 if he cannot afford one, counsel shall be appointed for the
30 person. If the court determines by clear and convincing

1 evidence that the person continues to have serious difficulty
2 controlling sexually violent behavior ~~in an inpatient setting~~ ←
3 WHILE COMMITTED FOR INPATIENT TREATMENT due to a mental ←
4 abnormality or personality disorder that makes the person
5 likely to engage in an act of sexual violence, the court
6 shall order an additional period of involuntary inpatient
7 treatment of one year; otherwise, the court shall order the
8 [discharge of] department, in consultation with the board, to
9 develop an outpatient treatment plan for the person. The
10 order shall be in writing and shall be consistent with the
11 protection of the public safety and appropriate control, care
12 and treatment of the person.

13 (c) [Discharge] Outpatient treatment plan.--

14 (1) If at any time the director or a designee of the
15 facility to which the person was committed concludes the
16 person no longer has serious difficulty in controlling
17 sexually violent behavior in an inpatient setting, the
18 director shall petition the court for a hearing. Notice of
19 the petition shall be given to the person, the attorney who
20 represented the person at the previous hearing held pursuant
21 to subsection (b) or section 6403, the board, the district
22 attorney and the county solicitor. The person and the
23 person's attorney shall also be provided with written notice
24 advising that the person has the right to counsel and that,
25 if he cannot afford one, counsel shall be appointed for the
26 person.

27 * * *

28 (3) Within 15 days after the receipt of the assessment
29 from the board, the court shall hold a hearing pursuant to
30 section 6403(c). If the court determines by clear and

1 convincing evidence that the person continues to have serious
2 difficulty controlling sexually violent behavior ~~in an~~ ←
3 ~~inpatient setting~~ WHILE COMMITTED FOR INPATIENT TREATMENT due ←
4 to a mental abnormality or personality disorder that makes
5 the person likely to engage in an act of sexual violence, the
6 court shall order that the person be subject to the remainder
7 of the period of inpatient commitment[. Otherwise,];
8 otherwise the court shall order the [discharge of]
9 department, in consultation with the board, to develop an
10 outpatient treatment plan for the person.

11 (4) The department shall provide the person with notice
12 of the person's right to petition the court for [discharge]
13 transfer to involuntary outpatient treatment over the
14 objection of the department. The court, after review of the
15 petition, may schedule a hearing pursuant to section 6403(c).

16 (5) An outpatient treatment plan shall be in writing and
17 shall identify the specific entity that will provide each
18 clinical and support service identified in the plan.

19 (6) The department shall provide a copy of the
20 outpatient treatment plan to the court, the person, the
21 attorney who represented the person at the most recent
22 hearing under section 6403, the board, the district attorney
23 and the county solicitor or a designee.

24 (d) Prohibition on discharge.--The court shall not order
25 discharge from involuntary treatment until the person has
26 completed involuntary outpatient treatment pursuant to section
27 6404.2 (relating to outpatient commitment and review).

28 Section 2.3. Title 42 is amended by adding sections to read:
29 § 6404.1. Transfer to involuntary outpatient treatment.

30 The court may approve or disapprove an outpatient treatment

1 plan. Upon approval of an outpatient treatment plan, the court
2 shall order transfer of the person to involuntary outpatient
3 treatment under section 6404.2 (relating to outpatient
4 commitment and review).

5 § 6404.2. Outpatient commitment and review.

6 (a) Terms and conditions.--If a court has ordered the
7 transfer of the person to involuntary outpatient treatment under
8 section 6404.1 (relating to transfer to involuntary outpatient
9 treatment), the court may in its discretion specify the terms
10 and conditions of the outpatient commitment, including:

11 (1) Absolute compliance with the outpatient treatment
12 plan.

13 (2) Restrictions and requirements regarding the location
14 of the person's residence and the times the person must be
15 physically present there.

16 (3) Restrictions and requirements regarding areas the
17 person is not permitted to visit.

18 (4) Restrictions and requirements regarding whom the
19 person may contact in any medium.

20 (5) Periodic polygraph tests.

21 (b) Duration.--The court shall order involuntary outpatient
22 treatment for a period of one year.

23 (c) Status reports.--An involuntary outpatient treatment
24 provider shall submit a report on the person's status and
25 clinical progress, on a form prescribed by the department, to
26 the facility operated by the department under section 6406(a)
27 (relating to duty of Department of Public Welfare) not less than
28 every 30 days.

29 (d) Failure to comply.--If an involuntary outpatient
30 treatment provider becomes aware that the person has violated

1 any provision of the treatment plan or any term or condition
2 specified under subsection (a), OR THE PROVIDER CONCLUDES THAT ←
3 THE PERSON IS HAVING SERIOUS DIFFICULTY CONTROLLING SEXUALLY
4 VIOLENT BEHAVIOR IN AN OUTPATIENT SETTING DUE TO A MENTAL
5 ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY
6 TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, the provider shall
7 immediately notify the facility operated by the department under
8 section 6406(a). The facility shall notify the court by the
9 close of the next business day.

10 (e) Revocation of transfer.--Upon receiving notice under
11 subsection (d) that the person has violated a MATERIAL term or ←
12 condition of transfer specified under subsection (a), OR THAT ←
13 THE PERSON IS HAVING SERIOUS DIFFICULTY CONTROLLING SEXUALLY
14 VIOLENT BEHAVIOR IN AN OUTPATIENT SETTING DUE TO A MENTAL
15 ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY
16 TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, the court ~~may in its~~ ←
17 ~~discretion~~ SHALL revoke the transfer to involuntary outpatient ←
18 treatment and order the immediate return to involuntary
19 inpatient treatment without a prior hearing. The court may issue
20 a warrant requiring any law enforcement officer or any person
21 authorized by the court to take the person into custody and
22 return him or her to involuntary inpatient treatment. The person
23 may file a written request for a hearing after revocation of the
24 transfer to involuntary treatment. The court shall conduct a
25 hearing under section 6403(c) (relating to court-ordered
26 involuntary treatment) within ten days of filing of the request.

27 (f) Annual review AND DISCHARGE.-- ←

28 (1) Sixty days prior to the expiration of the one-year
29 outpatient commitment period, the director of the facility or
30 a designee shall submit an evaluation and the board shall

1 submit an assessment of the person to the court.

2 (2) The court shall schedule a review hearing which
3 shall be conducted under section 6403(c) and which shall be
4 held no later than 30 days after receipt of both the
5 evaluation and the assessment under paragraph (1). Notice of
6 the review hearing shall be provided to the person, the
7 attorney who represented the person at the previous hearing
8 held under section 6403, the district attorney and the county
9 solicitor or a designee. The person and the person's attorney
10 shall be provided with written notice advising that the
11 person has the right to counsel and that, if he cannot afford
12 one, counsel shall be appointed for the person.

13 (3) If the court determines by clear and convincing
14 evidence that the person has serious difficulty controlling
15 sexually violent behavior due to a mental abnormality or
16 personality disorder that makes the person likely to engage
17 in an act of sexual violence, the court shall order an
18 additional period of involuntary inpatient ~~or outpatient~~
19 treatment of one year, otherwise the court shall order the
20 discharge of the person. The order shall be in writing and
21 shall be consistent with the protection of the public safety
22 and appropriate control, care and treatment of the person.

23 ~~(g) Discharge.~~

24 ~~(1) If the director or a designee of the facility~~
25 ~~operated by the department under section 6406(a) concludes~~
26 ~~the person no longer has serious difficulty in controlling~~
27 ~~sexually violent behavior, the director shall petition the~~
28 ~~court for a hearing. Notice of the petition shall be given to~~
29 ~~the person, the attorney who represented the person at the~~
30 ~~previous hearing held under section 6403, the board, the~~

~~1 district attorney and the county solicitor. The person and
2 the person's attorney shall also be provided with written
3 notice advising that the person has the right to counsel and
4 that, if he cannot afford one, counsel shall be appointed for
5 the person.~~

~~6 (2) Upon receipt of notice under paragraph (1), the
7 board shall conduct a new assessment within 30 days and
8 provide that assessment to the court.~~

~~9 (3) Within 15 days after the petition has been filed,
10 the court shall hold a hearing under section 6403(c). If the
11 court determines the person no longer has serious difficulty
12 controlling sexually violent behavior, the court shall order
13 the discharge of the person. If the court denies the
14 petition, the person shall be subject to the remainder of the
15 period of outpatient commitment.~~

~~16 (h) Notice. The involuntary outpatient treatment provider
17 shall provide the person with notice of the person's right to
18 petition the court for discharge. The court, after review of the
19 petition, may schedule a hearing under section 6403(c).~~

20 Section 2.4. Section 6406(a) of Title 42 is amended to read:

21 § 6406. Duty of Department of Public Welfare.

22 (a) General rule.--The department shall have the duty to
23 provide a separate, secure State-owned facility or unit utilized
24 solely for the control, care and treatment of persons committed
25 pursuant to this chapter. The department shall be responsible
26 for all costs relating to the control, care and treatment of
27 persons committed to [custody] involuntary treatment pursuant to
28 this chapter.

29 * * *

30 Section 2.5. Section 6409 of Title 42 is amended by adding a

1 paragraph to read:

2 § 6409. Immunity for good faith conduct.

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

5 * * *

6 (4) Providers of involuntary outpatient treatment and
7 their agents and employees.

8 Section 3. Sections 9718.1(a) introductory paragraph and
9 (b) (2), ~~9718.2(a) and 9718.3(a)~~ AND 9718.2(A) of Title 42 are ←
10 amended to read:

11 § 9718.1. Sexual offender treatment.

12 (a) General rule.--A person, including an offender
13 designated as a "sexually violent predator" as defined in
14 section [9792] 9799.12 (relating to definitions), shall attend
15 and participate in a Department of Corrections program of
16 counseling or therapy designed for incarcerated sex offenders if
17 the person is incarcerated in a State institution for any of the
18 following provisions under 18 Pa.C.S. (relating to crimes and
19 offenses):

20 * * *

21 (b) Eligibility for parole.--For an offender required to
22 participate in the program under subsection (a), all of the
23 following apply:

24 * * *

25 (2) Notwithstanding paragraph (1)(iii), an offender who
26 is a sexually violent predator is subject to section [9799.4]
27 9799.31 (relating to counseling of sexually violent
28 predators).

29 * * *

30 § 9718.2. Sentences for sex offenders.

1 (a) Mandatory sentence.--

2 (1) Any person who is convicted in any court of this
3 Commonwealth of an offense [set forth in] subject to section
4 [9795.1(a) or (b)] 9799.13 (relating to registration) shall,
5 if at the time of the commission of the current offense the
6 person had previously been convicted of an offense [set forth
7 in] subject to section [9795.1(a) or (b)] 9799.13 or an
8 equivalent crime under the laws of this Commonwealth in
9 effect at the time of the commission of that offense or an
10 equivalent crime in another jurisdiction, be sentenced to a
11 minimum sentence of at least 25 years of total confinement,
12 notwithstanding any other provision of this title or other
13 statute to the contrary. Upon such conviction, the court
14 shall give the person oral and written notice of the
15 penalties under paragraph (2) for a third conviction. Failure
16 to provide such notice shall not render the offender
17 ineligible to be sentenced under paragraph (2).

18 (2) Where the person had at the time of the commission
19 of the current offense previously been convicted in separate
20 criminal actions of two or more offenses [arising from
21 separate criminal transactions set forth in section 9795.1(a)
22 or (b)] subject to section 9799.30 (relating to counseling of
23 sexually violent predators) or equivalent crimes under the
24 laws of this Commonwealth in effect at the time of the
25 commission of the offense or equivalent crimes in another
26 jurisdiction, the person shall be sentenced to a term of life
27 imprisonment, notwithstanding any other provision of this
28 title or other statute to the contrary. Proof that the
29 offender received notice of or otherwise knew or should have
30 known of the penalties under this paragraph shall not be

1 required.

2 * * *

3 ~~§ 9718.3. Sentence for failure to comply with registration of~~ ←
4 ~~sexual offenders.~~

5 ~~(a) Mandatory sentence. Mandatory sentencing shall be as~~
6 ~~follows:~~

7 ~~(1) Sentencing upon conviction for a first offense shall~~
8 ~~be as follows:~~

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

10 ~~(A) was subject to:~~

11 ~~(I) former section 9795.1(a) (relating to~~
12 ~~registration);~~

13 ~~(II) registration as a Class 1 sexual~~
14 ~~offender or Class 2 sexual offender under Subch.~~
15 ~~H (relating to registration of sexual offenders);~~

16 ~~or~~

17 ~~(III) a similar provision from another~~
18 ~~jurisdiction; and~~

19 ~~(B) violated 18 Pa.C.S. § 4915(a) (1) or (2)~~
20 ~~(relating to failure to comply with registration of~~
21 ~~sexual offenders requirements).~~

22 ~~(ii) Not less than three years for an individual~~
23 ~~who:~~

24 ~~(A) was subject to:~~

25 ~~(I) former section 9795.1(a) [(relating to~~
26 ~~registration)];~~

27 ~~(II) registration as a Class 1 sexual~~
28 ~~offender or Class 2 sexual offender under Subch.~~

29 ~~H; or~~

30 ~~(III) a similar provision from another~~

1 jurisdiction; and
2 ~~(B) violated 18 Pa.C.S. § 4915(a)(3).~~
3 ~~(iii) Not less than three years for an individual~~

4 who:

5 ~~(A) was subject to:~~

6 ~~(I) former section 9795.1(b);~~

7 ~~(II) registration as a Class 3 sexual~~
8 ~~offender or sexually violent predator under~~
9 ~~Subch. H; or~~

10 ~~(III) a similar provision from another~~
11 ~~jurisdiction; and~~

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

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

14 ~~(A) was subject to:~~

15 ~~(I) former section 9795.1(b);~~

16 ~~(II) registration as a Class 3 sexual~~
17 ~~offender or sexually violent predator under~~
18 ~~Subch. H; or~~

19 ~~(III) a similar provision from another~~
20 ~~jurisdiction; and~~

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

22 ~~(2) Sentencing upon conviction for a second or~~
23 ~~subsequent offense shall be as follows:~~

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

25 ~~(A) was subject to:~~

26 ~~(I) former section 9795.1;~~

27 ~~(II) registration under Subch. H; or~~

28 ~~(III) a similar provision from another~~
29 ~~jurisdiction; 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:~~
4 ~~(I) section 9795.1;~~
5 ~~(II) registration under Subch. H; or~~
6 ~~(III) a similar provision from another~~
7 ~~jurisdiction; and~~
8 ~~(B) violated 18 Pa.C.S. § 4915(a)(3).~~

9 ~~* * *~~

10 ~~Section 4. Sections 9791, 9792, 9795.1, 9795.2, 9795.3,~~
11 ~~9795.4, 9795.5, 9796, 9797, 9798, 9798.1, 9798.2, 9798.3, 9799,~~
12 ~~9799.1, 9799.2, 9799.3, 9799.4, 9799.7, . 9799.8 and 9799.9 of~~
13 ~~Title 42 are repealed:~~

14 ~~{§ 9791. Legislative findings and declaration of policy.~~

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

17 ~~(1) If the public is provided adequate notice and~~
18 ~~information about sexually violent predators and certain~~
19 ~~other offenders, the community can develop constructive plans~~
20 ~~to prepare themselves and their children for the offender's~~
21 ~~release. This allows communities to meet with law enforcement~~
22 ~~to prepare and obtain information about the rights and~~
23 ~~responsibilities of the community and to provide education~~
24 ~~and counseling to their children.~~

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

30 ~~(3) The penal and mental health components of our~~

1 ~~justice system are largely hidden from public view and lack-~~
2 ~~of information from either may result in failure of both-~~
3 ~~systems to meet this paramount concern of public safety.~~

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

10 ~~(5) Persons found to have committed such an offense have-~~
11 ~~a reduced expectation of privacy because of the public's~~
12 ~~interest in public safety and in the effective operation of-~~
13 ~~government.~~

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

20 ~~(b) Declaration of policy. It is hereby declared to be the~~
21 ~~intention of the General Assembly to protect the safety and~~
22 ~~general welfare of the people of this Commonwealth by providing~~
23 ~~for registration and community notification regarding sexually~~
24 ~~violent predators who are about to be released from custody and~~
25 ~~will live in or near their neighborhood. It is further declared~~
26 ~~to be the policy of this Commonwealth to require the exchange of-~~
27 ~~relevant information about sexually violent predators among~~
28 ~~public agencies and officials and to authorize the release of-~~
29 ~~necessary and relevant information about sexually violent~~
30 ~~predators to members of the general public as a means of-~~

1 ~~assuring public protection and shall not be construed as~~
2 ~~punitive.~~

3 ~~§ 9792. Definitions.~~

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

7 ~~"Active notification." Notification pursuant to section 9798~~
8 ~~(relating to other notification) or any process whereby law~~
9 ~~enforcement, pursuant to the laws of the United States or one of~~
10 ~~its territories or possessions, another state, the District of~~
11 ~~Columbia, the Commonwealth of Puerto Rico or a foreign nation,~~
12 ~~notifies persons in the community in which the individual~~
13 ~~resides, including any person identified in section 9798(b), of~~
14 ~~the residence, employment or school location of the individual.~~

15 ~~"Approved registration site." A site in this Commonwealth~~
16 ~~approved by the Pennsylvania State Police as required by section~~
17 ~~9799.1(2) (relating to duties of Pennsylvania State Police):~~

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

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

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

29 ~~"Board." The State Sexual Offenders Assessment Board.~~

30 ~~"Common interest community." Includes a cooperative, a~~

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

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

13 ~~"Employed." Includes a vocation or employment that is full-~~
14 ~~time or part time for a period of time exceeding 14 days or for~~
15 ~~an aggregate period of time exceeding 30 days during any~~
16 ~~calendar year, whether financially compensated, volunteered,~~
17 ~~pursuant to a contract or for the purpose of government or~~
18 ~~educational benefit.~~

19 ~~"Integrated Automated Fingerprint Identification System."~~
20 ~~The national fingerprint and criminal history system maintained~~
21 ~~by the Federal Bureau of Investigation providing automated~~
22 ~~fingerprint search capabilities, latent searching capability,~~
23 ~~electronic image storage and electronic exchange of fingerprints~~
24 ~~and responses.~~

25 ~~"Mental abnormality." A congenital or acquired condition of~~
26 ~~a person that affects the emotional or volitional capacity of~~
27 ~~the person in a manner that predisposes that person to the~~
28 ~~commission of criminal sexual acts to a degree that makes the~~
29 ~~person a menace to the health and safety of other persons.~~

30 ~~"Minor." As used in section 9795.1 (relating to~~

1 ~~registration), is any individual under the age of 18 unless the~~
2 ~~age of the victim who is considered a minor is otherwise defined~~
3 ~~in section 9795.1.~~

4 ~~"Municipality." A city, borough, incorporated town or~~
5 ~~township.~~

6 ~~"Offender." An individual required to register under section~~
7 ~~9795.1(a), (b) (1) or (2) (relating to registration).~~

8 ~~"Passive notification." Notification pursuant to section~~
9 ~~9798.1 (relating to information made available on the Internet)~~
10 ~~or any process whereby persons, pursuant to the laws of the~~
11 ~~United States or one of its territories or possessions, another~~
12 ~~state, the District of Columbia, the Commonwealth of Puerto Rico~~
13 ~~or a foreign nation, are able to access information pertaining~~
14 ~~to an individual as a result of the individual having been~~
15 ~~convicted or sentenced by a court for an offense similar to an~~
16 ~~offense listed in section 9795.1 (relating to registration).~~

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

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

25 ~~"Residence." A location where an individual resides or is~~
26 ~~domiciled or intends to be domiciled for 30 consecutive days or~~
27 ~~more during a calendar year.~~

28 ~~"Sexually violent offense." Any criminal offense specified~~
29 ~~in section 9795.1 (relating to registration).~~

30 ~~"Sexually violent predator." A person who has been convicted~~

1 ~~of a sexually violent offense as set forth in section 9795.1~~
2 ~~(relating to registration) and who is determined to be a~~
3 ~~sexually violent predator under section 9795.4 (relating to~~
4 ~~assessments) due to a mental abnormality or personality disorder~~
5 ~~that makes the person likely to engage in predatory sexually~~
6 ~~violent offenses. The term includes an individual determined to~~
7 ~~be a sexually violent predator where the determination occurred~~
8 ~~in the United States or one of its territories or possessions,~~
9 ~~another state, the District of Columbia, the Commonwealth of~~
10 ~~Puerto Rico, a foreign nation or by court martial.~~

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

15 ~~§ 9795.1. Registration.~~

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

19 ~~(1) Individuals convicted of any of the following~~
20 ~~offenses:~~

21 ~~18 Pa.C.S. § 2901 (relating to kidnapping) where the~~
22 ~~victim is a minor.~~

23 ~~18 Pa.C.S. § 2910 (relating to luring a child into a~~
24 ~~motor vehicle or structure).~~

25 ~~18 Pa.C.S. § 3124.2 (relating to institutional sexual~~
26 ~~assault).~~

27 ~~18 Pa.C.S. § 3126 (relating to indecent assault)~~
28 ~~where the offense is graded as a misdemeanor of the first~~
29 ~~degree or higher.~~

30 ~~18 Pa.C.S. § 4302 (relating to incest) where the~~

1 ~~victim is 12 years of age or older but under 18 years of~~
2 ~~age.~~

3 ~~18 Pa.C.S. § 5902(b) (relating to prostitution and~~
4 ~~related offenses) where the actor promotes the~~
5 ~~prostitution of a minor.~~

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

9 ~~18 Pa.C.S. § 6312 (relating to sexual abuse of~~
10 ~~children).~~

11 ~~18 Pa.C.S. § 6318 (relating to unlawful contact with~~
12 ~~minor).~~

13 ~~18 Pa.C.S. § 6320 (relating to sexual exploitation of~~
14 ~~children).~~

15 ~~(2) Individuals convicted of an attempt, conspiracy or~~
16 ~~solicitation to commit any of the offenses under paragraph~~
17 ~~(1) or subsection (b) (2).~~

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

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

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

29 ~~(2) Individuals convicted of any of the following~~
30 ~~offenses:~~

1 ~~18 Pa.C.S. § 3121 (relating to rape).~~

2 ~~18 Pa.C.S. § 3123 (relating to involuntary deviate~~
3 ~~sexual intercourse).~~

4 ~~18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

5 ~~18 Pa.C.S. § 3125 (relating to aggravated indecent~~
6 ~~assault).~~

7 ~~18 Pa.C.S. § 4302 (relating to incest) when the~~
8 ~~victim is under 12 years of age.~~

9 ~~(3) Sexually violent predators.~~

10 ~~(4) Individuals currently residing in this Commonwealth~~
11 ~~who have been convicted of offenses similar to the crimes~~
12 ~~cited in paragraph (2) under the laws of the United States or~~
13 ~~one of its territories or possessions, another state, the~~
14 ~~District of Columbia, the Commonwealth of Puerto Rico or a~~
15 ~~foreign nation or under a former law of this Commonwealth.~~

16 ~~(c) Natural disaster. The occurrence of a natural disaster~~
17 ~~or other event requiring evacuation of residences shall not~~
18 ~~relieve an individual of the duty to register or any other duty~~
19 ~~imposed by this chapter.~~

20 ~~§ 9795.2. Registration procedures and applicability.~~

21 ~~(a) Registration.~~

22 ~~(1) Offenders and sexually violent predators shall be~~
23 ~~required to register with the Pennsylvania State Police upon~~
24 ~~release from incarceration, upon parole from a State or~~
25 ~~county correctional institution or upon the commencement of a~~
26 ~~sentence of intermediate punishment or probation. For~~
27 ~~purposes of registration, offenders and sexually violent~~
28 ~~predators shall provide the Pennsylvania State Police with~~
29 ~~all current or intended residences, all information~~
30 ~~concerning current or intended employment and all information~~

1 ~~concerning current or intended enrollment as a student.~~

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.~~

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

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

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

16 ~~(2.1) Registration with a new law enforcement agency~~
17 ~~shall occur no later than 48 hours after establishing~~
18 ~~residence in another state.~~

19 ~~(3) The ten year registration period required in section~~
20 ~~9795.1(a) (relating to registration) shall be tolled when an~~
21 ~~offender is recommitted for a parole violation or sentenced~~
22 ~~to an additional term of imprisonment. In such cases, the~~
23 ~~Department of Corrections or county correctional facility~~
24 ~~shall notify the Pennsylvania State Police of the admission~~
25 ~~of the offender.~~

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

28 ~~(i) Where the offender or sexually violent predator~~
29 ~~was granted parole by the Pennsylvania Board of Probation~~
30 ~~and Parole or the court or is sentenced to probation or~~

1 ~~intermediate punishment, the board or county office of~~
2 ~~probation and parole shall collect registration~~
3 ~~information from the offender or sexually violent~~
4 ~~predator and forward that registration information to the~~
5 ~~Pennsylvania State Police. The Department of Corrections~~
6 ~~or county correctional facility shall not release the~~
7 ~~offender or sexually violent predator until it receives~~
8 ~~verification from the Pennsylvania State Police that it~~
9 ~~has received the registration information. Verification~~
10 ~~by the Pennsylvania State Police may occur by electronic~~
11 ~~means, including e mail or facsimile transmission. Where~~
12 ~~the offender or sexually violent predator is scheduled to~~
13 ~~be released from a State correctional facility or county~~
14 ~~correctional facility because of the expiration of the~~
15 ~~maximum term of incarceration, the Department of~~
16 ~~Corrections or county correctional facility shall collect~~
17 ~~the information from the offender or sexually violent~~
18 ~~predator no later than ten days prior to the maximum~~
19 ~~expiration date. The registration information shall be~~
20 ~~forwarded to the Pennsylvania State Police.~~

21 ~~(ii) Where the offender or sexually violent predator~~
22 ~~scheduled to be released from a State correctional~~
23 ~~facility or county correctional facility due to the~~
24 ~~maximum expiration date refuses to provide the~~
25 ~~registration information, the Department of Corrections~~
26 ~~or county correctional facility shall notify the~~
27 ~~Pennsylvania State Police or police department with~~
28 ~~jurisdiction over the facility of the failure to provide~~
29 ~~registration information and of the expected date, time~~
30 ~~and location of the release of the offender or sexually~~

1 ~~violent predator.~~

2 ~~(b) Individuals convicted or sentenced by a court or~~
3 ~~adjudicated delinquent in jurisdictions outside this~~
4 ~~Commonwealth or sentenced by court martial.~~

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

17 ~~(i) If the individual has been classified as a~~
18 ~~sexually violent predator as defined in section 9792~~
19 ~~(relating to definitions) or determined under the laws of~~
20 ~~the other jurisdiction or by reason of court martial to~~
21 ~~be subject to active notification and lifetime~~
22 ~~registration on the basis of a statutorily authorized~~
23 ~~administrative or judicial decision or on the basis of a~~
24 ~~statute or administrative rule requiring active~~
25 ~~notification and lifetime registration based solely on~~
26 ~~the offense for which the individual was convicted,~~
27 ~~sentenced or court martial, the individual shall,~~
28 ~~notwithstanding section 9792, be considered a sexually~~
29 ~~violent predator and subject to lifetime registration~~
30 ~~pursuant to section 9795.1(b) (relating to registration).~~

1 ~~The individual shall also be subject to the provisions of~~
2 ~~this section and sections 9796 (relating to verification~~
3 ~~of residence), 9798 (relating to other notification) and~~
4 ~~9798.1(c)(1) (relating to information made available on~~
5 ~~the Internet), except that the individual shall not be~~
6 ~~required to receive counseling unless required to do so~~
7 ~~by the other jurisdiction or by reason of court martial.~~

8 ~~(ii) Except as provided in subparagraphs (i) and~~
9 ~~(iv), if the individual has been convicted or sentenced~~
10 ~~by a court or court martial for an offense listed in~~
11 ~~section 9795.1(b) or an equivalent offense, the~~
12 ~~individual shall, notwithstanding section 9792, be~~
13 ~~considered an offender and be subject to lifetime~~
14 ~~registration pursuant to 9795.1(b). The individual shall~~
15 ~~also be subject to the provisions of this section and~~
16 ~~sections 9796 and 9798.1(c)(2).~~

17 ~~(iii) Except as provided in subparagraphs (i), (ii),~~
18 ~~(iv) and (v), if the individual has been convicted or~~
19 ~~sentenced by a court or court martial for an offense~~
20 ~~listed in section 9795.1(a) or an equivalent offense, the~~
21 ~~individual shall be, notwithstanding section 9792,~~
22 ~~considered an offender and subject to registration~~
23 ~~pursuant to this subchapter. The individual shall also be~~
24 ~~subject to the provisions of this section and sections~~
25 ~~9796 and 9798.1(c)(2). The individual shall be subject to~~
26 ~~this subchapter for a period of ten years or for a period~~
27 ~~of time equal to the time for which the individual was~~
28 ~~required to register in the other jurisdiction or~~
29 ~~required to register by reason of court martial,~~
30 ~~whichever is greater, less any credit due to the~~

1 ~~individual as a result of prior compliance with~~
2 ~~registration requirements.~~

3 ~~(iv) Except as provided in subparagraph (i) and~~
4 ~~notwithstanding subparagraph (v), if the individual is~~
5 ~~subject to active notification in the other jurisdiction~~
6 ~~or subject to active notification by reason of court~~
7 ~~martial, the individual shall, notwithstanding section~~
8 ~~9792, be considered an offender and subject to this~~
9 ~~section and sections 9796, 9798 and 9798.1(c)(1). If the~~
10 ~~individual was convicted of or sentenced in the other~~
11 ~~jurisdiction or sentenced by court martial for an offense~~
12 ~~listed in section 9795.1(b) or an equivalent offense, the~~
13 ~~individual shall be subject to this subchapter for the~~
14 ~~individual's lifetime. If the individual was convicted of~~
15 ~~or sentenced in the other jurisdiction or sentenced by~~
16 ~~court martial for an offense listed in section 9795.1(a)~~
17 ~~or an equivalent offense, the individual shall be subject~~
18 ~~to this subchapter for a period of ten years or for a~~
19 ~~period of time equal to the time for which the individual~~
20 ~~was required to register in the other jurisdiction or~~
21 ~~required to register by reason of court martial,~~
22 ~~whichever is greater, less any credit due to the~~
23 ~~individual as a result of prior compliance with~~
24 ~~registration requirements. Otherwise, the individual~~
25 ~~shall be subject to this subchapter for a period of time~~
26 ~~equal to the time for which the individual was required~~
27 ~~to register in the other jurisdiction or required to~~
28 ~~register by reason of court martial, less any credit due~~
29 ~~to the individual as a result of prior compliance with~~
30 ~~registration requirements.~~

1 ~~(v) Except as provided in subparagraphs (i), (ii),~~
2 ~~(iii) and (iv), if the individual is subject to passive~~
3 ~~notification in the other jurisdiction or subject to~~
4 ~~passive notification by reason of court martial, the~~
5 ~~individual shall, notwithstanding section 9792, be~~
6 ~~considered an offender and subject to this section and~~
7 ~~sections 9796 and 9798.1(c) (2). The individual shall be~~
8 ~~subject to this subchapter for a period of time equal to~~
9 ~~the time for which the individual was required to~~
10 ~~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 ~~(5) Notwithstanding the provisions of Chapter 63-~~
15 ~~(relating to juvenile matters) and except as provided in~~
16 ~~paragraph (4), an individual who resides, is employed or is a~~
17 ~~student in this Commonwealth and who is required to register~~
18 ~~as a sex offender under the laws of the United States or one~~
19 ~~of its territories or possessions, another state, the~~
20 ~~District of Columbia, the Commonwealth of Puerto Rico or a~~
21 ~~foreign nation as a result of a juvenile adjudication shall~~
22 ~~register at an approved registration site within 48 hours of~~
23 ~~the individual's arrival in this Commonwealth. The provisions~~
24 ~~of this subchapter shall apply to the individual as follows:~~

25 ~~(i) If the individual has been classified as a~~
26 ~~sexually violent predator as defined in section 9792 or~~
27 ~~determined under the laws of the other jurisdiction to be~~
28 ~~subject to active notification and lifetime registration~~
29 ~~on the basis of a statutorily authorized administrative~~
30 ~~or judicial decision or on the basis of a statute or~~

1 ~~administrative rule requiring active notification and~~
2 ~~lifetime registration based solely on the offense for~~
3 ~~which the individual was adjudicated, the individual~~
4 ~~shall, notwithstanding section 9792, be considered a~~
5 ~~sexually violent predator and subject to lifetime~~
6 ~~registration pursuant to section 9795.1(b). The~~
7 ~~individual shall also be subject to the provisions of~~
8 ~~this section and sections 9796 and 9798.1(c)(1), except~~
9 ~~that the individual shall not be required to receive~~
10 ~~counseling unless required to do so by the other~~
11 ~~jurisdiction.~~

12 ~~(ii) Except as provided in subparagraph (i), if the~~
13 ~~individual is subject to active notification in the other~~
14 ~~jurisdiction, the individual shall, notwithstanding~~
15 ~~section 9792, be considered an offender and subject to~~
16 ~~registration pursuant to this subchapter. The individual~~
17 ~~shall also be subject to the provisions of this section~~
18 ~~and sections 9796, 9798 and 9798.1(c)(1). The individual~~
19 ~~shall be subject to this subchapter for a period of time~~
20 ~~equal to the time for which the individual was required~~
21 ~~to register in the other jurisdiction, less any credit~~
22 ~~due to the individual as a result of prior compliance~~
23 ~~with registration requirements.~~

24 ~~(iii) Except as provided in subparagraphs (i) and~~
25 ~~(ii), if the individual is subject to passive~~
26 ~~notification in the other jurisdiction, the individual~~
27 ~~shall, notwithstanding section 9792, be considered an~~
28 ~~offender and be subject to this section and sections 9796~~
29 ~~and 9798.1(c)(2). The individual shall be subject to this~~
30 ~~subchapter for a period of time equal to the time for~~

1 ~~which the individual was required to register in the~~
2 ~~other jurisdiction, less any credit due to the individual~~
3 ~~as a result of prior registration compliance.~~

4 ~~(c) Registration information to local police.~~

5 ~~(1) The Pennsylvania State Police shall provide the~~
6 ~~information obtained under this section and sections 9795.3~~
7 ~~(relating to sentencing court information) and 9796 (relating~~
8 ~~to verification of residence) to the chief law enforcement~~
9 ~~officers of the police departments of the municipalities in~~
10 ~~which the individual will reside, be employed or enrolled as~~
11 ~~a student. In addition, the Pennsylvania State Police shall~~
12 ~~provide this officer with the address at which the individual~~
13 ~~will reside, be employed or enrolled as a student following~~
14 ~~his release from incarceration, parole or probation.~~

15 ~~(2) The Pennsylvania State Police shall provide notice~~
16 ~~to the chief law enforcement officers of the police~~
17 ~~departments of the municipalities notified pursuant to~~
18 ~~paragraph (1) when an individual fails to comply with the~~
19 ~~registration requirements of this section or section 9796 and~~
20 ~~request, as appropriate, that these police departments assist~~
21 ~~in locating and apprehending the individual.~~

22 ~~(3) The Pennsylvania State Police shall provide notice~~
23 ~~to the chief law enforcement officers of the police~~
24 ~~departments of the municipalities notified pursuant to~~
25 ~~paragraph (1) when they are in receipt of information~~
26 ~~indicating that the individual will no longer reside, be~~
27 ~~employed or be enrolled as a student in the municipality.~~

28 ~~(d) Penalty. An individual subject to registration under~~
29 ~~section 9795.1(a) or (b) who fails to register with the~~
30 ~~Pennsylvania State Police as required by this section may be~~

1 ~~subject to prosecution under 18 Pa.C.S. § 4915 (relating to~~
2 ~~failure to comply with registration of sexual offenders~~
3 ~~requirements).~~

4 ~~(e) Registration sites. An individual subject to section~~
5 ~~9795.1 shall register and submit to fingerprinting and~~
6 ~~photographing as required by this subchapter at approved~~
7 ~~registration sites.~~

8 ~~§ 9795.3. Sentencing court information.~~

9 ~~The sentencing court shall inform offenders and sexually~~
10 ~~violent predators at the time of sentencing of the provisions of~~
11 ~~this subchapter. The court shall:~~

12 ~~(1) Specifically inform the offender or sexually violent~~
13 ~~predator of the duty to register and provide the information~~
14 ~~required for each registration, including verification as~~
15 ~~required in section 9796(a) (relating to verification of~~
16 ~~residence).~~

17 ~~(2) Specifically inform the offender or sexually violent~~
18 ~~predator of the duty to inform the Pennsylvania State Police~~
19 ~~within ten days if the offender or sexually violent predator~~
20 ~~changes residence or establishes an additional residence or~~
21 ~~residences, changes employer or employment location for a~~
22 ~~period of time that will exceed 14 days or for an aggregate~~
23 ~~period of time that will exceed 30 days during any calendar~~
24 ~~year or terminates employment or changes institution or~~
25 ~~location at which the person is enrolled as a student or~~
26 ~~terminates enrollment.~~

27 ~~(2.1) Specifically inform the offender or sexually~~
28 ~~violent predator of the duty to inform the Pennsylvania State~~
29 ~~Police within ten days of becoming employed or enrolled as a~~
30 ~~student if the person has not previously provided that~~

1 ~~information to the Pennsylvania State Police.~~

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

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

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

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

23 ~~§ 9795.4. Assessments.~~

24 ~~(a) Order for assessment. After conviction but before~~
25 ~~sentencing, a court shall order an individual convicted of an~~
26 ~~offense specified in section 9795.1 (relating to registration)~~
27 ~~to be assessed by the board. The order for an assessment shall~~
28 ~~be sent to the administrative officer of the board within ten~~
29 ~~days of the date of conviction.~~

30 ~~(b) Assessment. Upon receipt from the court of an order for~~

1 ~~an assessment, a member of the board as designated by the~~
2 ~~administrative officer of the board shall conduct an assessment~~
3 ~~of the individual to determine if the individual should be~~
4 ~~classified as a sexually violent predator. The board shall~~
5 ~~establish standards for evaluations and for evaluators~~
6 ~~conducting the assessments. An assessment shall include, but not~~
7 ~~be limited to, an examination of the following:~~

8 ~~(1) Facts of the current offense, including:~~

9 ~~(i) Whether the offense involved multiple victims.~~

10 ~~(ii) Whether the individual exceeded the means~~
11 ~~necessary to achieve the offense.~~

12 ~~(iii) The nature of the sexual contact with the~~
13 ~~victim.~~

14 ~~(iv) Relationship of the individual to the victim.~~

15 ~~(v) Age of the victim.~~

16 ~~(vi) Whether the offense included a display of~~
17 ~~unusual cruelty by the individual during the commission~~
18 ~~of the crime.~~

19 ~~(vii) The mental capacity of the victim.~~

20 ~~(2) Prior offense history, including:~~

21 ~~(i) The individual's prior criminal record.~~

22 ~~(ii) Whether the individual completed any prior~~
23 ~~sentences.~~

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

26 ~~(3) Characteristics of the individual, including:~~

27 ~~(i) Age of the individual.~~

28 ~~(ii) Use of illegal drugs by the individual.~~

29 ~~(iii) Any mental illness, mental disability or~~
30 ~~mental abnormality.~~

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

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

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

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

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

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

24 ~~(2) Whether the victim was a minor.~~

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

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

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

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

5 ~~(e) Hearing.~~

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

12 ~~(2) The individual and district attorney shall be given~~
13 ~~notice of the hearing and an opportunity to be heard, the~~
14 ~~right to call witnesses, the right to call expert witnesses~~
15 ~~and the right to cross examine witnesses. In addition, the~~
16 ~~individual shall have the right to counsel and to have a~~
17 ~~lawyer appointed to represent him if he cannot afford one. If~~
18 ~~the individual requests another expert assessment, the~~
19 ~~individual shall provide a copy of the expert assessment to~~
20 ~~the district attorney prior to the hearing.~~

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

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

30 ~~(f) Presentence investigation. In all cases where the board~~

1 ~~has performed an assessment pursuant to this section, copies of~~
2 ~~the report shall be provided to the agency preparing the~~
3 ~~presentence investigation.~~

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

9 ~~(h) Delinquent children. Except where section 6358(b.1)~~
10 ~~(relating to assessment of delinquent children by the State~~
11 ~~Sexual Offenders Assessment Board) is applicable, the probation~~
12 ~~officer shall notify the board 90 days prior to the 20th~~
13 ~~birthday of the child of the status of the delinquent child who~~
14 ~~is committed to an institution or other facility pursuant to~~
15 ~~section 6352 (relating to disposition of delinquent child) after~~
16 ~~having been found delinquent for an act of sexual violence which~~
17 ~~if committed by an adult would be a violation of 18 Pa.C.S. §~~
18 ~~3121 (relating to rape), 3123 (relating to involuntary deviate~~
19 ~~sexual intercourse), 3124.1 (relating to sexual assault), 3125~~
20 ~~(relating to aggravated indecent assault), 3126 (relating to~~
21 ~~indecent assault) or 4302 (relating to incest), together with~~
22 ~~the location of the facility where the child is committed. The~~
23 ~~board shall conduct an assessment of the child, which shall~~
24 ~~include the board's determination of whether or not the child is~~
25 ~~in need of commitment due to a mental abnormality as defined in~~
26 ~~section 6402 (relating to definitions) or a personality~~
27 ~~disorder, either of which results in serious difficulty in~~
28 ~~controlling sexually violent behavior, and provide a report to~~
29 ~~the court within the time frames set forth in section 6358(c).~~
30 ~~The probation officer shall assist the board in obtaining access~~

1 ~~to the child and any records or information as requested by the~~
2 ~~board in connection with the assessment. The assessment shall be~~
3 ~~conducted pursuant to subsection (b).~~

4 ~~(i) Other assessments. Upon receipt from the court of an~~
5 ~~order for an assessment under section 9795.5 (relating to~~
6 ~~exemption from certain notification), a member of the board as~~
7 ~~designated by the administrative officer of the board shall~~
8 ~~conduct an assessment of the individual to determine if the~~
9 ~~relief sought, if granted, is likely to pose a threat to the~~
10 ~~safety of any other person. The board shall establish standards~~
11 ~~for evaluations and for evaluators conducting these assessments.~~
12 ~~§ 9795.5. Exemption from certain notifications.~~

13 ~~(a) Lifetime registrants not classified as sexually violent~~
14 ~~predators.~~

15 ~~(1) An individual required to register under section~~
16 ~~9795.1 (relating to registration) who is not a sexually~~
17 ~~violent predator may petition the sentencing court to be~~
18 ~~exempt from the application of section 9798.1 (relating to~~
19 ~~information made available on the Internet) provided no less~~
20 ~~than 20 years have passed since the individual has been~~
21 ~~convicted in this or any other jurisdiction of any offense~~
22 ~~punishable by imprisonment for more than one year, or the~~
23 ~~individual's release from custody following the individual's~~
24 ~~most recent conviction for any such offense, whichever is~~
25 ~~later.~~

26 ~~(2) Upon receipt of a petition filed under paragraph~~
27 ~~(1), the sentencing court shall enter an order directing that~~
28 ~~the petitioner be assessed by the board in accordance with~~
29 ~~the provisions of section 9795.4(i) (relating to~~
30 ~~assessments). The order for an assessment under this~~

1 ~~subsection shall be sent to the administrative officer of the~~
2 ~~board within ten days of its entry. No later than 90 days~~
3 ~~following receipt of such an order, the board shall submit a~~
4 ~~written report containing its assessment to the sentencing~~
5 ~~court, the district attorney and the attorney for the~~
6 ~~petitioner.~~

7 ~~(3) Within 120 days of the filing of a petition under~~
8 ~~paragraph (1), the sentencing court shall hold a hearing to~~
9 ~~determine whether to exempt the petitioner from the~~
10 ~~application of section 9798.1. The petitioner and the~~
11 ~~district attorney shall be given notice of the hearing and an~~
12 ~~opportunity to be heard, the right to call witnesses, the~~
13 ~~right to call expert witnesses and the right to cross examine~~
14 ~~witnesses. The petitioner shall have the right to counsel and~~
15 ~~to have a lawyer appointed to represent him if he cannot~~
16 ~~afford one.~~

17 ~~(4) The sentencing court shall exempt the petitioner~~
18 ~~from application of section 9798.1 only upon finding by clear~~
19 ~~and convincing evidence that exempting the petitioner from~~
20 ~~the application of section 9798.1 is not likely to pose a~~
21 ~~threat to the safety of any other person.~~

22 ~~(b) Sexually violent predators.—~~

23 ~~(1) An individual required to register under section~~
24 ~~9795.1 who is a sexually violent predator may petition the~~
25 ~~sentencing court for release from the application of section~~
26 ~~9798 (relating to other notification) provided no less than~~
27 ~~20 years have passed since the individual has been convicted~~
28 ~~in this or any other jurisdiction of any offense punishable~~
29 ~~by imprisonment for more than one year, or the individual's~~
30 ~~release from custody following the individual's most recent~~

1 ~~conviction for any such offense, whichever is later.~~

2 ~~(2) Upon receipt of a petition under paragraph (1), the~~
3 ~~sentencing court shall order the petitioner to be assessed by~~
4 ~~the board in accordance with the provisions of section~~
5 ~~9795.4(i). The order for an assessment pursuant to this~~
6 ~~subsection shall be sent to the administrative officer of the~~
7 ~~board within ten days of its entry. No later than 90 days~~
8 ~~following receipt of such an order, the board shall submit a~~
9 ~~written report containing its assessment to the sentencing~~
10 ~~court, the district attorney and the attorney for the~~
11 ~~petitioner.~~

12 ~~(3) Within 120 days of the filing of a petition under~~
13 ~~paragraph (1), the sentencing court shall hold a hearing to~~
14 ~~determine whether to exempt the petitioner from application~~
15 ~~of section 9798. The petitioner and the district attorney~~
16 ~~shall be given notice of the hearing and an opportunity to be~~
17 ~~heard, the right to call witnesses, the right to call expert~~
18 ~~witnesses and the right to cross examine witnesses. The~~
19 ~~petitioner shall have the right to counsel and to have a~~
20 ~~lawyer appointed to represent him if he cannot afford one.~~

21 ~~(4) The sentencing court shall exempt the petitioner~~
22 ~~from application of section 9798 only upon clear and~~
23 ~~convincing evidence that releasing the petitioner from~~
24 ~~application of section 9798 is not likely to pose a threat to~~
25 ~~the safety of any other person.~~

26 ~~(c) Notice. Any court granting relief to a petitioner under~~
27 ~~this section shall notify the Pennsylvania State Police in~~
28 ~~writing within ten days from the date such relief is granted.~~

29 ~~(d) Right to appeal. The petitioner and the Commonwealth~~
30 ~~shall have the right to appellate review of the actions of the~~

1 ~~sentencing court taken under this section. An appeal by the~~
2 ~~Commonwealth shall stay the order of the sentencing court.~~

3 ~~(c) Subsequent conviction for failing to comply. If an~~
4 ~~individual is exempt from the application of either section 9798~~
5 ~~or 9798.1 under this section and the individual is subsequently~~
6 ~~convicted of an offense under 18 Pa.C.S. § 4915 (relating to~~
7 ~~failure to comply with registration of sexual offenders~~
8 ~~requirements), any relief granted under this section shall be~~
9 ~~void, and the individual shall automatically and immediately~~
10 ~~again be subject to all applicable provisions of this~~
11 ~~subchapter, as previously determined by this subchapter.~~
12 ~~§ 9796. Verification of residence.~~

13 ~~(a) Quarterly verification by sexually violent predators.~~
14 ~~The Pennsylvania State Police shall verify the residence and~~
15 ~~compliance with counseling as provided for in section 9799.4~~
16 ~~(relating to counseling of sexually violent predators) of~~
17 ~~sexually violent predators every 90 days through the use of a~~
18 ~~nonforwardable verification form to the last reported residence.~~
19 ~~For the period of registration required by section 9795.1~~
20 ~~(relating to registration), a sexually violent predator shall~~
21 ~~appear quarterly between January 5 and January 15, April 5 and~~
22 ~~April 15, July 5 and July 15 and October 5 and October 15 of~~
23 ~~each calendar year at an approved registration site to complete~~
24 ~~a verification form and to be photographed.~~

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

28 ~~(1) sending a notice by first class United States mail~~
29 ~~to all registered sexually violent predators at their last~~
30 ~~reported residence addresses. This notice shall be sent not~~

1 ~~more than 30 days nor less than 15 days prior to each of the~~
2 ~~quarterly verification periods set forth in subsection (a)~~
3 ~~and shall remind sexually violent predators of their~~
4 ~~quarterly verification requirement and provide them with a~~
5 ~~list of approved registration sites; and~~

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

9 ~~(b) Annual verification by offenders. The Pennsylvania~~
10 ~~State Police shall verify the residence of offenders. For the~~
11 ~~period of registration required by section 9795.1, an offender~~
12 ~~shall appear within ten days before each annual anniversary date~~
13 ~~of the offender's initial registration under section 9795.1 at~~
14 ~~an approved registration site to complete a verification form~~
15 ~~and to be photographed.~~

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

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

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

28 ~~(c) Notification of law enforcement agencies of change of~~
29 ~~residence. A change of residence of an offender or sexually~~
30 ~~violent predator required to register under this subchapter~~

1 ~~reported to the Pennsylvania State Police shall be immediately~~
2 ~~reported by the Pennsylvania State Police to the appropriate law~~
3 ~~enforcement agency having jurisdiction of the offender's or the~~
4 ~~sexually violent predator's new place of residence. The~~
5 ~~Pennsylvania State Police shall, if the offender or sexually~~
6 ~~violent predator changes residence to another state, notify the~~
7 ~~law enforcement agency with which the offender or sexually~~
8 ~~violent predator must register in the new state.~~

9 ~~(d) Failure to provide verification. Where an offender or~~
10 ~~sexually violent predator fails to provide verification of~~
11 ~~residence within the ten day period as set forth in this~~
12 ~~section, the Pennsylvania State Police shall immediately notify~~
13 ~~the municipal police department of the offender's or the~~
14 ~~sexually violent predator's last verified residence. The local~~
15 ~~municipal police shall locate the offender or sexually violent~~
16 ~~predator and arrest him for violating this section. The~~
17 ~~Pennsylvania State Police shall assume responsibility for~~
18 ~~locating the offender or sexually violent predator and arresting~~
19 ~~him in jurisdictions where no municipal police jurisdiction~~
20 ~~exists. The Pennsylvania State Police shall assist any municipal~~
21 ~~police department requesting assistance with locating and~~
22 ~~arresting an offender or sexually violent predator who fails to~~
23 ~~verify his residence.~~

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

29 ~~(f) Effect of notice. Neither failure on the part of the~~
30 ~~Pennsylvania State Police to send nor failure of a sexually~~

1 ~~violent predator or offender to receive any notice or~~
2 ~~information under subsection (a.1) or (b.1) shall relieve that~~
3 ~~predator or offender from the requirements of this subchapter.~~
4 ~~§ 9797. Victim notification.~~

5 ~~(a) Duty to inform victim.~~

6 ~~(1) Where the individual is determined to be a sexually~~
7 ~~violent predator by a court under section 9795.4 (relating to~~
8 ~~assessments), the local municipal police department or the~~
9 ~~Pennsylvania State Police where no municipal police~~
10 ~~jurisdiction exists shall give written notice to the sexually~~
11 ~~violent predator's victim when the sexually violent predator~~
12 ~~registers initially and when he notifies the Pennsylvania~~
13 ~~State Police of any change of residence. This notice shall be~~
14 ~~given within 72 hours after the sexually violent predator~~
15 ~~registers or notifies the Pennsylvania State Police of a~~
16 ~~change of address. The notice shall contain the sexually~~
17 ~~violent predator's name and the address or addresses where he~~
18 ~~resides.~~

19 ~~(2) A victim may terminate the duty to inform set forth~~
20 ~~in paragraph (1) by providing the local municipal police~~
21 ~~department or the Pennsylvania State Police where no local~~
22 ~~municipal police department exists with a written statement~~
23 ~~releasing that agency from the duty to comply with this~~
24 ~~section as it pertains to that victim.~~

25 ~~(b) Where an individual is not determined to be a sexually~~
26 ~~violent predator. Where an individual is not determined to be a~~
27 ~~sexually violent predator by a court under section 9795.4, the~~
28 ~~victim shall be notified in accordance with section 201 of the~~
29 ~~act of November 24, 1998 (P.L.882, No.111), known as the Crime~~
30 ~~Victims Act.~~

1 ~~§ 9798. Other notification.~~

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

9 ~~(1) The notice shall contain:~~

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

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

13 ~~(iii) The offense for which he was convicted,~~
14 ~~sentenced by a court, adjudicated delinquent or~~
15 ~~courtmartialed.~~

16 ~~(iv) A statement that he has been determined by~~
17 ~~court order to be a sexually violent predator, which~~
18 ~~determination has or has not been terminated as of a date~~
19 ~~certain.~~

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

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

24 ~~(b) To whom written notice is provided. The chief law~~
25 ~~enforcement officer shall provide written notice, under~~
26 ~~subsection (a), to the following persons:~~

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

1 ~~interest community.~~

2 ~~(2) The director of the county children and youth-~~
3 ~~service agency of the county where the sexually violent-~~
4 ~~predator resides.~~

5 ~~(3) The superintendent of each school district and the~~
6 ~~equivalent official for private and parochial schools-~~
7 ~~enrolling students up through grade 12 in the municipality-~~
8 ~~where the sexually violent predator resides.~~

9 ~~(3.1) The superintendent of each school district and the~~
10 ~~equivalent official for each private and parochial school-~~
11 ~~located within a one mile radius of where the sexually-~~
12 ~~violent predator resides.~~

13 ~~(4) The licensee of each certified day care center and-~~
14 ~~licensed preschool program and owner/operator of each-~~
15 ~~registered family day care home in the municipality where the-~~
16 ~~sexually violent predator resides.~~

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

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

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

30 ~~(2) To the persons specified in subsection (b) (2), (3),~~

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

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

9 ~~(e) Interstate transfers. The duties of police departments~~
10 ~~under this section shall also apply to individuals who are~~
11 ~~transferred to this Commonwealth pursuant to the Interstate~~
12 ~~Compact for the Supervision of Adult Offenders or the Interstate~~
13 ~~Compact for Juveniles.~~

14 ~~§ 9798.1. Information made available on the Internet.~~

15 ~~(a) Legislative findings. It is hereby declared to be the~~
16 ~~finding of the General Assembly that public safety will be~~
17 ~~enhanced by making information about sexually violent predators,~~
18 ~~lifetime registrants and other sex offenders available to the~~
19 ~~public through the Internet. Knowledge of whether a person is a~~
20 ~~sexually violent predator, lifetime registrant or other sex~~
21 ~~offender could be a significant factor in protecting oneself and~~
22 ~~one's family members, or those in care of a group or community~~
23 ~~organization, from recidivist acts by sexually violent~~
24 ~~predators, lifetime registrants and other sex offenders. The~~
25 ~~technology afforded by the Internet would make this information~~
26 ~~readily accessible to parents and private entities, enabling~~
27 ~~them to undertake appropriate remedial precautions to prevent or~~
28 ~~avoid placing potential victims at risk. Public access to~~
29 ~~information about sexually violent predators, lifetime~~
30 ~~registrants and other sex offenders is intended solely as a~~

1 ~~means of public protection and shall not be construed as~~
2 ~~punitive.~~

3 ~~(b) Internet posting of sexually violent predators, lifetime~~
4 ~~registrants and other offenders. The Commissioner of the~~
5 ~~Pennsylvania State Police shall, in the manner and form directed~~
6 ~~by the Governor:~~

7 ~~(1) Develop and maintain a system for making the~~
8 ~~information described in subsection (c) publicly available by~~
9 ~~electronic means so that the public may, without limitation,~~
10 ~~obtain access to the information via an Internet website to~~
11 ~~view an individual record or the records of all sexually~~
12 ~~violent predators, lifetime registrants and other offenders~~
13 ~~who are registered with the Pennsylvania State Police.~~

14 ~~(2) Ensure that the Internet website contains warnings~~
15 ~~that any person who uses the information contained therein to~~
16 ~~threaten, intimidate or harass another or who otherwise~~
17 ~~misuses that information may be criminally prosecuted.~~

18 ~~(3) Ensure that the Internet website contains an~~
19 ~~explanation of its limitations, including statements advising~~
20 ~~that a positive identification of a sexually violent~~
21 ~~predator, lifetime registrant or other offender whose record~~
22 ~~has been made available may be confirmed only by~~
23 ~~fingerprints; that some information contained on the Internet~~
24 ~~website may be outdated or inaccurate; and that the Internet~~
25 ~~website is not a comprehensive listing of every person who~~
26 ~~has ever committed a sex offense in Pennsylvania.~~

27 ~~(4) Strive to ensure that:~~

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

30 ~~(ii) the data therein is revised and updated as~~

1 ~~appropriate in a timely and efficient manner; and~~

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

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

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

15 ~~(c) Information permitted to be disclosed regarding~~
16 ~~individuals. Notwithstanding 18 Pa.C.S. Ch. 91 (relating to~~
17 ~~criminal history record information), the Internet website shall~~
18 ~~contain the following information on each individual:~~

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

21 ~~(i) name and all known aliases;~~

22 ~~(ii) year of birth;~~

23 ~~(iii) the street address, municipality, county and~~
24 ~~zip code of all residences, including, where applicable,~~
25 ~~the name of the prison or other place of confinement;~~

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

29 ~~(v) the municipality, county and zip code of any~~
30 ~~employment location;~~

1 ~~(vi) a photograph of the offender, which shall be~~
2 ~~updated not less than annually;~~

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

6 ~~(viii) any identifying marks, including scars,~~
7 ~~birthmarks and tattoos;~~

8 ~~(ix) the license plate number and description of any~~
9 ~~vehicle owned or registered to the offender;~~

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

12 ~~(xi) whether the victim is a minor;~~

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

15 ~~(xiii) the date of the offense and conviction, if~~
16 ~~available.~~

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.~~

20 ~~(d) Duration of Internet posting.~~

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

24 ~~(2) The information listed in subsection (c) about an~~
25 ~~offender who is subject to lifetime registration shall be~~
26 ~~made available on the Internet for the lifetime of the~~
27 ~~offender unless the offender is granted relief under section~~
28 ~~9795.5 (relating to exemption from certain notifications).~~

29 ~~(3) The information listed in subsection (c) about any~~
30 ~~other offender subject to registration shall be made~~

1 available on the Internet for the entire period during which
2 the offender is required to register, including any extension
3 of this period pursuant to 9795.2(a)(3) (relating to
4 registration procedures and applicability).

5 ~~§ 9798.2. Administration.~~

6 The Governor shall direct the Pennsylvania State Police, the
7 Pennsylvania Board of Probation and Parole, the State Sexual
8 Offenders Assessment Board, the Department of Corrections, the
9 Department of Transportation and any other agency of this
10 Commonwealth the Governor deems necessary to collaboratively
11 design, develop and implement an integrated and secure system of
12 communication, storage and retrieval of information to assure
13 the timely, accurate and efficient administration of this
14 subchapter.

15 ~~§ 9798.3. Global positioning system technology.~~

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

20 ~~§ 9799. Immunity for good faith conduct.~~

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

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

26 (2) District attorneys and their agents and employees.

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

30 (4) Directors and employees of county children and youth

1 agencies.

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

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

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

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

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

14 ~~(10) County correctional facilities and their agents and~~
15 ~~employees.~~

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

18 ~~(12) The unit owners' association of a common interest~~
19 ~~community and its agents and employees as it relates to~~
20 ~~distributing information regarding sexually violent predators~~
21 ~~obtained pursuant to section 9798(b)(1) (relating to other~~
22 ~~notification).~~

23 ~~§ 9799.1. Duties of Pennsylvania State Police.~~

24 ~~The Pennsylvania State Police shall:~~

25 ~~(1) Create and maintain a State registry of offenders~~
26 ~~and sexually violent predators.~~

27 ~~(2) In consultation with the Department of Corrections,~~
28 ~~the Office of Attorney General, the Pennsylvania Board of~~
29 ~~Probation and Parole and the chairman and the minority~~
30 ~~chairman of the Judiciary Committee of the Senate and the~~

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

~~29 (3) Write regulations regarding neighbor notification of~~
~~30 the current residence of sexually violent predators.~~

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

11 ~~(5) In consultation with the Department of Education and~~
12 ~~the Pennsylvania Board of Probation and Parole, promulgate~~
13 ~~guidelines directing licensed day care centers, licensed~~
14 ~~preschool programs, schools, universities and colleges,~~
15 ~~including community colleges, on the proper use and~~
16 ~~administration of information received under section 9798~~
17 ~~(relating to other notification).~~

18 ~~(6) Immediately transfer the information received from~~
19 ~~the Pennsylvania Board of Probation and Parole under section~~
20 ~~9799.2(2) and (3) (relating to duties of Pennsylvania Board~~
21 ~~of Probation and Parole) and the fingerprints of a sexually~~
22 ~~violent predator to the Federal Bureau of Investigation.~~

23 ~~§ 9799.2. Duties of Pennsylvania Board of Probation and Parole.~~

24 ~~The Pennsylvania Board of Probation and Parole shall:~~

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

29 ~~(2) In cooperation with the Department of Corrections~~
30 ~~and other Commonwealth agencies, obtain the following~~

1 ~~information regarding offenders and sexually violent~~
2 ~~predators:~~

3 ~~(i) Name, including any aliases.~~

4 ~~(ii) Identifying factors.~~

5 ~~(iii) Anticipated future residence.~~

6 ~~(iv) Offense history.~~

7 ~~(v) Documentation of any treatment received for the~~
8 ~~mental abnormality or personality disorder.~~

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

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

17 ~~(4) Apply for Federal funding as provided in the Adam~~
18 ~~Walsh Child Protection and Safety Act of 2006 (Public Law~~
19 ~~109-248, 120 Stat. 587) to support and enhance programming~~
20 ~~using satellite global positioning system technology.~~

21 ~~§ 9799.3. Board.~~

22 ~~(a) Composition. The State Sexual Offenders Assessment~~
23 ~~Board shall be composed of psychiatrists, psychologists and~~
24 ~~criminal justice experts, each of whom is an expert in the field~~
25 ~~of the behavior and treatment of sexual offenders.~~

26 ~~(b) Appointment. The Governor shall appoint the board~~
27 ~~members.~~

28 ~~(c) Term of office. Members of the board shall serve four~~
29 ~~year terms.~~

30 ~~(d) Compensation. The members of the board shall be~~

1 ~~compensated at a rate of \$350 per assessment and receive~~
2 ~~reimbursement for their actual and necessary expenses while~~
3 ~~performing the business of the board. The chairman shall receive~~
4 ~~\$500 additional compensation per annum.~~

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

7 ~~§ 9799.4. Counseling of sexually violent predators.~~

8 ~~For the period of registration required by section 9795.1(b)~~
9 ~~(relating to registration), a sexually violent predator shall be~~
10 ~~required to attend at least monthly counseling sessions in a~~
11 ~~program approved by the board and be financially responsible for~~
12 ~~all fees assessed from such counseling sessions. The board shall~~
13 ~~monitor the compliance of the sexually violent predator. If the~~
14 ~~sexually violent predator can prove to the satisfaction of the~~
15 ~~court that the person cannot afford to pay for the counseling~~
16 ~~sessions, that person shall still attend the counseling sessions~~
17 ~~and the parole office shall pay the requisite fees.~~

18 ~~§ 9799.7. Exemption from notification for certain licensees and~~
19 ~~their employees.~~

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

25 ~~(1) a sexually violent predator; or~~

26 ~~(2) an individual who is transferred to this~~

27 ~~Commonwealth pursuant to the Interstate Compact for the~~

28 ~~Supervision of Adult Offenders or the Interstate Compact for~~

29 ~~Juveniles.~~

30 ~~§ 9799.8. Annual performance audit.~~

1 ~~(a) Duties of the Attorney General. The Attorney General~~
2 ~~shall:~~

3 ~~(1) Conduct a performance audit annually to determine~~
4 ~~compliance with the requirements of this subchapter and any~~
5 ~~guidelines promulgated pursuant thereto. The audit shall, at~~
6 ~~a minimum, include a review of the practices, procedures and~~
7 ~~records of the Pennsylvania State Police, the Pennsylvania~~
8 ~~Board of Probation and Parole, the Department of Corrections,~~
9 ~~the State Sexual Offenders Assessment Board, the~~
10 ~~Administrative Office of the Pennsylvania Courts and any~~
11 ~~other State or local agency the Attorney General deems~~
12 ~~necessary in order to conduct a thorough and accurate~~
13 ~~performance audit.~~

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

24 ~~(3) Provide a copy of its report to the Pennsylvania~~
25 ~~State Police, the Pennsylvania Board of Probation and Parole,~~
26 ~~the Department of Corrections, the State Sexual Offenders~~
27 ~~Assessment Board, the Administrative Office of the~~
28 ~~Pennsylvania Courts, State or local agencies referenced~~
29 ~~therein, the chairman and the minority chairman of the~~
30 ~~Judiciary Committee of the Senate and the chairman and the~~

1 ~~minority chairman of the Judiciary Committee of the House of~~
2 ~~Representatives no less than 30 days prior to its release to~~
3 ~~the general public.~~

4 ~~(b) Cooperation required. Notwithstanding any other~~
5 ~~provision of law to the contrary, the Pennsylvania State Police,~~
6 ~~the Pennsylvania Board of Probation and Parole, the Department~~
7 ~~of Corrections, the State Sexual Offenders Assessment Board, the~~
8 ~~Administrative Office of the Pennsylvania Courts, the~~
9 ~~Pennsylvania Commission on Sentencing and any other State or~~
10 ~~local agency requested to do so shall fully cooperate with the~~
11 ~~Attorney General and assist the office in satisfying the~~
12 ~~requirements of this section. For purposes of this subsection,~~
13 ~~full cooperation shall include, at a minimum, complete access to~~
14 ~~unredacted records, files, reports and data systems.~~

15 ~~§ 9799.9. Photographs and fingerprinting.~~

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

27 SECTION 3.1. SECTION 9718.3(A) OF TITLE 42 IS AMENDED AND
28 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

29 § 9718.3. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF
30 SEXUAL OFFENDERS.



1 (A) MANDATORY SENTENCE.--MANDATORY SENTENCING SHALL BE AS
2 FOLLOWS:

3 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL
4 BE AS FOLLOWS:

5 (I) NOT LESS THAN TWO YEARS FOR AN INDIVIDUAL WHO:

6 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
7 9795.1(A) OR (A.1) (RELATING TO REGISTRATION), FORMER
8 SECTION 9793 (RELATING TO REGISTRATION OF CERTAIN
9 OFFENDERS FOR TEN YEARS) OR A SIMILAR PROVISION FROM
10 ANOTHER JURISDICTION; AND

11 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) [OR] (2)
12 OR (4) (RELATING TO FAILURE TO COMPLY WITH
13 REGISTRATION OF SEXUAL OFFENDERS REQUIREMENTS).

14 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
15 WHO:

16 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
17 9795.1(A) OR (A.1), FORMER SECTION 9793 OR A SIMILAR
18 PROVISION FROM ANOTHER JURISDICTION; AND

19 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

20 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
21 WHO:

22 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
23 9795.1(B) OR A SIMILAR PROVISION FROM ANOTHER
24 JURISDICTION; AND

25 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) [OR] (2)
26 OR (4).

27 (IV) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

28 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
29 9795.1(B) OR A SIMILAR PROVISION FROM ANOTHER
30 JURISDICTION; AND

1 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

2 (2) SENTENCING UPON CONVICTION FOR A SECOND OR
3 SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:

4 (I) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

5 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
6 9795.1, FORMER SECTION 9793 OR A SIMILAR PROVISION
7 FROM ANOTHER JURISDICTION; AND

8 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) [OR] (2)
9 OR (4).

10 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL
11 WHO:

12 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
13 9795.1, FORMER SECTION 9793 OR A SIMILAR PROVISION
14 FROM ANOTHER JURISDICTION; AND

15 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

16 * * *

17 (E) EXPIRATION.--THIS SECTION SHALL EXPIRE ONE YEAR AFTER
18 THE EFFECTIVE DATE OF THIS SUBSECTION.

19 SECTION 3.2. TITLE 42 IS AMENDED BY ADDING A SECTION TO
20 READ:

21 § 9718.4. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF
22 SEXUAL OFFENDERS.

23 (A) MANDATORY SENTENCING.--MANDATORY SENTENCING SHALL BE AS
24 FOLLOWS:

25 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL
26 BE AS FOLLOWS:

27 (I) NOT LESS THAN TWO YEARS FOR AN INDIVIDUAL WHO:

28 (A) WAS SUBJECT TO:

29 (I) FORMER SECTION 9795.1(A) (RELATING TO
30 REGISTRATION);

1 (II) REGISTRATION AS A CLASS 1 SEXUAL
2 OFFENDER OR CLASS 2 SEXUAL OFFENDER UNDER SUBCH.
3 H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS);

4 OR

5 (III) A SIMILAR PROVISION FROM ANOTHER
6 JURISDICTION; AND

7 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2)
8 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF
9 SEXUAL OFFENDERS REQUIREMENTS).

10 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

11 WHO:

12 (A) WAS SUBJECT TO:

13 (I) FORMER SECTION 9795.1(A);

14 (II) REGISTRATION AS A CLASS 1 SEXUAL
15 OFFENDER OR CLASS 2 SEXUAL OFFENDER UNDER SUBCH.
16 H; OR

17 (III) A SIMILAR PROVISION FROM ANOTHER
18 JURISDICTION; AND

19 (B) VIOLATED 18 PA.C.S. § 4915(A) (3).

20 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

21 WHO:

22 (A) WAS SUBJECT TO:

23 (I) FORMER SECTION 9795.1(B);

24 (II) REGISTRATION AS A CLASS 3 SEXUAL
25 OFFENDER OR SEXUALLY VIOLENT PREDATOR UNDER
26 SUBCH. H; OR

27 (III) A SIMILAR PROVISION FROM ANOTHER
28 JURISDICTION; AND

29 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2).

30 (IV) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

1 (A) WAS SUBJECT TO:

2 (I) FORMER SECTION 9795.1(B);

3 (II) REGISTRATION AS A CLASS 3 SEXUAL
4 OFFENDER OR SEXUALLY VIOLENT PREDATOR UNDER
5 SUBCH. H; OR

6 (III) A SIMILAR PROVISION FROM ANOTHER
7 JURISDICTION; AND

8 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

9 (2) SENTENCING UPON CONVICTION FOR A SECOND OR
10 SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:

11 (I) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

12 (A) WAS SUBJECT TO:

13 (I) FORMER SECTION 9795.1;

14 (II) REGISTRATION UNDER SUBCH. H; OR

15 (III) A SIMILAR PROVISION FROM ANOTHER
16 JURISDICTION; AND

17 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) OR (2).

18 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL

19 WHO:

20 (A) WAS SUBJECT TO:

21 (I) SECTION 9795.1;

22 (II) REGISTRATION UNDER SUBCH. H; OR

23 (III) A SIMILAR PROVISION FROM ANOTHER
24 JURISDICTION; AND

25 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

26 (B) PROOF AT SENTENCING.--THE PROVISIONS OF THIS SECTION
27 SHALL NOT BE AN ELEMENT OF THE CRIME, AND NOTICE THEREOF TO THE
28 DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT
29 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED
30 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND BEFORE

1 SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE
2 DETERMINED AT SENTENCING. THE COURT SHALL CONSIDER ANY EVIDENCE
3 PRESENTED AT TRIAL AND SHALL AFFORD THE COMMONWEALTH AND THE
4 DEFENDANT AN OPPORTUNITY TO PRESENT ANY NECESSARY ADDITIONAL
5 EVIDENCE AND SHALL DETERMINE, BY A PREPONDERANCE OF THE
6 EVIDENCE, IF THIS SECTION IS APPLICABLE.

7 (C) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO
8 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS
9 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN
10 SUBSECTION (A) OR TO PLACE SUCH OFFENDER ON PROBATION OR TO
11 SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE
12 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT
13 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY
14 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
15 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

16 (D) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES
17 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL
18 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE
19 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE
20 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A
21 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE
22 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

23 SECTION 4. THE DEFINITIONS OF "EMPLOYED," "OFFENDER,"
24 "PASSIVE NOTIFICATION," "RESIDENCE" AND "SEXUALLY VIOLENT
25 PREDATOR" IN SECTION 9792 OF TITLE 42 ARE AMENDED AND THE
26 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

27 § 9792. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 * * *

2 "EMPLOYED." INCLUDES A VOCATION OR EMPLOYMENT THAT IS FULL-
3 TIME OR PART-TIME FOR A PERIOD OF TIME EXCEEDING [14] FOUR DAYS
4 DURING A SEVEN-DAY PERIOD OR FOR AN AGGREGATE PERIOD OF TIME
5 EXCEEDING [30] 14 DAYS DURING ANY CALENDAR YEAR, WHETHER
6 FINANCIALLY COMPENSATED, VOLUNTEERED, PURSUANT TO A CONTRACT OR
7 FOR THE PURPOSE OF GOVERNMENT OR EDUCATIONAL BENEFIT.

8 * * *

9 "HABITUAL LOCALE." THE PLACE WHERE A TRANSIENT CAN BE
10 HABITUALLY LOCATED, INCLUDING LOCATIONS AN INDIVIDUAL FREQUENTS,
11 OR INTENDS TO FREQUENT, DURING THE DAY OR NIGHT, INCLUDING, BUT
12 NOT LIMITED TO, PARKS, BUILDINGS, LIBRARIES AND HOMELESS
13 SHELTERS.

14 * * *

15 "OFFENDER." AN INDIVIDUAL REQUIRED TO REGISTER UNDER SECTION
16 9795.1 (A), (A.1), (B) (1) OR (2) (RELATING TO REGISTRATION) OR
17 UNDER FORMER SECTION 9793 (RELATING TO REGISTRATION OF CERTAIN
18 OFFENDERS FOR TEN YEARS). THE TERM INCLUDES AN INDIVIDUAL
19 CONSIDERED TO BE AN OFFENDER UNDER SECTION 9795.2 (B) (RELATING
20 TO REGISTRATION PROCEDURES AND APPLICABILITY).

21 "PASSIVE NOTIFICATION." NOTIFICATION PURSUANT TO SECTION
22 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON THE INTERNET
23 AND ELECTRONIC NOTIFICATION) OR ANY PROCESS WHEREBY PERSONS,
24 PURSUANT TO THE LAWS OF THE UNITED STATES OR ONE OF ITS
25 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
26 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION,
27 ARE ABLE TO ACCESS INFORMATION PERTAINING TO AN INDIVIDUAL [AS A
28 RESULT OF THE INDIVIDUAL HAVING BEEN CONVICTED OR SENTENCED BY A
29 COURT FOR AN OFFENSE SIMILAR TO AN OFFENSE LISTED IN SECTION
30 9795.1 (RELATING TO REGISTRATION)] UNDER A SEX OFFENDER

1 REGISTRATION LAW IN THAT JURISDICTION. THE TERM INCLUDES A
2 SITUATION IN WHICH AN INDIVIDUAL IS REQUIRED TO REGISTER UNDER A
3 SEX OFFENDER REGISTRATION LAW IN THE JURISDICTION WHERE
4 CONVICTED, SENTENCED, COURT MARTIALED OR ADJUDICATED AS A
5 JUVENILE AND WHERE ACCESS TO THAT REGISTRATION INFORMATION IS
6 LIMITED TO LAW ENFORCEMENT ONLY.

7 * * *

8 "REGISTRATION INFORMATION." INFORMATION REQUIRED UNDER THIS
9 SUBCHAPTER TO BE PROVIDED TO THE PENNSYLVANIA STATE POLICE BY AN
10 OFFENDER OR A SEXUALLY VIOLENT PREDATOR.

11 "RESIDE" OR "RESIDES." HAS OR ESTABLISHES A RESIDENCE.

12 "RESIDENCE." [A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
13 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS OR
14 MORE DURING A CALENDAR YEAR.] THE LOCATION OF AN INDIVIDUAL'S
15 HOME, AN INDIVIDUAL'S HABITUAL LOCALE OR OTHER PLACE WHERE THE
16 INDIVIDUAL RESIDES OR INTENDS TO RESIDE FOR 30 CUMULATIVE DAYS
17 OR MORE DURING A CALENDAR YEAR.

18 "SEX OFFENDER REGISTRATION LAW." ANY OF THE FOLLOWING:

19 (1) THIS SUBCHAPTER.

20 (2) A LAW IN ANOTHER JURISDICTION WHICH REQUIRES AN
21 INDIVIDUAL TO REGISTER WITH A SEX OFFENDER REGISTRY FOLLOWING
22 CONVICTION OR ADJUDICATION.

23 * * *

24 "SEXUALLY VIOLENT PREDATOR." A PERSON WHO HAS BEEN CONVICTED
25 OF A SEXUALLY VIOLENT OFFENSE AS SET FORTH IN SECTION 9795.1
26 (RELATING TO REGISTRATION) AND WHO IS DETERMINED TO BE A
27 SEXUALLY VIOLENT PREDATOR UNDER SECTION 9795.4 (RELATING TO
28 ASSESSMENTS) DUE TO A MENTAL ABNORMALITY OR PERSONALITY DISORDER
29 THAT MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY SEXUALLY
30 VIOLENT OFFENSES. THE TERM INCLUDES:

1 (1) AN INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT
2 PREDATOR WHERE THE DETERMINATION OCCURRED IN THE UNITED
3 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER
4 STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO
5 RICO, A FOREIGN NATION OR BY COURT MARTIAL; AND

6 (2) AN INDIVIDUAL CONSIDERED TO BE A SEXUALLY VIOLENT
7 PREDATOR UNDER SECTION 9795.2(B) (RELATING TO REGISTRATION
8 PROCEDURES AND APPLICABILITY).

9 * * *

10 "TRANSIENT." AN OFFENDER OR OUT-OF-STATE OFFENDER WHO DOES
11 NOT HAVE A RESIDENCE AND IS PRESENT IN THIS COMMONWEALTH.

12 SECTION 4.1. SECTION 9795.1(A) INTRODUCTORY PARAGRAPH OF
13 TITLE 42 IS AMENDED, SUBSECTION (B) IS AMENDED BY ADDING A
14 PARAGRAPH AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
15 READ:

16 § 9795.1. REGISTRATION.

17 (A) TEN-YEAR REGISTRATION.--[THE] EXCEPT AS SET FORTH IN
18 SUBSECTION (A.1) OR (B), THE FOLLOWING INDIVIDUALS SHALL BE
19 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE FOR A
20 PERIOD OF TEN YEARS:

21 * * *

22 (A.1) EXCEPTION TO TEN-YEAR REGISTRATION.--EXCEPT AS
23 PROVIDED UNDER SUBSECTION (B), AN INDIVIDUAL CONSIDERED TO BE AN
24 OFFENDER PURSUANT TO SECTION 9795.2(B) (RELATING TO REGISTRATION
25 PROCEDURES AND APPLICABILITY) SHALL BE REQUIRED TO REGISTER WITH
26 THE PENNSYLVANIA STATE POLICE FOR A PERIOD LESS THAN LIFE, THE
27 DURATION OF WHICH IS TO BE DETERMINED UNDER SECTION 9795.2(B).

28 (B) LIFETIME REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL
29 BE SUBJECT TO LIFETIME REGISTRATION:

30 * * *

1 (5) AN INDIVIDUAL WHO IS CONSIDERED TO BE A SEXUALLY
2 VIOLENT PREDATOR UNDER SECTION 9795.2(B) OR WHO IS OTHERWISE
3 REQUIRED TO REGISTER FOR LIFE UNDER SECTION 9795.2(B).

4 * * *

5 SECTION 4.2. SECTION 9795.2(A)(1), (2) INTRODUCTORY
6 PARAGRAPH, (I), (II) AND (IV), (2.1), (3) AND (4)(I), (B)(4)
7 INTRODUCTORY PARAGRAPH AND (5) INTRODUCTORY PARAGRAPH, (C)(1),
8 (D) AND (E) OF TITLE 42 ARE AMENDED AND SUBSECTION (A)(2) IS
9 AMENDED BY ADDING SUBPARAGRAPHS TO READ:

10 § 9795.2. REGISTRATION PROCEDURES AND APPLICABILITY.

11 (A) REGISTRATION.--

12 (1) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL BE
13 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE UPON
14 RELEASE FROM INCARCERATION, UPON PAROLE FROM A FEDERAL, STATE
15 [OR], COUNTY, MUNICIPAL OR PRIVATE CORRECTIONAL [INSTITUTION]
16 FACILITY OR UPON THE COMMENCEMENT OF A SENTENCE OF
17 INTERMEDIATE PUNISHMENT OR PROBATION OR ANY OTHER SENTENCE OF
18 NONCONFINEMENT. FOR PURPOSES OF REGISTRATION, OFFENDERS AND
19 SEXUALLY VIOLENT PREDATORS SHALL PROVIDE THE PENNSYLVANIA
20 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES[,]; ALL
21 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT [AND];
22 ALL INFORMATION CONCERNING CURRENT OR INTENDED ENROLLMENT AS
23 A STUDENT[.]; AND ALL INFORMATION CONCERNING VEHICLES OWNED
24 BY, OR REGISTERED TO, THE OFFENDER OR SEXUALLY VIOLENT
25 PREDATOR.

26 (2) FOR PURPOSES OF THIS PARAGRAPH, OFFENDERS AND
27 SEXUALLY VIOLENT PREDATORS SHALL APPEAR AT AN APPROVED
28 REGISTRATION SITE TO COMPLETE THE FORM DESIGNATED BY THE
29 PENNSYLVANIA STATE POLICE TO BE USED FOR PURPOSES OF
30 COMPLYING WITH THIS SUBCHAPTER. IN THE CASE OF AN OFFENDER

1 ENTERING OR BEING RELEASED OR TRANSFERRED FROM A RESIDENTIAL
2 REENTRY OR CORRECTIONAL FACILITY, THE ADMINISTRATOR OF THE
3 FACILITY OR HIS DESIGNEE SHALL ASSIST IN COMPLETING THE FORMS
4 DESIGNATED BY THE PENNSYLVANIA STATE POLICE TO BE USED FOR
5 PURPOSES OF COMPLYING WITH THIS SUBCHAPTER AND, IMMEDIATELY
6 UPON COLLECTION, FORWARD ALL THE FORMS TO THE PENNSYLVANIA
7 STATE POLICE. OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL
8 INFORM THE PENNSYLVANIA STATE POLICE WITHIN 48 HOURS OF:

9 (I) ANY ESTABLISHMENT OR CHANGE OF RESIDENCE OR
10 ESTABLISHMENT OF AN ADDITIONAL RESIDENCE OR RESIDENCES.

11 (II) [ANY] BECOMING EMPLOYED OR ANY CHANGE OF
12 EMPLOYER OR EMPLOYMENT LOCATION FOR A PERIOD OF TIME THAT
13 WILL EXCEED [14] FOUR DAYS DURING A SEVEN-DAY PERIOD OR
14 FOR AN AGGREGATE PERIOD OF TIME THAT WILL EXCEED [30] 14
15 DAYS DURING ANY CALENDAR YEAR, OR TERMINATION OF
16 EMPLOYMENT.

17 * * *

18 (IV) BECOMING [EMPLOYED OR] ENROLLED AS A STUDENT IF
19 THE PERSON HAS NOT PREVIOUSLY PROVIDED THAT INFORMATION
20 TO THE PENNSYLVANIA STATE POLICE.

21 (V) ENTERING, BEING RELEASED OR TRANSFERRED FROM A
22 FEDERAL, STATE, COUNTY, MUNICIPAL OR PRIVATE CORRECTIONAL
23 FACILITY, INCLUDING A RESIDENTIAL REENTRY FACILITY, DUE
24 TO ARREST, DETAINER, PAROLE VIOLATION, PROBATION
25 VIOLATION OR SENTENCE OF INCARCERATION, IF THE PERSON'S
26 STAY EXCEEDS 48 HOURS.

27 (VI) NO LONGER RESIDING, BEING DOMICILED, EMPLOYED
28 OR BEING ENROLLED AS A STUDENT IN THIS COMMONWEALTH.

29 (2.1) REGISTRATION WITH A NEW LAW ENFORCEMENT AGENCY
30 SHALL OCCUR NO LATER THAN 48 HOURS AFTER ESTABLISHING

1 RESIDENCE IN ANOTHER STATE OR AFTER MOVING TO ANOTHER STATE
2 BUT NOT ESTABLISHING A RESIDENCE THERE.

3 (3) THE [TEN-YEAR] REGISTRATION PERIOD REQUIRED IN
4 SECTION 9795.1(A) AND (A.1) (RELATING TO REGISTRATION) SHALL
5 BE TOLLED WHEN AN OFFENDER IS [RECOMMITTED FOR A PAROLE
6 VIOLATION OR SENTENCED TO AN ADDITIONAL TERM OF IMPRISONMENT]
7 INCARCERATED, AND ALL TIME SPENT IN INCARCERATION SHALL NOT
8 BE COUNTED TOWARD AN OFFENDER'S REGISTRATION PERIOD. IN SUCH
9 CASES, THE [DEPARTMENT OF CORRECTIONS OR] FEDERAL, STATE,
10 COUNTY, MUNICIPAL OR PRIVATE CORRECTIONAL FACILITY SHALL
11 NOTIFY THE PENNSYLVANIA STATE POLICE OF THE ADMISSION,
12 RELEASE AND TRANSFER OF THE OFFENDER.

13 (4) THIS PARAGRAPH SHALL APPLY TO ALL OFFENDERS AND
14 SEXUALLY VIOLENT PREDATORS:

15 (I) WHERE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR
16 WAS GRANTED PAROLE BY THE PENNSYLVANIA BOARD OF PROBATION
17 AND PAROLE OR THE COURT OR IS SENTENCED TO PROBATION
18 [OR], INTERMEDIATE PUNISHMENT OR A PUNISHMENT NOT
19 INVOLVING CONFINEMENT, 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] IF AN OFFENDER OR A SEXUALLY VIOLENT PREDATOR
25 IS INCARCERATED IN A FEDERAL, STATE, COUNTY, MUNICIPAL OR
26 PRIVATE CORRECTIONAL FACILITY, INCLUDING A RESIDENTIAL
27 REENTRY FACILITY, THE CORRECTIONAL FACILITY SHALL NOT
28 RELEASE NOR TRANSFER THE OFFENDER OR SEXUALLY VIOLENT
29 PREDATOR UNTIL IT RECEIVES VERIFICATION FROM THE
30 PENNSYLVANIA STATE POLICE THAT [IT HAS RECEIVED] THE

1 REGISTRATION INFORMATION HAS BEEN RECEIVED. VERIFICATION
2 BY THE PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC
3 MEANS, INCLUDING E-MAIL OR FACSIMILE TRANSMISSION. WHERE
4 THE OFFENDER OR SEXUALLY VIOLENT PREDATOR IS SCHEDULED TO
5 BE RELEASED FROM A [STATE CORRECTIONAL FACILITY OR
6 COUNTY] CORRECTIONAL FACILITY BECAUSE OF THE EXPIRATION
7 OF THE MAXIMUM TERM OF INCARCERATION, THE [DEPARTMENT OF
8 CORRECTIONS OR COUNTY] CORRECTIONAL FACILITY SHALL
9 COLLECT THE INFORMATION FROM THE OFFENDER OR SEXUALLY
10 VIOLENT PREDATOR NO LATER THAN TEN DAYS PRIOR TO THE
11 MAXIMUM EXPIRATION DATE. THE REGISTRATION INFORMATION
12 SHALL, IMMEDIATELY UPON COLLECTION, BE FORWARDED TO THE
13 PENNSYLVANIA STATE POLICE.

14 * * *

15 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR
16 ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS
17 COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

18 (4) AN INDIVIDUAL WHO [RESIDES, IS EMPLOYED OR IS A
19 STUDENT] IS EMPLOYED, INTENDS TO BE EMPLOYED, IS A STUDENT,
20 INTENDS TO BE A STUDENT, RESIDES OR ENTERS THIS COMMONWEALTH
21 WITH THE PURPOSE OF ESTABLISHING A RESIDENCE IN THIS
22 COMMONWEALTH AND WHO HAS BEEN CONVICTED OF OR SENTENCED BY A
23 COURT OR COURT MARTIALED FOR A SEXUALLY VIOLENT OFFENSE OR A
24 SIMILAR OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ONE OF
25 ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT
26 OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN
27 NATION, OR WHO WAS REQUIRED TO REGISTER UNDER A SEXUAL
28 OFFENDER STATUTE IN THE JURISDICTION WHERE CONVICTED,
29 SENTENCED OR COURT MARTIALED, SHALL REGISTER AT AN APPROVED
30 REGISTRATION SITE WITHIN 48 HOURS OF THE INDIVIDUAL'S ARRIVAL

1 IN THIS COMMONWEALTH. THE PROVISIONS OF THIS SUBCHAPTER SHALL
2 APPLY TO THE INDIVIDUAL AS FOLLOWS:

3 * * *

4 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
5 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN
6 PARAGRAPH (4), AN INDIVIDUAL WHO [RESIDES, IS EMPLOYED OR IS
7 A STUDENT] IS EMPLOYED, INTENDS TO BE EMPLOYED, IS A STUDENT,
8 INTENDS TO BE A STUDENT, RESIDES OR ENTERS THIS COMMONWEALTH
9 WITH THE PURPOSE OF ESTABLISHING A RESIDENCE IN THIS
10 COMMONWEALTH AND WHO IS REQUIRED TO REGISTER AS A SEX
11 OFFENDER UNDER THE LAWS OF THE UNITED STATES OR ONE OF ITS
12 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
13 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION
14 AS A RESULT OF A JUVENILE ADJUDICATION SHALL REGISTER AT AN
15 APPROVED REGISTRATION SITE WITHIN 48 HOURS OF THE
16 INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE PROVISIONS OF
17 THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL AS FOLLOWS:

18 * * *

19 (C) REGISTRATION INFORMATION TO LOCAL POLICE.--

20 (1) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THE
21 INFORMATION OBTAINED UNDER THIS SECTION AND SECTIONS [9795.3]
22 9795.3(A) (RELATING TO SENTENCING COURT INFORMATION) AND 9796
23 (RELATING TO VERIFICATION OF [RESIDENCE] REGISTRATION
24 INFORMATION) TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE
25 POLICE DEPARTMENTS OF THE MUNICIPALITIES IN WHICH THE
26 INDIVIDUAL WILL RESIDE, BE EMPLOYED OR ENROLLED AS A STUDENT.
27 IN ADDITION, THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THIS
28 OFFICER WITH THE ADDRESS AT WHICH THE INDIVIDUAL WILL RESIDE,
29 BE EMPLOYED OR ENROLLED AS A STUDENT FOLLOWING HIS RELEASE
30 FROM INCARCERATION, PAROLE OR PROBATION.

1 * * *

2 (D) PENALTY.--AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER
3 FORMER SECTION 9793 (RELATING TO REGISTRATION OF CERTAIN
4 OFFENDERS FOR TEN YEARS) OR SECTION [9795.1(A) OR (B)] 9795.1
5 WHO FAILS TO REGISTER OR VERIFY OR UPDATE REGISTRATION
6 INFORMATION WITH THE PENNSYLVANIA STATE POLICE AS REQUIRED BY
7 THIS SECTION MAY BE SUBJECT TO PROSECUTION UNDER 18 PA.C.S. §
8 4915 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
9 OFFENDERS REQUIREMENTS).

10 (E) REGISTRATION SITES.--AN INDIVIDUAL SUBJECT TO [SECTION
11 9795.1] THIS SUBCHAPTER SHALL REGISTER AND SUBMIT TO
12 FINGERPRINTING AND PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER
13 AT APPROVED REGISTRATION SITES.

14 SECTION 4.3. SECTIONS 9795.3 AND 9796 HEADING, (A), (B) AND
15 (E) AND 9798(A)(1) OF TITLE 42 ARE AMENDED TO READ:

16 § 9795.3. SENTENCING COURT INFORMATION.

17 (A) DUTY OF SENTENCING COURT.--THE SENTENCING COURT SHALL
18 INFORM OFFENDERS AND SEXUALLY VIOLENT PREDATORS AT THE TIME OF
19 SENTENCING OF THE PROVISIONS OF THIS SUBCHAPTER. THE COURT
20 SHALL:

21 (1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
22 PREDATOR OF THE DUTY TO REGISTER AND PROVIDE THE INFORMATION
23 REQUIRED FOR EACH REGISTRATION, INCLUDING VERIFICATION AS
24 REQUIRED IN SECTION 9796(A) (RELATING TO VERIFICATION OF
25 [RESIDENCE]) REGISTRATION INFORMATION).

26 (2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
27 PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE POLICE
28 WITHIN [TEN DAYS] 48 HOURS IF THE OFFENDER OR SEXUALLY
29 VIOLENT PREDATOR CHANGES OR ESTABLISHES A RESIDENCE OR
30 ESTABLISHES AN ADDITIONAL RESIDENCE OR RESIDENCES, CHANGES

1 EMPLOYER OR EMPLOYMENT LOCATION FOR A PERIOD OF TIME THAT
2 WILL EXCEED [14 DAYS] FOUR DAYS DURING ANY SEVEN-DAY PERIOD
3 OR FOR AN AGGREGATE PERIOD OF TIME THAT WILL EXCEED [30] 14
4 DAYS DURING ANY CALENDAR YEAR OR TERMINATES EMPLOYMENT OR
5 CHANGES INSTITUTION OR LOCATION AT WHICH THE PERSON IS
6 ENROLLED AS A STUDENT OR TERMINATES ENROLLMENT. IN THE CASE
7 OF A TRANSIENT, THE INDIVIDUAL SHALL PROVIDE THE PENNSYLVANIA
8 STATE POLICE WITH THE INDIVIDUAL'S HABITUAL LOCALE AND THE
9 PLACE WHERE THE INDIVIDUAL RECEIVES MAIL, INCLUDING A POST
10 OFFICE BOX.

11 (2.1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
12 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
13 POLICE WITHIN [TEN DAYS] 48 HOURS OF BECOMING EMPLOYED OR
14 ENROLLED AS A STUDENT IF THE [PERSON] OFFENDER OR SEXUALLY
15 VIOLENT PREDATOR HAS NOT PREVIOUSLY PROVIDED THAT INFORMATION
16 TO THE PENNSYLVANIA STATE POLICE.

17 (3) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
18 PREDATOR OF THE DUTY TO REGISTER WITH A NEW LAW ENFORCEMENT
19 AGENCY IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR MOVES TO
20 ANOTHER STATE NO LATER THAN [TEN DAYS] 48 HOURS AFTER
21 ESTABLISHING RESIDENCE IN ANOTHER STATE.

22 (4) ORDER THE FINGERPRINTS AND PHOTOGRAPH OF THE
23 OFFENDER OR SEXUALLY VIOLENT PREDATOR TO BE PROVIDED TO THE
24 PENNSYLVANIA STATE POLICE UPON SENTENCING.

25 (5) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
26 PREDATOR OF THE DUTY TO REGISTER WITH THE APPROPRIATE
27 AUTHORITIES IN ANY STATE IN WHICH THE OFFENDER OR SEXUALLY
28 VIOLENT PREDATOR IS EMPLOYED, CARRIES ON A VOCATION OR IS A
29 STUDENT IF THE STATE REQUIRES SUCH REGISTRATION.

30 (6) REQUIRE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR TO

1 READ AND SIGN A FORM STATING THAT THE DUTY TO REGISTER UNDER
2 THIS SUBCHAPTER HAS BEEN EXPLAINED. WHERE THE OFFENDER OR
3 SEXUALLY VIOLENT PREDATOR IS INCAPABLE OF READING, THE COURT
4 SHALL CERTIFY THE DUTY TO REGISTER WAS EXPLAINED TO THE
5 OFFENDER OR SEXUALLY VIOLENT PREDATOR AND THE OFFENDER OR
6 SEXUALLY VIOLENT PREDATOR INDICATED AN UNDERSTANDING OF THE
7 DUTY.

8 (B) FAILURE TO PROVIDE.--FAILURE ON THE PART OF THE COURT TO
9 PROVIDE A SEXUALLY VIOLENT PREDATOR OR OFFENDER WITH INFORMATION
10 UNDER THIS SECTION SHALL NOT RELIEVE THAT PREDATOR OR OFFENDER
11 FROM THE REQUIREMENTS OF THIS SUBCHAPTER.

12 § 9796. VERIFICATION OF [RESIDENCE] REGISTRATION INFORMATION.

13 (A) QUARTERLY VERIFICATION BY SEXUALLY VIOLENT PREDATORS.--
14 THE PENNSYLVANIA STATE POLICE SHALL VERIFY THE [RESIDENCE]
15 REGISTRATION INFORMATION AND COMPLIANCE WITH COUNSELING AS
16 PROVIDED FOR IN SECTION 9799.4 (RELATING TO COUNSELING OF
17 SEXUALLY VIOLENT PREDATORS) OF SEXUALLY VIOLENT PREDATORS EVERY
18 90 DAYS THROUGH THE USE OF A NONFORWARDABLE VERIFICATION FORM TO
19 THE LAST REPORTED RESIDENCE. FOR THE PERIOD OF REGISTRATION
20 REQUIRED BY SECTION 9795.1 (RELATING TO REGISTRATION), A
21 SEXUALLY VIOLENT PREDATOR SHALL APPEAR QUARTERLY BETWEEN JANUARY
22 5 AND JANUARY 15, APRIL 5 AND APRIL 15, JULY 5 AND JULY 15 AND
23 OCTOBER 5 AND OCTOBER 15 OF EACH CALENDAR YEAR AT AN APPROVED
24 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE
25 PHOTOGRAPHED.

26 * * *

27 (B) ANNUAL VERIFICATION BY OFFENDERS.--THE PENNSYLVANIA
28 STATE POLICE SHALL VERIFY THE [RESIDENCE] REGISTRATION
29 INFORMATION OF OFFENDERS. FOR THE PERIOD OF REGISTRATION
30 REQUIRED BY SECTION 9795.1, AN OFFENDER SHALL APPEAR WITHIN TEN

1 DAYS BEFORE EACH ANNUAL ANNIVERSARY DATE OF THE OFFENDER'S
2 INITIAL REGISTRATION UNDER FORMER SECTION 9793 (RELATING TO
3 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR SECTION
4 9795.1 AT AN APPROVED REGISTRATION SITE TO COMPLETE A
5 VERIFICATION FORM AND TO BE PHOTOGRAPHED.

6 * * *

7 (E) PENALTY.--AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER
8 FORMER SECTION 9793 OR SECTION 9795.1 (A) OR (B) WHO FAILS TO
9 VERIFY HIS [RESIDENCE] REGISTRATION INFORMATION OR TO BE
10 PHOTOGRAPHED AS REQUIRED BY THIS SECTION MAY BE SUBJECT TO
11 PROSECUTION UNDER 18 PA.C.S. § 4915 (RELATING TO FAILURE TO
12 COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS REQUIREMENTS).

13 * * *

14 § 9798. OTHER NOTIFICATION.

15 (A) NOTICE BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT
16 OFFICER.--NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S.
17 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE
18 CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME
19 POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT
20 PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE
21 AS REQUIRED UNDER THIS SECTION.

22 (1) THE NOTICE SHALL CONTAIN:

23 (I) THE NAME OF THE CONVICTED SEXUALLY VIOLENT
24 PREDATOR.

25 (II) [THE ADDRESS OR ADDRESSES AT WHICH HE RESIDES.]
26 THE RESIDENCE OF THE SEXUALLY VIOLENT PREDATOR.

27 (II.1) THE MUNICIPALITY, COUNTY AND ZIP CODE IN
28 WHICH THE SEXUALLY VIOLENT PREDATOR IS EMPLOYED.

29 (III) THE OFFENSE FOR WHICH [HE] THE SEXUALLY
30 VIOLENT PREDATOR WAS CONVICTED, SENTENCED BY A COURT,

1 ADJUDICATED DELINQUENT OR COURT MARTIALED.

2 (IV) A STATEMENT THAT [HE] THE SEXUALLY VIOLENT
3 PREDATOR HAS BEEN DETERMINED BY COURT ORDER TO BE A
4 SEXUALLY VIOLENT PREDATOR, WHICH DETERMINATION HAS OR HAS
5 NOT BEEN TERMINATED AS OF A DATE CERTAIN.

6 (V) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR,
7 IF AVAILABLE.

8 * * *

9 SECTION 4.4. SECTION 9799(1) OF TITLE 42 IS AMENDED TO READ:
10 § 9799. IMMUNITY FOR GOOD FAITH CONDUCT.

11 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
12 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

13 (1) THE PENNSYLVANIA STATE POLICE [AND] LOCAL LAW
14 ENFORCEMENT AGENCIES, AND AGENTS AND EMPLOYEES OF THE
15 PENNSYLVANIA STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES.

16 * * *

17 SECTION 4.5. SECTION 9799.1 HEADING, (2) AND (4) OF TITLE 42
18 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING PARAGRAPHS TO
19 READ:

20 § 9799.1. [DUTIES OF] PENNSYLVANIA STATE POLICE.

21 THE PENNSYLVANIA STATE POLICE SHALL:

22 * * *

23 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,
24 THE OFFICE OF ATTORNEY GENERAL, THE PENNSYLVANIA BOARD OF
25 PROBATION AND PAROLE AND THE CHAIRMAN AND THE MINORITY
26 CHAIRMAN OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
27 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE
28 OF THE HOUSE OF REPRESENTATIVES, PROMULGATE GUIDELINES
29 NECESSARY FOR THE GENERAL ADMINISTRATION OF THIS SUBCHAPTER.
30 THESE GUIDELINES SHALL ESTABLISH PROCEDURES TO ALLOW AN

1 INDIVIDUAL SUBJECT TO THE REQUIREMENTS OF SECTIONS 9795.1
2 (RELATING TO REGISTRATION) AND 9796 (RELATING TO VERIFICATION
3 OF [RESIDENCE] REGISTRATION INFORMATION) TO FULFILL THESE
4 REQUIREMENTS AT APPROVED REGISTRATION SITES THROUGHOUT THIS
5 COMMONWEALTH. THE PENNSYLVANIA STATE POLICE SHALL PUBLISH A
6 LIST OF APPROVED REGISTRATION SITES IN THE PENNSYLVANIA
7 BULLETIN AND PROVIDE A LIST OF APPROVED REGISTRATION SITES IN
8 ANY NOTICES SENT TO INDIVIDUALS REQUIRED TO REGISTER UNDER
9 SECTION 9795.1. AN APPROVED REGISTRATION SITE SHALL BE
10 CAPABLE OF SUBMITTING FINGERPRINTS, PHOTOGRAPHS AND ANY OTHER
11 INFORMATION REQUIRED ELECTRONICALLY TO THE PENNSYLVANIA STATE
12 POLICE. THE PENNSYLVANIA STATE POLICE SHALL REQUIRE THAT
13 APPROVED REGISTRATION SITES SUBMIT FINGERPRINTS UTILIZING THE
14 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR IN
15 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
16 POLICE SHALL REQUIRE. THE PENNSYLVANIA STATE POLICE SHALL
17 REQUIRE THAT APPROVED REGISTRATION SITES SUBMIT PHOTOGRAPHS
18 UTILIZING THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN
19 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
20 POLICE SHALL REQUIRE. APPROVED REGISTRATION SITES SHALL NOT
21 BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE
22 AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT
23 AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION
24 SITES SET FORTH IN THIS PARAGRAPH.

25 * * *

26 (4) NOTIFY, WITHIN FIVE BUSINESS DAYS OF RECEIVING THE
27 OFFENDER'S OR THE SEXUALLY VIOLENT PREDATOR'S REGISTRATION,
28 THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS
29 HAVING PRIMARY JURISDICTION OF THE MUNICIPALITIES IN WHICH AN
30 OFFENDER OR SEXUALLY VIOLENT PREDATOR RESIDES, IS EMPLOYED OR

1 ENROLLED AS A STUDENT OF THE FACT THAT THE OFFENDER OR
2 SEXUALLY VIOLENT PREDATOR HAS BEEN REGISTERED WITH THE
3 PENNSYLVANIA STATE POLICE PURSUANT TO SECTIONS 9795.2
4 (RELATING TO REGISTRATION PROCEDURES AND APPLICABILITY) AND
5 9796 (RELATING TO VERIFICATION OF [RESIDENCE] REGISTRATION
6 INFORMATION) .

7 * * *

8 (7) THE PENNSYLVANIA STATE POLICE SHALL HAVE STANDING
9 AND SHALL BE A PARTY IN ANY OF THE FOLLOWING:

10 (I) A PROCEEDING BROUGHT BY AN INDIVIDUAL REGISTERED
11 UNDER FORMER SECTION 9793 (RELATING TO REGISTRATION OF
12 CERTAIN OFFENDERS FOR TEN YEARS) OR SECTION 9795.1 TO BE
13 REMOVED FROM, OR CONTESTING THEIR INCLUSION IN, THE STATE
14 REGISTRY OF SEXUAL OFFENDERS AND SEXUALLY VIOLENT
15 PREDATORS.

16 (II) A PROCEEDING TO MODIFY A COURT ORDER CONCERNING
17 THE TERMS OF AN INDIVIDUAL'S REGISTRATION UNDER FORMER
18 SECTION 9793 OR SECTION 9795.1.

19 (8) THE PENNSYLVANIA STATE POLICE MAY CERTIFY AND SEND
20 TO AN AUTHORIZED USER, BY ELECTRONIC TRANSMISSION OR
21 OTHERWISE, A CERTIFICATION OF RECORD OR ABSTRACT OF RECORDS
22 MAINTAINED BY THE PENNSYLVANIA STATE POLICE REGARDING THE
23 REGISTRATION OF AN OFFENDER UNDER THIS SUBCHAPTER.
24 PERMISSIBLE USES SHALL INCLUDE CERTIFICATIONS OF AN OFFENDERS
25 INITIAL REGISTRATION AND VERIFICATION HISTORY AND HISTORY OF
26 NONREGISTRATION OR NONVERIFICATION. THE PENNSYLVANIA STATE
27 POLICE MAY ALSO CERTIFY ELECTRONICALLY ANY DOCUMENTS
28 CERTIFIED TO IT ELECTRONICALLY. AUTHORIZED USERS SHALL
29 INCLUDE STATE AND LOCAL POLICE, DISTRICT ATTORNEYS, AGENTS
30 AND EMPLOYEES OF THE PENNSYLVANIA STATE POLICE AND THE OFFICE

1 OF ATTORNEY GENERAL AND OTHER PERSONS OR ENTITIES DETERMINED
2 BY THE PENNSYLVANIA STATE POLICE AND LISTED BY NOTICE IN THE
3 PENNSYLVANIA BULLETIN. IN ANY PROCEEDING BEFORE THE COURTS OR
4 ADMINISTRATIVE BODIES OF THIS COMMONWEALTH, DOCUMENTS
5 CERTIFIED BY THE PENNSYLVANIA STATE POLICE UNDER THIS SECTION
6 AND OFFERED INTO EVIDENCE BY AN AUTHORIZED USER SHALL BE
7 ADMISSIBLE INTO EVIDENCE.

8 SECTION 4.6. SECTIONS 9799.4 AND 9799.9 OF TITLE 42 ARE
9 AMENDED TO READ:

10 § 9799.4. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

11 (A) ATTENDANCE REQUIRED.--FOR THE PERIOD OF REGISTRATION
12 REQUIRED BY SECTION 9795.1(B) (RELATING TO REGISTRATION), A
13 SEXUALLY VIOLENT PREDATOR SHALL BE REQUIRED TO ATTEND AT LEAST
14 MONTHLY COUNSELING SESSIONS IN A PROGRAM APPROVED BY THE BOARD
15 AND BE FINANCIALLY RESPONSIBLE FOR ALL FEES ASSESSED FROM SUCH
16 COUNSELING SESSIONS. THE BOARD SHALL MONITOR THE COMPLIANCE OF
17 THE SEXUALLY VIOLENT PREDATOR.

18 (B) INDIGENCE.--IF THE SEXUALLY VIOLENT PREDATOR CAN PROVE
19 TO THE SATISFACTION OF THE COURT THAT THE PERSON'S INCOME AND
20 SUPPORT IS SUCH THAT THE PERSON CANNOT AFFORD TO PAY FOR THE
21 COUNSELING SESSIONS, THAT PERSON SHALL STILL ATTEND THE
22 COUNSELING SESSIONS AND THE [PAROLE OFFICE] PENNSYLVANIA BOARD
23 OF PROBATION AND PAROLE SHALL PAY THE REQUISITE FEES. THE COURT
24 MAY CREATE A STANDARD PETITION FOR INDIGENCE FOR USE BY SEXUALLY
25 VIOLENT PREDATORS AND THE PENNSYLVANIA BOARD OF PROBATION AND
26 PAROLE IN THE COURTS OF THIS COMMONWEALTH. FILING FEES FOR THE
27 DETERMINATIONS SHALL BE WAIVED. UPON REQUEST OF THE PENNSYLVANIA
28 BOARD OF PROBATION AND PAROLE, A SEXUALLY VIOLENT PREDATOR'S
29 INDIGENCE STATUS SHALL BE REVIEWED BY THE COURT AND A
30 DETERMINATION SHALL BE MADE BY THE COURT WHETHER THE INDIVIDUAL

1 WILL REMAIN ELIGIBLE FOR FUNDED COUNSELING SESSIONS.
2 § 9799.9. PHOTOGRAPHS AND FINGERPRINTING.
3 AN INDIVIDUAL SUBJECT TO FORMER SECTION 9793 (RELATING TO
4 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR SECTION
5 9795.1 (RELATING TO REGISTRATION) SHALL SUBMIT TO FINGERPRINTING
6 AND PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER AT APPROVED
7 REGISTRATION SITES. FINGERPRINTING AS REQUIRED BY THIS
8 SUBCHAPTER SHALL, AT A MINIMUM, REQUIRE SUBMISSION OF A FULL SET
9 OF FINGERPRINTS. PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER
10 SHALL, AT A MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE
11 FACE AND ANY SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF
12 THE INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS
13 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND
14 FOR GENERAL LAW ENFORCEMENT PURPOSES.

15 Section 5. Title 42 is amended by adding sections to read:

16 § 9799.10. EXPIRATION.

17 THE FOLLOWING PROVISIONS SHALL EXPIRE ONE YEAR AFTER THE
18 EFFECTIVE DATE OF THIS SECTION:

19 SECTION 9791 (RELATING TO LEGISLATIVE FINDINGS AND
20 DECLARATION OF POLICY).

21 SECTION 9792 (RELATING TO DEFINITIONS).

22 SECTION 9795.1 (RELATING TO REGISTRATION).

23 SECTION 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
24 APPLICABILITY).

25 SECTION 9795.3 (RELATING TO SENTENCING COURT
26 INFORMATION).

27 SECTION 9795.4 (RELATING TO ASSESSMENTS).

28 SECTION 9795.5 (RELATING TO EXEMPTION FROM CERTAIN
29 NOTIFICATIONS).

30 SECTION 9796 (RELATING TO VERIFICATION OF REGISTRATION

1 INFORMATION).

2 SECTION 9797 (RELATING TO VICTIM NOTIFICATION).

3 SECTION 9798 (RELATING TO OTHER NOTIFICATION).

4 SECTION 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON
5 THE INTERNET).

6 SECTION 9798.2 (RELATING TO ADMINISTRATION).

7 SECTION 9798.3 (RELATING TO GLOBAL POSITIONING SYSTEM
8 TECHNOLOGY).

9 SECTION 9799 (RELATING TO IMMUNITY FOR GOOD FAITH
10 CONDUCT).

11 SECTION 9799.1 (RELATING TO DUTIES OF PENNSYLVANIA STATE
12 POLICE).

13 SECTION 9799.2 (RELATING TO DUTIES OF PENNSYLVANIA BOARD
14 OF PROBATION AND PAROLE).

15 SECTION 9799.3 (RELATING TO BOARD).

16 SECTION 9799.4 (RELATING TO COUNSELING OF SEXUALLY
17 VIOLENT PREDATORS).

18 SECTION 9799.7 (RELATING TO EXEMPTION FROM NOTIFICATION
19 FOR CERTAIN LICENSEES AND THEIR EMPLOYEES).

20 SECTION 9799.8 (RELATING TO ANNUAL PERFORMANCE AUDIT).

21 SECTION 9799.9 (RELATING TO PHOTOGRAPHS AND
22 FINGERPRINTING).

23 § 9799.11. Legislative findings and declaration of policy.

24 (a) Legislative findings.--The General Assembly finds as
25 follows:

26 (1) If the public is provided adequate notice and
27 information about certain offenders, the community can
28 develop constructive plans to prepare themselves and their
29 children for the offender's presence in the community. This
30 allows communities to meet with law enforcement to prepare

1 and obtain information about the rights and responsibilities
2 of the community and to provide education and counseling to
3 their children.

4 (2) These offenders pose a high risk of engaging in
5 further offenses, and protection of the public from this type
6 of offender is a paramount governmental interest.

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

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

16 (5) Persons found to have committed the offenses have a
17 reduced expectation of privacy because of the public's
18 interest in public safety and in the effective operation of
19 government.

20 (6) Release of information about offenders to public
21 agencies and the general public will further the governmental
22 interests of public safety and public scrutiny of the
23 criminal and mental health systems so long as the information
24 released is rationally related to the furtherance of those
25 goals.

26 (7) Public safety will be enhanced by making information
27 regarding offenders and out-of-State offenders available to
28 the public through the Internet and other electronic means.

29 (8) Knowledge of whether a person is an offender or out-
30 of-State offender could be a significant factor in protecting

1 oneself and one's family members, or those in care of a group
2 or community organization, from recidivist acts by offenders.

3 (9) The technology afforded by the Internet and other
4 modern electronic communication methods would make this
5 information readily accessible to parents, minors and private
6 entities, enabling them to undertake appropriate remedial
7 precautions to prevent or avoid placing potential victims at
8 risk.

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

11 (1) It is the intention of the General Assembly to
12 protect the safety and general welfare of the people of this
13 Commonwealth by providing for registration and community
14 notification regarding offenders.

15 (2) It is the policy of the Commonwealth to require the
16 exchange of relevant information about offenders among public
17 agencies and officials and to authorize the release of
18 necessary and relevant information about offenders to members
19 of the general public as a means of assuring public
20 protection and shall not be construed as punitive.

21 § 9799.12. Definitions.

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

25 "Approved registration site." A site in this Commonwealth
26 approved by the Pennsylvania State Police at which individuals
27 subject to this subchapter may register, update and verify
28 registration information as required by this subchapter.

29 "Board." The State Sexual Offenders Assessment Board.

30 "Class 1 sexual offender." Any individual convicted of a

1 Class 1 sexual offense or designated as a Class 1 sexual
2 offender by the Pennsylvania State Police under section 9799.15
3 (relating to registration procedures for out-of-State
4 offenders).

5 "Class 2 sexual offender." Any individual convicted of a
6 Class 2 sexual offense or designated as a Class 2 sexual
7 offender by the Pennsylvania State Police under section 9799.15
8 (relating to registration procedures for out-of-State
9 offenders).

10 "Class 3 sexual offender." Any individual convicted of a
11 Class 3 sexual offense, or more than one Class 1 or Class 2
12 sexual offense, or designated as a Class 3 sexual offender by
13 the Pennsylvania State Police under section 9799.15 (relating to
14 registration procedures for out-of-State offenders).

15 "Class 1 sexual offense." Any of the following offenses or
16 attempt, solicitation or conspiracy to commit any of the
17 following offenses:

18 18 Pa.C.S. § ~~2902~~ 2902(B) (relating to unlawful ←
19 restraint) ~~if the victim is a minor and the perpetrator is~~ ←
20 ~~not the victim's parent.~~

21 18 Pa.C.S. § ~~2903~~ 2903(B) (relating to false ←
22 imprisonment) ~~if the victim is a minor and the perpetrator is~~ ←
23 ~~not the victim's parent.~~

24 18 Pa.C.S. § 2904 (relating to interference with custody
25 of children) ~~if the perpetrator is not the victim's parent.~~ ←

26 18 Pa.C.S. § 2910 (relating to luring a child into a
27 motor vehicle or structure).

28 18 Pa.C.S. § ~~3124.2~~ 3124.2(A) (relating to institutional ←
29 sexual assault).

30 18 Pa.C.S. § ~~3126~~ 3126(A)(1) (relating to indecent ←

1 ~~assault) if the offense is graded a misdemeanor of the first~~ ←
2 ~~degree or higher.~~

3 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).

4 "Class 2 sexual offense." Any of the following offenses or
5 attempt, solicitation or conspiracy to commit any of the
6 following offenses:

7 18 Pa.C.S. § 3122.1(a)(2) (relating to statutory sexual
8 assault).

9 18 Pa.C.S. § 3126(a)(2), (3), (4), (5), (6) or (8)
10 (relating to indecent assault).

11 18 Pa.C.S. § 5902(b) (relating to prostitution and
12 related offenses) and graded under section 5902 (c)(1)(iii).

13 18 Pa.C.S. § ~~5903(a)(3), (4), (5),~~ 5903(A)(3)(II), (4) ←
14 (II), (5)(II) or (6) (relating to obscene and other sexual
15 materials and performances) if the victim is a minor. ←

16 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

17 18 Pa.C.S. § 6318 (relating to unlawful contact with
18 minor).

19 18 Pa.C.S. § 6320 (relating to sexual exploitation of
20 children).

21 "Class 3 sexual offense." Any of the following offenses or
22 attempt, solicitation or conspiracy to commit any of the
23 following offenses:

24 18 Pa.C.S. § ~~2901~~ 2901(A.1) (relating to kidnapping) if ←
25 the victim is a minor.

26 18 Pa.C.S. § 3121 (relating to rape).

27 18 Pa.C.S. § 3122.1(b) (relating to statutory sexual
28 assault).

29 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
30 intercourse).

1 18 Pa.C.S. § 3124.1 (relating to sexual assault).

2 18 Pa.C.S. § 3124.2(a.1) (relating to institutional
3 sexual assault).

4 18 Pa.C.S. § 3125 (relating to aggravated indecent
5 assault).

6 18 Pa.C.S. § 3126(a)(7) (relating to indecent assault).

7 18 Pa.C.S. § ~~4302~~ 4302(B) (relating to incest) if the ←
8 victim is less than 13 years of age or the victim is 13 to 18
9 years of age and the offender is at least four years older
10 than the victim.

11 "CLEAN." The Commonwealth Law Enforcement Assistance
12 Network.

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

22 "Employed." Includes carrying on a vocation or employment
23 that is full time or part time for a period of time exceeding
24 four days during a seven-day period or for an aggregate period
25 of time exceeding 14 days during any calendar year, whether
26 financially compensated, volunteered, pursuant to a contract or
27 for the purpose of government or educational benefit.

28 "Habitual locale." The place where a transient can be
29 habitually located, including locations an individual frequents,
30 or intends to frequent, during the day or night, including, but

1 not limited to, parks, buildings, libraries and homeless
2 shelters.

3 "IAFIS." The Integrated Automated Fingerprint Identification
4 System.

5 "Integrated Automated Fingerprint Identification System."
6 The national fingerprint and criminal history system maintained
7 by the Federal Bureau of Investigation providing automated
8 fingerprint search capabilities, latent searching capability,
9 electronic image storage and electronic exchange of fingerprints
10 and responses.

11 "Juvenile offender." Any individual of any age required to
12 register under section 9799.13 (relating to registration) on the
13 basis of an adjudication of delinquency.

14 "Mental abnormality." A congenital or acquired condition of
15 a person that affects the emotional or volitional capacity of
16 the person in a manner that predisposes that person to the
17 commission of criminal sexual acts to a degree that makes the
18 person a menace to the health and safety of other persons.

19 "Minor." Any individual less than 18 years of age.

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

22 "Offender." Any individual required to register under
23 section 9799.13 (relating to registration).

24 "Out-of-State offender." Any individual required to register
25 under section 9799.13 (relating to registration) due to a
26 conviction or adjudication of delinquency in another
27 jurisdiction or to a court-martial.

28 "Penetration." Includes any penetration, however slight, of
29 the genitals or anus or mouth of another person with a part of
30 the person's body or a foreign object for any purpose other than

1 good faith medical, hygienic or law enforcement procedures.

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

6 "Present." The location where an offender or out-of-State
7 offender resides, is habitually located, is employed or is
8 enrolled as a student.

9 "Registration information." All of the following information
10 concerning the offender:

11 (1) Primary given name, including any aliases,
12 nicknames, ethnic or tribal names and any pseudonyms,
13 regardless of the context in which they are used.

14 (2) Valid and purported Social Security number.

15 (3) Actual and purported date of birth.

16 (4) Place of birth.

17 (5) Physical description, including sex, height, weight,
18 eye color, hair color, race and any scars, marks, tattoos or
19 other unique features of the individual.

20 (6) Fingerprints taken and submitted to IAFIS.

21 (7) Palm prints taken and submitted to the Federal
22 Bureau of Investigation Central Database.

23 (8) DNA sample taken and submitted in accordance with 44
24 Pa.C.S. Ch. 23 (relating to DNA data and testing) to the
25 State DNA Data Base for entry into the Combined DNA Index
26 System (CODIS) in accordance with procedures established by
27 the Pennsylvania State Police. The collection of DNA at time
28 of collecting registration information or updating or
29 verifying registration information is not required if the
30 registering official or approved registration site can

1 confirm that the DNA collection and submission has already
2 occurred.

3 (9) A digitized copy of a valid driver's license or
4 identification card issued to the offender.

5 (10) A digitized copy of the offender's passport and
6 immigration documents.

7 (11) A photograph of the offender's face.

8 (12) Any telephone numbers, including landline and cell
9 phone numbers, and any other designations used by the
10 offender for purposes of routing or self-identification in
11 telephonic communications.

12 (13) Any e-mail addresses, any instant message addresses
13 or identifiers, any designations or monikers used by the
14 offender for purposes of routing or self-identification in
15 Internet communications or postings.

16 (14) The address of each residence at which the offender
17 resides or will reside or, in the case of an offender who
18 does not have a residence, the offender's habitual locale.

19 (15) The location at which the offender receives
20 delivery of mail, including a post office box or general
21 delivery post office location.

22 (16) The name and address of any place where the
23 offender is employed or will be employed.

24 (17) The name and address of any place where the
25 offender attends school or will attend school.

26 (18) The license plate number, registration number or
27 any other identifier of all vehicles, including land
28 vehicles, aircraft or watercraft owned or operated by the
29 offender, whether for work or personal use, including a
30 description of the vehicle and the permanent or frequent

1 location where the vehicle is kept.

2 (19) Information concerning all licensing authorizing
3 the offender to engage in an occupation or carry out a trade
4 or business.

5 (20) The offenses requiring registration, including a
6 citation or link to the provision of law defining the offense
7 for which the offender is registered.

8 (21) The dates of all arrests, convictions and
9 outstanding arrest warrants that have been entered into the
10 Commonwealth Law Enforcement Assistance Network, as well as
11 the status of the offender's parole, probation, supervised
12 release and registration.

13 (22) The date or dates of the current or subsequent
14 period of incarceration and release from incarceration.

15 (23) Forms signed by the offender acknowledging that he
16 or she was advised of his or her registration obligations.
17 The form and signature may be electronic.

18 "Registration start date." The date on which an offender or
19 out-of-State offender's registration information is approved and
20 entered into the State sexual offender registry by the
21 Pennsylvania State Police.

22 "Registry official." The person or entity responsible for
23 obtaining registration information as set forth in this
24 subchapter.

25 "Residence." The location of an individual's home or other
26 place where the individual habitually resides or intends to
27 reside for 30 cumulative days or more during a calendar year.
28 The term may include more than one location and be mobile or
29 transitory, including, but not limited to, a homeless shelter.
30 An individual confined in a State correctional institution or

1 motivational boot camp shall be considered to be a resident of
2 the Department of Corrections. However, an individual confined
3 in a community corrections center operated by the Department of
4 Corrections or pursuant to a contract between the Department of
5 Corrections and a contractor or other provider shall be
6 considered a resident of the specific facility where the
7 individual is living.

8 "Sexually violent offense." Any Class 1, Class 2 or Class 3
9 sexual offense.

10 "Sexually violent predator." An individual who has been
11 convicted of an offense as set forth under section 9799.13
12 (relating to registration) and who is determined to be a
13 sexually violent predator under section 9799.18 (relating to
14 assessments) due to a mental abnormality or personality disorder
15 that makes the person likely to engage in predatory sexually
16 violent offenses. The term includes:

17 (1) An individual determined to be a sexually violent
18 predator, or other similar designation, if the determination
19 occurred in the United States or one of its territories or
20 possessions, another state, the District of Columbia, a
21 federally recognized Indian tribe, a foreign nation or a
22 military tribunal.

23 (2) An individual determined to be a sexually violent
24 delinquent child under Chapter 64 (relating to court-ordered
25 involuntary treatment of certain sexually violent persons),
26 regardless of whether the individual has been subsequently
27 discharged from involuntary treatment.

28 "Similar offense." An offense under a former law of this
29 Commonwealth or the laws of the United States or one of its
30 territories or possessions, another state, the District of

1 Columbia, a federally recognized Indian tribe or a foreign
2 nation.

3 "State sexual offender registry." The Statewide registry of
4 offenders and out-of-State offenders maintained by the
5 Pennsylvania State Police.

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

10 "Transient." An offender or out-of-State offender who does
11 not have a residence and is present in this Commonwealth.

12 § 9799.13. Registration.

13 (a) General rule.--The following individuals present in this
14 Commonwealth shall register with the Pennsylvania State Police
15 in accordance with the provisions of this subchapter:

16 (1) Individuals who, on or after the effective date of
17 this section, are convicted of a Class 1, Class 2 or Class 3
18 sexual offense or a similar offense.

19 (2) Individuals who, on or after the effective date of
20 this section, are convicted of any Federal or military
21 offense enumerated in 42 U.S.C. § 16911(5)(A)(iii), (iv) and
22 (v) (relating to relevant definitions, including Amie Zyla
23 expansion of sex offender definition and expanded inclusion
24 of child predators) or who, on the effective date of this
25 section, are required to register under a sexual offender
26 statute in the jurisdiction where the individual was
27 convicted, sentenced, adjudicated delinquent or court-
28 martialed.

29 (3) Individuals who, on or after the effective date of
30 this section, are incarcerated, serving a sentence of

1 intermediate punishment or under the supervision of the
2 Pennsylvania Board of Probation and Parole or any Federal or
3 county probation and parole office for a Class 1, Class 2 or
4 Class 3 SEXUAL offense or a similar offense or for an offense ←
5 enumerated in 42 U.S.C. § 16911(5)(A)(iii), (iv) and (v).

6 (4) Individuals who, on or after the effective date of
7 this section, are convicted of or incarcerated, serving a
8 sentence of intermediate punishment or under the supervision
9 of the Pennsylvania Board of Probation and Parole or any
10 county probation and parole office for any felony offense, if
11 the individual:

12 (i) was previously convicted at any time of a Class
13 1, Class 2 or Class 3 sexual offense or a similar
14 offense, regardless of whether the offense was designated
15 as a Class 1, Class 2 or Class 3 SEXUAL offense at the ←
16 time of the conviction;

17 (ii) was convicted of an offense enumerated in 42
18 U.S.C. § 16911(5)(A)(iii), (iv) and (v); or

19 (iii) was previously required to register under a
20 sexual offender statute in another jurisdiction and his
21 or her registration obligation in that jurisdiction had
22 expired prior to the effective date of this section.

23 (5) Individuals who, on or after the effective date of
24 this section, are adjudicated delinquent following a
25 determination by the court that the individual has committed
26 any of the following offenses or similar offenses subsequent
27 to attaining 14 years of age:

28 (i) 18 Pa.C.S. § 901 (relating to criminal attempt)
29 if the underlying offense is listed in subparagraph (iv),
30 (v) or (vi).

1 (ii) 18 Pa.C.S. § 902 (relating to criminal
2 solicitation) if the underlying offense is listed in
3 subparagraph (iv), (v) or (vi).

4 (iii) 18 Pa.C.S. § 903 (relating to criminal
5 conspiracy) if the underlying offense is listed in
6 subparagraph (iv), (v) or (vi).

7 (iv) 18 Pa.C.S. § 3121 (relating to rape).

8 (v) 18 Pa.C.S. § 3123 (relating to involuntary
9 deviate sexual intercourse).

10 (vi) 18 Pa.C.S. § 3125 (relating to aggravated
11 indecent assault).

12 (6) Individuals who, on the effective date of this
13 section, are under court-ordered placement in an institution,
14 youth development center, camp, institution operated by the
15 Department of Public Welfare or other facility designed or
16 operated for the benefit of delinquent children, or are on
17 probation or otherwise under the supervision of the court due
18 to an adjudication of delinquency following a determination
19 by the court that the individual has committed any of the
20 following offenses or similar offenses subsequent to
21 attaining 14 years of age:

22 (i) 18 Pa.C.S. § 901 if the underlying offense is
23 listed in subparagraph (iv), (v) or (vi).

24 (ii) 18 Pa.C.S. § 902 (relating to criminal
25 solicitation) if the underlying offense is listed in
26 subparagraph (iv), (v) or (vi).

27 (iii) 18 Pa.C.S. § 903 if the underlying offense is
28 listed in subparagraph (iv), (v) or (vi).

29 (iv) 18 Pa.C.S. § 3121.

30 (v) 18 Pa.C.S. § 3123.

1 (vi) 18 Pa.C.S. § 3125.

2 (7) Individuals who, on or after the effective date of
3 this section, are committed to or receiving involuntary
4 treatment in a facility under Chapter 64 (relating to court-
5 ordered involuntary treatment of certain sexually violent
6 persons).

7 (8) Individuals who, on the effective date of this
8 section, are registered in the State sexual offender registry
9 under this subchapter.

10 (b) Natural disaster.--The occurrence of a natural disaster
11 or other event requiring evacuation of residences shall not
12 relieve an individual of the duty to register or any other duty
13 imposed by this chapter.

14 (C) RESIDENTS IN GROUP-BASED HOMES.--



15 (1) NO GROUP-BASED HOME, AS THAT TERM IS DEFINED UNDER
16 61 PA.C.S. § 6124 (RELATING TO CERTAIN OFFENDERS RESIDING IN
17 GROUP-BASED HOMES) MAY PROVIDE CONCURRENT RESIDENCE IN THE
18 GROUP-BASED HOME TO MULTIPLE INDIVIDUALS WHO ARE REQUIRED TO
19 REGISTER UNDER THIS CHAPTER AS SEXUALLY VIOLENT PREDATORS,
20 UNLESS THE INDIVIDUALS ARE SPOUSES, SIBLINGS OR PARENT AND
21 CHILD TO EACH OTHER.

22 (2) A GROUP-BASED HOME THAT VIOLATES PARAGRAPH (1) SHALL
23 BE SUBJECT TO A CIVIL PENALTY IN THE AMOUNT OF \$2,500 FOR A
24 FIRST VIOLATION AND IN THE AMOUNT OF \$5,000 FOR A SECOND OR
25 SUBSEQUENT VIOLATION.

26 (3) THE PENNSYLVANIA STATE POLICE OR LOCAL LAW
27 ENFORCEMENT AGENCY OF JURISDICTION SHALL INVESTIGATE
28 COMPLIANCE WITH THIS SUBSECTION AND THE ATTORNEY GENERAL OR
29 DISTRICT ATTORNEY MAY COMMENCE A CIVIL ACTION IN THE COURT OF
30 COMMON PLEAS OF THE COUNTY IN WHICH A GROUP-BASED HOME IS

1 LOCATED TO IMPOSE AND COLLECT FROM THE GROUP-BASED HOME THE
2 FINE ESTABLISHED IN PARAGRAPH (2).

3 § 9799.14. Registration procedures for Pennsylvania offenders.

4 (a) Existing offenders.--An offender who, before the
5 effective date of this section, was convicted in this
6 Commonwealth of a Class 1, Class 2 or Class 3 sexual offense and
7 is required to register under section 9799.13 (relating to
8 registration) shall register with the Pennsylvania State Police
9 by providing registration information to the appropriate
10 registering official for inclusion in the State sexual offender
11 registry subject to the following:

12 (1) If the offender is incarcerated in a State
13 correctional facility or county correctional facility, the
14 correctional facility shall notify the Pennsylvania State
15 Police, not more than 30 days in advance of, but not later
16 than ten days prior to, the offender's release from the
17 correctional facility.

18 (i) The correctional facility shall collect the
19 registration information from the offender and forward
20 the registration information to the Pennsylvania State
21 Police.

22 (ii) The correctional facility shall not release the
23 offender from custody until the correctional facility
24 receives verification from the Pennsylvania State Police
25 that the Pennsylvania State Police has received the
26 registration information. Verification by the
27 Pennsylvania State Police may occur by electronic means.

28 (2) If the offender is serving a sentence of
29 intermediate punishment or is under the supervision of the
30 Pennsylvania Board of Probation and Parole or any county

1 probation and parole office, the State or county probation
2 and parole office shall collect the registration information
3 from the offender and forward the registration information to
4 the Pennsylvania State Police.

5 (b) New offenders.--An offender who, on or after the
6 effective date of this section, is convicted in this
7 Commonwealth of a Class 1, Class 2 or Class 3 SEXUAL offense and ←
8 is required to register under section 9799.13 shall register
9 with the Pennsylvania State Police by providing the registration
10 information to the appropriate registering official for
11 inclusion in the State sexual offender registry subject to the
12 following:

13 (1) At the time of sentencing, the court shall require
14 the offender to immediately report to the Office of Probation
15 and Parole serving that county to register under this
16 subchapter.

17 (i) The appropriate office of probation and parole
18 shall collect the registration information from the
19 offender and forward the registration information to the
20 Pennsylvania State Police.

21 (ii) The court shall not authorize release of the
22 offender from custody until the appropriate office of
23 probation and parole serving that county receives
24 verification from the Pennsylvania State Police that the
25 Pennsylvania State Police has received the registration
26 information. Verification by the Pennsylvania State
27 Police may occur by electronic means.

28 (2) If the offender is incarcerated in a State
29 correctional facility or county correctional facility, the
30 correctional facility shall notify the Pennsylvania State

1 Police, not more than 30 days in advance of, but not later
2 than ten days prior to, the offender's release from the
3 correctional facility.

4 (i) The correctional facility shall ensure that
5 registration information for the offender has been
6 submitted to the Pennsylvania State Police.

7 (ii) If registration information has not been
8 submitted to the Pennsylvania State Police, the
9 correctional facility shall collect the registration
10 information from the offender and forward the
11 registration information to the Pennsylvania State
12 Police.

13 (iii) The correctional facility shall also report
14 any changes to the registration information on file with
15 the Pennsylvania State Police.

16 (iv) The correctional facility may not release the
17 offender until the correctional facility receives
18 verification from the Pennsylvania State Police that the
19 Pennsylvania State Police has received all registration
20 information. Verification by the Pennsylvania State
21 Police may occur by electronic means.

22 (c) Other new offenders.--An offender who, on or after the
23 effective date of this section, is convicted of or incarcerated,
24 -serving a sentence of intermediate punishment or is under the
25 supervision of the Pennsylvania Board of Probation and Parole or
26 any county probation and parole office for any felony offense
27 and is required to register under section 9799.13 due to a prior
28 conviction shall register with the Pennsylvania State Police by
29 providing the registration information to the appropriate
30 registering official for inclusion in the State sexual offender

1 registry subject to the following:

2 (1) At the time of sentencing for a felony offense, the
3 court shall require the offender to immediately report to the
4 office of probation and parole serving that county to
5 register under this subchapter.

6 (i) The appropriate office of probation and parole
7 shall collect the registration information from the
8 offender and forward the registration information to the
9 Pennsylvania State Police.

10 (ii) The court may not authorize release of the
11 offender from custody until the appropriate office of
12 probation and parole serving that county receives
13 verification from the Pennsylvania State Police that the
14 Pennsylvania State Police has received the registration
15 information. Verification by the Pennsylvania State
16 Police may occur by electronic means.

17 (2) If the offender is incarcerated in a State
18 correctional facility or county correctional facility, the
19 correctional facility shall notify the Pennsylvania State
20 Police not more than 30 days in advance of, but not later
21 than ten days prior to, the offender's release from the
22 correctional facility.

23 (i) The correctional facility shall ensure that
24 registration information for the offender has been
25 submitted to the Pennsylvania State Police.

26 (ii) If registration information has not been
27 submitted to the Pennsylvania State Police, the
28 correctional facility shall collect the registration
29 information from the offender and forward the
30 registration information to the Pennsylvania State

1 Police.

2 (iii) The correctional facility shall also report
3 any changes to the registration information on file with
4 the Pennsylvania State Police.

5 (iv) The correctional facility may not release the
6 offender from custody until the correctional facility
7 receives verification from the Pennsylvania State Police
8 that the Pennsylvania State Police has received all
9 registration information. Verification by the
10 Pennsylvania State Police may occur by electronic means.

11 (3) If the offender is serving a sentence of
12 intermediate punishment or is under the supervision of the
13 Pennsylvania Board of Probation and Parole or any county
14 probation and parole office for a felony offense, the
15 appropriate probation and parole office shall collect the
16 registration information from the offender and forward the
17 registration information to the Pennsylvania State Police.

18 (d) Delinquency.--

19 (1) This subsection applies to an offender who meets all
20 of the following requirements:

21 (i) On or after the effective date of this section,
22 is adjudicated delinquent following a determination by
23 the court that the individual has committed any of the
24 following offenses or similar offenses subsequent to
25 attaining 14 years of age:

26 (A) 18 Pa.C.S. § 901 (relating to criminal
27 attempt) if the underlying offense is listed in
28 clause (D), (E) or (F).

29 (B) 18 Pa.C.S. § 902 (relating to criminal
30 solicitation) if the underlying offense is listed in

1 clause (D), (E) or (F).

2 (C) 18 Pa.C.S. § 903 (relating to criminal
3 conspiracy) if the underlying offense is listed in
4 clause (D), (E) or (F).

5 (D) 18 Pa.C.S. § 3121 (relating to rape).

6 (E) 18 Pa.C.S. § 3123 (relating to involuntary
7 deviate sexual intercourse).

8 (F) 18 Pa.C.S. § 3125 (relating to aggravated
9 indecent assault).

10 (ii) Is required to register under section 9799.13.

11 (2) This subsection applies to an offender who meets all
12 of the following requirements:

13 (i) On the effective date of this section, is under
14 court-ordered placement in an institution, youth
15 development center, camp, institution operated by the
16 Department of Public Welfare or other facility designed
17 or operated for the benefit of delinquent children, or is
18 on probation or otherwise under the supervision of the
19 court, due to an adjudication of delinquency following a
20 determination by the court that the individual has
21 committed any of the following offenses subsequent to
22 attaining 14 years of age:

23 (A) 18 Pa.C.S. § 901 if the underlying offense
24 is listed in clause (D), (E) or (F).

25 (B) 18 Pa.C.S. § 902 if the underlying offense
26 is listed in clause (D), (E) or (F).

27 (C) 18 Pa.C.S. § 903 if the underlying offense
28 is listed in clause (D), (E) or (F).

29 (D) 18 Pa.C.S. § 3121.

30 (E) 18 Pa.C.S. § 3123.

1 (F) 18 Pa.C.S. § 3125.

2 (ii) Is required to register under section 9799.13.

3 (3) An offender subject to paragraph (1) or (2) shall
4 register with the Pennsylvania State Police by providing
5 registration information to the appropriate registering
6 official for inclusion in the State sexual offender registry.
7 The following apply:

8 (i) At the time of disposition of an offender
9 subject to the provisions of paragraph (1), the court
10 shall specifically classify the offender as a juvenile
11 offender subject to this subchapter in accordance with
12 section 9799.17(a)(6) (relating to court notification and
13 classification requirements) and shall require the
14 offender to immediately register under this subchapter.
15 The chief juvenile probation officer of the court shall
16 ensure the collection of the registration information
17 from the offender and forward the registration
18 information to the Pennsylvania State Police. The court
19 shall not release the offender from its custody until it
20 receives verification from the Pennsylvania State Police
21 that it has received the registration information.
22 Verification by the Pennsylvania State Police may occur
23 by electronic means.

24 (ii) If the offender who is subject to the
25 provisions of paragraph (2) is under court-ordered
26 placement in any institution, youth development center,
27 camp, institution operated by the Department of Public
28 Welfare or other facility designed or operated for the
29 benefit of delinquent children, the chief juvenile
30 probation officer of the court which entered the order

1 shall, within ten days of the effective date of this
2 section, inform the director of the facility that the
3 offender is subject to registration under section
4 9799.13. The director of the facility, or a designee,
5 shall notify the Pennsylvania State Police not more than
6 30 days in advance of, but not later than ten days prior
7 to, the offender's release from the facility. The
8 director of the facility, with the assistance of the
9 chief juvenile probation officer, shall make the offender
10 available for and facilitate the collection of the
11 registration information from the offender as instructed
12 by the Pennsylvania State Police and forward the
13 registration information to the Pennsylvania State
14 Police. The facility shall not release the offender until
15 it receives verification from the Pennsylvania State
16 Police that it has received the registration information.
17 Verification by the Pennsylvania State Police may occur
18 by electronic means.

19 (iii) If the offender who is subject to the
20 provisions of paragraph (2) is on probation or otherwise
21 under the supervision of the court, the chief juvenile
22 probation officer of the court shall ensure collection of
23 the registration information from the offender and
24 forward the registration information to the Pennsylvania
25 State Police.

26 (e) Receiving involuntary treatment.--

27 (1) This subsection applies to an offender who meets all
28 of the following requirements:

29 (i) On the effective date of this section, is
30 receiving involuntary treatment in a facility designated

1 by the Department of Public Welfare under Chapter 64
2 (relating to court-ordered involuntary treatment of
3 certain sexually violent persons).

4 (ii) Is required to register under section 9799.13.

5 (2) An offender subject to paragraph (1) shall register
6 with the Pennsylvania State Police by providing registration
7 information to the appropriate registering official for
8 inclusion in the State sexual offender registry. The
9 following shall apply:

10 (i) Within 60 days of the effective date of this
11 section, the director of the facility shall make the
12 offender available for and facilitate the collection of
13 the registration information from the offender as
14 instructed by the Pennsylvania State Police and forward
15 that information to the Pennsylvania State Police.

16 (ii) The director of the facility, or a designee,
17 shall notify the Pennsylvania State Police of the dates
18 of any review hearing, the submission of an outpatient
19 treatment plan under section 6404 (relating to duration
20 of inpatient commitment and review) or the filing of a
21 petition for discharge under section 6404.2 (relating to
22 outpatient commitment and review) and shall provide to
23 the Pennsylvania State Police copies of all court orders
24 resulting from the hearing or petition.

25 (iii) Notwithstanding any other provision of law,
26 the court, upon determining that the offender will be
27 transferred to involuntary outpatient treatment or
28 discharged, shall require the offender to immediately
29 update the registration information collected under this
30 subchapter and shall not order transfer of or discharge

1 the offender until the court receives verification from
2 the Pennsylvania State Police that it has received the
3 updated registration information. The director of the
4 facility, or a designee, shall make the offender
5 available for and facilitate the collection of the
6 updated registration information as instructed by the
7 Pennsylvania State Police and forward that information to
8 the Pennsylvania State Police. Verification by the
9 Pennsylvania State Police that it has received the
10 updated registration information may occur by electronic
11 means.

12 (f) Subsequent commitment to involuntary treatment.--

13 (1) This subsection applies to an offender who meets all
14 of the following requirements:

15 (i) On or after the effective date of this section,
16 is committed to involuntary treatment in a facility
17 designated by the Department of Public Welfare under
18 Chapter 64.

19 (ii) Is required to register under section 9799.13.

20 (2) An offender subject to paragraph (1) shall register
21 with the Pennsylvania State Police by providing registration
22 information to the appropriate registering official for
23 inclusion in the State sexual offender registry. The
24 following apply:

25 (i) At the time of the commitment, the court shall
26 require the offender to immediately register under this
27 subchapter. The chief juvenile probation officer of the
28 court shall ensure the collection of the registration
29 information from the offender and forward the
30 registration information to the Pennsylvania State

1 Police. Verification by the Pennsylvania State Police may
2 occur by electronic means.

3 (ii) The director of the facility, or a designee,
4 shall notify the Pennsylvania State Police of the dates
5 of any review hearing, the submission of an outpatient
6 treatment plan under section 6404 or the filing of a
7 petition for discharge under section 6404.2 and shall
8 provide to the Pennsylvania State Police copies of all
9 court orders resulting from the hearing or petition.

10 (iii) Notwithstanding any other provision of law,
11 the court, upon determining that the offender will be
12 transferred to involuntary outpatient treatment or
13 discharged, shall require the offender to immediately
14 update the registration information collected under this
15 subchapter and shall not order transfer of or discharge
16 the offender until the court receives verification from
17 the Pennsylvania State Police that it has received the
18 updated registration information. The director of the
19 facility, or a designee, shall make the offender
20 available for and facilitate the collection of updated
21 registration information as instructed by the
22 Pennsylvania State Police and forward that information to
23 the Pennsylvania State Police. Verification by the
24 Pennsylvania State Police that it has received the
25 updated registration information may occur by electronic
26 means.

27 (g) Refusal to provide registration information.--

28 (1) This subsection applies to an offender who is
29 scheduled:

30 (i) to be released from a:

1 (A) State correctional facility;

2 (B) county correctional facility;

3 (C) facility designed or operated for the
4 benefit of delinquent children; or

5 (D) facility designated by the Department of
6 Public Welfare under Chapter 64; or

7 (ii) to commence a sentence of probation, parole or
8 intermediate punishment.

9 (2) If an offender subject to paragraph (1) refuses to
10 provide registration information or report a change in
11 registration information, the facility or probation and
12 parole office shall notify the Pennsylvania State Police or
13 police department with primary jurisdiction of the location
14 of the offender.

15 (3) The Pennsylvania State Police or police department
16 with primary jurisdiction shall locate and arrest the
17 offender for a violation of 18 Pa.C.S. § 4915 (relating to
18 failure to comply with registration of sexual offenders
19 requirements).

20 (h) Appearance required for change of registration
21 information.--

22 (1) An offender shall appear in person at an approved
23 registration site to complete a change of information form
24 within 72 hours of any change in registration information.

25 (2) When an offender has been reincarcerated or
26 recommitted to a facility referred to in subsection (g)(1)
27 (i), for any reason, the facility shall update the offender's
28 registration information.

29 (3) The correctional facility shall not release the
30 offender from custody until the correctional facility

1 receives verification from the Pennsylvania State Police that
2 the Pennsylvania State Police has received the registration
3 information. Verification by the Pennsylvania State Police
4 may occur by electronic means.

5 (i) Appearance required after release.--An offender subject
6 to registration under section 9799.13 who has not submitted
7 registration information under the procedures in this section
8 shall appear in person at an approved registration site within
9 72 hours of release from sentencing or release from
10 incarceration.

11 (j) Notice required prior to travel outside Commonwealth.--

12 (1) An offender shall provide notice to the Pennsylvania
13 State Police at least ten days before traveling outside this
14 Commonwealth and at least 21 days before traveling outside
15 the United States, provided the offender will be outside this
16 Commonwealth for at least seven days.

17 (2) The offender shall specify the place at which the
18 offender will be located outside this Commonwealth and the
19 purposes of and the duration of the travel.

20 (k) Appearance required prior to temporary lodgings.--An
21 offender who resides or is habitually located in this
22 Commonwealth and who will travel from the offender's residence
23 or habitual locale to any location for at least seven days
24 shall, not less than ten days in advance of travel, appear at an
25 approved registration site and notify the Pennsylvania State
26 Police of the place at which the offender will be temporarily
27 lodged and the duration of the travel.

28 (l) Registration information to law enforcement.--

29 (1) As follows:

30 (i) The Pennsylvania State Police shall provide the

1 information obtained under this section to the district
2 attorney of the county or counties in which the
3 individual will be present, the chief law enforcement
4 officers of the police departments of the municipalities
5 in which the individual will be present and the probation
6 or parole office where the individual will be present.

7 (ii) The Pennsylvania State Police shall notify the
8 sexual offender registry of any other jurisdiction with
9 which the individual is registered.

10 (2) As follows:

11 (i) The Pennsylvania State Police shall provide
12 notice to the chief law enforcement officers of the
13 police departments of the municipalities notified
14 pursuant to paragraph (1) when an individual fails to
15 comply with the registration requirements of this section
16 and request, as appropriate, that the police departments
17 assist in locating and apprehending the individual.

18 (ii) The Pennsylvania State Police shall notify the
19 United States Marshals Service of the individual's
20 failure to comply.

21 (3) The Pennsylvania State Police shall provide notice
22 to the chief law enforcement officers of the police
23 departments of the municipalities notified pursuant to
24 paragraph (1) when the Pennsylvania State Police are in
25 receipt of information indicating that the individual will no
26 longer be present in the municipality.

27 (4) As follows:

28 (i) If an offender informs the Pennsylvania State
29 Police of the offender's intent to travel outside or be
30 temporarily lodged outside this Commonwealth, the

1 Pennsylvania State Police shall, within 72 hours of being
2 notified, inform the jurisdiction where the offender
3 intends to travel or be temporarily lodged.

4 (ii) When an offender informs the Pennsylvania State
5 Police of the offender's intent to travel outside or be
6 temporarily lodged outside the United States, the
7 Pennsylvania State Police shall, within 72 hours of being
8 notified, inform the United States Marshals Service.

9 (m) Penalty.--An offender who fails to comply with the
10 requirements of this subchapter is subject to prosecution under
11 18 Pa.C.S. § 4915.

12 § 9799.15. Registration procedures for out-of-State offenders.

13 (a) General duties.--An out-of-State offender who is
14 required to register under section 9799.13 (relating to
15 registration) shall:

16 (1) Appear in person at an approved registration site
17 within 72 hours of the offender's arrival in this
18 Commonwealth.

19 (2) Provide the required registration information to an
20 appropriate official for inclusion in the State sexual
21 offender registry.

22 (b) Classification.--

23 (1) The Pennsylvania State Police shall classify an out-
24 of-State offender as a Class 1, Class 2 or Class 3 sexual
25 offender or sexually violent predator based on whether the
26 offender's offense is similar to those specified in this
27 subchapter or upon the offender's classification in the
28 jurisdiction of conviction or court-martial, whichever is
29 greater. If an individual is registered solely due to a
30 requirement to register under a sexual offender statute in

1 another jurisdiction and the individual's conviction is not
2 similar to an offense specified in this subchapter, nor is
3 the individual classified in the individual's state of
4 conviction, the Pennsylvania State Police shall classify the
5 out-of-State offender as a Class 1 sexual offender.

6 (2) If an individual is registered solely due to the
7 individual's conviction for an offense specified in 42 U.S.C.
8 § 16911(5)(A)(iii) (relating to relevant definitions,
9 including Amie Zyla expansion of sex offender definition and
10 expanded inclusion of child predators) and the conviction
11 does not equate to a Class 1, Class 2 or Class 3 SEXUAL ←
12 offense, the offender shall be classified based upon the
13 criteria specified in 42 U.S.C. § 16911.

14 (3) If an individual registered due to an adjudication
15 of delinquency for an offense equivalent to an offense listed
16 under section 9799.13, the offender shall be classified as a
17 juvenile offender and subject to the same provisions
18 applicable to Pennsylvania juvenile offenders under this
19 subchapter.

20 (c) Appearance required for change of registration
21 information.--

22 (1) An out-of-State offender shall appear in person at
23 an approved registration site to complete a change of
24 information form within 72 hours of any change in
25 registration information.

26 (2) If an out-of-State offender has been
27 incarcerated or committed to a facility in this Commonwealth
28 for any reason, the State correctional facility, county
29 correctional facility, facility designed or operated for the
30 benefit of delinquent children or facility designated by the

1 Department of Public Welfare under Chapter 64 (relating to
2 court-ordered involuntary treatment of certain sexually
3 violent persons) shall update the out-of-State offender's
4 registration and notify the Pennsylvania State Police within
5 72 hours of intake.

6 (3) If an out-of-State offender has been incarcerated or
7 committed to a facility in this Commonwealth for any reason,
8 the State correctional facility, county correctional
9 facility, facility designed or operated for the benefit of
10 delinquent children or facility designated by the Department
11 of Public Welfare under Chapter 64 shall not release the out-
12 of-State offender from custody until it has received
13 verification from the Pennsylvania State Police that the
14 Pennsylvania State Police has received the registration
15 information. Verification by the Pennsylvania State Police
16 may occur by electronic means.

17 (d) Notice required prior to travel outside Commonwealth.--

18 (1) An out-of-State offender registered under this
19 subchapter shall provide notice to the Pennsylvania State
20 Police at least ten days before traveling outside this
21 Commonwealth and at least 21 days before traveling outside
22 the United States, provided the offender will be outside this
23 Commonwealth for at least seven days.

24 (2) The out-of-State offender shall specify the place at
25 which the out-of-State offender will be located outside this
26 Commonwealth and the purposes of and the duration of the
27 travel.

28 (e) Appearance required prior to temporary lodgings.--An
29 out-of-State offender who resides or is habitually located in
30 this Commonwealth who will be away from the offender's residence

1 or habitual locale at any location for at least seven days
2 shall, not less than five days in advance of travel, appear at
3 an approved registration site and notify the Pennsylvania State
4 Police of the place at which the offender will be temporarily
5 lodged and the duration of the travel.

6 (f) Duties for offenders in custody or under supervision.--
7 Notwithstanding the provisions of this section, an out-of-State
8 offender who is incarcerated in a Pennsylvania correctional
9 facility serving a sentence of intermediate punishment or
10 otherwise under the supervision of the Pennsylvania Board of
11 Probation and Parole or any county probation and parole office
12 shall register in accordance with the provisions of this
13 section.

14 (g) Registration information to law enforcement.--

15 (1) (i) The Pennsylvania State Police shall provide the
16 information obtained under this section to the district
17 attorney of the county or counties in which the
18 individual will be present, the chief law enforcement
19 officers of the police departments of the municipalities
20 in which the individual will be present and the probation
21 or parole office where the individual will be present.

22 (ii) The Pennsylvania State Police shall notify the
23 sexual offender registry of any other jurisdiction with
24 which the individual is registered.

25 (2) (i) The Pennsylvania State Police shall provide
26 notice to the chief law enforcement officers of the
27 police departments of the municipalities notified
28 pursuant to paragraph (1) when an individual fails to
29 comply with the registration requirements of this section
30 and request, as appropriate, that the police departments

1 assist in locating and apprehending the individual.

2 (ii) The Pennsylvania State Police shall notify the
3 United States Marshals Service of the individual's
4 failure to comply.

5 (3) The Pennsylvania State Police shall provide notice
6 to the chief law enforcement officers of the police
7 departments of the municipalities notified pursuant to
8 paragraph (1) when the Pennsylvania State Police are in
9 receipt of information indicating that the individual will no
10 longer be present in the municipality.

11 (4) (i) If an out-of-State offender informs the
12 Pennsylvania State Police of the offender's intent to
13 travel outside or be temporarily lodged outside this
14 Commonwealth, the Pennsylvania State Police shall, within
15 72 hours of being notified, inform the jurisdiction where
16 the offender or out-of-State offender intends to travel
17 or be temporarily lodged.

18 (ii) When an offender or out-of-State offender
19 informs the Pennsylvania State Police of the offender's
20 intent to travel outside or be temporarily lodged outside
21 the United States, the Pennsylvania State Police shall,
22 within 72 hours of being notified, inform the United
23 States Marshals Service.

24 (h) Penalty.--An out-of-State offender who fails to comply
25 with the requirements of this subchapter is subject to
26 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
27 comply with registration of sexual offenders requirements).
28 § 9799.16. Length of registration.

29 (a) Classifications.--Offenders, out-of-State offenders,
30 juvenile offenders and sexually violent predators shall register

1 in accordance with this subchapter for the following periods of
2 time:

3 (1) Class 1 SEXUAL offenders and Class 1 out-of-State ←
4 offenders shall register for 15 years.

5 (2) Class 2 SEXUAL offenders, Class 2 out-of-State ←
6 offenders and juvenile offenders shall register for 25 years.

7 (3) Class 3 SEXUAL offenders, Class 3 out-of-State ←
8 offenders and sexually violent predators shall register for
9 life.

10 (b) Tolling.--The registration periods required by this
11 subchapter shall be tolled when an offender, out-of-State
12 offender or juvenile offender is in custody or civilly committed
13 for any reason.

14 § 9799.17. Court notification and classification requirements.

15 (a) Notice to and classification of offenders.--At the time
16 of sentencing, juvenile delinquency disposition or commitment
17 for involuntary treatment under Chapter 64 (relating to court-
18 ordered involuntary treatment of certain sexually violent
19 persons), the court shall inform offenders of the provisions of
20 this subchapter. The court shall:

21 (1) Specifically inform the offender of the duty to
22 register and require the offender to register immediately
23 following sentencing or disposition in accordance with this
24 subchapter.

25 (2) Specifically inform the offender of the duty to
26 verify the offender's registration in accordance with this
27 subchapter, and the duty to update the offender's
28 registration information with the Pennsylvania State Police
29 within 72 hours of any change in registration information.

30 (3) Specifically inform the offender of the duty to

1 notify the Pennsylvania State Police within 72 hours if the
2 offender intends to leave this Commonwealth or if the
3 offender intends to establish an additional residence, place
4 of employment or attend school in another jurisdiction. The
5 court shall also inform the offender of the duty to register
6 in the new jurisdiction with the relevant law enforcement
7 agency no later than 72 hours after arrival in that
8 jurisdiction.

9 (4) Specifically inform the offender of the duty to
10 register with the appropriate authorities in any state in
11 which the offender is employed, carries on a vocation or is a
12 student if the state requires registration.

13 (5) Require the offender to read and sign a form stating
14 that the duty to register under this subchapter has been
15 explained. If the offender is incapable of speaking, reading
16 or writing the English language, the court shall certify the
17 duty to register was explained to the offender, and the
18 offender indicated an understanding of the duty.

19 (6) Specifically classify the offender as a Class 1,
20 Class 2 or Class 3 sexual offender, sexually violent predator
21 or juvenile offender subject to this subchapter.

22 (b) Supplemental notice.--Notice shall also be provided to
23 an individual a court is sentencing for a crime, if that crime
24 is a felony and the individual was previously convicted at any
25 time of a Class 1, Class 2 or Class 3 sexual offense or a
26 similar offense or was convicted of an offense specified in 42
27 U.S.C. § 16911(5) (A) (iii), (iv) and (v) (relating to relevant
28 definitions, including Amie Zyla expansion of sex offender
29 definition and expanded inclusion of child predators).

30 (c) Mandatory registration.--All offenders must register in

1 accordance with this subchapter.

2 (1) A failure by a court to provide the information
3 required in this section, to correctly inform an offender of
4 the offender's obligations or to require an offender to
5 register shall not free an offender from the registration
6 requirements as stated in this subchapter.

7 (2) As registration pursuant to this subchapter is a
8 collateral civil consequence of an offender's conviction,
9 adjudication of delinquency or commitment for involuntary
10 treatment, and is not to be construed as punitive, no court
11 shall have the authority to exempt an offender from
12 registration pursuant to this subchapter or otherwise modify
13 the terms of an offender's registration.

14 § 9799.18. Assessments.

15 (a) Order for assessment.--After conviction but before
16 sentencing, a court shall order an individual convicted of a
17 Class 1, Class 2 or Class 3 sexual offense to be assessed by the
18 board. The order for an assessment shall be sent to the
19 administrative officer of the board within ten days of the date
20 of conviction for a Class 1, Class 2 or Class 3 sexual offense.

21 (b) Assessment.--Upon receipt from the court of an order for
22 an assessment, a member of the board as designated by the
23 administrative officer of the board shall conduct an assessment
24 of the individual to determine if the individual should be
25 classified as a sexually violent predator. The board shall
26 establish standards for evaluations and for evaluators
27 conducting the assessments. An assessment shall include, but not
28 be limited to, an examination of the following:

29 (1) Facts of the current offense, including:

30 (i) Whether the offense involved multiple victims.

1 (ii) Whether the individual exceeded the means
2 necessary to achieve the offense.

3 (iii) The nature of the sexual contact with the
4 victim.

5 (iv) Relationship of the individual to the victim.

6 (v) Age of the victim.

7 (vi) Whether the offense included a display of
8 unusual cruelty by the individual during the commission
9 of the crime.

10 (vii) The mental capacity of the victim.

11 (2) Prior offense history, including:

12 (i) The individual's prior criminal record.

13 (ii) Whether the individual completed any prior
14 sentences.

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

17 (3) Characteristics of the individual, including:

18 (i) Age.

19 (ii) Use of illegal drugs.

20 (iii) Any mental illness, mental disability or
21 mental abnormality.

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

24 (4) Factors that are supported in a sexual offender
25 assessment field as criteria reasonably related to the risk
26 of re-offense.

27 (c) Release of information.--All State, county and local
28 agencies, offices and entities in this Commonwealth, including
29 juvenile probation officers, shall cooperate by providing copies
30 of records and information as requested by the board in

1 connection with the court-ordered assessment and the assessment
2 requested by the Pennsylvania Board of Probation and Parole or
3 the assessment of a delinquent child under section 6358
4 (relating to assessment of delinquent children by the State
5 Sexual Offenders Assessment Board).

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

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

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

15 (2) Whether the victim was a minor.

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

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

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

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

26 (e) Hearing.--

27 (1) A hearing to determine whether the individual is a
28 sexually violent predator shall be scheduled upon the
29 praecipe filed by the district attorney. The district
30 attorney upon filing a praecipe shall serve a copy of same

1 upon defense counsel together with a copy of the report of
2 the board.

3 (2) The individual and district attorney shall be given
4 notice of the hearing and an opportunity to be heard, the
5 right to call witnesses, the right to call expert witnesses
6 and the right to cross-examine witnesses. In addition, the
7 individual shall have the right to counsel and to have an
8 attorney appointed to represent the individual if the
9 individual cannot afford one. If the individual requests
10 another expert assessment, the individual shall provide a
11 copy of the expert assessment to the district attorney prior
12 to the hearing.

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

17 (4) A copy of the order containing the determination of
18 the court shall be immediately submitted to the individual,
19 the district attorney, the Pennsylvania Board of Probation
20 and Parole, the Department of Corrections, the board and the
21 State sexual offender registry of the Pennsylvania State
22 Police.

23 (f) Presentence investigation.--If the board has performed
24 an assessment under this section, copies of the report shall be
25 provided to the agency preparing the presentence investigation.

26 (g) Parole assessment.--The Pennsylvania Board of Probation
27 and Parole may request of the board that an assessment of an
28 offender be conducted and provide a report to the Pennsylvania
29 Board of Probation and Parole prior to considering an offender
30 for parole.

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

24 § 9799.19. Verification of registration information.

25 (a) Quarterly verification.--Except as otherwise provided
26 under subsection (h), sexually violent predators, Class 3 sexual
27 offenders, Class 3 out-of-State sexual offenders, offenders
28 subject to registration under section 9799.13 (relating to
29 registration) due to an adjudication of delinquency for a
30 qualifying offense or a civil commitment and all transient

1 offenders and transient out-of-State offenders shall verify
2 their registration information quarterly after their
3 registration start date by reporting in person to an approved
4 registration site to verify the offender's registration
5 information and be photographed. If the offender or out-of-State
6 offender fails to report within ten days prior to the offender's
7 quarterly reporting date, the offender or out-of-State offender
8 will be in violation of this subsection.

9 (b) Facilitation of quarterly verification.--The
10 Pennsylvania State Police shall facilitate and administer the
11 verification process required under subsection (a) by doing all
12 of the following:

13 (1) Sending a nonforwardable verification notice by
14 first class United States mail to all individuals referenced
15 in subsection (a) at their last reported mailing location.
16 This notice shall be sent not more than 30 days nor less than
17 15 days prior to the offender's or out-of-State offender's
18 quarterly verification period and shall remind the offender
19 of the offender's reporting date and provide the offender
20 with a list of approved registration sites.

21 (2) Providing verification forms as necessary to each
22 approved registration site, the Department of Corrections,
23 county correctional facilities, the Pennsylvania Board of
24 Probation and Parole and county probation and parole
25 departments.

26 (c) Semiannual verification.--Except as provided under
27 subsection (h), all Class 2 sexual offenders and Class 2 out-of-
28 State sexual offenders, except for transient offenders and
29 transient out-of-State offenders subject to quarterly
30 verification, shall verify their registration information

1 semiannually after their registration start date by reporting in
2 person to an approved registration site to verify the offender's
3 registration information and to be photographed. If the offender
4 or out-of-State offender fails to report within ten days prior
5 to the offender's semiannual reporting date, the offender or
6 out-of-State offender will be in violation of this subsection.

7 (d) Facilitation of semiannual verification.--The
8 Pennsylvania State Police shall facilitate and administer the
9 verification process required under subsection (c) by doing all
10 of the following:

11 (1) Sending a nonforwardable verification notice by
12 first class United States mail to all individuals referenced
13 in subsection (c) at their last reported mailing location.
14 This notice shall be sent not more than 30 days nor less than
15 15 days prior to the offender's or out-of-State offender's
16 semiannual reporting date and shall remind the offender of
17 the offender's semiannual verification requirement and
18 provide the offender with a list of approved registration
19 sites.

20 (2) Providing verification forms as necessary to each
21 approved registration site, the Department of Corrections,
22 county correctional facilities, the Pennsylvania Board of
23 Probation and Parole and county probation and parole
24 departments.

25 (e) Annual verification.--All Class 1 offenders and Class 1
26 out-of-State offenders, except for transient offenders and
27 transient out-of-State offenders subject to quarterly
28 verification, shall verify their registration information
29 annually following their registration start date by reporting in
30 person to an approved registration site to verify the offender's

1 registration information and to be photographed. If the offender
2 or out-of-State offender fails to report within ten days before
3 the offender's annual reporting date, the offender or out-of-
4 State offender will be in violation of this subsection.

5 (f) Facilitation of annual verification.--The Pennsylvania
6 State Police shall facilitate and administer the verification
7 process required by subsection (e) by doing the following:

8 (1) Sending a nonforwardable verification notice by
9 first class United States mail to individuals referenced in
10 subsection (e) at their last reported mailing location. This
11 notice shall be sent not more than 30 days nor less than 15
12 days prior to the offender's or out-of-State offender's
13 annual reporting date and shall remind the offender of the
14 offender's annual verification requirement and provide the
15 offender with a list of approved registration sites.

16 (2) Providing verification forms as necessary to each
17 approved registration site, the Department of Corrections,
18 county correctional facilities, the Pennsylvania Board of
19 Probation and Parole and county probation and parole
20 departments.

21 (g) Offenders on probation or parole.--If an offender or
22 out-of-State offender is under the supervision of the
23 Pennsylvania Board of Probation and Parole or a county or
24 juvenile probation or parole department, the offender or out-of-
25 State offender shall report in person to the parole or probation
26 office to verify the offender's registration information and to
27 be photographed. The Pennsylvania Board of Probation and Parole
28 and county and juvenile probation and parole departments shall
29 collect the verification information for all offenders and out-
30 of-State offenders under their supervision on a form prescribed

1 by the Pennsylvania State Police and photograph the offender and
2 out-of-State offender. The Pennsylvania Board of Probation and
3 Parole and county and juvenile probation and parole departments
4 shall immediately submit the registration information and
5 photographs to the Pennsylvania State Police.

6 (h) Incarcerated or court-committed offenders.--

7 (1) If an offender or out-of-State offender is
8 incarcerated in a State or county correctional facility, the
9 offender or out-of-State offender shall report to the
10 designated official at the facility annually to verify the
11 offender's registration information and be photographed. The
12 facilities shall ensure the collection of the verification
13 information for offenders and out-of-State offenders in their
14 custody on a form prescribed by the Pennsylvania State Police
15 and photograph the offenders and out-of-State offenders. The
16 facilities shall immediately submit the information and
17 photographs to the Pennsylvania State Police.

18 (2) If an offender or out-of-State offender is under a
19 court-ordered residential placement in an institution, youth
20 development center, camp, institution operated by the
21 Department of Public Welfare or other facility designated by
22 the Department of Public Welfare under Chapter 64 (relating
23 to court-ordered involuntary treatment of certain sexually
24 violent persons), the offender or out-of-State offender shall
25 report to the designated official at the facility annually to
26 verify the registration information and be photographed. The
27 director of the facility, or a designee, shall make the
28 offender available for and facilitate the collection of
29 registration information as instructed by the Pennsylvania
30 State Police and provide the information to the Pennsylvania

1 State Police.

2 (i) Change of registration information.--The Pennsylvania
3 State Police shall report an offender's or out-of-State
4 offender's change of registration information to the appropriate
5 law enforcement agency having jurisdiction. If the offender or
6 out-of-State offender changes residence, habitual locale, place
7 of employment or place of enrollment as a student to another
8 jurisdiction, the Pennsylvania State Police shall notify the
9 appropriate law enforcement agency with which the offender or
10 out-of-State offender must register in the new jurisdiction.

11 (j) Failure to verify registration information.--If an
12 offender, out-of-State offender, transient offender or transient
13 out-of-State offender fails to verify the offender's
14 registration information within the time periods as set forth in
15 this section, the Pennsylvania State Police shall notify, where
16 applicable, the municipal police department having jurisdiction
17 of the offender's or out-of-State offender's last reported
18 residence, habitual locale, employer or school and of the
19 offender's or out-of-State offender's failure to appear. The
20 Pennsylvania State Police shall also notify the United States
21 Marshals Service of the offender's or out-of-State offender's
22 failure to appear. The municipal police shall locate the
23 offender or out-of-State offender and arrest the offender for
24 violating this section. If the municipal police are not able to
25 locate the offender or out-of-State offender, the municipal
26 police shall obtain an arrest warrant for the offender or out-
27 of-State offender and send a copy of the arrest warrant to the
28 Pennsylvania State Police. In jurisdictions where no municipal
29 police jurisdiction exists, the Pennsylvania State Police shall
30 assume responsibility for locating the offender or out-of-State

1 offender, obtaining an arrest warrant and arresting the offender
2 or out-of-State offender. Upon request, the Pennsylvania State
3 Police shall assist any municipal police department with
4 locating and arresting an offender or out-of-State offender who
5 fails to verify registration information.

6 (k) Penalty.--An offender or out-of-State offender who fails
7 to verify registration information or to be photographed as
8 required by this section may be subject to prosecution under 18
9 Pa.C.S. § 4915 (relating to failure to comply with registration
10 of sexual offenders requirements).

11 (l) Effect of notice.--Failure to send or receive notice of
12 information under this section shall not relieve the offender or
13 out-of-State offender from the requirements of this subchapter.
14 § 9799.20. Victim notification.

15 (a) Duty to inform victim.--

16 (1) If an offender is determined to be a sexually
17 violent predator, the Pennsylvania State Police shall give
18 notice to the sexually violent predator's victim when the
19 sexually violent predator registers initially and when the
20 offender notifies the Pennsylvania State Police of a change
21 of residence, habitual locale, employment or school. This
22 notice shall be given within 72 hours after the sexually
23 violent predator registers or notifies the Pennsylvania State
24 Police of a change of residence, employment or school. The
25 notice shall contain the sexually violent predator's name and
26 the address or addresses where the sexually violent predator
27 resides, is habitually located, employed or attends school.

28 (2) A victim may terminate the duty to inform set forth
29 in paragraph (1) by providing the Pennsylvania State Police
30 with a written statement releasing that agency from the duty

1 to comply with this section as it pertains to that victim.

2 (b) Individual not determined to be a sexually violent
3 predator.--If an individual is not determined to be a sexually
4 violent predator, the victim shall be notified in accordance
5 with section 201 of the act of November 24, 1998 (P.L.882,
6 No.111), known as the Crime Victims Act.

7 (c) Electronic notification option.--Notwithstanding
8 subsections (a) and (b), the Pennsylvania State Police shall
9 develop and implement a system that allows victims and other
10 members of the public to receive electronic notification in lieu
11 of the notification in subsections (a) and (b) when a sexual
12 offender, out-of-State sexual offender or sexually violent
13 predator changes residence, habitual locale, employment or
14 school.

15 § 9799.21. Other notification.

16 (a) Notice.--Notwithstanding the provisions of 18 Pa.C.S.
17 Ch. 91 (relating to criminal history record information) and
18 Chapter 63 (relating to juvenile matters), the chief law
19 enforcement officer of the police department of the municipality
20 where a sexually violent predator lives shall be responsible for
21 providing written notice as required under this section.

22 (1) The notice shall contain:

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

24 (ii) The address or addresses at which the sexually
25 violent predator resides. If the sexually violent
26 predator is a transient, written notice under this
27 subparagraph shall include the municipality and county
28 containing the transient's habitual locale.

29 (iii) The offense for which the sexually violent
30 predator was convicted, sentenced by a court, adjudicated

1 delinquent or court-martialed.

2 (iv) A statement that the offender has been
3 determined to be a sexually violent predator, which
4 determination has or has not been terminated as of a date
5 certain.

6 (v) A photograph of the sexually violent predator.

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

9 (b) Written notice recipients.--The chief law enforcement
10 officer shall provide written notice, under subsection (a), to
11 the following persons:

12 (1) Neighbors of the sexually violent predator. As used
13 in this paragraph, where the sexually violent predator lives
14 in a common interest community, the term "neighbor" includes
15 the unit owners' association and residents of the common
16 interest community. As used in this paragraph, where the
17 sexually violent predator is transient, the term "neighbor"
18 shall include the area of the offender's habitual locales,
19 and the chief law enforcement officer shall determine the
20 appropriate method for providing written notice.

21 (2) The director of the county children and youth
22 service agency of the county where the sexually violent
23 predator resides or, if the sexually violent predator is
24 transient, each county containing the sexually violent
25 predator's habitual locale.

26 (3) The superintendent of each school district and the
27 equivalent official for private and parochial schools
28 enrolling students up through 12th grade in the municipality
29 where the sexually violent predator resides or, if the
30 sexually violent predator is transient, each municipality

1 containing the sexually violent predator's habitual locale.

2 (4) The superintendent of each school district and the
3 equivalent official for each private and parochial school
4 located within a one-mile radius of where the sexually
5 violent predator resides or maintains a habitual locale.

6 (5) The licensee of each certified day-care center and
7 licensed preschool program and owner/operator of each
8 registered family day-care home in the municipality where the
9 sexually violent predator resides or, if the sexually violent
10 predator is transient, each municipality containing the
11 sexually violent predator's habitual locale.

12 (6) The president of each college, university and
13 community college located within 1,000 feet of a sexually
14 violent predator's residence or where the sexually violent
15 predator maintains a habitual locale.

16 (c) Notification time frames.--The municipal police
17 department's chief law enforcement officer shall provide notice
18 within the following time frames:

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

27 (2) To the persons specified in subsection (b) (2), (3),
28 (4), (5) and (6), notice shall be provided within seven days
29 after the chief law enforcement officer receives information
30 regarding the sexually violent predator's release date,

1 establishment of residence or habitual locale or change of
2 residence or habitual locale.

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

6 (e) Interstate transfers.--The duties of police departments
7 under this section shall also apply to individuals who are
8 transferred to this Commonwealth under 61 Pa.C.S. Ch. 71 Subch.
9 B (relating to Interstate Compact for the Supervision of Adult
10 Offenders) or the act of July 2, 2004 (P.L.468, No.54), known as
11 the Interstate Compact for Juveniles Act.

12 § 9799.22. Information made available to the public.

13 (a) Internet website.--The Commissioner of the Pennsylvania
14 State Police shall do the following:

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

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

26 (3) Ensure the Internet website contains an explanation
27 of its limitations, including statements advising that:

28 (i) A positive identification of an offender or out-
29 of-State offender whose record has been made available
30 may be confirmed only by fingerprints.

1 (ii) Some information contained on the Internet
2 website may be outdated or inaccurate.

3 (iii) The Internet website is not a comprehensive
4 listing of every person who has ever committed a sex
5 offense in Pennsylvania.

6 (4) Strive to ensure the information contained on the
7 Internet website is accurate and that the data therein is
8 revised and updated within 72 hours of a change in
9 registration information.

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

16 (b) Required information.--Notwithstanding 18 Pa.C.S. Ch. 91
17 (relating to criminal history record information) and Chapter 63
18 (relating to juvenile matters), the Internet website shall
19 contain the following information for individuals registered
20 with the Pennsylvania State Police:

21 (1) Name and aliases.

22 (2) Year of birth.

23 (3) Street address, city, municipality, county and zip
24 code of residences and intended residences.

25 (4) Street address, city, municipality, county and zip
26 code of any institution or location at which the person is
27 enrolled as a student.

28 (5) Street address, city, municipality, county and zip
29 code of an employment location.

30 (6) Photograph of the offender or out-of-State offender

1 that shall be updated no less than every year.

2 (7) Physical description of the offender or out-of-State
3 offender.

4 (8) License plate number and a description of a vehicle
5 owned or operated by the offender or out-of-State offender.

6 (9) A citation or link to text of the statutory
7 provision defining the criminal offense for which the
8 offender or out-of-State offender is registered.

9 (10) Date of the offense and conviction.

10 (11) Date the offender or out-of-State offender last
11 verified the offender's registration information.

12 (12) Compliance status.

13 (13) Abstract of criminal history record indicating
14 convictions for Class 1, Class 2 and Class 3 sexual offenses,
15 as well as, where applicable, convictions for violations of
16 18 Pa.C.S. § 4915 (relating to failure to comply with
17 registration of sexual offenders requirements).

18 (14) Other information required by Federal law.

19 (c) (Reserved).

20 (d) Duration of posting.--When an offender or out-of-State
21 offender is deceased or no longer present in this Commonwealth,
22 the posting shall remain on the website for a period of 60 days
23 along with a notice of the offender's or out-of-State offender's
24 change in status and the date the posting will be removed from
25 the website.

26 (e) Duty of Pennsylvania State Police.--Notwithstanding 18
27 Pa.C.S. Ch. 91, the Pennsylvania State Police shall develop and
28 implement a process that allows members of the public to receive
29 electronic notification when any registered offender is present
30 or no longer present within a geographic radius specified by the

1 requester.

2 (f) Chief law enforcement officer.--Notwithstanding any of
3 the provisions of 18 Pa.C.S. Ch. 91, the chief law enforcement
4 officer of the police department with primary jurisdiction over
5 the municipality where an offender or out-of-State offender is
6 present may disseminate all information in subsection (c) to the
7 public through any available means it deems necessary including,
8 but not limited to, newspaper, television, radio and community
9 meetings. This information shall be available, upon request, to
10 the general public.

11 (g) Exception.--Unless the offender or out-of-State offender
12 has been subject to a court-ordered involuntary commitment under
13 Chapter 64 (relating to court-ordered involuntary treatment of
14 certain sexually violent persons) or equivalent statute in
15 another jurisdiction, offenders and out-of-State offenders who
16 are required to register under section 9799.13 (relating to
17 registration) because of an adjudication of delinquency for a
18 qualifying offense shall not be subject to public notification
19 under the requirements of this section.

20 § 9799.23. Administration.

21 The Governor shall direct the Pennsylvania State Police, the
22 Pennsylvania Board of Probation and Parole, the board, the
23 Department of Corrections, the Department of Transportation and
24 any other agency of the Commonwealth the Governor deems
25 necessary to collaboratively design, develop and implement an
26 integrated and secure system of communication, storage and
27 retrieval of information to assure the timely, accurate and
28 efficient administration of this subchapter.

29 § 9799.24. Global positioning system technology.

30 The Pennsylvania Board of Probation and Parole and county

1 adult and juvenile probation authorities may impose supervision
2 conditions that include offender tracking through global
3 positioning system technology.

4 § 9799.25. Immunity for good faith conduct.

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

7 (1) Agents and employees of the Pennsylvania State
8 Police and local law enforcement agencies.

9 (2) District attorneys and their agents and employees.

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

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

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

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

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

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

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

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

29 (11) The board and its MEMBERS, agents and employees.

30 (12) Juvenile probation offices and their agents and



1 employees.

2 (13) The Department of Public Welfare and its agents and
3 employees.

4 (14) Institutions, youth development centers, camps or
5 other facilities designed or operated for the benefit of
6 delinquent children and their agents and employees.

7 § 9799.26. Pennsylvania State Police.

8 (a) Duties.--The Pennsylvania State Police have the
9 following duties:

10 (1) Create and maintain a State sexual offender
11 registry.

12 (2) Participate in the National Sex Offender Public
13 Registry maintained by the United States Department of
14 Justice, including the National Sex Offender Public Website.

15 (3) Promulgate guidelines necessary for the general
16 administration of this subchapter and for complying with
17 Federal law.

18 (4) Notify, within 72 hours of receiving and verifying
19 the offender's or out-of-State offender's registration, the
20 chief law enforcement officer of the police departments
21 having primary jurisdiction of the municipalities in which an
22 offender or out-of-State offender is present of the fact that
23 the offender or out-of-State offender has been registered
24 with the Pennsylvania State Police.

25 (5) In consultation with the Department of Education and
26 the Department of Public Welfare, promulgate guidelines
27 directing licensed day-care centers, licensed preschool
28 programs, schools, universities and colleges, including
29 community colleges, on the proper use and administration of
30 information received under section 9799.22 (relating to

1 information made available to the public).

2 (6) In consultation with the Department of Corrections
3 and the Pennsylvania Board of Probation and Parole,
4 promulgate guidelines directing State and county correctional
5 facilities and State and county probation and parole offices
6 on the completion of registration information, updating of
7 registration information and verification of registration
8 information for all offenders or out-of-State offenders in
9 their custody or under their supervision.

10 (7) In consultation with the Department of Public
11 Welfare and the Juvenile Court Judges Commission, promulgate
12 guidelines directing institutions, youth development centers,
13 camps or other facilities designed or operated for the
14 benefit of delinquent children on the completion of
15 registration information, updating of registration
16 information and verification of registration information for
17 all offenders or out-of-State offenders in their custody or
18 under their supervision.

19 (b) Powers.--The Pennsylvania State Police may certify and
20 send to an authorized user, by electronic transmission or
21 otherwise, certified copies of an offender's sex offender
22 registration file. Authorized users shall include State and
23 local police, district attorneys, agents and employees of the
24 Pennsylvania State Police and the Office of Attorney General and
25 other persons or entities determined by the Pennsylvania State
26 Police and listed by notice in the Pennsylvania Bulletin. In any
27 proceeding before the courts or administrative bodies of this
28 Commonwealth, documents certified by the Pennsylvania State
29 Police under this section and offered into evidence by an
30 authorized user shall be admissible into evidence.

1 § 9799.27. Pennsylvania Board of Probation and Parole, county
2 probation and parole departments and juvenile
3 probation departments.

4 (a) Duties.--The Pennsylvania Board of Probation and Parole,
5 county probation and parole departments and juvenile probation
6 departments have the following duties:

7 (1) Obtain, verify and update an offender's or out-of-
8 State offender's registration information in accordance with
9 this subchapter.

10 (2) Immediately transmit the criminal history record of
11 the offender or out-of-State offender as provided in 18
12 Pa.C.S. Ch. 91 (relating to criminal history record
13 information) along with the registration information to the
14 Pennsylvania State Police for immediate entry into the State
15 sexual offender registry.

16 (3) Require the offender or out-of-State offender to
17 report to the State or county parole and probation office or
18 juvenile probation office to complete a change of information
19 form within 72 hours of when an offender's or out-of-State
20 offender's registration information changes. This information
21 shall be immediately transmitted to the Pennsylvania State
22 Police.

23 (4) Require the offender or out-of-State offender to
24 report to the State or county parole and probation office or
25 juvenile probation office to verify the offender's
26 registration information. This information shall be
27 immediately transmitted to the Pennsylvania State Police.

28 (5) On a form prescribed by the Pennsylvania State
29 Police, notify the Pennsylvania State Police each time an
30 offender or out-of-State offender is arrested or is

1 incarcerated.

2 (b) Supervision conditions.--The Pennsylvania Board of
3 Probation and Parole may impose supervision conditions that
4 include offender or out-of-State offender tracking through
5 global positioning system technology.

6 § 9799.28. Department of Corrections, county correctional
7 facilities and facilities designed or operated for
8 the benefit of delinquent children.

9 The Department of Corrections, county correctional facilities
10 and facilities designed or operated for the benefit of
11 delinquent children shall have the following duties:

12 (1) Obtain, verify and update an offender's or out-of-
13 State offender's registration information in accordance with
14 this subchapter.

15 (2) Immediately transmit the criminal history record of
16 the offender or out-of-State offender as provided in 18
17 Pa.C.S. Ch. 91 (relating to criminal history record
18 information) along with the registration information to the
19 Pennsylvania State Police for immediate entry into the State
20 sexual offender registry.

21 (3) On a form prescribed by the Pennsylvania State
22 Police, notify the Pennsylvania State Police each time an
23 offender or out-of-State offender is incarcerated in or
24 released from the respective facilities or transferred
25 between correctional facilities or residential reentry
26 facilities.

27 (4) Assist offenders and out-of-State offenders
28 registering pursuant to this subchapter, as well as updating
29 and verifying registration information pursuant to this
30 subchapter.

1 § 9799.29. Board.

2 (a) Composition.--The board shall be composed of
3 psychiatrists, psychologists and criminal justice experts, each
4 of whom is an expert in the field of the behavior and treatment
5 of sexual offenders.

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

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

10 (d) Compensation.--The members of the board shall be
11 compensated at a rate of \$350 per assessment and receive
12 reimbursement for their actual and necessary expenses while
13 performing the business of the board. The chairman shall receive
14 \$500 additional compensation annually.

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

17 § 9799.30. Counseling of sexually violent predators.

18 A sexually violent predator shall be required to attend at
19 least monthly counseling sessions in a program approved by the
20 board and be financially responsible for all fees assessed from
21 the counseling sessions. The board shall monitor the compliance
22 of the sexually violent predator. If the sexually violent
23 predator can prove to the satisfaction of the court that the
24 sexually violent predator cannot afford to pay for the
25 counseling sessions, the offender shall nonetheless attend the
26 counseling sessions, and the parole office shall pay the
27 requisite fees.

28 § 9799.31. Exemption from notification for certain licensees
29 and their employees.

30 Nothing in this subchapter shall be construed as imposing a

1 duty upon a person licensed under the act of February 19, 1980
2 (P.L.15, No.9), known as the Real Estate Licensing and
3 Registration Act, or an employee of the person, to disclose any
4 information regarding an individual required to register with
5 the State sexual offender registry pursuant to this subchapter.
6 § 9799.32. Annual performance audit.

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

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

19 (2) Prepare an annual report of its findings and any
20 action it recommends be taken by the Pennsylvania State
21 Police, the Pennsylvania Board of Probation and Parole, the
22 Department of Corrections, the board, the Administrative
23 Office of Pennsylvania Courts, other State or local agencies
24 and the General Assembly to ensure compliance with this
25 subchapter. The first report shall be released to the general
26 public no fewer than 18 months following the effective date
27 of this section.

28 (3) Provide a copy of its report to the Pennsylvania
29 State Police, the Pennsylvania Board of Probation and Parole,
30 the Department of Corrections, the board, the Administrative

1 Office of Pennsylvania Courts, State or local agencies
2 referenced in the report, 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 no fewer than 30 days prior
6 to its release to the general public.

7 (b) Cooperation required.--Notwithstanding any other
8 provision of law to the contrary, the Pennsylvania State Police,
9 the Pennsylvania Board of Probation and Parole, the Department
10 of Corrections, the board, the Administrative Office of
11 Pennsylvania Courts, the Pennsylvania Commission on Sentencing
12 and any other State or local agency requested to do so shall
13 fully cooperate with the Attorney General and assist the Office
14 of Attorney General in satisfying the requirements of this
15 section. For purposes of this subsection, full cooperation shall
16 include, at a minimum, complete access to unredacted records,
17 files, reports and data systems.

18 § 9799.33. Photographs and fingerprinting.

19 An individual subject to registration shall submit to
20 fingerprinting and photographing as required by this subchapter.
21 Fingerprinting as required by this subchapter shall, at a
22 minimum, require submission of a full set of fingerprints and
23 palm prints. Photographing as required by this subchapter shall,
24 at a minimum, require submission to photographs of the face and
25 any scars, marks, tattoos or other unique features of the
26 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 6. The definition of "other specified offense" in
30 section 2303 of Title 44 is amended to read:

1 § 2303. Definitions.

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

5 * * *

6 "Other specified offense." Any of the following:

7 (1) A felony offense [or an].

8 (2) An offense under 18 Pa.C.S. § 2910 (relating to
9 luring a child into a motor vehicle or structure) or 3126
10 (relating to indecent assault) or an attempt to commit such
11 an offense.

12 (3) An offense subject to 42 Pa.C.S. Ch. 97 Subch. H
13 (relating to registration of sexual offenders).

14 * * *

15 Section 7. Section 2316 of Title 44 is amended by adding a
16 subsection to read:

17 § 2316. DNA sample required upon conviction, delinquency
18 adjudication and certain ARD cases.

19 * * *

20 (a.1) Sex offender registration.--Notwithstanding any
21 provision of this chapter to the contrary, any person who is
22 subject to registration pursuant to 42 Pa.C.S. Ch. 97 Subch. H
23 (relating to registration of sexual offenders) shall have a DNA
24 sample taken in accordance with that subchapter and forwarded to
25 the State Police for inclusion in the State DNA data base and
26 State DNA data bank. The collection of DNA at the time of the
27 sex offender's registration, updating or verifying sex offender
28 registration information is not required if the individual has
29 previously submitted a DNA sample and the submission has been
30 confirmed with the State Police.

1 * * *

2 Section 8. Paragraph (4) of the definition of "eligible
3 offender" in section 4503 of Title 61 is amended to read:

4 § 4503. Definitions.

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

8 * * *

9 "Eligible offender." A defendant or inmate convicted of a
10 criminal offense who will be committed to the custody of the
11 department and who meets all of the following eligibility
12 requirements:

13 * * *

14 (4) Has not been found guilty or previously convicted or
15 adjudicated delinquent for violating any of the following
16 provisions or an equivalent offense under the laws of the
17 United States or one of its territories or possessions,
18 another state, the District of Columbia, the Commonwealth of
19 Puerto Rico or a foreign nation:

20 18 Pa.C.S. § 4302 (relating to incest).

21 18 Pa.C.S. § 5901 (relating to open lewdness).

22 18 Pa.C.S. § 6312 (relating to sexual abuse of
23 children).

24 18 Pa.C.S. § 6318 (relating to unlawful contact with
25 minor).

26 18 Pa.C.S. § 6320 (relating to sexual exploitation of
27 children).

28 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
29 child pornography).

30 Received a criminal sentence pursuant to 42 Pa.C.S. §

1 9712.1 (relating to sentences for certain drug offenses
2 committed with firearms).

3 Any Class 1 sexual offense, Class 2 sexual offense or
4 Class 3 sexual offense [listed under 42 Pa.C.S. § 9795.1
5 (relating to registration)], as defined in 42 Pa.C.S. §
6 9799.12 (relating to definitions).

7 * * *

8 Section 9. Section 6137(a)(3.1)(ii) of Title 61 is amended
9 to read:

10 § 6137. Parole power.

11 (a) General criteria for parole.--

12 * * *

13 (3.1) * * *

14 (ii) This paragraph shall not apply to offenders who
15 are currently serving a term of imprisonment for a crime
16 of violence as defined in 42 Pa.C.S. § 9714 (relating to
17 sentences for second and subsequent offenses) or for a
18 crime requiring registration under 42 Pa.C.S. § [9795.1]
19 9799.13 (relating to registration).

20 * * *

21 ~~Section 10. This act shall take effect in one year.~~ ←

22 SECTION 10. THIS ACT SHALL APPLY TO THE FOLLOWING: ←

23 (1) ALL INDIVIDUALS REQUIRED TO REGISTER UNDER 42
24 PA.C.S. CH. 97 SUBCH. H ON OR AFTER THE EFFECTIVE DATE OF
25 THIS SECTION.

26 (2) ALL INDIVIDUALS REQUIRED TO REGISTER UNDER 42
27 PA.C.S. CH. 97 SUBCH. H OR FORMER 42 PA.C.S. § 9793 PRIOR TO
28 THE EFFECTIVE DATE OF THIS SECTION AND WHOSE REGISTRATION HAS
29 NOT EXPIRED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

30 SECTION 10.1. THE ADDITION OF 42 PA.C.S. § 9799.13(C) SHALL

1 APPLY TO ALL GROUP-BASED HOMES AND THEIR RESIDENTS, REGARDLESS
2 OF WHEN THE GROUP-BASED HOMES BEGAN TO PROVIDE HOUSING OR THE
3 RESIDENTS BEGAN THEIR RESIDENCY.

4 SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

5 (1) THE AMENDMENT OF THE FOLLOWING PROVISIONS SHALL TAKE
6 EFFECT IMMEDIATELY:

7 (I) 18 PA.C.S. §§ 4501 AND 4915.

8 (II) 42 PA.C.S. §§ 9718.3, 9792, 9795.1, 9795.2,
9 9795.3, 9796, 9798, 9799, 9799.1, 9799.4, 9799.9 AND
10 9799.10.

11 (2) SECTION 10 OF THIS ACT AND THIS SECTION SHALL TAKE
12 EFFECT IMMEDIATELY.

13 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN ONE
14 YEAR.