

AMENDMENTS TO HOUSE BILL NO. 631

Sponsor: SENATOR VULAKOVICH

Printer's No. 668

1 Amend Bill, page 1, lines 1 through 4, by striking out all of
2 said lines and inserting

3 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
4 Relations) and 42 (Judiciary and Judicial Procedure) of the
5 Pennsylvania Consolidated Statutes, in sexual offenses,
6 further providing for conduct relating to sex offenders and
7 for general rule; in falsification and intimidation, further
8 providing for the offense of failure to comply with
9 registration requirements, defining the offense of failure to
10 comply with 42 Pa.C.S. Ch. 97 Subch. I registration
11 requirements and imposing penalties; in proceedings prior to
12 petition to adopt, further providing for grounds for
13 involuntary termination and for definitions; in domestic and
14 sexual violence victim address confidentiality, further
15 providing for agency use of designated address; in
16 sentencing, providing for a mandatory period of probation for
17 certain sexual offenders and extensively revising
18 registration of sexual offenders provisions; and making
19 editorial changes.

20 Amend Bill, page 1, lines 7 and 8, by striking out all of
21 said lines and inserting

22 Section 1. Section 3130 of Title 18 of the Pennsylvania
23 Consolidated Statutes is amended to read:

24 § 3130. Conduct relating to sex offenders.

25 (a) Offense defined.--A person commits a felony of the third
26 degree if the person has reason to believe that a sex offender
27 is not complying with or has not complied with the requirements
28 of the sex offender's probation or parole, imposed by statute or
29 court order, or with the registration requirements of 42 Pa.C.S.
30 Ch. 97 Subch. H (relating to registration of sexual offenders)
31 or I (relating to continued registration of sexual offenders),
32 and the person, with the intent to assist the sex offender in
33 eluding a law enforcement agent or agency that is seeking to
34 find the sex offender to question the sex offender about, or to
35 arrest the sex offender for, noncompliance with the requirements
36 of the sex offender's probation or parole or the requirements of

1 42 Pa.C.S. Ch. 97 Subch. H or I:

2 (1) withholds information from or does not notify the
3 law enforcement agent or agency about the sex offender's
4 noncompliance with the requirements of parole, the
5 requirements of 42 Pa.C.S. Ch. 97 Subch. H or I or, if known,
6 the sex offender's whereabouts;

7 (2) harbors or attempts to harbor or assist another
8 person in harboring or attempting to harbor the sex offender;

9 (3) conceals or attempts to conceal, or assists another
10 person in concealing or attempting to conceal, the sex
11 offender; or

12 (4) provides information to the law enforcement agent or
13 agency regarding the sex offender which the person knows to
14 be false.

15 (b) Definition.--As used in this section, the term "sex
16 offender" means a person who is required to register with the
17 Pennsylvania State Police pursuant to the provisions of 42
18 Pa.C.S. Ch. 97 Subch. H or I.

19 Section 1.1. Section 3141 of Title 18, amended June 29, 2017
20 (P.L.247, No.13), is amended to read:

21 § 3141. General rule.

22 A person:

23 (1) convicted under section 3121 (relating to rape),
24 3122.1 (relating to statutory sexual assault), 3123 (relating
25 to involuntary deviate sexual intercourse), 3124.1 (relating
26 to sexual assault), 3125 (relating to aggravated indecent
27 assault) or 3126 (relating to indecent assault); or

28 (2) required to register with the Pennsylvania State
29 Police under 42 Pa.C.S. Ch. 97 Subch. H (relating to
30 registration of sexual offenders) or I (relating to continued
31 registration of sexual offenders);

32 may be required to forfeit property rights in any property or
33 assets used to implement or facilitate commission of the crime
34 or crimes of which the person has been convicted. The forfeiture
35 shall be conducted in accordance with 42 Pa.C.S. §§ 5803
36 (relating to asset forfeiture), 5805 (relating to forfeiture
37 procedure), 5806 (relating to motion for return of property),
38 5807 (relating to restrictions on use), 5807.1 (relating to
39 prohibition on adoptive seizures) and 5808 (relating to
40 exceptions).

41 Section 2. Section 4915.1(a.2)(2), (b)(4), (c.1)(4), (c.3)
42 and (d) of Title 18 are amended, subsection (f) is amended by
43 adding a definition and the section is amended by adding a
44 subsection to read:

45 § 4915.1. Failure to comply with registration requirements.

46 * * *

47 (a.2) Counseling.--The following apply:

48 * * *

49 (2) An individual who is subject to a counseling
50 requirement under a sex offender registration statute
51 following conviction in another jurisdiction where the

1 requirement is based on the commitment of an offense on or
2 after December 20, 2012, for which the individual was
3 convicted, commits an offense if [he] the individual
4 knowingly fails to comply with 42 Pa.C.S. § 9799.36.

5 (b) Grading for sexual offenders who must register for 15
6 years or who must register pursuant to 42 Pa.C.S. §
7 9799.13(7.1).--

8 * * *

9 (4) For the purposes of this subsection, an individual
10 shall mean an individual that meets any of the following:

11 (i) Is a sexual offender subject to registration
12 under 42 Pa.C.S. § 9799.13 and is required to register
13 for a period of 15 years.

14 (ii) Is a sexual offender subject to registration
15 under 42 Pa.C.S. § 9799.13(7.1).

16 * * *

17 (c.1) Grading for sexual offenders who are transients who
18 must register for 15 years.--

19 * * *

20 (4) For the purposes of this subsection, an individual
21 shall mean an individual that meets any of the following:

22 (i) Is a sexual offender subject to registration
23 under 42 Pa.C.S. § 9799.13 and is a transient who must
24 register for a period of 15 years.

25 (ii) Is a sexual offender subject to registration
26 under 42 Pa.C.S. § 9799.13(7.1) and is a transient.

27 * * *

28 (c.3) Grading for failure to comply with counseling
29 requirements.--An individual designated as a sexually violent
30 predator or sexually violent delinquent child or an individual
31 who is subject to a counseling requirement under a sex offender
32 registration statute following conviction of a sexual offense on
33 or after December 20, 2012, in another jurisdiction commits a
34 misdemeanor of the first degree if the individual violates
35 subsection (a.2).

36 (d) Effect of notice.--Neither failure on the part of the
37 Pennsylvania State Police to send nor failure of a sexually
38 violent predator or sexual offender to receive any notice or
39 information pursuant to 42 Pa.C.S. § 9799.25 shall be a defense
40 to a prosecution commenced against an individual arising from a
41 violation of this section. The provisions of 42 Pa.C.S. §
42 9799.25 are not an element of an offense under this section.

43 * * *

44 (e.1) Affirmative defense.--It is an affirmative defense for
45 a prosecution under this section that the individual acted in
46 accordance with a court order under 42 Pa.C.S. § 9799.15(a.2)
47 (relating to period of registration).

48 (f) Definitions.--As used in this section, the following
49 words and phrases shall have the meanings given to them in this
50 subsection unless the context clearly indicates otherwise:

51 "Sexual offender." The term shall have the meaning given to

1 it in 42 Pa.C.S. § 9799.12 (relating to definitions).

2 * * *

3 Section 3. Title 18 is amended by adding a section to read:
4 § 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I
5 registration requirements.

6 (a) Offense defined.--An individual who is subject to
7 registration under 42 Pa.C.S. § 9799.55(a), (a.1) or (b)
8 (relating to registration) or who was subject to registration
9 under former 42 Pa.C.S. § 9793 (relating to registration of
10 certain offenders for ten years) commits an offense if the
11 individual knowingly fails to:

12 (1) register with the Pennsylvania State Police as
13 required under 42 Pa.C.S. § 9799.56 (relating to registration
14 procedures and applicability);

15 (2) verify the individual's residence or be photographed
16 as required under 42 Pa.C.S. § 9799.60 (relating to
17 verification of residence); or

18 (3) provide accurate information when registering under
19 42 Pa.C.S. § 9799.56 or verifying a residence under 42
20 Pa.C.S. § 9799.60.

21 (a.1) Counseling.--The following apply:

22 (1) An individual who is designated as a sexually
23 violent predator commits an offense if the individual
24 knowingly fails to comply with 42 Pa.C.S. § 9799.70 (relating
25 to counseling of sexually violent predators).

26 (2) An individual who is subject to a counseling
27 requirement under a sex offender registration statute
28 following conviction in another jurisdiction commits an
29 offense if the individual knowingly fails to comply with that
30 requirement, as provided in 42 Pa.C.S. § 9799.56(b)(4)(i).

31 (b) Grading for offenders who must register for 10 years.--

32 (1) (Reserved).

33 (2) Except as set forth in paragraph (3), an individual
34 subject to registration under 42 Pa.C.S. § 9799.55(a) or
35 (a.1) or former 42 Pa.C.S. § 9793 and required to register
36 for a period of 10 years who commits a violation of
37 subsection (a)(1) or (2) commits a felony of the third
38 degree.

39 (3) An individual subject to registration under 42
40 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and
41 required to register for a period of 10 years who commits a
42 violation of subsection (a)(1) or (2) and who has previously
43 been convicted of an offense under subsection (a)(1) or (2)
44 or a similar offense commits a felony of the second degree.

45 (4) An individual subject to registration under 42
46 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and
47 required to register for a period of 10 years who violates
48 subsection (a)(3) commits a felony of the second degree.

49 (c) Grading for sexually violent predators and others with
50 lifetime registration.--

51 (1) (Reserved).

1 (2) Except as set forth in paragraph (3), an individual
2 subject to registration under 42 Pa.C.S. § 9799.55(b) or
3 former 42 Pa.C.S. § 9793 and who is subject to lifetime
4 registration who commits a violation of subsection (a)(1) or
5 (2) commits a felony of the second degree.

6 (3) An individual subject to registration under 42
7 Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is
8 subject to lifetime registration who commits a violation of
9 subsection (a)(1) or (2) and who has previously been
10 convicted of an offense under subsection (a)(1) or (2) or a
11 similar offense commits a felony of the first degree.

12 (4) An individual subject to registration under 42
13 Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is
14 subject to lifetime registration who violates subsection (a)
15 (3) commits a felony of the first degree.

16 (c.1) Grading for failure to comply with counseling
17 requirements.--An individual designated as a sexually violent
18 predator or an individual who is subject to a counseling
19 requirement under a sex offender registration statute following
20 conviction in another jurisdiction who commits a violation of
21 subsection (a.1) commits a misdemeanor of the first degree.

22 (d) Effect of notice.--Neither failure on the part of the
23 Pennsylvania State Police to send nor failure of a sexually
24 violent predator or offender to receive a notice or information
25 under 42 Pa.C.S. § 9799.54(b) (relating to applicability) or
26 9799.60(a.1), (b.1) or (b.3) shall be a defense to a prosecution
27 commenced against an individual arising from a violation of this
28 section. The provisions of 42 Pa.C.S. §§ 9799.54(b) and
29 9799.60(a.1), (b.1) or (b.3) are not an element of an offense
30 under this section.

31 (e) Arrests for violation.--

32 (1) A police officer shall have the same right of arrest
33 without a warrant as in a felony whenever the police officer
34 has probable cause to believe an individual has committed a
35 violation of this section regardless of whether the violation
36 occurred in the presence of the police officer.

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

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

45 (i) The individual must be fingerprinted and
46 photographed in the manner required by 42 Pa.C.S. Ch. 97
47 Subch. I (relating to continued registration of sexual
48 offenders).

49 (ii) The individual must provide the Pennsylvania
50 State Police with all current or intended residences, all
51 information concerning current or intended employment,

1 including all employment locations, and all information
2 concerning current or intended enrollment as a student.
3 If the individual has a residence as defined in paragraph
4 (2) of the definition of "residence" set forth in 42
5 Pa.C.S. § 9799.53 (relating to definitions), the
6 individual must provide the Pennsylvania State Police
7 with the information required under 42 Pa.C.S. §
8 9799.56(a)(2)(i)(A), (B) and (C).

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

11 (e.1) Affirmative defense.--It is an affirmative defense for
12 any prosecution under this section that the individual acted in
13 accordance with a court order under section 9799.59 (relating to
14 exemption from certain notifications).

15 (f) Applicability.--This section applies to:

16 (1) An individual who committed an offense set forth in
17 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before
18 December 20, 2012, and whose period of registration under 42
19 Pa.C.S. § 9799.55 has not expired.

20 (2) An individual who was required to register with the
21 Pennsylvania State Police under a former sexual offender
22 registration law of this Commonwealth on or after April 22,
23 1996, but before December 20, 2012, whose period of
24 registration has not expired.

25 (3) An individual who, before the effective date of this
26 paragraph:

27 (i) Commits an offense subject to 42 Pa.C.S. Ch. 97
28 Subch. H (relating to registration of sexual offenders);
29 but

30 (ii) because of a judicial determination on or after
31 the effective date of this section of the invalidity of
32 42 Pa.C.S. Ch. 97 Subch. H, is not subject to
33 registration as a sexual offender.

34 (g) Definitions.--As used in this section, the following
35 words and phrases shall have the meanings given to them in this
36 subsection unless the context clearly indicates otherwise:

37 "Sexually violent predator." As defined in 42 Pa.C.S. §
38 9799.53.

39 "Similar offense." An offense similar to an offense under
40 either subsection (a)(1) or (2) under the laws of this
41 Commonwealth, the United States or one of its territories or
42 possessions, another state, the District of Columbia, the
43 Commonwealth of Puerto Rico or a foreign nation.

44 Section 4. Sections 2511(a)(11), 6303(b.1)(8)(vii),
45 6338.1(c)(4) and 6707 of Title 23 are amended to read:
46 § 2511. Grounds for involuntary termination.

47 (a) General rule.--The rights of a parent in regard to a
48 child may be terminated after a petition filed on any of the
49 following grounds:

50 * * *

51 (11) The parent is required to register as a sexual

offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders) or to register with a sexual offender registry in another jurisdiction or foreign country.

* * *

§ 6303. Definitions.

* * *

(b.1) Child abuse.--The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

* * *

(8) Engaging in any of the following recent acts:

* * *

(vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(D) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

* * *

§ 6338.1. Expunction of information of perpetrator who was under 18 years of age when child abuse was committed.

* * *

(c) Nonapplicability.--The provisions of this section shall not apply to any of the following cases:

* * *

(4) [A sexual offender, as defined in 42 Pa.C.S. § 9799.12, who meets all of the following:] An individual who:

(i) Is required to register under 42 Pa.C.S. Ch. 97 Subch. H or I (relating to continued registration of sexual offenders) as a result of a criminal conviction for the same acts which resulted in the sexual offender being named a perpetrator of child abuse.

(ii) Has not completed the period of registration required under 42 Pa.C.S. [§ 9799.15 (relating to period of registration)] Subch. H or I.

§ 6707. Agency use of designated address.

State and local government agencies shall accept the

1 substitute address designated on a valid program participation
2 card issued to the program participant by the Office of Victim
3 Advocate as the program participant's address except as follows:

4 (1) when the State or local government agency has been
5 granted a waiver pursuant to section 6709 (relating to waiver
6 process); or

7 (2) when the program participant is any of the
8 following:

9 (i) a released offender complying with State or
10 county probation or parole requirements; or

11 (ii) a convicted sexual offender who has fulfilled
12 the offender's sentence but must register the offender's
13 community residence as required under 42 Pa.C.S. Ch. 97
14 Subch. H (relating to registration of sexual offenders)
15 or I (relating to continued registration of sexual
16 offenders) or any similar registration requirement
17 imposed by any other jurisdiction.

18 Section 5. Section 9718.1(a) introductory paragraph of Title
19 42 is amended to read:

20 § 9718.1. Sexual offender treatment.

21 (a) General rule.--A person, including an offender
22 designated as a "sexually violent predator" as defined in
23 section 9799.12 (relating to definitions) or 9799.53 (relating
24 to definitions), shall attend and participate in a Department of
25 Corrections program of counseling or therapy designed for
26 incarcerated sex offenders if the person is incarcerated in a
27 State institution for any of the following provisions under 18
28 Pa.C.S. (relating to crimes and offenses):

29 * * *

30 Section 5.1. Title 42 is amended by adding a section to
31 read:

32 Amend Bill, page 2, line 14, by striking out all of said line
33 and inserting

34 Section 5.2. Section 9799.10(4) of Title 42 is amended to
35 read:

36 § 9799.10. Purposes of subchapter.

37 This subchapter shall be interpreted and construed to
38 effectuate the following purposes:

39 * * *

40 (4) To require individuals who are [currently] subject
41 to the criminal justice system of this Commonwealth as
42 inmates, supervised with respect to probation or parole or
43 registrants [under this subchapter] due to committing a
44 sexually violent offense on or after December 20, 2012, for
45 which the individual was convicted, to register with the
46 Pennsylvania State Police and to otherwise comply with this
47 subchapter. To the extent practicable and consistent with the
48 requirements of the Adam Walsh Child Protection and Safety
49 Act of 2006, this subchapter shall be construed to maintain

existing procedures regarding registration of sexual offenders who are subject to the criminal justice system of this Commonwealth.

* * *

Section 6. Section 9799.11 heading of Title 42 is amended, subsection (b) is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 9799.11. Legislative findings [and], declaration of policy and scope.

* * *

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

* * *

(4) It is the intention of the General Assembly to address the Pennsylvania Supreme Court's decision in *Commonwealth v. Muniz*, 164 A.3d 1189 (Pa. 2017) and the Pennsylvania Superior Court's decision in *Commonwealth v. Butler* (2017 WL3882445).

(c) Scope.--This subchapter shall apply to individuals who committed a sexually violent offense on or after December 20, 2012, for which the individual was convicted.

Section 7. The definitions of "sexual offender," "sexually violent delinquent child," "sexually violent offense," "sexually violent predator" and "transient" in section 9799.12 of Title 42 are amended to read:

§ 9799.12. Definitions.

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

* * *

"Sexual offender." An individual [required to register under this subchapter.] who has committed a sexually violent offense. The term includes a sexually violent predator.

"Sexually violent delinquent child." As defined in section 6402 (relating to definitions)[.] if the determination as a sexually violent delinquent child is based on an act of sexual violence, as defined in section 6402, committed on or after December 20, 2012, for which the child was adjudicated delinquent and determined to be in need of commitment for involuntary treatment as specified in Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).

"Sexually violent offense." An offense specified in section 9799.14 (relating to sexual offenses and tier system) as a Tier I, Tier II or Tier III sexual offense committed on or after December 20, 2012, for which the individual was convicted.

"Sexually violent predator." An individual [determined to be a sexually violent predator under section 9795.4 (relating to assessments) prior to the effective date of this subchapter or an individual convicted of an offense] who committed a sexually violent offense on or after December 20, 2012, for which the

1 individual was convicted, specified in:

2 (1) section 9799.14(b)(1), (2), (3), (4), (5), (6), (8),
3 (9) or (10) (relating to sexual offenses and tier system) or
4 an attempt, conspiracy or solicitation to commit any offense
5 under section 9799.14(b)(1), (2), (3), (4), (5), (6), (8),
6 (9) or (10);

7 (2) section 9799.14(c)(1), (1.1), (1.2), (1.3), (2),
8 (3), (4), (5) or (6) or an attempt, conspiracy or
9 solicitation to commit an offense under section 9799.14(c)
10 (1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or

11 (3) section 9799.14(d)(1), (2), (3), (4), (5), (6), (7),
12 (8) or (9) or an attempt, conspiracy or solicitation to
13 commit an offense under section 9799.14(d)(1), (2), (3), (4),
14 (5), (6), (7), (8) or (9)

15 who[, on or after the effective date of this subchapter,] is
16 determined to be a sexually violent predator under section
17 9799.24 (relating to assessments) due to a mental abnormality or
18 personality disorder that makes the individual likely to engage
19 in predatory sexually violent offenses. The term includes an
20 individual determined to be a sexually violent predator or
21 similar designation where the determination occurred in another
22 jurisdiction, a foreign country or by court martial following a
23 judicial or administrative determination pursuant to a process
24 similar to that under section 9799.24[. In addition, the term
25 shall include any person convicted between January 23, 2005, and
26 December 19, 2012, of any offense set forth in section
27 9799.13(3.1) (relating to applicability) determined by a court
28 to be a sexually violent predator due to a mental abnormality or
29 personality disorder that made the person likely to engage in
30 predatory sexually violent offenses, which person shall be
31 deemed a sexually violent predator under this subchapter.] where
32 the determination or designation is based on the commitment of a
33 sexually violent offense on or after December 20, 2012, for
34 which the individual was convicted.

35 * * *

36 "Transient." [An individual required to register under this
37 subchapter] A sexual offender who does not have a residence but
38 nevertheless resides in this Commonwealth in a temporary habitat
39 or other temporary place of abode or dwelling, including, but
40 not limited to, a homeless shelter or park.

41 Section 8. Section 9799.13 of Title 42 is amended to read:
42 § 9799.13. Applicability.

43 The following individuals shall register with the
44 Pennsylvania State Police as provided in sections 9799.15
45 (relating to period of registration), 9799.19 (relating to
46 initial registration) and 9799.25 (relating to verification by
47 sexual offenders and Pennsylvania State Police) and otherwise
48 comply with the provisions of this subchapter:

49 (1) [An individual who, on or after the effective date
50 of this section, is convicted of a sexually violent offense
51 and who has a residence within this Commonwealth or is a

transient.] A sexual offender who has a residence within this Commonwealth or is a transient.

(1.1) [An individual who, on or after the effective date of this section, is convicted of a sexually violent offense in this Commonwealth and] A sexual offender who is convicted in this Commonwealth and who does not have a residence in this Commonwealth and:

(i) is employed in this Commonwealth; or

(ii) is a student in this Commonwealth.

(1.2) [An individual who, on or after the effective date of this section, is convicted of a sexually violent offense and] A sexual offender who does not have a residence within this Commonwealth or is not a transient in this Commonwealth and:

(i) is employed in this Commonwealth; or

(ii) is a student in this Commonwealth.

(2) [An individual who, on or after the effective date of this section, is, as a result of a conviction for a sexually violent offense,] A sexual offender who is an inmate in a State or county correctional institution of this Commonwealth, including a community corrections center or a community contract facility, is being supervised by the Pennsylvania Board of Probation and Parole or county probation or parole, is subject to a sentence of intermediate punishment or has supervision transferred pursuant to the Interstate Compact for Adult Supervision in accordance with section 9799.19(g).

(2.1) [An individual who, on or after the effective date of this section, is, as a result of a conviction for a sexually violent offense,] A sexual offender who is an inmate in a Federal correctional institution or is supervised by Federal probation authorities and who:

(i) has a residence within this Commonwealth or is a transient;

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

[(3) An individual who:

(i) was required to register with the Pennsylvania State Police pursuant to this subchapter prior to December 20, 2012, and who had not fulfilled the individual's period of registration as of December 20, 2012; or

(ii) was required to register with the Pennsylvania State Police pursuant to this subchapter prior to December 20, 2012, and did not register.

(3.1) The following:

(i) An individual who between January 23, 2005, and December 19, 2012, was:

(A) convicted of a sexually violent offense;

(B) released from a period of incarceration resulting from a conviction for a sexually violent

1 offense; or
2 (C) under the supervision of the Pennsylvania
3 Board of Probation and Parole or county probation or
4 parole as a result of a conviction for a sexually
5 violent offense.
6 (ii) For purposes of this paragraph, the term
7 "sexually violent offense" shall have the meaning set
8 forth in section 9799.12 (relating to definitions),
9 except that it shall not include:
10 (A) Convictions:
11 (I) Under the following provisions of 18
12 Pa.C.S. (relating to crimes and offenses):
13 Section 2902(b) (relating to unlawful
14 restraint).
15 Section 2903(b) (relating to false
16 imprisonment).
17 Section 2904 (relating to interference
18 with custody of children).
19 Section 3122.1 (relating to statutory
20 sexual assault).
21 Section 6301 (relating to corruption of
22 minors).
23 Section 7507.1 (relating to invasion of
24 privacy).
25 (II) For a comparable military offense or
26 similar offense under the laws of another
27 jurisdiction or foreign country or under a former
28 law of this Commonwealth prior to December 8,
29 2008.
30 (B) A conviction under 18 Pa.C.S. § 3126
31 (relating to indecent assault) where the crime is
32 graded as a misdemeanor of the second degree or where
33 the conviction occurred between January 22, 2006, and
34 January 1, 2007, when the crime is graded as a felony
35 of the third degree.
36 (3.2) An individual who between December 8, 2008, and
37 December 19, 2012, was:
38 (i) convicted of conspiracy or solicitation to
39 commit a sexually violent offense as defined in
40 paragraph (3.1);
41 (ii) released from serving a period of incarceration
42 resulting from a conviction for conspiracy or
43 solicitation to commit a sexually violent offense as
44 defined in paragraph (3.1); or
45 (iii) under the supervision of the Pennsylvania
46 Board of Probation and Parole or county probation or
47 parole as a result of a conviction for conspiracy or
48 solicitation to commit a sexually violent offense as
49 defined in paragraph (3.1).]
50 (7) [An individual who, on or after the effective date
51 of this section, is] A sexual offender required to register

1 in a sexual offender registry in another jurisdiction or in a
2 foreign country based upon a conviction for a sexually
3 violent offense or under a sexual offender statute in the
4 jurisdiction where the individual is convicted and:

5 (i) has a residence in this Commonwealth or is a
6 transient;

7 (ii) is employed within this Commonwealth; or

8 (iii) is a student within this Commonwealth.

9 (7.1) An individual who, [on or after the effective date
10 of this section,] as a result of committing an offense set
11 forth in section 9799.14(b)(23) (relating to sexual offenses
12 and tier system) on or after December 20, 2012, for which the
13 individual was convicted, is required to register in a sexual
14 offender registry in another jurisdiction or foreign country
15 [based upon a conviction of an offense set forth in section
16 9799.14(b)(23) (relating to sexual offenses and tier system)]
17 and:

18 (i) has a residence in this Commonwealth or is a
19 transient;

20 (ii) is employed within this Commonwealth; or

21 (iii) is a student within this Commonwealth.

22 (7.2) [An individual who, on or after the effective date
23 of this paragraph,] A sexual offender who is convicted [of a
24 sexually violent offense] in another jurisdiction or foreign
25 country, or is incarcerated or under supervision as a result
26 of a conviction [for a sexually violent offense] in another
27 jurisdiction or foreign country and:

28 (i) has a residence in this Commonwealth or is a
29 transient;

30 (ii) is employed within this Commonwealth; or

31 (iii) is a student within this Commonwealth.

32 (8) An individual who, on or after the effective date of
33 this section, is a juvenile offender who was adjudicated
34 delinquent within this Commonwealth or was adjudicated
35 delinquent in another jurisdiction or a foreign country and:

36 (i) has a residence within this Commonwealth;

37 (ii) is employed within this Commonwealth; or

38 (iii) is a student within this Commonwealth.

39 (8.1) An individual who is a juvenile offender who is
40 adjudicated delinquent in this Commonwealth on or after the
41 effective date of this paragraph but who does not have a
42 residence within this Commonwealth, is not a transient, is
43 not employed in this Commonwealth or is not a student within
44 this Commonwealth must register with the Pennsylvania State
45 Police in accordance with section 9799.19 prior to leaving
46 this Commonwealth.

47 (8.2) An individual who between January 23, 2005, and
48 December 19, 2012, established a residence or was a transient
49 in this Commonwealth, was employed within this Commonwealth,
50 or was a student in this Commonwealth, and who was required
51 to register in a sexual offender registry as a result of an

1 adjudication of delinquency for an offense which occurred in
2 a foreign country or another jurisdiction and that required
3 the individual to register in that foreign country or other
4 jurisdiction.

5 (9) An individual who[, on or after the effective date
6 of this section,] is a sexually violent delinquent child.
7 [who is committed for involuntary treatment or, on the
8 effective date of this section, is under commitment receiving
9 involuntary treatment in the State-owned facility or unit as
10 set forth in Chapter 64 (relating to court-ordered
11 involuntary treatment of certain sexually violent persons).]

12 Section 9. Section 9799.14(b)(3) of Title 42 is amended and
13 subsection (d) is amended by adding a paragraph to read:

14 § 9799.14. Sexual offenses and tier system.

15 * * *

16 (b) Tier I sexual offenses.--The following offenses shall be
17 classified as Tier I sexual offenses:

18 * * *

19 (3) 18 Pa.C.S. § 2904 (relating to interference with
20 custody of children), except in cases where the defendant is
21 the child's parent, guardian or other lawful custodian.

22 * * *

23 (d) Tier III sexual offenses.--The following offenses shall
24 be classified as Tier III sexual offenses:

25 * * *

26 (17) One conviction of a sexually violent offense and
27 one conviction of a sexually violent offenses as defined in
28 section 9799.55 (relating to registration).

29 Section 10. Section 9799.15(a.1) and (b)(1)(i) and (iv) of
30 Title 42 are amended and the section is amended by adding a
31 subsection to read:

32 § 9799.15. Period of registration.

33 * * *

34 [(a.1) Credit for time on registry.--The following apply:

35 (1) An individual subject to registration under this
36 subchapter shall receive credit for any time registered with
37 the Pennsylvania State Police prior to December 20, 2012.

38 (2) An individual subject to registration under this
39 subchapter shall register with the Pennsylvania State Police
40 for the period of time set forth in subsection (a), except
41 that:

42 (i) An individual registered pursuant to section
43 9799.13(2), (2.1), (3), (3.1) or (3.2) for a sexually
44 violent offense shall register for the period set forth
45 in subsection (a), less any credit for time spent
46 registered pursuant to this subchapter for that offense
47 prior to December 20, 2012.

48 (ii) An individual registered pursuant to section
49 9799.13(7), (7.1) or (7.2) for a sexually violent offense
50 shall register for the period set forth in subsection
51 (a), less any credit as a result of time registered in a

1 sexual offender registry for that sexually violent
2 offense in the foreign country or other jurisdiction
3 where the individual was convicted.

4 (iii) An individual registered pursuant to section
5 9799.13(8), (8.1) or (8.2) as a result of an adjudication
6 of delinquency occurring in a foreign country or other
7 jurisdiction shall register for the period set forth in
8 subsection (a), less any credit as a result of time
9 registered in a sexual offender registry in the foreign
10 country or other jurisdiction where the individual was
11 adjudicated delinquent.]

12 (a.2) Assessment by court after 25 years.--An individual
13 required to register under subsection (a) (3), (5), (6) and (7)
14 may be exempt from the requirement to register, the requirement
15 to verify residence, employment and enrollment in an educational
16 institution, the requirement to appear on the publicly
17 accessible Internet website maintained by the Pennsylvania State
18 Police and all other requirements of this subchapter if:

19 (1) Subject to subsection (c), at least 25 years have
20 elapsed prior to filing a petition with the sentencing court
21 to be exempt from the requirements of this subchapter, during
22 which time the petitioner has not been convicted in this
23 Commonwealth or any other jurisdiction or foreign country of
24 an offense punishable by imprisonment of more than one year,
25 or the petitioner's release from custody following the
26 petitioner's most recent conviction for an offense, whichever
27 is later.

28 (2) Upon receipt of a petition filed under paragraph
29 (1), the sentencing court shall enter an order directing that
30 the petitioner be assessed by the board. Upon receipt from
31 the court of an order for an assessment under this
32 subsection, a member of the board designated by the
33 administrative officer of the board shall conduct an
34 assessment of the petitioner to determine if the relief
35 sought, if granted, is likely to pose a threat to the safety
36 of any other person. The board shall establish standards for
37 evaluations and for evaluators conducting assessments.

38 (3) The order for an assessment under this subsection
39 shall be sent to the administrative officer of the board
40 within 10 days of the entry. No later than 90 days following
41 receipt of the order, the board shall submit a written report
42 containing the board's assessment to the sentencing court,
43 the district attorney and the attorney for the petitioner.

44 (4) Within 120 days of filing the petition under
45 paragraph (1), the sentencing court shall hold a hearing to
46 determine whether to exempt the petitioner from the
47 application of any or all of the requirements of this
48 subchapter. The petitioner and the district attorney shall be
49 given notice of the hearing and an opportunity to be heard,
50 the right to call witnesses and the right to cross-examine
51 witnesses. The petitioner shall have the right to counsel and

1 to have a lawyer appointed to represent the petitioner if the
2 petitioner cannot afford one.

3 (5) The sentencing court shall exempt the petitioner
4 from application of any or all of the requirements of this
5 subchapter, at the discretion of the court, only upon a
6 finding of clear and convincing evidence that exempting the
7 sexual offender from a particular requirement or all of the
8 requirements of this subchapter is not likely to pose a
9 threat to the safety of any other person.

10 (6) A court granting relief under this subsection shall
11 notify the Pennsylvania State Police in writing within 10
12 days from the date the relief is granted. If a memorandum of
13 understanding has been entered into under section 9799.26
14 (relating to victim notification) with respect to relief
15 granted to the petitioner, the Pennsylvania State Police
16 shall transmit the information about the relief to the Office
17 of Victim Advocate as soon as is practicable. The Office of
18 Victim Advocate shall notify the victim of the relief, in
19 accordance with the memorandum of understanding, as described
20 in section 9799.26.

21 (7) The petitioner and the Commonwealth shall have the
22 right to appellate review of the actions of the sentencing
23 court under this subsection. An appeal by the Commonwealth
24 shall stay the order of the sentencing court.

25 (8) The petitioner may file an additional petition with
26 the sentencing court no sooner than five years from the date
27 of the final determination of a court regarding the petition
28 and no sooner than every five years thereafter.

29 (9) If the petitioner is exempt from any provisions of
30 this subchapter and the petitioner is subsequently convicted
31 under 18 Pa.C.S. § 4915.1 (relating to failure to comply with
32 registration requirements), relief granted under this
33 subsection shall be void and the petitioner shall
34 automatically and immediately again be subject to the
35 provisions of this subchapter, as previously determined by
36 this subchapter.

37 (a.3) Agency cooperation.--All State, county and local
38 agencies, offices and entities in this Commonwealth, including
39 juvenile probation officers, shall cooperate by providing access
40 to records and information as requested by the board in
41 connection with the court-ordered assessment under subsection
42 (a.2).

43 (b) Commencement of registration.--The following apply:

44 (1) The period of registration set forth in subsection
45 (a) shall commence as follows:

46 (i) For an individual [convicted of] who committed a
47 sexually violent offense in this Commonwealth, the period
48 of registration shall commence upon:

49 (A) release from incarceration in a State or
50 county correctional facility, including release to a
51 community correction center or community contract

1 facility;

2 (B) parole or a sentence of probation; or

3 (C) a sentence of State or county intermediate
4 punishment in which the person is not sentenced to a
5 period of incarceration.

6 * * *

7 (iv) For an individual who [is convicted of]
8 committed a sexually violent offense in another
9 jurisdiction or foreign country or a comparable military
10 offense, the period of registration shall commence upon
11 establishment of a residence or commencement of
12 employment or enrollment as a student within this
13 Commonwealth. This subparagraph shall apply to an
14 individual convicted of a sexually violent offense in
15 another jurisdiction or foreign country or comparable
16 military offense and who is a transient.

17 * * *

18 Section 11. Section 9799.16(a) of Title 42 is amended by
19 adding a paragraph to read:

20 § 9799.16. Registry.

21 (a) Establishment.--There is established a Statewide
22 registry of sexual offenders in order to carry out the
23 provisions of this subchapter. The Pennsylvania State Police
24 shall create and maintain the registry. The registry shall
25 maintain a complete and systematic index of all records required
26 regarding sexual offenders in order to comply with the Adam
27 Walsh Child Protection and Safety Act of 2006 (Public Law 109-
28 248, 120 Stat. 587). The registry shall:

29 (1) Be composed of an electronic database and digitized
30 records.

31 (2) Be able to communicate with the Sex Offender
32 Registration and Notification Act Exchange Portal developed
33 by the United States Department of Justice, the National Sex
34 Offender Registry or any successor database which is
35 maintained by the Department of Justice and the Dru Sjodin
36 National Sex Offender Public Internet Website maintained by
37 the Department of Justice.

38 (3) Be able to communicate with sexual offender
39 registries established in other jurisdictions.

40 (4) Contain information about individuals required to
41 register with the Pennsylvania State Police under Subchapter
42 I (relating to continued registration of sexual offenders)

43 * * *

44 Section 12. Section 9799.19(b), (b.1), (c), (d), (e), (e.1),
45 (e.2), (f), (g), (i)(3) and (j) of Title 42 are amended and the
46 section is amended by adding subsections to read:

47 § 9799.19. Initial registration.

48 * * *

49 [(b) Initial registration if incarcerated within
50 Commonwealth or by Federal Court on effective date of section.--
51 The following apply:

1 (1) If the individual is, prior to the effective date of
2 this section, incarcerated in a Federal, State or county
3 correctional facility, the individual shall provide the
4 information set forth in section 9799.16(b) (relating to
5 registry) to the appropriate official of the Federal, State
6 or county correctional facility or the Pennsylvania Board of
7 Probation and Parole for inclusion in the registry before
8 being released due to:

9 (i) the expiration of sentence, in which case the
10 information shall be collected no later than ten days
11 prior to the maximum expiration date;

12 (ii) parole;

13 (iii) State or county intermediate punishment where
14 the sentence is restrictive and the individual is
15 sentenced to a period of incarceration in a State or
16 county correctional institution or a work release
17 facility; or

18 (iv) special probation supervised by the
19 Pennsylvania Board of Probation and Parole.

20 (2) For individuals set forth in paragraph (1), the
21 appropriate official of the Federal, State or county
22 correctional facility or the Pennsylvania Board of Probation
23 and Parole shall collect and forward the information in
24 section 9799.16(b) to the Pennsylvania State Police. The
25 appropriate official shall, in addition, ensure that the
26 information set forth in section 9799.16(c) is collected and
27 forwarded to the Pennsylvania State Police. The information
28 in section 9799.16(b) and (c) shall be included in the
29 registry. With respect to individuals released under
30 paragraph (1)(ii), (iii) or (iv), the State or county
31 correctional facility shall not release the individual until
32 it receives verification from the Pennsylvania State Police
33 that it has received the information set forth in section
34 9799.16(b) and (c). Verification may take place by electronic
35 means. With respect to individuals released under paragraph
36 (1)(i), if the individual refuses to provide the information
37 set forth in section 9799.16(b), the State or county
38 correctional institution shall notify the Pennsylvania State
39 Police or the municipal police department with jurisdiction
40 over the facility of the failure to provide the information
41 and of the expected date, time and location of the release of
42 the individual.

43 (b.1) Initial registration if sentenced to a county or State
44 correctional facility on or after the effective date of
45 section.--If the individual is, on or after the effective date
46 of this section, sentenced to a period of incarceration in a
47 county or State correctional facility, the individual shall
48 provide the information set forth in section 9799.16(b) as
49 follows:

50 (1) At the time of sentencing, the court shall require
51 the individual to immediately report to the Office of

1 Probation and Parole serving that county to register under
2 this subchapter. The appropriate office of probation and
3 parole shall collect the information set forth in section
4 9799.16(b) from the individual and forward the information to
5 the Pennsylvania State Police. The appropriate office of
6 probation and parole shall, in addition, ensure the
7 information set forth in 9799.16(c) is collected and
8 forwarded to the Pennsylvania State Police. The information
9 in section 9799.16(b) and (c) shall be included in the
10 registry.

11 (2) If the individual is incarcerated in a State
12 correctional facility or county correctional facility, the
13 correctional facility shall notify the Pennsylvania State
14 Police, not more than 30 days in advance of, but not later
15 than ten days prior to, the individual's release from the
16 correctional facility. The following apply:

17 (i) The correctional facility shall ensure that the
18 information set forth in section 9799.16(b) and (c) for
19 the individual has been submitted to the Pennsylvania
20 State Police.

21 (ii) If the information has not been submitted to
22 the Pennsylvania State Police, the correctional facility
23 shall collect the information set forth in section
24 9799.16(b) from the individual and forward the
25 information to the Pennsylvania State Police.

26 (iii) The correctional facility shall also report
27 any changes to the information set forth in section
28 9799.16(b) and (c) on file with the Pennsylvania State
29 Police.

30 (iv) In the case of parole, State or county
31 intermediate punishment where the sentence is restrictive
32 and the individual is sentenced to a period of
33 incarceration in a State or county correctional
34 institution or work release facility or special probation
35 supervised by the Pennsylvania Board of Probation and
36 Parole, the correctional facility may not release the
37 individual until the correctional facility receives
38 verification from the Pennsylvania State Police that the
39 Pennsylvania State Police has received the information
40 set forth in section 9799.16(b) and (c). Verification by
41 the Pennsylvania State Police may occur by electronic
42 means.

43 (v) If the individual is scheduled to be released
44 from a State or county correctional institution due to
45 the expiration of sentence and the individual refuses to
46 provide the information set forth in section 9799.16(b),
47 the State or county correctional institution shall notify
48 the Pennsylvania State Police or the municipal police
49 department with jurisdiction over the facility of the
50 failure to provide the information and of the expected
51 date, time and location of the release of the individual.

1 (c) Initial registration if sentenced to county intermediate
2 punishment on effective date of section.--If the individual is,
3 on the effective date of this section, sentenced to county
4 intermediate punishment which is restorative where the
5 individual is not sentenced to incarceration or to a work
6 release facility, the individual shall provide the information
7 set forth in section 9799.16(b) by appearing at an approved
8 registration site within 48 hours of the effective date of this
9 section. The appropriate official of the county office of
10 probation and parole shall ensure that the individual has
11 appeared at an approved registration site as set forth in this
12 subsection. If the individual fails to appear, the appropriate
13 official of the county office of probation and parole shall
14 notify the Pennsylvania State Police. The Pennsylvania State
15 Police shall ensure the information set forth in section
16 9799.16(c) with respect to the individual is collected and
17 entered in the registry.

18 (d) Initial registration if sentenced to county intermediate
19 punishment after effective date of section.--If the individual
20 is, after the effective date of this section, sentenced to
21 county intermediate punishment, the following apply:

22 (1) If the individual is sentenced to county
23 intermediate punishment which is restorative, the individual
24 shall provide the information set forth in section 9799.16(b)
25 by appearing at an approved registration site within 48 hours
26 of being sentenced. The appropriate official of the county
27 office of probation and parole shall ensure that the
28 individual has appeared at an approved registration site as
29 set forth in this paragraph. If the individual fails to
30 appear, the appropriate official of the county office of
31 probation and parole shall notify the Pennsylvania State
32 Police. The Pennsylvania State Police shall ensure the
33 information set forth in section 9799.16(c) with respect to
34 the individual is collected and entered in the registry.

35 (2) If the individual is sentenced to county
36 intermediate punishment which is restrictive where the
37 individual is not sentenced to incarceration or to a work
38 release facility, the individual shall provide the
39 information set forth in section 9799.16(b) by appearing at
40 an approved registration site within 48 hours of being
41 sentenced. The appropriate official of the county office of
42 probation and parole shall ensure that the individual has
43 appeared at an approved registration site as set forth in
44 this paragraph. If the individual fails to appear, the
45 appropriate official of the county office of probation and
46 parole shall notify the Pennsylvania State Police. The
47 Pennsylvania State Police shall ensure the information set
48 forth in section 9799.16(c) with respect to the individual is
49 collected and entered in the registry.

50 (e) Initial registration if sentenced to county probation on
51 or after effective date of section.--If the individual is, on or

1 after the effective date of this section, sentenced to county
2 probation, the individual shall provide the information set
3 forth in section 9799.16(b) by appearing at an approved
4 registration site within 48 hours of being sentenced. The
5 appropriate official of the county office of probation and
6 parole shall ensure that the individual has appeared at an
7 approved registration site as set forth in this paragraph. If
8 the individual fails to appear, the appropriate official of the
9 county office of probation and parole shall notify the
10 Pennsylvania State Police. The Pennsylvania State Police shall
11 ensure the information set forth in section 9799.16(c) with
12 respect to the individual is collected and entered in the
13 registry.

14 (e.1) Initial registration for county or Federal
15 probationers on the effective date of this section.--

16 (1) If the individual is, on the effective date of this
17 section, already serving a sentence of county probation, the
18 appropriate office of probation and parole serving the county
19 shall register the individual within 48 hours. The
20 appropriate official of that office shall collect the
21 information set forth in section 9799.16(b) and forward that
22 information to the Pennsylvania State Police. The
23 Pennsylvania State Police shall ensure that the information
24 set forth in section 9799.16(c) is collected. The information
25 in section 9799.16(b) and (c) shall be included in the
26 registry. If the individual fails to comply, the appropriate
27 official of that office shall notify the Pennsylvania State
28 Police.

29 (2) If the individual is, on the effective date of this
30 section, already under the supervision of Federal probation
31 authorities for a sexually violent offense, the individual
32 shall provide the information set forth in section 9799.16(b)
33 by appearing at an approved registration site within 48 hours
34 of the effective date of this section.

35 (e.2) Initial registration for county or State parolees on
36 the effective date of this section.--

37 (1) If the individual is, on the effective date of this
38 section, already serving a sentence of county parole, the
39 appropriate office of probation and parole serving the county
40 shall register the individual within 48 hours. The
41 appropriate official of that office shall collect the
42 information set forth in section 9799.16(b) and forward that
43 information to the Pennsylvania State Police. The
44 Pennsylvania State Police shall ensure that the information
45 set forth in section 9799.16(c) is collected. The information
46 in section 9799.16(b) and (c) shall be included in the
47 registry. If the individual fails to comply, the appropriate
48 official of that office shall notify the Pennsylvania State
49 Police.

50 (2) If the individual is, on the effective date of this
51 section, already serving a sentence of State parole, the

1 Pennsylvania Board of Probation and Parole shall register the
2 individual within 48 hours. The appropriate official of the
3 Pennsylvania Board of Probation and Parole shall collect the
4 information set forth in section 9799.16(b) from the
5 individual and forward the information to the Pennsylvania
6 State Police. The Pennsylvania State Police shall ensure that
7 the information set forth in section 9799.16(c) is collected.
8 The information in section 9799.16(b) and (c) shall be
9 included in the registry. If the individual fails to comply,
10 the appropriate official of the Pennsylvania Board of
11 Probation and Parole shall notify the Pennsylvania State
12 Police.]

13 (f) Initial registration if being supervised by
14 Commonwealth under Interstate Compact for Adult Offender
15 Supervision.--If an individual is in this Commonwealth and is
16 being supervised by the State Board of Probation and Parole or
17 the county office of probation and parole pursuant to the
18 Interstate Compact for Adult Offender Supervision, the following
19 apply:

20 (1) If the individual is being supervised under the
21 compact [after the effective date of this section,] for
22 committing a sexually violent offense which requires
23 registration in another jurisdiction or foreign country
24 whether or not the sexual offense is designated as a sexually
25 violent offense, the individual shall provide the information
26 set forth in section 9799.16(b) to the appropriate official
27 of the State Board of Probation and Parole or the county
28 office of probation and parole for inclusion in the registry.
29 The appropriate official shall collect the information set
30 forth in section 9799.16(b) and forward the information to
31 the Pennsylvania State Police. The appropriate official
32 shall, in addition, ensure that the information set forth in
33 section 9799.16(c) is collected and forwarded to the
34 Pennsylvania State Police. If the individual fails to provide
35 the information in section 9799.16(b), the appropriate
36 official of the State Board of Probation and Parole or county
37 office of probation and parole shall notify the Pennsylvania
38 State Police.

39 [(2) If the individual is being supervised under the
40 compact on the effective date of this section, the individual
41 shall provide the information set forth in section 9799.16(b)
42 by appearing at an approved registration site within 48 hours
43 of the effective date of this section. The appropriate
44 official of the Pennsylvania Board of Probation and Parole or
45 the county office of probation and parole shall ensure that
46 the individual has appeared at an approved registration site
47 as set forth in this paragraph. If the individual fails to
48 appear, the appropriate official shall notify the
49 Pennsylvania State Police. The appropriate official shall, in
50 addition, ensure the information set forth in section
51 9799.16(c) is collected and forwarded to the Pennsylvania

1 State Police.]

2 (g) Supervision of individual convicted in Commonwealth who
3 does not intend to reside in Commonwealth.--[On or after the
4 effective date of this section, an individual convicted of] An
5 individual who committed a sexually violent offense within this
6 Commonwealth who seeks transfer of supervision to another
7 jurisdiction pursuant to the Interstate Compact for Adult
8 Offender Supervision shall not have supervision transferred to
9 another jurisdiction prior to the individual's registration with
10 the Pennsylvania State Police as set forth in this section.

11 * * *

12 (i) Initial registration if convicted or adjudicated
13 delinquent outside Commonwealth.--

14 * * *

15 (3) If the individual is[, on or after the effective
16 date of this section,] convicted of a sexually violent
17 offense and incarcerated in a Federal correctional
18 institution or being supervised by Federal probation
19 authorities, the individual shall appear in person at an
20 approved registration site to provide the information set
21 forth in section 9799.16(b) to the Pennsylvania State Police
22 within three business days of establishing residence,
23 commencing employment or commencing enrollment as a student
24 in this Commonwealth. In addition, the individual shall
25 comply with other provisions of this subchapter, including
26 section 9799.15. If the individual fails to establish a
27 residence but nevertheless resides in this Commonwealth, the
28 individual shall register as a transient. The Pennsylvania
29 State Police shall ensure that the information set forth in
30 section 9799.16(c) with respect to the individual is
31 collected and entered into the registry.

32 [(j) Former law and registration.--An individual subject to
33 registration under section 9799.13(3) shall appear at an
34 approved registration site to update registration or, if
35 necessary, to provide the information set forth in section
36 9799.16(b) to the Pennsylvania State Police within 90 days of
37 the effective date of this section. In addition, the individual
38 shall comply with the other provisions of this subchapter,
39 including section 9799.15. If the individual fails to establish
40 a residence, the individual shall register as a transient. The
41 Pennsylvania State Police shall ensure that the information set
42 forth in section 9799.16(c) with respect to the individual is
43 collected and entered in the registry.]

44 (k) Registration if incarcerated within Commonwealth or by
45 Federal court.--The following apply to an individual who
46 committed a sexually violent offense:

47 (1) If the individual is incarcerated in a Federal,
48 State or county correctional facility, the individual shall
49 provide the information specified in section 9799.16(b)
50 (relating to registry) to the appropriate official of the
51 Federal, State or county correctional facility or the

1 Pennsylvania Board of Probation and Parole for inclusion in
2 the registry before being released due to:

3 (i) the expiration of sentence, in which case the
4 information shall be collected no later than 10 days
5 prior to the maximum expiration date;

6 (ii) parole;

7 (iii) State or county intermediate punishment where
8 the sentence is restrictive and the individual is
9 sentenced to a period of incarceration in a State or
10 county correctional facility or a work release facility;
11 or

12 (iv) special probation supervised by the
13 Pennsylvania Board of Probation and Parole.

14 (2) For individuals described in paragraph (1), the
15 appropriate official of the Federal, State or county
16 correctional facility or the Pennsylvania Board of Probation
17 and Parole shall collect and forward the information in
18 section 9799.16(b) to the Pennsylvania State Police. The
19 appropriate official shall, in addition, ensure that the
20 information specified in section 9799.16(c) is collected and
21 forwarded to the Pennsylvania State Police. The information
22 specified in section 9799.16(b) and (c) shall be included in
23 the registry. With respect to individuals released under
24 paragraph (1)(ii), (iii) or (iv), the State or county
25 correctional facility shall not release the individual until
26 the State or county correctional facility receives
27 verification from the Pennsylvania State Police that the
28 Pennsylvania State Police has received the information
29 specified in section 9799.16(b) and (c). Verification may
30 take place by electronic means. With respect to individuals
31 released under paragraph (1)(i), if the individual refuses to
32 provide the information specified in section 9799.16(b), the
33 State or county correctional facility shall notify the
34 Pennsylvania State Police or the municipal police department
35 with jurisdiction over the facility of the failure to provide
36 the information and of the expected date, time and location
37 of the release of the individual.

38 (1) Registration if sentenced to a State or county
39 correctional facility.--If the individual committed a sexually
40 violent offense and is sentenced to a period of incarceration in
41 a State or county correctional facility, the individual shall
42 provide the information specified in section 9799.16(b) as
43 follows:

44 (1) At the time of sentencing, the court shall require
45 the individual to immediately report to the office of
46 probation and parole serving that county to register under
47 this subchapter. The appropriate office of probation and
48 parole shall collect the information specified in section
49 9799.16(b) from the individual and forward the information to
50 the Pennsylvania State Police. The appropriate office of
51 probation and parole shall, in addition, ensure the

1 information specified in section 9799.16(c) is collected and
2 forwarded to the Pennsylvania State Police. The information
3 specified in section 9799.16(b) and (c) shall be included in
4 the registry.

5 (2) If the individual is incarcerated in a State or
6 county correctional facility, the correctional facility shall
7 notify the Pennsylvania State Police, not more than 30 days
8 in advance of, but not later than 10 days prior to, the
9 individual's release from the correctional facility. The
10 following apply:

11 (i) The correctional facility shall ensure that the
12 information specified in section 9799.16(b) and (c) for
13 the individual has been submitted to the Pennsylvania
14 State Police.

15 (ii) If the information has not been submitted to
16 the Pennsylvania State Police, the correctional facility
17 shall collect the information specified in section
18 9799.16(b) from the individual and forward the
19 information to the Pennsylvania State Police.

20 (iii) The correctional facility shall also report
21 any changes to the information specified in section
22 9799.16(b) and (c) on file with the Pennsylvania State
23 Police.

24 (iv) In the case of parole, State or county
25 intermediate punishment where the sentence is
26 restrictive and the individual is sentenced to a period
27 of incarceration in a State or county correctional
28 facility or work release facility or special probation
29 supervised by the Pennsylvania Board of Probation and
30 Parole, the correctional facility may not release the
31 individual until the correctional facility receives
32 verification from the Pennsylvania State Police that the
33 Pennsylvania State Police has received the information
34 specified in section 9799.16(b) and (c). Verification by
35 the Pennsylvania State Police may occur by electronic
36 means.

37 (v) If the individual is scheduled to be released
38 from a State or county correctional facility due to the
39 expiration of sentence and the individual refuses to
40 provide the information specified in section 9799.16(b),
41 the State or county correctional facility shall notify
42 the Pennsylvania State Police or the municipal police
43 department with jurisdiction over the facility of the
44 failure to provide the information and of the expected
45 date, time and location of the release of the individual.

46 (m) Registration if sentenced to county intermediate
47 punishment.--If the individual committed a sexually violent
48 offense and is sentenced to county intermediate punishment which
49 is restorative where the individual is not sentenced to
50 incarceration or to a work release facility, the individual
51 shall provide the information specified in section 9799.16(b) by

1 appearing at an approved registration site within 48 hours of
2 being sentenced. The appropriate official of the county office
3 of probation and parole shall ensure that the individual has
4 appeared at an approved registration site as described in this
5 subsection. If the individual fails to appear, the appropriate
6 official of the county office of probation and parole shall
7 notify the Pennsylvania State Police. The Pennsylvania State
8 Police shall ensure the information specified in section
9 9799.16(c) with respect to the individual is collected and
10 entered in the registry.

11 (n) Registration if sentenced to county intermediate
12 punishment.--If the individual committed a sexually violent
13 offense and is sentenced to county intermediate punishment, the
14 following apply:

15 (1) If the individual is sentenced to county
16 intermediate punishment which is restorative, the individual
17 shall provide the information specified in section 9799.16(b)
18 by appearing at an approved registration site within 48 hours
19 of being sentenced. The appropriate official of the county
20 office of probation and parole shall ensure that the
21 individual has appeared at an approved registration site as
22 specified in this paragraph. If the individual fails to
23 appear, the appropriate official of the county office of
24 probation and parole shall notify the Pennsylvania State
25 Police. The Pennsylvania State Police shall ensure the
26 information specified in section 9799.16(c) with respect to
27 the individual is collected and entered in the registry.

28 (2) If the individual is sentenced to county
29 intermediate punishment which is restrictive where the
30 individual is not sentenced to incarceration or to a work
31 release facility, the individual shall provide the
32 information specified in section 9799.16(b) by appearing at
33 an approved registration site within 48 hours of being
34 sentenced. The appropriate official of the county office of
35 probation and parole shall ensure that the individual has
36 appeared at an approved registration site as described in
37 this paragraph. If the individual fails to appear, the
38 appropriate official of the county office of probation and
39 parole shall notify the Pennsylvania State Police. The
40 Pennsylvania State Police shall ensure the information
41 specified in section 9799.16(c) with respect to the
42 individual is collected and entered in the registry.

43 (o) Registration if sentenced to county probation.--If the
44 individual committed a sexually violent offense and is sentenced
45 to county probation, the individual shall provide the
46 information specified in section 9799.16(b) by appearing at an
47 approved registration site within 48 hours of being sentenced.
48 The appropriate official of the county office of probation and
49 parole shall ensure that the individual has appeared at an
50 approved registration site as described in this subsection. If
51 the individual fails to appear, the appropriate official of the

1 county office of probation and parole shall notify the
2 Pennsylvania State Police. The Pennsylvania State Police shall
3 ensure the information specified in section 9799.16(c) with
4 respect to the individual is collected and entered in the
5 registry.

6 (p) Registration for county or Federal probationers.--If the
7 individual committed a sexually violent offense, the following
8 apply:

9 (1) If the individual is serving a sentence of county
10 probation, the appropriate office of probation and parole
11 serving the county shall register the individual within 48
12 hours. The appropriate official of that office shall collect
13 the information specified in section 9799.16(b) and forward
14 that information to the Pennsylvania State Police. The
15 Pennsylvania State Police shall ensure that the information
16 specified in section 9799.16(c) is collected. The information
17 specified in section 9799.16(b) and (c) shall be included in
18 the registry. If the individual fails to comply, the
19 appropriate official of that office shall notify the
20 Pennsylvania State Police.

21 (2) If the individual is under the supervision of
22 Federal probation authorities for a sexually violent offense,
23 the individual shall provide the information specified in
24 section 9799.16(b) by appearing at an approved registration
25 site within 48 hours of the effective date of this section.

26 (q) Registration for State or county parolees.--

27 (1) If the individual committed a sexually violent
28 offense and is serving a sentence of county parole, the
29 appropriate office of probation and parole serving the county
30 shall register the individual within 48 hours. The
31 appropriate official of that office shall collect the
32 information specified in section 9799.16(b) and forward that
33 information to the Pennsylvania State Police. The
34 Pennsylvania State Police shall ensure that the information
35 specified in section 9799.16(c) is collected. The information
36 specified in section 9799.16(b) and (c) shall be included in
37 the registry. If the individual fails to comply, the
38 appropriate official of that office shall notify the
39 Pennsylvania State Police.

40 (2) If the individual committed a sexually violent
41 offense and is serving a sentence of State parole, the
42 Pennsylvania Board of Probation and Parole shall register the
43 individual within 48 hours. The appropriate official of the
44 Pennsylvania Board of Probation and Parole shall collect the
45 information specified in section 9799.16(b) from the
46 individual and forward the information to the Pennsylvania
47 State Police. The Pennsylvania State Police shall ensure that
48 the information specified in section 9799.16(c) is collected.
49 The information specified in section 9799.16(b) and (c) shall
50 be included in the registry. If the individual fails to
51 comply, the appropriate official of the Pennsylvania Board of

1 Probation and Parole shall notify the Pennsylvania State
2 Police.

3 Section 13. Section 9799.23(b) (2) of Title 42 is amended to
4 read:

5 § 9799.23. Court notification and classification requirements.
6 * * *

7 (b) Mandatory registration.--All sexual offenders must
8 register in accordance with this subchapter. The following
9 apply:

10 * * *

11 (2) Except as provided in [section] sections
12 9799.15(a.2) (relating to period of registration) and 9799.17
13 (relating to termination of period of registration for
14 juvenile offenders), the court shall have no authority to
15 relieve a sexual offender from the duty to register under
16 this subchapter or to modify the requirements of this
17 subchapter as they relate to the sexual offender.

18 Section 14. Sections 9799.25(b) (2) and (3), (c) (1) and (f)
19 (1) and 9799.26(a) (1) of Title 42 are amended and the sections
20 are amended by adding subsections to read:

21 § 9799.25. Verification by sexual offenders and Pennsylvania
22 State Police.

23 * * *

24 (a.1) Alternate requirements regarding verification.--The
25 following apply to an individual required to appear in person
26 under subsection (a) (2) or (a) (3):

27 (1) If the individual has been in compliance with the
28 requirements of this subchapter for the first three years of
29 the individual's period of registration and, during the same
30 three-year period, the individual has not been convicted in
31 this Commonwealth or any other jurisdiction or foreign
32 country of an offense punishable by imprisonment of more than
33 one year, the individual shall appear at an approved
34 registration site annually. The individual shall appear
35 within 10 days before the date designated by the Pennsylvania
36 State Police to verify information in section 9799.16(b) and
37 be photographed.

38 (2) The other appearances required of the individual
39 under this section may be completed by contacting the
40 Pennsylvania State Police by telephone at a telephone number
41 designated by the Pennsylvania State Police. The individual
42 shall call the Pennsylvania State Police within three
43 business days of the date designated by the Pennsylvania
44 State Police.

45 (3) If the individual fails to comply with the
46 provisions of this subsection and the individual is
47 subsequently convicted under 18 Pa.C.S. § 4915.1 (relating to
48 failure to comply with registration requirements), any relief
49 granted under this subsection shall be void, and the
50 petitioner shall automatically and immediately again be
51 subject to the provisions of this subchapter, as previously

determined by this subchapter.

(a.2) Telephonic verification system.--The Pennsylvania State Police shall develop a mechanism to permit individuals to utilize the telephonic verification system established in this section. No individual may utilize the telephonic verification system until the Pennsylvania State Police publishes notice in the Pennsylvania Bulletin that the system is operational.

(b) Deadline.--The following apply:

* * *

(2) In the case of a sexual offender who fails to appear in person or telephonically as required under this section, the Pennsylvania State Police shall notify the municipal police department where the sexual offender has a residence, is employed or is enrolled as a student. The municipal police shall locate the sexual offender and arrest the sexual offender for violating this section. A municipal police department may request assistance locating or arresting a sexual offender from the Pennsylvania State Police. In municipalities where no municipal police department exists, the Pennsylvania State Police shall locate the offender and arrest the sexual offender for violating this section.

(3) In the case of a sexual offender who fails to appear in person or telephonically as required under this section, the Pennsylvania State Police shall notify the United States Marshals Service in accordance with section 9799.22(b) (3) (relating to enforcement).

(c) Facilitation of verification.--The Pennsylvania State Police shall administer and facilitate the process of verification of information, including compliance with counseling in the case of sexually violent predators and sexually violent delinquent children, and photographing the sexual offender by:

(1) Sending a notice by first class United States mail to each sexual offender at the last reported location where the offender receives mail. The notice shall be sent not more than 30 days nor less than 15 days prior to the date a sexual offender is required to appear pursuant to subsection (a) or (a.1). The notice shall remind the sexual offender of the sexual offender's responsibilities under this subchapter, including counseling in the case of sexually violent predators and sexually violent delinquent children, and provide a list of approved registration sites and the telephone number to contact the Pennsylvania State Police under subsection (a.1).

* * *

(f) Residents in group-based homes.--

(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals in total who are required to register under this [chapter] subchapter and Subchapter I (relating to continued registration of sexual offenders) as sexually violent

1 predators.

2 * * *

3 § 9799.26. Victim notification.

4 (a) Duty to inform victim.--

5 (1) If an [offender] individual is determined to be a
6 sexually violent predator or a sexually violent delinquent
7 child, the municipal police department or the Pennsylvania
8 State Police, if no municipal police jurisdiction exists,
9 shall give written notice to the victim when the sexually
10 violent predator or the sexually violent delinquent child
11 registers initially under section 9799.19 (relating to
12 initial registration) or under section 9799.15(g)(2), (3) or
13 (4) (relating to period of registration). The notice shall be
14 given within 72 hours after the sexually violent predator or
15 the sexually violent delinquent child registers or notifies
16 the Pennsylvania State Police of current information under
17 section 9799.15(g). The notice shall contain the following
18 information about the sexually violent predator or sexually
19 violent delinquent child:

20 (i) Name.

21 (ii) Residence. This subparagraph includes whether
22 the sexually violent predator or sexually violent
23 delinquent child is a transient, in which case the notice
24 shall contain information about the transient's temporary
25 habitat or other temporary place of abode or dwelling,
26 including, but not limited to, a homeless shelter or
27 park. In addition, the notice shall contain a list of
28 places the transient eats, frequents and engages in
29 leisure activities.

30 (iii) The address of employment.

31 (iv) The address where the sexually violent predator
32 or sexually violent delinquent child is enrolled as a
33 student.

34 * * *

35 (d) Alternate means of notifying victims.--

36 (1) The Pennsylvania State Police may enter into a
37 memorandum of understanding with the Office of Victim
38 Advocate to assist the Pennsylvania State Police in notifying
39 victims and providing the information under subsection (a).
40 In addition, the memorandum of understanding may also include
41 the Office of Victim Advocate's notifying a victim of relief
42 granted to a petitioner under section 9799.15(a.2). The
43 memorandum of understanding must state the manner and method
44 of notifying victims and the duties of the Pennsylvania State
45 Police and the Office of Victim Advocate under this section
46 and section 9799.15(a.2). A memorandum of understanding
47 entered into under this subsection shall be valid for no more
48 than 10 years. There shall be no limit to the number of
49 memoranda of understanding which may be executed by the
50 Pennsylvania State Police and the Office of Victim Advocate
51 under this subsection.

1 (2) As used in this subsection, the term "Office of
2 Victim Advocate" shall mean the office established under
3 section 301 of the act of November 24, 1998 (P.L.882,
4 No.111), known as the Crime Victims Act.

5 Section 15. Section 9799.31(13) of Title 42 is amended to
6 read:

7 § 9799.31. Immunity for good faith conduct.

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

10 * * *

11 (13) The Department of [Public Welfare] Human Services
12 and its agents and employees.

13 * * *

14 Section 16. Section 9799.32(6) of Title 42 is amended and
15 the section is amended by adding a paragraph to read:

16 § 9799.32. Pennsylvania State Police.

17 The Pennsylvania State Police have the following duties:

18 * * *

19 (6) To facilitate verification of information from
20 individuals [required to register under this subchapter]
21 under section 9799.13 (relating to applicability) as provided
22 in section 9799.25 (relating to verification by sexual
23 offenders and Pennsylvania State Police).

24 * * *

25 (10) To develop the telephonic verification system
26 established under section 9799.25 (relating to verification
27 by sexual offenders and Pennsylvania State Police).

28 Section 17. Sections 9799.34(1), 9799.36(b), 9799.38(a)(1)
29 and (2) and 9799.39 of Title 42 are amended to read:

30 § 9799.34. Duties of facilities housing sexual offenders.

31 The Department of Corrections, a county correctional
32 facility, an institution or facility set forth in section
33 6352(a)(3) (relating to disposition of delinquent child) and the
34 separate, State-owned facility or unit established under Chapter
35 64 (relating to court-ordered involuntary treatment of certain
36 sexually violent persons) shall have the following duties:

37 (1) To perform their respective duties in accordance
38 with section 9799.19 (relating to initial registration). This
39 paragraph includes taking a current photograph of the
40 individual [required to register under this subchapter]
41 specified in section 9799.13 (relating to applicability)
42 before the individual is released from confinement or
43 commitment or is discharged.

44 * * *

45 § 9799.36. Counseling of sexually violent predators.

46 * * *

47 (b) Designation in another jurisdiction.--If an individual
48 [required to register under this subchapter] specified in
49 section 9799.13 (relating to applicability) has been designated
50 as a sexually violent predator in another jurisdiction and was
51 required to undergo counseling, the individual shall be subject

1 to the provisions of this section.

2 * * *

3 § 9799.38. Annual performance audit.

4 (a) Duties of the Attorney General.--The Attorney General
5 has the following duties:

6 (1) To conduct a performance audit annually to determine
7 compliance with the requirements of this subchapter and
8 Subchapter I (relating to continued registration of sexual
9 offenders) and any guidelines promulgated under this
10 subchapter and Subchapter I. The audit shall, at a minimum,
11 include a review of the practices, procedures and records of
12 the Pennsylvania State Police, the Pennsylvania Board of
13 Probation and Parole, the Department of Corrections, the
14 board, the Administrative Office of Pennsylvania Courts and
15 any other State or local agency the Attorney General deems
16 necessary in order to conduct a thorough and accurate
17 performance audit.

18 (2) To prepare an annual report of its findings and any
19 action that it recommends be taken by the Pennsylvania State
20 Police, the Pennsylvania Board of Probation and Parole, the
21 Department of Corrections, the board, the Administrative
22 Office of Pennsylvania Courts, other State or local agencies
23 and the General Assembly to ensure compliance with this
24 subchapter and Subchapter I. The first report shall be
25 released to the general public no fewer than 18 months
26 following the effective date of this section.

27 * * *

28 § 9799.39. Photographs and fingerprinting.

29 An individual subject to registration under section 9799.13
30 (relating to applicability) shall submit to fingerprinting and
31 photographing as required by this subchapter. Fingerprinting as
32 required by this subchapter shall, at a minimum, require
33 submission of a full set of fingerprints and palm prints.
34 Photographing as required by this subchapter shall, at a
35 minimum, require submission to photographs of the face and any
36 scars, marks, tattoos or other unique features of the
37 individual. Fingerprints and photographs obtained under this
38 subchapter may be maintained for use under this subchapter and
39 for general law enforcement purposes.

40 Section 18. Title 42 is amended by adding a section to read:
41 § 9799.42. Standing for Pennsylvania State Police.

42 Except for petitions filed under section 9799.15(a.2)
43 (relating to period of registration), the Pennsylvania State
44 Police shall have standing to appear and contest a filing in a
45 court of this Commonwealth which seeks to challenge in any way
46 the obligation of an individual required to register with the
47 Pennsylvania State Police under this subchapter.

48 Section 19. Chapter 97 of Title 42 is amended by adding a
49 subchapter to read:

50 SUBCHAPTER I

51 CONTINUED REGISTRATION OF SEXUAL OFFENDERS

1 Sec.
2 9799.51. Legislative findings and declaration of policy.
3 9799.52. Scope.
4 9799.53. Definitions.
5 9799.54. Applicability.
6 9799.55. Registration.
7 9799.56. Registration procedures and applicability.
8 9799.57. Sentencing court information.
9 9799.58. Assessments.
10 9799.59. Exemption from certain notifications.
11 9799.60. Verification of residence.
12 9799.61. Victim notification.
13 9799.62. Other notification.
14 9799.63. Information made available on Internet and electronic
15 notification.
16 9799.64. Administration.
17 9799.65. Global positioning system technology.
18 9799.66. Immunity for good faith conduct.
19 9799.67. Duties of Pennsylvania State Police.
20 9799.68. Duties of Pennsylvania Board of Probation and Parole.
21 9799.69. Board.
22 9799.70. Counseling of sexually violent predators.
23 9799.71. Exemption from notification for certain licensees and
24 their employees.
25 9799.72. Annual performance audit.
26 9799.73. Photographs and fingerprinting.
27 § 9799.51. Legislative findings and declaration of policy.
28 (a) Legislative findings.--It is hereby determined and
29 declared as a matter of legislative finding:
30 (1) If the public is provided adequate notice and
31 information about sexually violent predators and offenders,
32 as well as those sexually violent predators and offenders who
33 do not have a fixed place of habitation or abode, the
34 community can develop constructive plans to prepare itself
35 for the release of sexually violent predators and offenders.
36 This allows communities to meet with law enforcement to
37 prepare and obtain information about the rights and
38 responsibilities of the community and to provide education
39 and counseling to their children.
40 (2) These sexually violent predators and offenders pose
41 a high risk of engaging in further offenses even after being
42 released from incarceration or commitments and protection of
43 the public from this type of offender is a paramount
44 governmental interest.
45 (3) The penal and mental health components of our
46 justice system are largely hidden from public view and lack
47 of information from either may result in failure of both
48 systems to meet this paramount concern of public safety.
49 (4) Overly restrictive confidentiality and liability
50 laws governing the release of information about sexually
51 violent predators and offenders have reduced the willingness

1 to release information that could be appropriately released
2 under the public disclosure laws and have increased risks to
3 public safety.

4 (5) Persons found to have committed a sexual offense
5 have a reduced expectation of privacy because of the public's
6 interest in public safety and in the effective operation of
7 government.

8 (6) Release of information about sexually violent
9 predators and offenders to public agencies and the general
10 public will further the governmental interests of public
11 safety and public scrutiny of the criminal and mental health
12 systems so long as the information released is rationally
13 related to the furtherance of those goals.

14 (b) Declaration of policy.--It is hereby declared to be the
15 intention of the General Assembly to:

16 (1) Protect the safety and general welfare of the people
17 of this Commonwealth by providing for registration, community
18 notification and access to information regarding sexually
19 violent predators and offenders who are about to be released
20 from custody and will live in or near their neighborhood.

21 (2) Require the exchange of relevant information about
22 sexually violent predators and offenders among public
23 agencies and officials and to authorize the release of
24 necessary and relevant information about sexually violent
25 predators and offenders to members of the general public,
26 including information available through the publicly
27 accessible Internet website of the Pennsylvania State Police,
28 as a means of assuring public protection and shall not be
29 construed as punitive.

30 (3) Address the Superior Court's opinion in the case of
31 *Commonwealth v. Wilgus*, 975 A.2d 1183 (2009), by requiring
32 sexually violent predators and offenders without a fixed
33 place of habitation or abode to register under this
34 subchapter.

35 (4) Address the Pennsylvania Supreme Court's decision in
36 *Commonwealth v. Muniz*, No. 47 MAP 2016 (Pa. 2016) and the
37 Pennsylvania Superior Court's decision in *Commonwealth v.*
38 *Butler* (2017 WL3882445).

39 § 9799.52. Scope.

40 This subchapter shall apply to individuals who were:

41 (1) convicted of a sexually violent offense committed on
42 or after April 22, 1996, but before December 20, 2012, whose
43 period of registration with the Pennsylvania State Police, as
44 described in section 9799.55 (relating to registration), has
45 not expired; or

46 (2) required to register with the Pennsylvania State
47 Police under a former sexual offender registration law of
48 this Commonwealth on or after April 22, 1996, but before
49 December 20, 2012, whose period of registration has not
50 expired.

51 § 9799.53. Definitions.

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

4 "Active notification." Notification in accordance with
5 section 9799.62 (relating to other notification) or a process
6 whereby law enforcement, pursuant to the laws of the United
7 States or one of its territories or possessions, another state,
8 the District of Columbia, the Commonwealth of Puerto Rico or a
9 foreign nation, notifies persons in the community in which the
10 individual resides, including a person identified in section
11 9799.62(b), of the residence, employment or school location of
12 the individual.

13 "Approved registration site." A site in this Commonwealth
14 approved by the Pennsylvania State Police as required by section
15 9799.67(2) (relating to duties of Pennsylvania State Police):

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

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

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

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

28 "Common interest community." Includes a cooperative, a
29 condominium and a planned community where an individual by
30 virtue of an ownership interest in a portion of real estate is
31 or may become obligated by covenant, easement or agreement
32 imposed upon the owner's interest to pay an amount for real
33 property taxes, insurance, maintenance, repair, improvement,
34 management, administration or regulation of any part of the real
35 estate other than the portion or interest owned solely by the
36 individual.

37 "Commonwealth Photo Imaging Network." The computer network
38 administered by the Commonwealth and used to record and store
39 digital photographs of an individual's face and scars, marks,
40 tattoos or other unique features of the individual.

41 "Employed." Includes a vocation or employment that is full
42 time or part time for a period of time exceeding 14 days or for
43 an aggregate period of time exceeding 30 days during a calendar
44 year, whether financially compensated, volunteered, under a
45 contract or for the purpose of government or educational
46 benefit.

47 "Integrated Automated Fingerprint Identification System."
48 The national fingerprint and criminal history system maintained
49 by the Federal Bureau of Investigation providing automated
50 fingerprint search capabilities, latent searching capability,
51 electronic image storage and electronic exchange of fingerprints

1 and responses.

2 "Mental abnormality." A congenital or acquired condition of
3 a person that affects the emotional or volitional capacity of
4 the person in a manner that predisposes that person to the
5 commission of criminal sexual acts to a degree that makes the
6 person a menace to the health and safety of other persons.

7 "Minor." As used in section 9799.55 (relating to
8 registration), is an individual under 18 years of age unless the
9 age of the victim who is considered a minor is otherwise defined
10 in section 9799.55.

11 "Municipality." A city, borough, incorporated town or
12 township.

13 "Offender." Subject to section 9799.75 (relating to
14 construction of subchapter), an individual required to register
15 under section 9799.55(a), (b) (1) or (2) (relating to
16 registration).

17 "Passive notification." Notification in accordance with
18 section 9799.63 (relating to information made available on
19 Internet and electronic notification) or a process whereby
20 persons, under the laws of the United States or one of its
21 territories or possessions, another state, the District of
22 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
23 are able to access information pertaining to an individual as a
24 result of the individual having been convicted or sentenced by a
25 court for an offense similar to an offense listed in section
26 9799.55 (relating to registration).

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

31 "Predatory." An act directed at a stranger or at a person
32 with whom a relationship has been initiated, established,
33 maintained or promoted, in whole or in part, in order to
34 facilitate or support victimization.

35 "Residence." With respect to an individual required to
36 register under this subchapter, any of the following:

37 (1) A location where an individual resides or is
38 domiciled or intends to be domiciled for 30 consecutive days
39 or more during a calendar year.

40 (2) In the case of an individual who fails to establish
41 a residence as specified in paragraph (1), a temporary
42 habitat or other temporary place of abode or dwelling,
43 including, but not limited to, a homeless shelter or park,
44 where the individual is lodged.

45 "Sexually violent offense." The following criminal offenses:

46 (1) Except as provided in paragraph (2):

47 (i) a criminal offense specified in section 9799.55
48 (relating to registration) committed on or after April
49 22, 1996, but before December 20, 2012, for which the
50 individual was convicted; or

51 (ii) a criminal offense for which an individual was

1 required to register with the Pennsylvania State Police
2 under a former sexual offender registration law of this
3 Commonwealth on or after April 22, 1996, but before
4 December 20, 2012, whose period of registration has not
5 expired.

6 (2) The following criminal offenses committed on or
7 after January 26, 2005, but before December 20, 2012, for
8 which the individual was convicted:

9 (i) 18 Pa.C.S. § 2910 (relating to luring a child
10 into a motor vehicle or structure).

11 (ii) 18 Pa.C.S. § 3124.2 (relating to institutional
12 sexual assault).

13 "Sexually violent predator." Subject to section 9799.75, a
14 person who has been convicted of a sexually violent offense and
15 who is determined to be a sexually violent predator under
16 section 9799.58 (relating to assessments) due to a mental
17 abnormality or personality disorder that makes the person likely
18 to engage in predatory sexually violent offenses. The term
19 includes an individual determined to be a sexually violent
20 predator where the determination occurred in the United States
21 or one of its territories or possessions, another state, the
22 District of Columbia, the Commonwealth of Puerto Rico, a foreign
23 nation or by court martial.

24 "Student." A person who is enrolled on a full-time or part-
25 time basis in a public or private educational institution,
26 including a secondary school, trade or professional institution
27 or institution of higher education.
28 § 9799.54. Applicability.

29 (a) Registration.--The following individuals shall register
30 with the Pennsylvania State Police as provided in this
31 subchapter:

32 (1) An individual who committed a sexually violent
33 offense within this Commonwealth and whose period of
34 registration with the Pennsylvania State Police, as specified
35 in section 9799.55 (relating to registration), as of the
36 effective date of this section, has not expired. The
37 individual shall register for the period of time under
38 section 9799.55 less any credit for time spent registered
39 with the Pennsylvania State Police prior to the effective
40 date of this section.

41 (2) An individual who committed a sexually violent
42 offense within this Commonwealth and who has failed to
43 register with the Pennsylvania State Police. In such a case,
44 the individual shall register for the period of time under
45 section 9799.55.

46 (3) An individual who committed a sexually violent
47 offense within this Commonwealth and is an inmate in a State
48 or county correctional facility of this Commonwealth,
49 including a community corrections center or a community
50 contract facility, is being supervised by the Pennsylvania
51 Board of Probation and Parole or county probation or parole,

1 is subject to a sentence of intermediate punishment or has
2 supervision transferred under the Interstate Compact for
3 Adult Supervision in accordance with section 9799.62(e)
4 (relating to other notification). The individual shall
5 register for the period of time under section 9799.55, except
6 that the period required in section 9799.55 shall be tolled
7 for any period of time the individual is recommitted for a
8 parole violation or sentenced to a term of imprisonment.

9 (4) An individual who was convicted of an offense
10 similar to an offense set forth in section 9799.55 under the
11 laws of the United States or one of its territories or
12 possessions, another state, the District of Columbia, the
13 Commonwealth of Puerto Rico, a foreign nation or under a
14 former law of this Commonwealth or who was court martialled
15 for a similar offense and who, as of the effective date of
16 this section, has not completed registration requirements.
17 The period of registration shall be as set forth in section
18 9799.56(b)(4) (relating to registration procedures and
19 applicability) less any credit for time spent on a sexual
20 offender registry of the United States or one of its
21 territories or possessions, another state, the District of
22 Columbia, the Commonwealth of Puerto Rice, a foreign nation
23 or with the Pennsylvania State Police prior to the effective
24 date of this section.

25 (b) Initial registration.--Individuals required to register
26 under this section shall have 90 days from the effective date of
27 this section to initially register with the Pennsylvania State
28 Police. The individual shall appear at an approved registration
29 site to be photographed, fingerprinted and to verify
30 information. The Pennsylvania State Police shall send a notice
31 by first class United States mail to the individual's last
32 reported residence in order to inform the individual of the
33 requirements of this subchapter. The notice shall specifically
34 inform the individual of the duties specified in section 9799.57
35 (relating to sentencing court information). The notice shall be
36 sent no later than 30 days from the effective date of this
37 section. The notice shall also provide a list of approved
38 registration sites. Neither failure on the part of the
39 Pennsylvania State Police to send nor failure of an individual
40 to receive notice or information under this paragraph shall
41 relieve the individual of the requirements of this subchapter.
42 § 9799.55. Registration.

43 (a) Ten-year registration.--Except as provided under
44 subsection (a.1) or (b), the following individuals shall be
45 required to register with the Pennsylvania State Police for a
46 period of 10 years:

47 (1) (i) (A) Individuals convicted within this
48 Commonwealth of any of the following offenses
49 committed on or after April 22, 1996, but before
50 December 20, 2012:

51 18 Pa.C.S. § 2901 (relating to kidnapping) where

1 the victim is a minor.

2 18 Pa.C.S. § 3126 (relating to indecent assault)
3 where the offense is graded as a misdemeanor of the
4 first degree or higher.

5 18 Pa.C.S. § 4302 (relating to incest) where the
6 victim is 12 years of age or older but under 18 years
7 of age.

8 18 Pa.C.S. § 5902(b) or (b.1) (relating to
9 prostitution and related offenses) where the actor
10 promotes the prostitution of a minor.

11 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6)
12 (relating to obscene and other sexual materials and
13 performances) where the victim is a minor.

14 18 Pa.C.S. § 6312 (relating to sexual abuse of
15 children).

16 18 Pa.C.S. § 6318 (relating to unlawful contact
17 with minor).

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

20 (B) Individuals convicted within this
21 Commonwealth of an offense set forth in clause (A)
22 who were required to register with the Pennsylvania
23 State Police under a former sexual offender
24 registration law of this Commonwealth on or after
25 April 22, 1996, but before December 20, 2012, whose
26 period of registration has not expired.

27 (ii) Individuals convicted within this Commonwealth
28 of any of the following offenses committed on or after
29 January 26, 2005, but before December 20, 2012:

30 18 Pa.C.S. § 2910 (relating to luring a child
31 into a motor vehicle or structure).

32 18 Pa.C.S. § 3124.2 (relating to institutional
33 sexual assault).

34 (2) Individuals convicted of an attempt, conspiracy or
35 solicitation to commit any of the offenses under paragraph
36 (1)(i) or (ii) or subsection (b)(2).

37 (3) Individuals who currently have a residence in this
38 Commonwealth who have been convicted of offenses similar to
39 the crimes cited in paragraphs (1)(i) or (ii) and (2) under
40 the laws of the United States or one of its territories or
41 possessions, another state, the District of Columbia, the
42 Commonwealth of Puerto Rico or a foreign nation or under a
43 former law of this Commonwealth.

44 (a.1) Exception to 10-year registration.--Except as provided
45 under subsection (b), an individual considered to be an offender
46 under section 9799.56(b) (relating to registration procedures
47 and applicability) shall be required to register with the
48 Pennsylvania State Police for a period less than life, the
49 duration of which is to be determined under sections 9799.54
50 (relating to applicability) and 9799.56(b).

51 (b) Lifetime registration.--The following individuals shall

1 be subject to lifetime registration:

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

4 (2) Individuals convicted:

5 (i) (A) in this Commonwealth of the following
6 offenses, if committed on or after April 22, 1996,
7 but before December 20, 2012:

8 18 Pa.C.S. § 3121 (relating to rape);

9 18 Pa.C.S. § 3123 (relating to involuntary
10 deviate sexual intercourse);

11 18 Pa.C.S. § 3124.1 (relating to sexual assault);

12 18 Pa.C.S. § 3125 (relating to aggravated
13 indecent assault); or

14 18 Pa.C.S. § 4302 (relating to incest) when the
15 victim is under 12 years of age; or

16 (B) in this Commonwealth of offenses set forth
17 in clause (A) who were required to register with the
18 Pennsylvania State Police under a former sexual
19 offender registration law of this Commonwealth on or
20 after April 22, 1996, but before December 20, 2012,
21 whose period of registration has not expired; or

22 (ii) of offenses similar to the crimes cited in
23 subparagraph (i) under the laws of the United States or
24 one of its territories or possessions, another state, the
25 District of Columbia, the Commonwealth of Puerto Rico or
26 a foreign nation or under a former law of this
27 Commonwealth, if committed, or for which registration
28 with the Pennsylvania State Police under a former sexual
29 offender registration law of this Commonwealth was
30 required, on or after April 22, 1996, but before December
31 20, 2012, who currently reside in this Commonwealth.

32 (3) Sexually violent predators.

33 (4) An individual who is considered to be a sexually
34 violent predator under section 9799.56(b) or who is otherwise
35 required to register for life under section 9799.56(b), if
36 the sexual offense which is the basis for the consideration
37 or requirement for which the individual was convicted was
38 committed, or for which registration with the Pennsylvania
39 State Police under a former sexual offender registration law
40 of this Commonwealth was required, on or after April 22,
41 1996, but before December 20, 2012.

42 (c) Natural disaster.--The occurrence of a natural disaster
43 or other event requiring evacuation of residences shall not
44 relieve an individual of the duty to register or any other duty
45 imposed by this subchapter.

46 (d) Residents in group-based homes.--

47 (1) A group-based home may not provide concurrent
48 residence in the group-based home to more than five
49 individuals in total who are required to register under
50 Subchapter H (relating to registration of sexual offenders)
51 and this subchapter as sexually violent predators.

1 (2) A group-based home that violates paragraph (1) shall
2 be subject to a civil penalty in the amount of \$2,500 for a
3 first violation and in the amount of \$5,000 for a second or
4 subsequent violation.

5 (3) The Pennsylvania State Police or local law
6 enforcement agency of jurisdiction shall investigate
7 compliance with this subsection, and the Attorney General or
8 district attorney may commence a civil action in the court of
9 common pleas of the county in which a group-based home is
10 located to impose and collect from the group-based home the
11 penalty under paragraph (2).

12 (4) As used in this subsection, the term "group-based
13 home" has the meaning given to it in 61 Pa.C.S. § 6124(c)
14 (relating to certain offenders residing in group-based
15 homes).

16 § 9799.56. Registration procedures and applicability.

17 (a) Registration.--

18 (1) (i) Offenders and sexually violent predators shall
19 be required to register with the Pennsylvania State
20 Police as specified in section 9799.54 (relating to
21 applicability).

22 (ii) Offenders and sexually violent predators shall
23 be required to register with the Pennsylvania State
24 Police upon release from incarceration, upon parole from
25 a State or county correctional facility or upon the
26 commencement of a sentence of intermediate punishment or
27 probation.

28 (iii) For purposes of registration, offenders and
29 sexually violent predators shall provide the Pennsylvania
30 State Police with all current or intended residences, all
31 information concerning current or intended employment and
32 all information concerning current or intended enrollment
33 as a student.

34 (2) Offenders and sexually violent predators shall
35 inform the Pennsylvania State Police within three business
36 days of:

37 (i) A change of residence or establishment of an
38 additional residence or residences. In the case of an
39 individual who has a residence as defined in paragraph
40 (2) of the definition of "residence" in section 9799.53
41 (relating to definitions), the individual shall inform
42 the Pennsylvania State Police of the following:

43 (A) the location of a temporary habitat or other
44 temporary place of abode or dwelling, including a
45 homeless shelter or park, where the individual is
46 lodged;

47 (B) a list of places the individual eats,
48 frequents and engages in leisure activities and any
49 planned destinations, including those outside this
50 Commonwealth; and

51 (C) the place the individual receives mail,

1 including a post office box.

2 The duty to provide the information specified in this
3 subparagraph shall apply until the individual establishes
4 a residence as defined in paragraph (1) of the definition
5 of "residence" in section 9799.53. If the individual who
6 has a residence as defined in paragraph (2) of the
7 definition of "residence" in section 9799.53 changes or
8 adds to the places listed in this subparagraph during a
9 30-day period, the individual shall list these when
10 reregistering during the next 30-day period.

11 (ii) A change of employer or employment location for
12 a period of time that will exceed 14 days or for an
13 aggregate period of time that will exceed 30 days during
14 a calendar year, or termination of employment.

15 (iii) A change of institution or location at which
16 the person is enrolled as a student, or termination of
17 enrollment.

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 (2.1) Registration with a new law enforcement agency
22 shall occur no later than three business days after
23 establishing residence in another state.

24 (3) The registration period required in section
25 9799.55(a) and (a.1) (relating to registration) shall be
26 tolled when an offender is recommitted for a parole violation
27 or sentenced to an additional term of imprisonment. In such
28 cases, the Department of Corrections or county correctional
29 facility shall notify the Pennsylvania State Police of the
30 admission of the offender.

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

33 (i) Where the offender or sexually violent predator
34 was granted parole by the Pennsylvania Board of Probation
35 and Parole or the court or is sentenced to probation or
36 intermediate punishment, the board or county office of
37 probation and parole shall collect registration
38 information from the offender or sexually violent
39 predator and forward that registration information to the
40 Pennsylvania State Police. The Department of Corrections
41 or county correctional facility shall not release the
42 offender or sexually violent predator until it receives
43 verification from the Pennsylvania State Police that the
44 Pennsylvania State Police have received the registration
45 information. Verification by the Pennsylvania State
46 Police may occur by electronic means, including e-mail or
47 facsimile transmission. Where the offender or sexually
48 violent predator is scheduled to be released from a State
49 or county correctional facility because of the expiration
50 of the maximum term of incarceration, the Department of
51 Corrections or county correctional facility shall collect

1 the information from the offender or sexually violent
2 predator no later than 10 days prior to the maximum
3 expiration date. The registration information shall be
4 forwarded to the Pennsylvania State Police.

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

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 (1) (Reserved).

19 (2) (Reserved).

20 (3) (Reserved).

21 (4) An individual who has a residence, is employed or is
22 a student in this Commonwealth and who has been convicted of
23 or sentenced by a court or court martial for a sexually
24 violent offense or a similar offense under the laws of the
25 United States or one of its territories or possessions,
26 another state, the District of Columbia, the Commonwealth of
27 Puerto Rico or a foreign nation, or who was required to
28 register under a sexual offender statute in the jurisdiction
29 where convicted, sentenced or court martial, shall register
30 at an approved registration site within three business days
31 of the individual's arrival in this Commonwealth. The
32 provisions of this subchapter shall apply to the individual
33 as follows:

34 (i) If the individual has been classified as a
35 sexually violent predator as defined in section 9799.53
36 or determined under the laws of the other jurisdiction or
37 by reason of court martial to be subject to active
38 notification and lifetime registration on the basis of a
39 statutorily authorized administrative or judicial
40 decision or on the basis of a statute or administrative
41 rule requiring active notification and lifetime
42 registration based solely on the offense for which the
43 individual was convicted, sentenced or court martial, the
44 individual shall, notwithstanding section 9799.53, be
45 considered a sexually violent predator and subject to
46 lifetime registration under section 9799.55(b). The
47 individual shall also be subject to the provisions of
48 this section and sections 9799.60 (relating to
49 verification of residence), 9799.62 (relating to other
50 notification) and 9799.63(c)(1) (relating to information
51 made available on Internet and electronic notification),

1 except that the individual shall not be required to
2 receive counseling unless required to do so by the other
3 jurisdiction or by reason of court martial.

4 (ii) Except as provided in subparagraphs (i) and
5 (iv), if the individual has been convicted or sentenced
6 by a court or court martial for an offense listed in
7 section 9799.55(b) or an equivalent offense, the
8 individual shall, notwithstanding section 9799.53, be
9 considered an offender and be subject to lifetime
10 registration under section 9799.55(b). The individual
11 shall also be subject to the provisions of this section
12 and sections 9799.60 and 9799.63(c)(2).

13 (iii) Except as provided in subparagraphs (i), (ii),
14 (iv) and (v), if the individual has been convicted or
15 sentenced by a court or court martial for an offense
16 listed in section 9799.55(a) or an equivalent offense,
17 the individual shall be, notwithstanding section 9799.53,
18 considered an offender and subject to registration under
19 this subchapter. The individual shall also be subject to
20 the provisions of this section and sections 9799.60 and
21 9799.63(c)(2). The individual shall be subject to this
22 subchapter for a period of 10 years or for a period of
23 time equal to the time for which the individual was
24 required to register in the other jurisdiction or
25 required to register by reason of court martial,
26 whichever is greater, less any credit due to the
27 individual as a result of prior compliance with
28 registration requirements.

29 (iv) Except as provided in subparagraph (i) and
30 notwithstanding subparagraph (v), if the individual is
31 subject to active notification in the other jurisdiction
32 or subject to active notification by reason of court
33 martial, the individual shall, notwithstanding section
34 9799.53, be considered an offender and subject to this
35 section and sections 9799.60, 9799.62 and 9799.63(c)(1).
36 If the individual was convicted of or sentenced in the
37 other jurisdiction or sentenced by court martial for an
38 offense listed in section 9799.55(b) or an equivalent
39 offense, the individual shall be subject to this
40 subchapter for the individual's lifetime. If the
41 individual was convicted of or sentenced in the other
42 jurisdiction or sentenced by court martial for an offense
43 listed in section 9799.55(a) or an equivalent offense,
44 the individual shall be subject to this subchapter for a
45 period of 10 years or for a period of time equal to the
46 time for which the individual was required to register in
47 the other jurisdiction or required to register by reason
48 of court martial, whichever is greater, less any credit
49 due to the individual as a result of prior compliance
50 with registration requirements. Otherwise, the individual
51 shall be subject to this subchapter for a period of time

1 equal to the time for which the individual was required
2 to register in the other jurisdiction or required to
3 register by reason of court martial, less any credit due
4 to the individual as a result of prior compliance with
5 registration requirements.

6 (v) Except as provided in subparagraphs (i), (ii),
7 (iii) and (iv), if the individual is subject to passive
8 notification in the other jurisdiction or subject to
9 passive notification by reason of court martial, the
10 individual shall, notwithstanding section 9799.53, be
11 considered an offender and subject to this section and
12 sections 9799.60 and 9799.63(c)(2). The individual shall
13 be subject to this subchapter for a period of time equal
14 to the time for which the individual was required to
15 register in the other jurisdiction or required to
16 register by reason of court martial, less any credit due
17 to the individual as a result of prior compliance with
18 registration requirements.

19 (5) Notwithstanding the provisions of Chapter 63
20 (relating to juvenile matters) and except as provided in
21 paragraph (4), an individual who has a residence, is employed
22 or is a student in this Commonwealth and who is required to
23 register as a sex offender under the laws of the United
24 States or one of its territories or possessions, another
25 state, the District of Columbia, the Commonwealth of Puerto
26 Rico or a foreign nation as a result of a juvenile
27 adjudication shall register at an approved registration site
28 within three business days of the individual's arrival in
29 this Commonwealth. The provisions of this subchapter shall
30 apply to the individual as follows:

31 (i) If the individual has been classified as a
32 sexually violent predator as defined in section 9799.53
33 or determined under the laws of the other jurisdiction to
34 be subject to active notification and lifetime
35 registration on the basis of a statutorily authorized
36 administrative or judicial decision or on the basis of a
37 statute or administrative rule requiring active
38 notification and lifetime registration based solely on
39 the offense for which the individual was adjudicated, the
40 individual shall, notwithstanding section 9799.53, be
41 considered a sexually violent predator and subject to
42 lifetime registration under section 9799.55(b). The
43 individual shall also be subject to the provisions of
44 this section and sections 9799.60 and 9799.63(c)(1),
45 except that the individual shall not be required to
46 receive counseling unless required to do so by the other
47 jurisdiction.

48 (ii) Except as provided in subparagraph (i), if the
49 individual is subject to active notification in the other
50 jurisdiction, the individual shall, notwithstanding
51 section 9799.53, be considered an offender and subject to

1 registration under this subchapter. The individual shall
2 also be subject to the provisions of this section and
3 sections 9799.60, 9799.62 and 9799.63(c) (1). The
4 individual shall be subject to this subchapter for a
5 period of time equal to the time for which the individual
6 was required to register in the other jurisdiction, less
7 any credit due to the individual as a result of prior
8 compliance with registration requirements.

9 (iii) Except as provided in subparagraphs (i) and
10 (ii), if the individual is subject to passive
11 notification in the other jurisdiction, the individual
12 shall, notwithstanding section 9799.53, be considered an
13 offender and be subject to this section and sections
14 9799.60 and 9799.63(c) (2). The individual shall be
15 subject to this subchapter for a period of time equal to
16 the time for which the individual was required to
17 register in the other jurisdiction, less any credit due
18 to the individual as a result of prior registration
19 compliance.

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

21 (1) The Pennsylvania State Police shall provide the
22 information obtained under this section and sections 9799.57
23 (relating to sentencing court information) and 9799.60 to the
24 chief law enforcement officers of the police departments of
25 the municipalities in which the individual will establish a
26 residence or be employed or enrolled as a student. In
27 addition, the Pennsylvania State Police shall provide this
28 officer with the address at which the individual will
29 establish a residence or be employed or enrolled as a student
30 following the individual's release from incarceration, parole
31 or probation.

32 (2) The Pennsylvania State Police shall provide notice
33 to the chief law enforcement officers of the police
34 departments of the municipalities notified under paragraph
35 (1) when an individual fails to comply with the registration
36 requirements of this section or section 9799.60 and request,
37 as appropriate, that these police departments assist in
38 locating and apprehending the individual.

39 (3) The Pennsylvania State Police shall provide notice
40 to the chief law enforcement officers of the police
41 departments of the municipalities notified under paragraph
42 (1) when they are in receipt of information indicating that
43 the individual will no longer have a residence or be employed
44 or be enrolled as a student in the municipality.

45 (d) Penalty.--An individual subject to registration under
46 this subchapter who fails to register with the Pennsylvania
47 State Police as required by this section may be subject to
48 prosecution under 18 Pa.C.S. § 4915.2 (relating to failure to
49 comply with 42 Pa.C.S. Ch. 97 Subch. I registration
50 requirements).

51 (e) Registration sites.--An individual subject to section

1 9799.55 shall register and submit to fingerprinting and
2 photographing as required by this subchapter at approved
3 registration sites.

4 § 9799.57. Sentencing court information.

5 The sentencing court shall inform offenders and sexually
6 violent predators convicted on or after the effective date of
7 this section at the time of sentencing of the provisions of this
8 subchapter. The court shall:

9 (1) Specifically inform the offender or sexually violent
10 predator of the duty to register and provide the information
11 required for each registration, including verification as
12 required in section 9799.60(a) (relating to verification of
13 residence).

14 (2) Specifically inform the offender or sexually violent
15 predator of the duty to inform the Pennsylvania State Police
16 within three business days if the offender or sexually
17 violent predator changes residence or establishes an
18 additional residence or residences, changes employer or
19 employment location for a period of time that will exceed 14
20 days or for an aggregate period of time that will exceed 30
21 days during a calendar year or terminates employment or
22 changes institution or location at which the person is
23 enrolled as a student or terminates enrollment. In order to
24 fulfill the requirements of this paragraph, the sentencing
25 court shall specifically inform the offender or sexually
26 violent predator of the duty to inform the Pennsylvania State
27 Police of:

28 (i) the location of a temporary habitat or other
29 temporary place of abode or dwelling, including a
30 homeless shelter or park, where the individual is lodged;

31 (ii) the places the individual eats, frequents and
32 engages in leisure activities and any planned
33 destinations, including those outside this Commonwealth;
34 and

35 (iii) the place the individual receives mail,
36 including a post office box,
37 if the individual fails to establish a residence as defined
38 in paragraph (1) of the definition of "residence" in section
39 9799.53 (relating to definitions).

40 (2.1) Specifically inform the offender or sexually
41 violent predator of the duty to inform the Pennsylvania State
42 Police within three business days of becoming employed or
43 enrolled as a student if the person has not previously
44 provided that information to the Pennsylvania State Police.

45 (3) Specifically inform the offender or sexually violent
46 predator of the duty to register with a new law enforcement
47 agency if the offender or sexually violent predator moves to
48 another state no later than three business days after
49 establishing residence in another state.

50 (4) Order the fingerprints and photograph of the
51 offender or sexually violent predator to be provided to the

1 Pennsylvania State Police upon sentencing.

2 (5) Specifically inform the offender or sexually violent
3 predator of the duty to register with the appropriate
4 authorities in a state in which the offender or sexually
5 violent predator is employed, carries on a vocation or is a
6 student if the state requires the registration.

7 (6) Require the offender or sexually violent predator to
8 read and sign a form stating that the duty to register under
9 this subchapter has been explained. Where the offender or
10 sexually violent predator is incapable of reading, the court
11 shall certify the duty to register was explained to the
12 offender or sexually violent predator and the offender or
13 sexually violent predator indicated an understanding of the
14 duty.

15 § 9799.58. Assessments.

16 (a) Order for assessment.--After conviction but before
17 sentencing, a court shall order an individual convicted of an
18 offense specified in section 9799.55 (relating to registration)
19 to be assessed by the board. The order for an assessment shall
20 be sent to the administrative officer of the board within 10
21 days of the date of conviction.

22 (b) Assessment.--Upon receipt from the court of an order for
23 an assessment, a member of the board as designated by the
24 administrative officer of the board shall conduct an assessment
25 of the individual to determine if the individual should be
26 classified as a sexually violent predator. The board shall
27 establish standards for evaluations and for evaluators
28 conducting the assessments. An assessment shall include, but not
29 be limited to, an examination of the following:

30 (1) Facts of the current offense, including:

31 (i) Whether the offense involved multiple victims.

32 (ii) Whether the individual exceeded the means
33 necessary to achieve the offense.

34 (iii) The nature of the sexual contact with the
35 victim.

36 (iv) Relationship of the individual to the victim.

37 (v) Age of the victim.

38 (vi) Whether the offense included a display of
39 unusual cruelty by the individual during the commission
40 of the crime.

41 (vii) The mental capacity of the victim.

42 (2) Prior offense history, including:

43 (i) The individual's prior criminal record.

44 (ii) Whether the individual completed any prior
45 sentences.

46 (iii) Whether the individual participated in

47 available programs for sexual offenders.

48 (3) Characteristics of the individual, including:

49 (i) Age of the individual.

50 (ii) Use of illegal drugs by the individual.

51 (iii) A mental illness, mental disability or mental

1 abnormality.

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

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

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

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

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

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

25 (2) Whether the victim was a minor.

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

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

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

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

36 (e) Hearing.--

37 (1) A hearing to determine whether the individual is a
38 sexually violent predator shall be scheduled upon the
39 praecipe filed by the district attorney. The district
40 attorney upon filing a praecipe shall serve a copy of the
41 same upon defense counsel together with a copy of the report
42 of the board.

43 (2) The individual and district attorney shall be given
44 notice of the hearing and an opportunity to be heard, the
45 right to call witnesses, the right to call expert witnesses
46 and the right to cross-examine witnesses. In addition, the
47 individual shall have the right to counsel and to have a
48 lawyer appointed to represent the individual if he or she
49 cannot afford one. If the individual requests another expert
50 assessment, the individual shall provide a copy of the expert
51 assessment to the district attorney prior to the hearing.

1 (3) At the hearing prior to sentencing, the court shall
2 determine whether the Commonwealth has proved by clear and
3 convincing evidence that the individual is a sexually violent
4 predator.

5 (4) A copy of the order containing the determination of
6 the court shall be immediately submitted to the individual,
7 the district attorney, the Pennsylvania Board of Probation
8 and Parole, the Department of Corrections, the board and the
9 Pennsylvania State Police.

10 (f) Presentence investigation.--In all cases where the board
11 has performed an assessment under this section, copies of the
12 report shall be provided to the agency preparing the presentence
13 investigation.

14 (g) Parole assessment.--The Pennsylvania Board of Probation
15 and Parole may request of the board an assessment of an offender
16 or sexually violent predator be conducted and provide a report
17 to the Pennsylvania Board of Probation and Parole prior to
18 considering an offender or sexually violent predator for parole.

19 (h) Delinquent children.--Except where section 6358(b.1) is
20 applicable, the probation officer shall notify the board 90 days
21 prior to the 20th birthday of the child of the status of the
22 delinquent child who is committed to an institution or other
23 facility under section 6352 (relating to disposition of
24 delinquent child) after having been found delinquent for an act
25 of sexual violence which if committed by an adult would be a
26 violation of 18 Pa.C.S. § 3121 (relating to rape), 3123
27 (relating to involuntary deviate sexual intercourse), 3124.1
28 (relating to sexual assault), 3125 (relating to aggravated
29 indecent assault), 3126 (relating to indecent assault) or 4302
30 (relating to incest), together with the location of the facility
31 where the child is committed. The board shall conduct an
32 assessment of the child, which shall include the board's
33 determination of whether or not the child is in need of
34 commitment due to a mental abnormality as defined in section
35 6402 (relating to definitions) or a personality disorder, either
36 of which results in serious difficulty in controlling sexually
37 violent behavior, and provide a report to the court within the
38 time frames under section 6358(c). The probation officer shall
39 assist the board in obtaining access to the child and records or
40 information as requested by the board in connection with the
41 assessment. The assessment shall be conducted under subsection
42 (b).

43 (i) Other assessments.--Upon receipt from the court of an
44 order for an assessment under section 9799.59 (relating to
45 exemption from certain notifications), a member of the board as
46 designated by the administrative officer of the board shall
47 conduct an assessment of the individual to determine if the
48 relief sought, if granted, is likely to pose a threat to the
49 safety of any other person. The board shall establish standards
50 for evaluations and for evaluators conducting these assessments.
51 § 9799.59. Exemption from certain notifications.

1 (a) General rule.--An individual required to register under
2 section 9799.55(a.1) and (b) (relating to registration) may be
3 exempt from the requirement to register, the requirement to
4 verify residence, employment and enrollment in an educational
5 institution, the requirement to appear on the publicly
6 accessible Internet website maintained by the Pennsylvania State
7 Police and all other requirements of this subchapter if:

8 (1) At least 25 years have elapsed prior to filing a
9 petition with the sentencing court to be exempt from the
10 requirements of this subchapter, during which time the
11 petitioner has not been convicted in this Commonwealth or any
12 other jurisdiction or foreign country of an offense
13 punishable by imprisonment of more than one year, or the
14 petitioner's release from custody following the petitioner's
15 most recent conviction for an offense, whichever is later.

16 (2) Upon receipt of a petition filed under paragraph
17 (1), the sentencing court shall enter an order directing that
18 the petitioner be assessed by the board. Upon receipt from
19 the court of an order for an assessment under this section, a
20 member of the board designated by the administrative officer
21 of the board shall conduct an assessment of the petitioner to
22 determine if the relief sought, if granted, is likely to pose
23 a threat to the safety of any other persons. The board shall
24 establish standards for evaluations and for evaluators
25 conducting assessments.

26 (3) The order for an assessment under this section shall
27 be sent to the administrative officer of the board within 10
28 days of the entry. No later than 90 days following receipt of
29 the order, the board shall submit a written report containing
30 the board's assessment to the sentencing court, the district
31 attorney and the attorney for the sexual offender.

32 (4) Within 120 days of filing the petition under
33 paragraph (1), the sentencing court shall hold a hearing to
34 determine whether to exempt the petitioner from the
35 application of any or all of the requirements of this
36 subchapter. The petitioner and the district attorney shall be
37 given notice of the hearing and an opportunity to be heard,
38 the right to call witnesses and the right to cross-examine
39 witnesses. The petitioner shall have the right to counsel and
40 to have a lawyer appointed to represent the petitioner if the
41 petitioner cannot afford one.

42 (5) The sentencing court shall exempt the petitioner
43 from application of any or all of the requirements of this
44 subchapter, at the discretion of the court, only upon a
45 finding of clear and convincing evidence that exempting the
46 petitioner from a particular requirement or all of the
47 requirements of this subchapter is not likely to pose a
48 threat to the safety of any other person.

49 (6) A court granting relief under this section shall
50 notify the Pennsylvania State Police in writing within 10
51 days from the date relief is granted.

1 (7) The petitioner and the Commonwealth shall have the
2 right to appellate review of the actions of the sentencing
3 court under this section. An appeal by the Commonwealth shall
4 stay the order of the sentencing court. A court granting
5 relief under this section shall notify the Pennsylvania State
6 Police in writing within 10 days from the date the relief is
7 granted. If a memorandum of understanding has been entered
8 into under section 9799.61 (relating to victim notification)
9 with respect to relief granted to the petitioner, the
10 Pennsylvania State Police shall transmit the information
11 about the relief to the Office of Victim Advocate as soon as
12 is practicable. The Office of Victim Advocate shall notify
13 the victim of the relief, in accordance with the memorandum
14 of understanding, as specified in section 9799.61.

15 (8) The petitioner may file an additional petition with
16 the sentencing court no sooner than five years from the date
17 of the final determination of a court regarding the petition
18 and every five years thereafter.

19 (9) If a petitioner is exempt from any provisions of
20 this subchapter and the petitioner is subsequently convicted
21 under 18 Pa.C.S. § 4915.2 (relating to failure to comply with
22 42 Pa.C.S. Ch. 97 Subch. I registration requirements), relief
23 granted under this section shall be void, and the petitioner
24 shall automatically and immediately again be subject to the
25 provisions of this subchapter, as previously determined by
26 this subchapter.

27 (b) Agency cooperation.--All State, county and local
28 agencies, offices and entities in this Commonwealth, including
29 juvenile probation officers, shall cooperate by providing access
30 to records and information as requested by the board in
31 connection with the court-ordered assessment under subsection
32 (a).

33 § 9799.60. Verification of residence.

34 (a) Quarterly verification by sexually violent predators.--
35 The Pennsylvania State Police shall verify the residence and
36 compliance with counseling as provided for in section 9799.70
37 (relating to counseling of sexually violent predators) of
38 sexually violent predators every 90 days through the use of a
39 nonforwardable verification form to the last reported residence.
40 For the period of registration required by section 9799.55
41 (relating to registration), a sexually violent predator shall
42 appear quarterly within 10 days of the dates designated by the
43 Pennsylvania State Police each calendar year at an approved
44 registration site to complete a verification form and to be
45 photographed.

46 (a.1) Facilitation of quarterly verification.--The
47 Pennsylvania State Police shall facilitate and administer the
48 verification process required by subsection (a) by:

49 (1) sending a notice by first class United States mail
50 to all registered sexually violent predators at their last
51 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 specified 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 10
8 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 9799.55, an offender
12 shall appear within 10 days before each annual anniversary date
13 of the offender's initial registration under section 9799.55 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 (b.2) Monthly verification by individuals with temporary
29 habitats located within this Commonwealth.--The Pennsylvania
30 State Police shall verify the residence of individuals required
31 to register under this subchapter who have a residence as
32 defined in paragraph (2) of the definition of "residence" in
33 section 9799.53 (relating to definitions) every 30 days through
34 the use of a nonforwardable verification form to the last
35 reported location where the individual receives mail. The
36 individual shall appear every 30 days at an approved
37 registration site to complete a verification form and to be
38 photographed. The individual shall appear within three business
39 days of the date designated by the Pennsylvania State Police.

40 (b.3) Facilitation of monthly verification.--The
41 Pennsylvania State Police shall facilitate and administer the
42 verification process required by subsection (b.2) by:

43 (1) sending a notice by first class United States mail
44 to an individual required to register under this subchapter
45 who has a residence as defined in paragraph (2) of the
46 definition of "residence" in section 9799.53 at the last
47 reported location where the individual receives mail. This
48 notice shall be sent not more than 10 days nor less than five
49 days prior to each of the monthly verification periods and
50 shall remind the individual of the monthly verification
51 requirement and provide a list of approved registration

1 sites; and

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

4 (c) Notification of law enforcement agencies of change of
5 residence.--A change of residence of an offender or sexually
6 violent predator required to register under this subchapter
7 reported to the Pennsylvania State Police shall be immediately
8 reported by the Pennsylvania State Police to the appropriate law
9 enforcement agency having jurisdiction of the offender's or the
10 sexually violent predator's new place of residence. The
11 Pennsylvania State Police shall, if the offender or sexually
12 violent predator changes residence to another state, notify the
13 law enforcement agency with which the offender or sexually
14 violent predator must register in the new state.

15 (d) Failure to provide verification.--Where an offender or
16 sexually violent predator fails to provide verification of
17 residence defined in paragraph (1) of the definition of
18 "residence" in section 9799.53 within the 10-day period or three
19 business days in the case of an offender or sexually violent
20 predator who has a residence as defined in paragraph (2) of the
21 definition of "residence" in section 9799.53, as specified in
22 this section, the Pennsylvania State Police shall immediately
23 notify the municipal police department of the offender's or the
24 sexually violent predator's last verified residence. The local
25 municipal police shall locate the offender or sexually violent
26 predator and arrest the individual for violating this section.
27 The Pennsylvania State Police shall assume responsibility for
28 locating and arresting the offender or sexually violent predator
29 in jurisdictions where no municipal police jurisdiction exists.
30 The Pennsylvania State Police shall assist a municipal police
31 department requesting assistance with locating and arresting an
32 offender or sexually violent predator who fails to verify the
33 offender's or sexually violent predator's residence.

34 (e) Penalty.--An individual subject to registration under
35 section 9799.55(a) or (b) who fails to verify the individual's
36 residence or to be photographed as required by this section may
37 be subject to prosecution under 18 Pa.C.S. § 4915.2 (relating to
38 failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration
39 of sexual offenders requirements).

40 (f) Effect of notice.--Neither failure on the part of the
41 Pennsylvania State Police to send nor failure of a sexually
42 violent predator or offender to receive notice or information
43 under subsection (a.1), (b.1) or (b.3) shall relieve that
44 predator or offender from the requirements of this subchapter.
45 § 9799.61. Victim notification.

46 (a) Duty to inform victim.--

47 (1) Where the individual is determined to be a sexually
48 violent predator by a court under section 9799.58 (relating
49 to assessments), the local municipal police department or the
50 Pennsylvania State Police where no municipal police
51 jurisdiction exists shall give written notice to the sexually

1 violent predator's victim when the sexually violent predator
2 registers initially and when the sexually violent predator
3 notifies the Pennsylvania State Police of a change of
4 residence. In the case of a sexually violent predator who has
5 a residence as defined in paragraph (1) of the definition of
6 "residence" in section 9799.53 (relating to definitions),
7 notice shall be given within 72 hours after the sexually
8 violent predator registers or notifies the Pennsylvania State
9 Police of a change of address. The notice shall contain the
10 sexually violent predator's name and the address or addresses
11 where the individual has a residence. In the case of a
12 sexually violent predator who has a residence as defined in
13 paragraph (2) of the definition of "residence" in section
14 9799.53, the notice shall contain the sexually violent
15 predator's name and the information specified in section
16 9799.56(a)(2)(i)(A) and (B) (relating to registration
17 procedures and applicability). The notice shall be given to
18 the victim within 72 hours after the sexually violent
19 predator registers or notifies the Pennsylvania State Police
20 of a change of residence.

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

27 (b) Where an individual is not determined to be a sexually
28 violent predator.--Where an individual is not determined to be a
29 sexually violent predator by a court under section 9799.58, the
30 victim shall be notified in accordance with section 201 of the
31 act of November 24, 1998 (P.L.882, No.111), known as the Crime
32 Victims Act. This subsection includes the circumstance of an
33 offender having a residence as defined in paragraph (2) of the
34 definition of "residence" in section 9799.53.

35 (c) Alternate means of notifying victims.--

36 (1) The Pennsylvania State Police may enter into a
37 memorandum of understanding with the Office of Victim
38 Advocate to assist the Pennsylvania State Police in notifying
39 victims and providing the information under subsection (a).
40 In addition, the memorandum of understanding may also include
41 the Office of Victim Advocate's notifying a victim of relief
42 granted to a petitioner under section 9799.59 (relating to
43 exemption from certain notifications). The memorandum of
44 understanding must set forth the manner and method of
45 notifying victims and the duties of the Pennsylvania State
46 Police and the Office of Victim Advocate under this section
47 and section 9799.59(a). A memorandum of understanding entered
48 into under this subsection shall be valid for no more than 10
49 years. There shall be no limit to the number of memoranda of
50 understanding which may be executed by the Pennsylvania State
51 Police and the Office of Victim Advocate under this

1 subsection.

2 (2) As used in this subsection, the term "Office of
3 Victim Advocate" shall mean the office established under
4 section 301 of the Crime Victims Act.

5 § 9799.62. Other notification.

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

13 (1) The notice shall contain:

14 (i) The name of the convicted sexually violent
15 predator.

16 (ii) The address or addresses at which the sexually
17 violent predator has a residence. If, however, the
18 sexually violent predator has a residence as defined in
19 paragraph (2) of the definition of "residence" in section
20 9799.53 (relating to definitions), the notice shall be
21 limited to that provided for under section 9799.56(a) (2)

22 (i) (C) (relating to registration procedures and
23 applicability).

24 (iii) The offense for which the sexually violent
25 predator was convicted, sentenced by a court, adjudicated
26 delinquent or court martialled.

27 (iv) A statement that the individual has been
28 determined by court order to be a sexually violent
29 predator, which determination has or has not been
30 terminated as of a date certain.

31 (v) A photograph of the sexually violent predator,
32 if available.

33 (2) The notice shall not include information that might
34 reveal the victim's name, identity and residence.

35 (b) To whom written notice is provided.--The chief law
36 enforcement officer shall provide written notice, under
37 subsection (a), to the following persons:

38 (1) Neighbors of the sexually violent predator. As used
39 in this paragraph, where the sexually violent predator lives
40 in a common interest community, the term "neighbor" includes
41 the unit owners' association and residents of the common
42 interest community.

43 (2) The director of the county children and youth
44 service agency of the county where the sexually violent
45 predator has a residence.

46 (3) The superintendent of each school district and the
47 equivalent official for private and parochial schools
48 enrolling students up through grade 12 in the municipality
49 where the sexually violent predator has a residence.

50 (3.1) The superintendent of each school district and the
51 equivalent official for each private and parochial school

1 located within a one-mile radius of where the sexually
2 violent predator has a residence.

3 (4) The licensee of each certified day care center and
4 licensed preschool program and owner/operator of each
5 registered family day-care home in the municipality where the
6 sexually violent predator has a residence.

7 (5) The president of each college, university and
8 community college located within 1,000 feet of a sexually
9 violent predator's residence.

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

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

20 (2) To the persons specified in subsection (b)(2), (3),
21 (4) and (5), notice shall be provided within seven days after
22 the chief law enforcement officer receives information
23 regarding the sexually violent predator's release date and
24 residence.

25 (d) Public notice.--All information provided in accordance
26 with subsection (a) shall be available, upon request, to the
27 general public. The information may be provided by electronic
28 means.

29 (e) Interstate transfers.--The duties of police departments
30 under this section shall also apply to individuals who are
31 transferred to this Commonwealth under the Interstate Compact
32 for the Supervision of Adult Offenders or the Interstate Compact
33 for Juveniles.

34 § 9799.63. Information made available on Internet and
35 electronic notification.

36 (a) Legislative findings.--It is hereby declared to be the
37 finding of the General Assembly that public safety will be
38 enhanced by making information about sexually violent predators,
39 lifetime registrants and other sex offenders available to the
40 public through the Internet and electronic notification.
41 Knowledge of whether a person is a sexually violent predator,
42 lifetime registrant or other sex offender could be a significant
43 factor in protecting oneself and one's family members, or those
44 in care of a group or community organization, from recidivist
45 acts by sexually violent predators, lifetime registrants and
46 other sex offenders. The technology afforded by the Internet and
47 electronic notification would make this information readily
48 accessible to parents and private entities, enabling them to
49 undertake appropriate remedial precautions to prevent or avoid
50 placing potential victims at risk. Public access to information
51 about sexually violent predators, lifetime registrants and other

1 sex offenders is intended solely as a means of public protection
2 and shall not be construed as punitive.

3 (b) Internet posting of sexually violent predators, lifetime
4 registrants, other offenders and electronic notification.--The
5 Commissioner of the Pennsylvania State Police shall, in the
6 manner and form directed 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. The
14 publicly accessible Internet website created under this
15 subchapter and the information required to be posted under
16 this subchapter shall be included on the publicly accessible
17 Internet website created and maintained by the Pennsylvania
18 State Police under Subchapter H (relating to registration of
19 sexual offenders).

20 (2) Ensure that the Internet website contains warnings
21 that a person who uses the information contained on the
22 Internet website to threaten, intimidate or harass another or
23 who otherwise misuses that information may be criminally
24 prosecuted.

25 (3) Ensure that the Internet website contains:

26 (i) An explanation of its limitations, including
27 statements advising that a positive identification of a
28 sexually violent predator, lifetime registrant or other
29 offender whose record has been made available may be
30 confirmed only by fingerprints.

31 (ii) A statement that some information contained on
32 the Internet website may be outdated or inaccurate.

33 (iii) A statement that the Internet website is not a
34 comprehensive listing of every person who has ever
35 committed a sex offense in Pennsylvania.

36 (4) Strive to ensure that:

37 (i) the information contained on the Internet
38 website is accurate;

39 (ii) the data on the Internet website is revised and
40 updated as appropriate in a timely and efficient manner;
41 and

42 (iii) instructions are included on how to seek
43 correction of information which a person contends is
44 erroneous.

45 (5) Provide on the Internet website general information
46 designed to inform and educate the public about sex offenders
47 and sexually violent predators and the operation of this
48 subchapter as well as pertinent and appropriate information
49 concerning crime prevention and personal safety, with
50 appropriate links to other relevant Internet websites
51 operated by the Commonwealth of Pennsylvania.

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

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

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

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

16 (i) name and all known aliases;

17 (ii) year of birth;

18 (iii) in the case of an individual who has a
19 residence as defined in paragraph (1) of the definition
20 of "residence" in section 9799.53 (relating to
21 definitions), the street address, municipality, county
22 and zip code of all residences, including, where
23 applicable, the name of the prison or other place of
24 confinement;

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

28 (v) the municipality, county and zip code of an
29 employment location;

30 (vi) a photograph of the individual, which shall be
31 updated not less than annually;

32 (vii) a physical description of the offender,
33 including sex, height, weight, eye color, hair color and
34 race;

35 (viii) identifying marks, including scars,
36 birthmarks and tattoos;

37 (ix) the license plate number and description of a
38 vehicle owned or registered to the offender;

39 (x) whether the offender is currently compliant with
40 registration requirements;

41 (xi) whether the victim is a minor;

42 (xii) a description of the offense or offenses which
43 triggered the application of this subchapter;

44 (xiii) the date of the offense and conviction, if
45 available; and

46 (xiv) in the case of an individual who has a
47 residence as defined in paragraph (2) of the definition
48 of "residence" in section 9799.53, the information listed
49 in section 9799.56(a)(2)(i)(C) (relating to registration
50 procedures and applicability), including, where
51 applicable, the name of the prison or other place of

1 confinement.

2 (2) For all other lifetime registrants and offenders
3 subject to registration, the information specified in
4 paragraph (1) shall be posted on the Internet website.

5 (d) Duration of Internet posting.--

6 (1) The information listed in subsection (c) about a
7 sexually violent predator shall be made available on the
8 Internet for the lifetime of the sexually violent predator.

9 (2) The information listed in subsection (c) about an
10 offender who is subject to lifetime registration shall be
11 made available on the Internet for the lifetime of the
12 offender unless the offender is granted relief under section
13 9799.59 (relating to exemption from certain notifications).

14 (3) The information listed in subsection (c) about any
15 other offender subject to registration shall be made
16 available on the Internet for the entire period during which
17 the offender is required to register, including an extension
18 of this period under section 9799.56(a)(3).

19 § 9799.64. Administration.

20 The Governor shall direct the Pennsylvania State Police, the
21 Pennsylvania Board of Probation and Parole, the State Sexual
22 Offenders Assessment Board, the Department of Corrections, the
23 Department of Transportation and any other agency of this
24 Commonwealth the Governor deems necessary to collaboratively
25 design, develop and implement an integrated and secure system of
26 communication, storage and retrieval of information to assure
27 the timely, accurate and efficient administration of this
28 subchapter.

29 § 9799.65. Global positioning system technology.

30 The Pennsylvania Board of Probation and Parole and county
31 probation authorities may impose supervision conditions that
32 include offender tracking through global positioning system
33 technology.

34 § 9799.66. Immunity for good faith conduct.

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

37 (1) The Pennsylvania State Police and local law
38 enforcement agencies and employees of law enforcement
39 agencies.

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

41 (3) Superintendents, administrators, teachers, employees
42 and volunteers engaged in the supervision of children of a
43 public, private or parochial school.

44 (4) Directors and employees of county children and youth
45 agencies.

46 (5) Presidents or similar officers of universities and
47 colleges, including community colleges.

48 (6) The Pennsylvania Board of Probation and Parole and
49 its agents and employees.

50 (7) County probation and parole offices and their agents
51 and employees.

1 (8) Licensees of certified day-care centers and
2 directors of licensed preschool programs and owners/operators
3 of registered family day-care homes, and their agents and
4 employees.

5 (9) The Pennsylvania Department of Corrections and its
6 agents and employees.

7 (10) County correctional facilities and their agents and
8 employees.

9 (11) Members of the Sexual Offenders Assessment Board
10 and its agents and employees.

11 (12) The unit owners' association of a common interest
12 community and its agents and employees as it relates to
13 distributing information regarding sexually violent predators
14 obtained under section 9799.62(b)(1) (relating to other
15 notification).

16 § 9799.67. Duties of Pennsylvania State Police.

17 The Pennsylvania State Police shall:

18 (1) Create and maintain a State registry of offenders
19 and sexually violent predators required to register under
20 this subchapter. The registry shall be incorporated as part
21 of the registry established under Subchapter H (relating to
22 registration of sexual offenders).

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 chairperson and the minority
26 chairperson of the Judiciary Committee of the Senate and the
27 chairperson and the minority chairperson of the Judiciary
28 Committee of the House of Representatives, promulgate
29 guidelines necessary for the general administration of this
30 subchapter. These guidelines shall establish procedures to
31 allow an individual subject to the requirements of sections
32 9799.55 (relating to registration) and 9799.60 (relating to
33 verification of residence) to fulfill these requirements at
34 approved registration sites throughout this Commonwealth.
35 This paragraph includes the duty to establish procedures to
36 allow an individual who has a residence as defined in
37 paragraph (2) of the definition of "residence" in section
38 9799.53 (relating to definitions) to fulfill the requirements
39 regarding registration at approved registration sites
40 throughout this Commonwealth. The Pennsylvania State Police
41 shall publish a list of approved registration sites in the
42 Pennsylvania Bulletin and provide a list of approved
43 registration sites in any notices sent to individuals
44 required to register under section 9799.55. An approved
45 registration site shall be capable of submitting
46 fingerprints, photographs and other information required
47 electronically to the Pennsylvania State Police. The
48 Pennsylvania State Police shall require that approved
49 registration sites submit fingerprints utilizing the
50 Integrated Automated Fingerprint Identification System or in
51 another manner and in the form as the Pennsylvania State

1 Police shall require. The Pennsylvania State Police shall
2 require that approved registration sites submit photographs
3 utilizing the Commonwealth Photo Imaging Network or in
4 another manner and in the form as the Pennsylvania State
5 Police shall require. Approved registration sites shall not
6 be limited to sites managed by the Pennsylvania State Police
7 and shall include sites managed by local law enforcement
8 agencies that meet the criteria for approved registration
9 sites specified in this paragraph.

10 (3) Write regulations regarding neighbor notification of
11 the current residence of sexually violent predators.

12 (4) Notify, within five business days of receiving the
13 offender's or the sexually violent predator's registration,
14 the chief law enforcement officers of the police departments
15 having primary jurisdiction of the municipalities in which an
16 offender or sexually violent predator has a residence, is
17 employed or enrolled as a student of the fact that the
18 offender or sexually violent predator has been registered
19 with the Pennsylvania State Police under sections 9799.56
20 (relating to registration procedures and applicability) and
21 9799.60.

22 (5) In consultation with the Department of Education and
23 the Pennsylvania Board of Probation and Parole, promulgate
24 guidelines directing licensed day-care centers, licensed
25 preschool programs, schools, universities and colleges,
26 including community colleges, on the proper use and
27 administration of information received under section 9799.62
28 (relating to other notification).

29 (6) Immediately transfer the information received from
30 the Pennsylvania Board of Probation and Parole under section
31 9799.68(2) and (3) (relating to duties of Pennsylvania Board
32 of Probation and Parole) and the fingerprints of a sexually
33 violent predator to the Federal Bureau of Investigation.

34 (7) Notify individuals of the requirements under this
35 subchapter, as specified in section 9799.54 (relating to
36 applicability).

37 § 9799.68. Duties of Pennsylvania Board of Probation and
38 Parole.

39 The Pennsylvania Board of Probation and Parole shall:

40 (1) Create a notification form which will inform State
41 and county prison and probation and parole personnel how to
42 inform offenders and sexually violent predators required to
43 register under this subchapter of their duty under the law.

44 (2) In cooperation with the Department of Corrections
45 and other Commonwealth agencies, obtain the following
46 information regarding offenders and sexually violent
47 predators:

48 (i) Name, including aliases.

49 (ii) Identifying factors.

50 (iii) Anticipated future residence.

51 (iv) Offense history.

1 (v) Documentation of treatment received for the
2 mental abnormality or personality disorder.

3 (vi) Photograph of the offender or sexually violent
4 predator.

5 (3) Immediately transmit the information in paragraph
6 (2) to the Pennsylvania State Police for immediate entry into
7 the State registry of offenders and sexually violent
8 predators and the criminal history record of the individual
9 as provided in 18 Pa.C.S. Ch. 91 (relating to criminal
10 history record information).

11 (4) Apply for Federal funding as provided in the Adam
12 Walsh Child Protection and Safety Act of 2006 (Public Law
13 109-248, 120 Stat. 587) to support and enhance programming
14 using satellite global positioning system technology.
15 § 9799.69. Board.

16 (a) Composition.--The State Sexual Offenders Assessment
17 Board shall be composed of psychiatrists, psychologists and
18 criminal justice experts, each of whom is an expert in the field
19 of the behavior and treatment of sexual offenders.

20 (b) Appointment.--The Governor shall appoint the board
21 members.

22 (c) Term of office.--Members of the board shall serve four-
23 year terms.

24 (d) Compensation.--The members of the board shall be
25 compensated at a rate of \$350 per assessment and receive
26 reimbursement for their actual and necessary expenses while
27 performing the business of the board. The chairman shall receive
28 \$500 additional compensation per annum.

29 (e) Staff.--Support staff for the board shall be provided by
30 the Pennsylvania Board of Probation and Parole.

31 § 9799.70. Counseling of sexually violent predators.

32 For the period of registration required by section 9799.55(b)
33 (relating to registration), a sexually violent predator shall be
34 required to attend at least monthly counseling sessions in a
35 program approved by the board and be financially responsible for
36 all fees assessed from the counseling sessions. The board shall
37 monitor the compliance of the sexually violent predator. If the
38 sexually violent predator can prove to the satisfaction of the
39 court that the person cannot afford to pay for the counseling
40 sessions, that person shall still attend the counseling sessions
41 and the parole office shall pay the requisite fees.

42 § 9799.71. Exemption from notification for certain licensees
43 and their employees.

44 Nothing in this subchapter shall be construed as imposing a
45 duty upon a person or an employee of a person licensed under the
46 act of February 19, 1980 (P.L.15, No.9), known as the Real
47 Estate Licensing and Registration Act, to disclose information
48 regarding:

49 (1) a sexually violent predator; or

50 (2) an individual who is transferred to this

51 Commonwealth under the Interstate Compact for the Supervision

1 of Adult Offenders or the Interstate Compact for Juveniles.
2 § 9799.72. Annual performance audit.

3 (a) Duties of Attorney General.--The Attorney General shall:

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

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

23 (3) Provide a copy of its report to the Pennsylvania
24 State Police, the Pennsylvania Board of Probation and Parole,
25 the Department of Corrections, the State Sexual Offenders
26 Assessment Board, the Administrative Office of Pennsylvania
27 Courts, State or local agencies referenced therein, the
28 chairperson and the minority chairperson of the Judiciary
29 Committee of the Senate and the chairperson and the minority
30 chairperson of the Judiciary Committee of the House of
31 Representatives no less than 30 days prior to the report's
32 release to the general public.

33 (b) Cooperation required.--Notwithstanding any other
34 provision of law to the contrary, the Pennsylvania State Police,
35 the Pennsylvania Board of Probation and Parole, the Department
36 of Corrections, the State Sexual Offenders Assessment Board, the
37 Administrative Office of Pennsylvania Courts, the Pennsylvania
38 Commission on Sentencing and any other State or local agency
39 requested to do so shall fully cooperate with the Attorney
40 General and assist the office in satisfying the requirements of
41 this section. For purposes of this subsection, full cooperation
42 shall include, at a minimum, complete access to unredacted
43 records, files, reports and data systems.

44 § 9799.73. Photographs and fingerprinting.

45 An individual subject to section 9799.55 (relating to
46 registration) shall submit to fingerprinting and photographing
47 as required by this subchapter at approved registration sites.
48 Fingerprinting as required by this subchapter shall, at a
49 minimum, require submission of a full set of fingerprints.
50 Photographing as required by this subchapter shall, at a
51 minimum, require submission to photographs of the face and

scars, marks, tattoos or other unique features of the individual. Fingerprints and photographs obtained under this subchapter may be maintained for use under this subchapter and for general law enforcement purposes.

§ 9799.74. Standing for Pennsylvania State Police.

Except for petitions filed under section 9799.59(a) (relating to exemptions from certain notifications), the Pennsylvania State Police shall have standing to appear and contest a filing in a court of this Commonwealth which seeks to challenge in any way the obligation of an individual required to register with the Pennsylvania State Police under this subchapter.

§ 9799.75. Construction of subchapter.

(a) Registration.--Nothing in this subchapter shall be construed to relieve an individual from the obligation to register with the Pennsylvania State Police under Subchapter I if the individual:

(1) committed a sexually violent offense within this Commonwealth or committed an offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation which is similar or equivalent to a sexually violent offense, or who was court martialled for a similar or equivalent offense, whether or not the offense is designated as a sexually violent offense; and

(2) was required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth that was enacted before December 20, 2012, or would have been required to register with the Pennsylvania State Police under Act 152 of 2004.

(b) Reregistration.--Nothing in this subchapter shall be construed to require an individual who had previously registered with the Pennsylvania State Police for a sexually violent offense prior to July 9, 2000, to reregister under this subchapter if the individual's registration requirements were satisfied.

Section 20. This act applies as follows:

(1) The amendment of 18 Pa.C.S. § 4915.1 and 42 Pa.C.S. Ch. 97 Subch. H shall apply to an individual who commits an offense on or after December 20, 2012.

(2) The addition of 18 Pa.C.S. § 4915.2 and 42 Pa.C.S. Ch. 97 Subch. I shall apply to:

(i) An individual who committed an offense set forth in 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before December 20, 2012, and whose period of registration as set forth in 42 Pa.C.S. § 9799.55 has not expired.

(ii) An individual required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth as set forth in 42 Pa.C.S. § 9799.55(a)(1)(i), (b)(2) and (4).

(iii) An individual who, before or after the

effective date of this paragraph:

(A) Commits an offense subject to 42 Pa.C.S.

Subch. H; but

(B) because of a judicial determination on or after the effective date of this section of the invalidity of 42 Pa.C.S. Subch. H, is not subject to registration as a sexual offender.

Section 21. The amendment or addition of 42 Pa.C.S. §§ 9799.25(f) and 9799.55(d) shall apply to all group-based homes and their residents, regardless of when the group-based homes began to provide housing or the residents began their residency.

Section 22. This act shall take effect as follows:

(1) The addition of 42 Pa.C.S. § 9718.5 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.