

AMENDMENTS TO HOUSE BILL NO. 1952

Sponsor: SENATOR CORMAN

Printer's No. 2820

1 Amend Bill, page 1, lines 1 through 15, by striking out all
2 of 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, for definitions and for expunction
14 of information of perpetrator who was under 18 years of age
15 when child abuse was committed; in domestic and sexual
16 violence victim address confidentiality, further providing
17 for agency use of designated address; in sentencing,
18 extensively revising registration of sexual offenders
19 provisions; and making editorial changes.

20 Amend Bill, page 1, lines 18 through 22; pages 2 through 110,
21 lines 1 through 30; page 111, lines 1 through 26; by striking
22 out all of said lines on said pages and inserting

23 Section 1. Sections 3130, 3141 and 4915.1(a.2)(2), (b)(4),
24 (c.1)(4), (c.3), (d), (e.1) and (f) of Title 18 of the
25 Pennsylvania Consolidated Statutes, amended February 21, 2018
26 (P.L.27, No.10), are reenacted to read:
27 § 3130. Conduct relating to sex offenders.

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

1 eluding a law enforcement agent or agency that is seeking to
2 find the sex offender to question the sex offender about, or to
3 arrest the sex offender for, noncompliance with the requirements
4 of the sex offender's probation or parole or the requirements of
5 42 Pa.C.S. Ch. 97 Subch. H or I:

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

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

13 (3) conceals or attempts to conceal, or assists another
14 person in concealing or attempting to conceal, the sex
15 offender; or

16 (4) provides information to the law enforcement agent or
17 agency regarding the sex offender which the person knows to
18 be false.

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

23 § 3141. General rule.

24 A person:

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

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

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

43 § 4915.1. Failure to comply with registration requirements.

44 * * *

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

46 * * *

47 (2) An individual who is subject to a counseling
48 requirement under a sex offender registration statute
49 following conviction in another jurisdiction where the
50 requirement is based on the commitment of an offense on or
51 after December 20, 2012, for which the individual was

convicted, commits an offense if the individual knowingly fails to comply with 42 Pa.C.S. § 9799.36.
(b) Grading for sexual offenders who must register for 15 years or who must register pursuant to 42 Pa.C.S. § 9799.13(7.1).--

* * *

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

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

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

* * *

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

* * *

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

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

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

* * *

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

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

* * *

(e.1) Affirmative defense.--It is an affirmative defense for a prosecution under this section that the individual acted in accordance with a court order under 42 Pa.C.S. § 9799.15(a.2).

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

"Sexual offender." The term shall have the meaning given to it in 42 Pa.C.S. § 9799.12 (relating to definitions).

"Sexually violent delinquent child." The term shall have the meaning given to it in 42 Pa.C.S. § 9799.12 (relating to

1 definitions).

2 "Sexually violent predator." The term shall have the meaning
3 given to it in 42 Pa.C.S. § 9799.12 (relating to definitions).

4 "Similar offense." An offense similar to an offense under
5 either subsection (a)(1) or (2) under the laws of this
6 Commonwealth, another jurisdiction or a foreign country or a
7 military offense, as defined in 42 Pa.C.S. § 9799.12 (relating
8 to definitions).

9 "Transient." The term shall have the meaning given to it in
10 42 Pa.C.S. § 9799.12 (relating to definitions).

11 Section 2. Section 4915.2 of Title 18, added February 21,
12 2018 (P.L.27, No.10), is reenacted and amended to read:

13 § 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I
14 registration requirements.

15 (a) Offense defined.--An individual who is subject to
16 registration under 42 Pa.C.S. § 9799.55(a), (a.1) or (b)
17 (relating to registration) or who was subject to registration
18 under former 42 Pa.C.S. § 9793 (relating to registration of
19 certain offenders for ten years) commits an offense if the
20 individual knowingly fails to:

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

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

27 (3) provide accurate information when registering under
28 42 Pa.C.S. § 9799.56 or verifying a residence under 42
29 Pa.C.S. § 9799.60.

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

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

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

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

41 (1) (Reserved).

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

48 (3) An individual subject to registration under 42
49 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and
50 required to register for a period of 10 years who commits a
51 violation of subsection (a)(1) or (2) and who has previously

1 been convicted of an offense under subsection (a)(1) or (2)
2 or a similar offense commits a felony of the second degree.

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

7 (c) Grading for sexually violent predators and others with
8 lifetime registration.--

9 (1) (Reserved).

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

15 (3) An individual subject to registration under 42
16 Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is
17 subject to lifetime registration who commits a violation of
18 subsection (a)(1) or (2) and who has previously been
19 convicted of an offense under subsection (a)(1) or (2) or a
20 similar offense commits a felony of the first degree.

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

25 (c.1) Grading for failure to comply with counseling
26 requirements.--An individual designated as a sexually violent
27 predator or an individual who is subject to a counseling
28 requirement under a sex offender registration statute following
29 conviction in another jurisdiction who commits a violation of
30 subsection (a.1) commits a misdemeanor of the first degree.

31 (d) Effect of notice.--Neither failure on the part of the
32 Pennsylvania State Police to send nor failure of a sexually
33 violent predator or offender to receive a notice or information
34 under 42 Pa.C.S. § 9799.54(b) (relating to applicability) or
35 9799.60(a.1), (b.1) or (b.3) shall be a defense to a prosecution
36 commenced against an individual arising from a violation of this
37 section. The provisions of 42 Pa.C.S. §§ 9799.54(b) and
38 9799.60(a.1), (b.1) or (b.3) are not an element of an offense
39 under this section.

40 (e) Arrests for violation.--

41 (1) A police officer shall have the same right of arrest
42 without a warrant as in a felony whenever the police officer
43 has probable cause to believe an individual has committed a
44 violation of this section regardless of whether the violation
45 occurred in the presence of the police officer.

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

51 (3) Prior to admitting an individual arrested for a

1 violation of this section to bail, the issuing authority
2 shall require all of the following:

3 (i) The individual must be fingerprinted and
4 photographed in the manner required by 42 Pa.C.S. Ch. 97
5 Subch. I (relating to continued registration of sexual
6 offenders).

7 (ii) The individual must provide the Pennsylvania
8 State Police with all current or intended residences, all
9 information concerning current or intended employment,
10 including all employment locations, and all information
11 concerning current or intended enrollment as a student.
12 If the individual has a residence as defined in paragraph
13 (2) of the definition of "residence" set forth in 42
14 Pa.C.S. § 9799.53 (relating to definitions), the
15 individual must provide the Pennsylvania State Police
16 with the information required under 42 Pa.C.S. §
17 9799.56(a)(2)(i)(A), (B) and (C).

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

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

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

25 (1) An individual who committed an offense set forth in
26 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before
27 December 20, 2012, and whose period of registration under 42
28 Pa.C.S. § 9799.55 has not expired.

29 (2) An individual who was required to register with the
30 Pennsylvania State Police under a former sexual offender
31 registration law of this Commonwealth on or after April 22,
32 1996, but before December 20, 2012, whose period of
33 registration has not expired.

34 (3) An individual who, before [the effective date of
35 this paragraph] February 21, 2018:

36 (i) commits an offense subject to 42 Pa.C.S. Ch. 97
37 Subch. H (relating to registration of sexual offenders);
38 but

39 (ii) because of a judicial determination on or after
40 [the effective date of this section] February 21, 2018,
41 of the invalidity of 42 Pa.C.S. Ch. 97 Subch. H, is not
42 subject to registration as a sexual offender.

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

46 "Sexually violent predator." As defined in 42 Pa.C.S. §
47 9799.53.

48 "Similar offense." An offense similar to an offense under
49 either subsection (a)(1) or (2) under the laws of this
50 Commonwealth, the United States or one of its territories or
51 possessions, another state, the District of Columbia, the

1 Commonwealth of Puerto Rico or a foreign nation.

2 Section 3. Sections 2511(a)(11), 6303(b.1)(8)(vii),
3 6338.1(c)(4) and 6707 of Title 23, amended February 21, 2018
4 (P.L.27, No.10), are reenacted to read:

5 § 2511. Grounds for involuntary termination.

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

9 * * *

10 (11) The parent is required to register as a sexual
11 offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to
12 registration of sexual offenders) or I (relating to continued
13 registration of sexual offenders) or to register with a
14 sexual offender registry in another jurisdiction or foreign
15 country.

16 * * *

17 § 6303. Definitions.

18 * * *

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

22 * * *

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

24 * * *

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

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

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

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

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

43 * * *

44 § 6338.1. Expunction of information of perpetrator who was
45 under 18 years of age when child abuse was committed.

46 * * *

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

49 * * *

50 (4) An individual who:

51 (i) Is required to register under 42 Pa.C.S. Ch. 97

1 Subch. H or I (relating to continued registration of
2 sexual offenders) as a result of a criminal conviction
3 for the same acts which resulted in the sexual offender
4 being named a perpetrator of child abuse.

5 (ii) Has not completed the period of registration
6 required under 42 Pa.C.S. Subch. H or I.

7 § 6707. Agency use of designated address.

8 State and local government agencies shall accept the
9 substitute address designated on a valid program participation
10 card issued to the program participant by the Office of Victim
11 Advocate as the program participant's address except as follows:

12 (1) when the State or local government agency has been
13 granted a waiver pursuant to section 6709 (relating to waiver
14 process); or

15 (2) when the program participant is any of the
16 following:

17 (i) a released offender complying with State or
18 county probation or parole requirements; or

19 (ii) a convicted sexual offender who has fulfilled
20 the offender's sentence but must register the offender's
21 community residence as required under 42 Pa.C.S. Ch. 97
22 Subch. H (relating to registration of sexual offenders)
23 or I (relating to continued registration of sexual
24 offenders) or any similar registration requirement
25 imposed by any other jurisdiction.

26 Section 4. Sections 9718.1(a) introductory paragraph,
27 9799.10(4) and 9799.11 heading, (b)(4) and (c) of Title 42,
28 amended or added February 21, 2018 (P.L.27, No.10), are
29 reenacted to read:

30 § 9718.1. Sexual offender treatment.

31 (a) General rule.--A person, including an offender
32 designated as a "sexually violent predator" as defined in
33 section 9799.12 (relating to definitions) or 9799.53 (relating
34 to definitions), shall attend and participate in a Department of
35 Corrections program of counseling or therapy designed for
36 incarcerated sex offenders if the person is incarcerated in a
37 State institution for any of the following provisions under 18
38 Pa.C.S. (relating to crimes and offenses):

39 * * *

40 § 9799.10. Purposes of subchapter.

41 This subchapter shall be interpreted and construed to
42 effectuate the following purposes:

43 * * *

44 (4) To require individuals who are subject to the
45 criminal justice system of this Commonwealth as inmates,
46 supervised with respect to probation or parole or registrants
47 due to committing a sexually violent offense on or after
48 December 20, 2012, for which the individual was convicted, to
49 register with the Pennsylvania State Police and to otherwise
50 comply with this subchapter. To the extent practicable and
51 consistent with the requirements of the Adam Walsh Child

1 Protection and Safety Act of 2006, this subchapter shall be
2 construed to maintain existing procedures regarding
3 registration of sexual offenders who are subject to the
4 criminal justice system of this Commonwealth.

5 * * *

6 § 9799.11. Legislative findings, declaration of policy and
7 scope.

8 * * *

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

11 * * *

12 (4) It is the intention of the General Assembly to
13 address the Pennsylvania Supreme Court's decision in
14 Commonwealth v. Muniz, 164 A.3d 1189 (Pa. 2017) and the
15 Pennsylvania Superior Court's decision in Commonwealth v.
16 Butler (2017 WL 3882445).

17 (c) Scope.--This subchapter shall apply to individuals who
18 committed a sexually violent offense on or after December 20,
19 2012, for which the individual was convicted.

20 Section 5. The definitions of "sexual offender," "sexually
21 violent delinquent child," "sexually violent offense," "sexually
22 violent predator" and "transient" in section 9799.12 of Title
23 42, amended February 21, 2018 (P.L.27, No.10), are reenacted to
24 read:

25 § 9799.12. Definitions.

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

29 * * *

30 "Sexual offender." An individual who has committed a
31 sexually violent offense. The term includes a sexually violent
32 predator.

33 "Sexually violent delinquent child." As defined in section
34 6402 (relating to definitions) if the determination as a
35 sexually violent delinquent child is based on an act of sexual
36 violence, as defined in section 6402, committed on or after
37 December 20, 2012, for which the child was adjudicated
38 delinquent and determined to be in need of commitment for
39 involuntary treatment as specified in Chapter 64 (relating to
40 court-ordered involuntary treatment of certain sexually violent
41 persons).

42 "Sexually violent offense." An offense specified in section
43 9799.14 (relating to sexual offenses and tier system) as a Tier
44 I, Tier II or Tier III sexual offense committed on or after
45 December 20, 2012, for which the individual was convicted.

46 "Sexually violent predator." An individual who committed a
47 sexually violent offense on or after December 20, 2012, for
48 which the individual was convicted, specified in:

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

1 under section 9799.14(b)(1), (2), (3), (4), (5), (6), (8),
2 (9) or (10);
3 (2) section 9799.14(c)(1), (1.1), (1.2), (1.3), (2),
4 (3), (4), (5) or (6) or an attempt, conspiracy or
5 solicitation to commit an offense under section 9799.14(c)
6 (1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or
7 (3) section 9799.14(d)(1), (2), (3), (4), (5), (6), (7),
8 (8) or (9) or an attempt, conspiracy or solicitation to
9 commit an offense under section 9799.14(d)(1), (2), (3), (4),
10 (5), (6), (7), (8) or (9)
11 who is determined to be a sexually violent predator under
12 section 9799.24 (relating to assessments) due to a mental
13 abnormality or personality disorder that makes the individual
14 likely to engage in predatory sexually violent offenses. The
15 term includes an individual determined to be a sexually violent
16 predator or similar designation where the determination occurred
17 in another jurisdiction, a foreign country or by court martial
18 following a judicial or administrative determination pursuant to
19 a process similar to that under section 9799.24 where the
20 determination or designation is based on the commitment of a
21 sexually violent offense on or after December 20, 2012, for
22 which the individual was convicted.

23 * * *

24 "Transient." A sexual offender who does not have a residence
25 but nevertheless resides in this Commonwealth in a temporary
26 habitat or other temporary place of abode or dwelling,
27 including, but not limited to, a homeless shelter or park.

28 Section 6. Section 9799.13 of Title 42, amended February 21,
29 2018 (P.L.27, No.10), is reenacted and amended to read:
30 § 9799.13. Applicability.

31 The following individuals shall register with the
32 Pennsylvania State Police as provided in sections 9799.15
33 (relating to period of registration), 9799.19 (relating to
34 initial registration) and 9799.25 (relating to verification by
35 sexual offenders and Pennsylvania State Police) and otherwise
36 comply with the provisions of this subchapter:

37 (1) A sexual offender who has a residence within this
38 Commonwealth or is a transient.

39 (1.1) A sexual offender who is convicted in this
40 Commonwealth and who does not have a residence in this
41 Commonwealth and:

42 (i) is employed in this Commonwealth; or

43 (ii) is a student in this Commonwealth.

44 (1.2) A sexual offender who does not have a residence
45 within this Commonwealth or is not a transient in this
46 Commonwealth and:

47 (i) is employed in this Commonwealth; or

48 (ii) is a student in this Commonwealth.

49 (2) A sexual offender who is an inmate in a State or
50 county correctional institution of this Commonwealth,
51 including a community corrections center or a community

1 contract facility, is being supervised by the Pennsylvania
2 Board of Probation and Parole or county probation or parole,
3 is subject to a sentence of intermediate punishment or has
4 supervision transferred pursuant to the Interstate Compact
5 for Adult Supervision in accordance with section 9799.19(g).

6 (2.1) A sexual offender who is an inmate in a Federal
7 correctional institution or is supervised by Federal
8 probation authorities and who:

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

11 (ii) is employed within this Commonwealth; or

12 (iii) is a student within this Commonwealth.

13 (7) A sexual offender required to register in a sexual
14 offender registry in another jurisdiction or in a foreign
15 country based upon a conviction for a sexually violent
16 offense or under a sexual offender statute in the
17 jurisdiction where the individual is convicted 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 (7.1) An individual who, as a result of committing an
23 offense set forth in section 9799.14(b)(23) (relating to
24 sexual offenses and tier system) on or after December 20,
25 2012, for which the individual was convicted, is required to
26 register in a sexual offender registry 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 (7.2) A sexual offender who is convicted in another
33 jurisdiction or foreign country, or is incarcerated or under
34 supervision as a result of a conviction in another
35 jurisdiction or foreign country and:

36 (i) has a residence in this Commonwealth or is a
37 transient;

38 (ii) is employed within this Commonwealth; or

39 (iii) is a student within this Commonwealth.

40 (8) An individual who, on or after [the effective date
41 of this section] December 20, 2012, is a juvenile offender
42 who was adjudicated delinquent within this Commonwealth or
43 was adjudicated delinquent in another jurisdiction or a
44 foreign country and:

45 (i) has a residence within this Commonwealth;

46 (ii) is employed within this Commonwealth; or

47 (iii) is a student within this Commonwealth.

48 (8.1) An individual who is a juvenile offender who is
49 adjudicated delinquent in this Commonwealth on or after [the
50 effective date of this paragraph] December 20, 2012, but who
51 does not have a residence within this Commonwealth, is not a

1 transient, is not employed in this Commonwealth or is not a
2 student within this Commonwealth must register with the
3 Pennsylvania State Police in accordance with section 9799.19
4 prior to leaving this Commonwealth.

5 (8.2) An individual who between January 23, 2005, and
6 December 19, 2012, established a residence or was a transient
7 in this Commonwealth, was employed within this Commonwealth,
8 or was a student in this Commonwealth, and who was required
9 to register in a sexual offender registry as a result of an
10 adjudication of delinquency for an offense which occurred in
11 a foreign country or another jurisdiction and that required
12 the individual to register in that foreign country or other
13 jurisdiction.

14 (9) An individual who is a sexually violent delinquent
15 child.

16 Section 7. Section 9799.14(b)(3) and (d)(17) of Title 42,
17 amended or added February 21, 2018 (P.L.27, No.10), are
18 reenacted to read:

19 § 9799.14. Sexual offenses and tier system.

20 * * *

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

23 * * *

24 (3) 18 Pa.C.S. § 2904 (relating to interference with
25 custody of children), except in cases where the defendant is
26 the child's parent, guardian or other lawful custodian.

27 * * *

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

30 * * *

31 (17) One conviction of a sexually violent offense and
32 one conviction of a sexually violent offense as defined in
33 section 9799.55 (relating to registration).

34 Section 8. Section 9799.15 of Title 42, amended February 21,
35 2018 (P.L.27, No.10), is reenacted and amended to read:
36 § 9799.15. Period of registration.

37 (a) Period of registration.--Subject to subsection (c), an
38 individual specified in section 9799.13 (relating to
39 applicability) shall register with the Pennsylvania State Police
40 as follows:

41 (1) An individual convicted of a Tier I sexual offense,
42 except an offense set forth in section 9799.14(b)(23)
43 (relating to sexual offenses and tier system), shall register
44 for a period of 15 years.

45 (2) An individual convicted of a Tier II sexual offense
46 shall register for a period of 25 years.

47 (3) An individual convicted of a Tier III sexual offense
48 shall register for the life of the individual.

49 (4) A juvenile offender who was adjudicated delinquent
50 in this Commonwealth, or who was adjudicated delinquent in
51 another jurisdiction or foreign country as a consequence of

1 having committed an offense similar to an offense which would
2 require the individual to register if the offense was
3 committed in this Commonwealth, shall register for the life
4 of the individual.

5 (4.1) A juvenile offender who is required to register in
6 a sexual offender registry in another jurisdiction or foreign
7 country as a consequence of having been adjudicated
8 delinquent for an offense similar to an offense which, if
9 committed in this Commonwealth, would not require the
10 individual to register shall register for a period of time
11 equal to that required of the individual in the other
12 jurisdiction or foreign country.

13 (5) A sexually violent delinquent child shall register
14 for the life of the individual.

15 (6) A sexually violent predator shall register for the
16 life of the individual.

17 (7) An individual subject to registration under section
18 9799.13(7.1) shall register for the period of time equal to
19 the time for which the individual was required to register in
20 another jurisdiction or foreign country.

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

28 (1) Subject to subsection (c), at least 25 years have
29 elapsed prior to filing a petition with the sentencing court
30 to be exempt from the requirements of this subchapter, during
31 which time the petitioner has not been convicted in this
32 Commonwealth or any other jurisdiction or foreign country of
33 an offense punishable by imprisonment of more than one year,
34 or the petitioner's release from custody following the
35 petitioner's most recent conviction for an offense, whichever
36 is later.

37 (2) Upon receipt of a petition filed under paragraph
38 (1), the sentencing court shall enter an order directing that
39 the petitioner be assessed by the board. Upon receipt from
40 the court of an order for an assessment under this
41 subsection, a member of the board designated by the
42 administrative officer of the board shall conduct an
43 assessment of the petitioner to determine if the relief
44 sought, if granted, is likely to pose a threat to the safety
45 of any other person. The board shall establish standards for
46 evaluations and for evaluators conducting assessments.

47 (3) The order for an assessment under this subsection
48 shall be sent to the administrative officer of the board
49 within 10 days of the entry. No later than 90 days following
50 receipt of the order, the board shall submit a written report
51 containing the board's assessment to the sentencing court,

1 the district attorney and the attorney for the petitioner.

2 (4) Within 120 days of filing the petition under
3 paragraph (1), the sentencing court shall hold a hearing to
4 determine whether to exempt the petitioner from the
5 application of any or all of the requirements of this
6 subchapter. The petitioner and the district attorney shall be
7 given notice of the hearing and an opportunity to be heard,
8 the right to call witnesses and the right to cross-examine
9 witnesses. The petitioner shall have the right to counsel and
10 to have a lawyer appointed to represent the petitioner if the
11 petitioner cannot afford one.

12 (5) The sentencing court shall exempt the petitioner
13 from application of any or all of the requirements of this
14 subchapter, at the discretion of the court, only upon a
15 finding of clear and convincing evidence that exempting the
16 sexual offender from a particular requirement or all of the
17 requirements of this subchapter is not likely to pose a
18 threat to the safety of any other person.

19 (6) A court granting relief under this subsection shall
20 notify the Pennsylvania State Police in writing within 10
21 days from the date the relief is granted. If a memorandum of
22 understanding has been entered into under section 9799.26
23 (relating to victim notification) with respect to relief
24 granted to the petitioner, the Pennsylvania State Police
25 shall transmit the information about the relief to the Office
26 of Victim Advocate as soon as is practicable. The Office of
27 Victim Advocate shall notify the victim of the relief, in
28 accordance with the memorandum of understanding, as described
29 in section 9799.26.

30 (7) The petitioner and the Commonwealth shall have the
31 right to appellate review of the actions of the sentencing
32 court under this subsection. An appeal by the Commonwealth
33 shall stay the order of the sentencing court.

34 (8) The petitioner may file an additional petition with
35 the sentencing court no sooner than five years from the date
36 of the final determination of a court regarding the petition
37 and no sooner than every five years thereafter.

38 (9) If the petitioner is exempt from any provisions of
39 this subchapter and the petitioner is subsequently convicted
40 under 18 Pa.C.S. § 4915.1 (relating to failure to comply with
41 registration requirements), relief granted under this
42 subsection shall be void and the petitioner shall
43 automatically and immediately again be subject to the
44 provisions of this subchapter, as previously determined by
45 this subchapter.

46 (a.3) Agency cooperation.--All State, county and local
47 agencies, offices and entities in this Commonwealth, including
48 juvenile probation officers, shall cooperate by providing access
49 to records and information as requested by the board in
50 connection with the court-ordered assessment under subsection
51 (a.2).

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

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

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

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

(B) parole or a sentence of probation; or

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

(ii) For an individual who is a juvenile offender, the period of registration shall commence upon:

(A) release from an institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child), if the juvenile offender is, on or after [the effective date of this section] December 20, 2012, subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is under court-ordered placement in an institution or facility set forth in section 6352(a)(3); or

(B) disposition, if the juvenile offender is, on or after [the effective date of this section] December 20, 2012, subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is placed on probation or is otherwise subject to jurisdiction of a court pursuant to a disposition under section 6352 that did not involve out-of-home placement.

(iii) For a sexually violent delinquent child, the period of registration shall commence upon transfer to involuntary outpatient treatment pursuant to section 6404.1 (relating to transfer to involuntary outpatient treatment).

(iv) For an individual who committed a sexually violent offense in another jurisdiction or foreign country or a comparable military offense, the period of registration shall commence upon establishment of a residence or commencement of employment or enrollment as a student within this Commonwealth. This subparagraph shall apply to an individual convicted of a sexually violent offense in another jurisdiction or foreign country or comparable military offense and who is a transient.

(2) Notwithstanding the provisions of paragraph (1), an individual specified in section 9799.13 shall initially register with the Pennsylvania State Police as set forth in

1 section 9799.19 (relating to initial registration).
2 (c) Period of registration tolled.--The following shall
3 apply:
4 (1) The period of registration set forth in subsection
5 (a) shall be tolled for the period of time in which the
6 individual specified in section 9799.13 is:
7 (i) incarcerated in a Federal, State or county
8 correctional institution, excluding a community contract
9 facility or community corrections center;
10 (ii) subject to a sentence of intermediate
11 punishment which is restrictive and where the individual
12 is sentenced to a period of incarceration;
13 (iii) committed to an institution or facility set
14 forth in section 6352(a)(3) that provides the individual
15 with 24-hour-per-day supervision and care;
16 (iv) committed to and receiving involuntary
17 inpatient treatment in the State-owned facility or unit
18 set forth in Chapter 64 (relating to court-ordered
19 involuntary treatment of certain sexually violent
20 persons); or
21 (v) incarcerated in a Federal correctional
22 institution, excluding a community contract facility or
23 community corrections center.
24 (2) This subsection shall apply to an individual
25 specified in section 9799.13 who is recommitted to a Federal,
26 State or county correctional institution for a parole
27 violation or who has been sentenced to an additional term of
28 imprisonment. In addition, this subsection shall apply to an
29 individual committed to or recommitted to a Federal
30 correctional institution. In the case of recommitment to a
31 State or county correctional institution, the Department of
32 Corrections or the county correctional facility shall notify
33 the Pennsylvania State Police of the admission of the
34 individual.
35 (d) Sexually violent predators.--An individual convicted of
36 a Tier I sexual offense, a Tier II sexual offense or a Tier III
37 sexual offense who is determined to be a sexually violent
38 predator under section 9799.24 (relating to assessments) shall
39 register for the life of the individual.
40 (e) Periodic in-person appearance required.--Except as
41 provided in subsection (f) and subject to subsections (g) and
42 (h), an individual specified in section 9799.13 shall appear in
43 person at an approved registration site to provide or verify the
44 information set forth in section 9799.16(b) (relating to
45 registry) and to be photographed as follows:
46 (1) An individual convicted of a Tier I sexual offense
47 shall appear annually.
48 (2) An individual convicted of a Tier II sexual offense
49 shall appear semiannually.
50 (3) An individual convicted of a Tier III sexual offense
51 shall appear quarterly.

1 (4) An individual required to register pursuant to
2 section 9799.13(7.1) shall appear annually.

3 (f) Sexually violent predators.--A sexually violent predator
4 shall appear in person at an approved registration site to:
5 (1) provide or verify the information set forth in
6 section 9799.16(b);
7 (2) be photographed quarterly; and
8 (3) state whether he is in compliance with section
9 9799.36 (relating to counseling of sexually violent
10 predators).

11 (g) In-person appearance to update information.--In addition
12 to the periodic in-person appearance required in subsections
13 (e), (f) and (h), an individual specified in section 9799.13
14 shall appear in person at an approved registration site within
15 three business days to provide current information relating to:
16 (1) A change in name, including an alias.
17 (2) A commencement of residence, change in residence,
18 termination of residence or failure to maintain a residence,
19 thus making the individual a transient.
20 (3) Commencement of employment, a change in the location
21 or entity in which the individual is employed or a
22 termination of employment.
23 (4) Initial enrollment as a student, a change in
24 enrollment as a student or termination as a student.
25 (5) An addition and a change in telephone number,
26 including a cell phone number, or a termination of telephone
27 number, including a cell phone number.
28 (6) An addition, a change in and termination of a motor
29 vehicle owned or operated, including watercraft or aircraft.
30 In order to fulfill the requirements of this paragraph, the
31 individual must provide any license plate numbers and
32 registration numbers and other identifiers and an addition to
33 or change in the address of the place the vehicle is stored.
34 (7) A commencement of temporary lodging, a change in
35 temporary lodging or a termination of temporary lodging. In
36 order to fulfill the requirements of this paragraph, the
37 individual must provide the specific length of time and the
38 dates during which the individual will be temporarily lodged.
39 (8) An addition, change in or termination of e-mail
40 address, instant message address or any other designations
41 used in Internet communications or postings.
42 (9) An addition, change in or termination of information
43 related to occupational and professional licensing, including
44 type of license held and license number.

45 (h) Transients, juvenile offenders and sexually violent
46 delinquent children.--If the individual specified in section
47 9799.13 is a transient, a juvenile offender or a sexually
48 violent delinquent child, the following apply:
49 (1) If the individual is a transient, the individual
50 shall appear in person at an approved registration site to
51 provide or to verify the information set forth in section

1 9799.16(b) and to be photographed monthly. The duty to appear
2 in person monthly and to be photographed shall apply until a
3 transient establishes a residence. In the event a transient
4 establishes a residence, the requirement of periodic in-
5 person appearances set forth in subsection (e) shall apply.

6 (2) If the individual is a juvenile offender who is not
7 a transient, the individual shall appear at an approved
8 registration site to provide or verify the information set
9 forth in section 9799.16(b) and to be photographed quarterly.

10 (3) If the individual is a sexually violent delinquent
11 child who is not a transient, the individual shall appear at
12 an approved registration site to provide or verify the
13 information set forth in section 9799.16(b) and to be
14 photographed quarterly.

15 (i) International travel.--In addition to the periodic in-
16 person appearance required in subsection (e), an individual
17 specified in section 9799.13 shall appear in person at an
18 approved registration site no less than 21 days in advance of
19 traveling outside of the United States. The individual shall
20 provide the following information:

21 (1) Dates of travel, including date of return to the
22 United States.

23 (2) Destinations.

24 (3) Temporary lodging.

25 (j) In-person reporting by incarcerated or committed
26 individuals.--The requirements of subsections (e), (f), (g) and
27 (h) do not apply where the individual specified in section
28 9799.13 is:

29 (1) incarcerated in a correctional institution,
30 excluding a community contract facility or community
31 corrections center;

32 (2) subject to a sentence of intermediate punishment
33 which is restrictive and where the individual is sentenced to
34 a period of incarceration;

35 (3) committed to an institution or facility set forth in
36 section 6352(a)(3) which provides the individual with 24-
37 hour-per-day supervision and care; or

38 (4) committed to and receiving involuntary inpatient
39 treatment in the State-owned facility or unit set forth in
40 Chapter 64.

41 Section 9. Section 9799.16(a)(4) of Title 42, amended
42 February 21, 2018 (P.L.27, No.10), is reenacted to read:
43 § 9799.16. Registry.

44 (a) Establishment.--There is established a Statewide
45 registry of sexual offenders in order to carry out the
46 provisions of this subchapter. The Pennsylvania State Police
47 shall create and maintain the registry. The registry shall
48 maintain a complete and systematic index of all records required
49 regarding sexual offenders in order to comply with the Adam
50 Walsh Child Protection and Safety Act of 2006 (Public Law 109-
51 248, 120 Stat. 587). The registry shall:

1 * * *

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

5 * * *

6 Section 10. Section 9799.19 of Title 42, amended February
7 21, 2018 (P.L.27, No.10), is reenacted and amended to read:
8 § 9799.19. Initial registration.

9 (a) General rule.--An individual set forth in section
10 9799.13 (relating to applicability) shall initially register
11 with the Pennsylvania State Police as set forth in this section.

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

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

36 (g) Supervision of individual convicted in Commonwealth who
37 does not intend to reside in Commonwealth.--An individual who
38 committed a sexually violent offense within this Commonwealth
39 who seeks transfer of supervision to another jurisdiction
40 pursuant to the Interstate Compact for Adult Offender
41 Supervision shall not have supervision transferred to another
42 jurisdiction prior to the individual's registration with the
43 Pennsylvania State Police as set forth in this section.

44 (h) Initial registration of juvenile offender or sexually
45 violent delinquent child.--

46 (1) If the individual is a juvenile offender who is
47 adjudicated delinquent by a court on or after [the effective
48 date of this section] December 20, 2012, the following apply:

49 (i) The court shall require the individual to
50 provide the information set forth in section 9799.16(b)
51 to the chief juvenile probation officer of the court as

1 follows:

2 (A) Except as set forth in clause (B), at the
3 time of disposition under section 6352 (relating to
4 disposition of delinquent child).

5 (B) At the time the individual is adjudicated
6 delinquent under section 6341 (relating to
7 adjudication) if:

8 (I) the adjudication of delinquency occurs
9 in any county other than the individual's county
10 of residence; and

11 (II) the court intends to transfer the
12 individual's case for disposition to the
13 individual's county of residence under section
14 6321(c) (relating to commencement of
15 proceedings).

16 (ii) The chief juvenile probation officer shall
17 collect the information in section 9799.16(b) and (c) and
18 forward it to the Pennsylvania State Police for inclusion
19 in the registry as directed by the Pennsylvania State
20 Police. If the juvenile offender is, under section
21 6352(a)(3), subject to court-ordered placement in an
22 institution or facility which provides the juvenile with
23 24-hour-per-day supervision and care, the institution or
24 facility shall ensure the information provided by the
25 juvenile offender pursuant to section 9799.16(b) is
26 updated to reflect accurate information prior to release.
27 The institution or facility may not release the juvenile
28 offender until it receives verification from the
29 Pennsylvania State Police that the information required
30 under section 9799.16(b) and (c) has been entered in the
31 registry.

32 (2) If, on [the effective date of this section] December
33 20, 2012, the individual is a juvenile offender and is
34 subject to the jurisdiction of the court pursuant to a
35 disposition entered under section 6352 and is on probation or
36 the individual is otherwise being supervised in the
37 community, including placement in a foster family home or
38 other residential setting which provides the individual with
39 less than 24-hour-per-day supervision and care, the
40 individual shall provide the information set forth in section
41 9799.16(b) to the chief juvenile probation officer of the
42 court within 30 days of [the effective date of this section]
43 December 20, 2012. The chief juvenile probation officer shall
44 collect the information set forth in section 9799.16(b) and
45 (c) and forward it to the Pennsylvania State Police for
46 inclusion in the registry, as directed by the Pennsylvania
47 State Police.

48 (3) If the individual is, on [the effective date of this
49 section] December 20, 2012, already a juvenile offender and
50 is subject to the jurisdiction of a court pursuant to a
51 disposition entered under section 6352 and is, under section

6352, subject to court-ordered placement in an institution or facility which provides the juvenile with 24-hour-per-day supervision and care, the director of the institution or facility or a designee shall make the juvenile offender available for and facilitate the collection of the information set forth in section 9799.16(b) and (c) as directed by the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the institution or facility to transport the juvenile offender to and from an approved registration site in order to fulfill the requirement of this paragraph. In order to fulfill the requirements of this paragraph, the chief juvenile probation officer of the court shall, within ten days of [the effective date of this section] December 20, 2012, notify the director of the institution or facility and the Pennsylvania State Police that the juvenile offender is required to register under this subchapter. In addition, the institution or facility shall ensure that the information provided by the juvenile offender pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The juvenile offender may not be released until the institution or facility receives verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered into the registry.

(4) If the individual is, on [the effective date of this section] December 20, 2012, already a sexually violent delinquent child and receiving involuntary treatment in the State-owned facility or unit under Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons), the director of the facility or unit or a designee shall make the sexually violent delinquent child available for and facilitate the collection of the information set forth in section 9799.16(b) and (c) as directed by the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the facility or unit to transport the sexually violent delinquent child to and from an approved registration site in order to fulfill the requirement of this paragraph. In addition, the facility or unit shall ensure that the information provided by the sexually violent delinquent child pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The facility or unit may not transfer the sexually violent child to outpatient treatment until it has received verification from the Pennsylvania State Police that it has received the information set forth in section 9799.16(b) and (c).

(5) If the individual is, on or after [the effective date of this section] December 20, 2012, determined by the court to be a sexually violent delinquent child and committed for involuntary treatment to the State-owned facility or unit under Chapter 64, the following apply:

1 (i) The court shall require the individual to
2 provide the information set forth in section 9799.16(b)
3 to the chief juvenile probation officer of the court at
4 the time of commitment. The chief juvenile probation
5 officer shall collect and forward the information to the
6 Pennsylvania State Police for inclusion in the registry.
7 The chief juvenile probation officer shall, at the time
8 of commitment, also ensure that the information set forth
9 in section 9799.16(c) is collected and forwarded to the
10 Pennsylvania State Police for inclusion in the registry.
11 The Pennsylvania State Police may require the facility or
12 unit to transport the sexually violent delinquent child
13 to and from an approved registration site in order to
14 fulfill the requirement of initial registration at the
15 time of commitment.

16 (ii) The facility or unit shall ensure that the
17 information provided by the sexually violent delinquent
18 child pursuant to section 9799.16(b) is updated to
19 reflect accurate information prior to transfer to
20 involuntary outpatient treatment pursuant to section
21 6404.1 (relating to transfer to involuntary outpatient
22 treatment) or discharge. The court may not transfer the
23 sexually violent delinquent child to outpatient treatment
24 or discharge the child from the facility or unit until it
25 has received verification from the Pennsylvania State
26 Police that the information required under section
27 9799.16(b) and (c) has been entered in the registry.

28 (i) Initial registration if convicted or adjudicated
29 delinquent outside Commonwealth.--

30 (1) An individual subject to registration under section
31 9799.13(7), (7.1) or (7.2) shall appear in person at an
32 approved registration site to provide the information set
33 forth in section 9799.16(b) to the Pennsylvania State Police
34 within three business days of establishing residence,
35 commencing employment or commencing enrollment as a student
36 within this Commonwealth. In addition, the individual shall
37 comply with the other provisions of this subchapter,
38 including section 9799.15 (relating to period of
39 registration). If the individual fails to establish a
40 residence but nevertheless resides in this Commonwealth, the
41 individual shall register as a transient. The Pennsylvania
42 State Police shall ensure that the information set forth in
43 section 9799.16(c) with respect to the individual is
44 collected and entered in the registry.

45 (2) If the individual is, on or after [the effective
46 date of this section] December 20, 2012, a juvenile offender
47 as defined in paragraph (2) or (3) of the definition of
48 "juvenile offender" in section 9799.12 (relating to
49 definitions), the individual shall appear in person at an
50 approved registration site to provide the information set
51 forth in section 9799.16(b) to the Pennsylvania State Police

1 within three business days of establishing residence,
2 commencing employment or commencing enrollment as a student
3 within this Commonwealth. In addition, the individual shall
4 comply with the other provisions of this subchapter,
5 including section 9799.15. If the individual fails to
6 establish a residence but nevertheless resides in this
7 Commonwealth, the individual shall register as a transient.
8 The Pennsylvania State Police shall ensure that the
9 information set forth in section 9799.16(c) with respect to
10 the individual is collected and entered in the registry.

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

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

30 (1) If the individual is incarcerated in a Federal,
31 State or county correctional facility, the individual shall
32 provide the information specified in section 9799.16(b) to
33 the appropriate official of the Federal, State or county
34 correctional facility or the Pennsylvania Board of Probation
35 and Parole for inclusion in the registry before being
36 released due to:

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

40 (ii) parole;

41 (iii) State or county intermediate punishment where
42 the sentence is restrictive and the individual is
43 sentenced to a period of incarceration in a State or
44 county correctional facility or a work release facility;
45 or

46 (iv) special probation supervised by the
47 Pennsylvania Board of Probation and Parole.

48 (2) For individuals described in paragraph (1), the
49 appropriate official of the Federal, State or county
50 correctional facility or the Pennsylvania Board of Probation
51 and Parole shall collect and forward the information

1 specified in section 9799.16(b) to the Pennsylvania State
2 Police. The appropriate official shall, in addition, ensure
3 that the information specified in section 9799.16(c) is
4 collected and forwarded to the Pennsylvania State Police. The
5 information specified in section 9799.16(b) and (c) shall be
6 included in the registry. With respect to individuals
7 released under paragraph (1)(ii), (iii) or (iv), the State or
8 county correctional facility shall not release the individual
9 until the State or county correctional facility receives
10 verification from the Pennsylvania State Police that the
11 Pennsylvania State Police has received the information
12 specified in section 9799.16(b) and (c). Verification may
13 take place by electronic means. With respect to individuals
14 released under paragraph (1)(i), if the individual refuses to
15 provide the information specified in section 9799.16(b), the
16 State or county correctional facility shall notify the
17 Pennsylvania State Police or the municipal police department
18 with jurisdiction over the facility of the failure to provide
19 the information and of the expected date, time and location
20 of the release of the individual.

21 (1) Registration if sentenced to a State or county
22 correctional facility.--If the individual committed a sexually
23 violent offense and is sentenced to a period of incarceration in
24 a State or county correctional facility, the individual shall
25 provide the information specified in section 9799.16(b) as
26 follows:

27 (1) At the time of sentencing, the court shall require
28 the individual to immediately report to the office of
29 probation and parole serving that county to register under
30 this subchapter. The appropriate office of probation and
31 parole shall collect the information specified in section
32 9799.16(b) from the individual and forward the information to
33 the Pennsylvania State Police. The appropriate office of
34 probation and parole shall, in addition, ensure the
35 information specified in section 9799.16(c) is collected and
36 forwarded to the Pennsylvania State Police. The information
37 specified in section 9799.16(b) and (c) shall be included in
38 the registry.

39 (2) If the individual is incarcerated in a State or
40 county correctional facility, the correctional facility shall
41 notify the Pennsylvania State Police, not more than 30 days
42 in advance of, but not later than 10 days prior to, the
43 individual's release from the correctional facility. The
44 following apply:

45 (i) The correctional facility shall ensure that the
46 information specified in section 9799.16(b) and (c) for
47 the individual has been submitted to the Pennsylvania
48 State Police.

49 (ii) If the information has not been submitted to
50 the Pennsylvania State Police, the correctional facility
51 shall collect the information specified in section

1 9799.16(b) from the individual and forward the
2 information to the Pennsylvania State Police.

3 (iii) The correctional facility shall also report
4 any changes to the information specified in section
5 9799.16(b) and (c) on file with the Pennsylvania State
6 Police.

7 (iv) In the case of parole, State or county
8 intermediate punishment where the sentence is restrictive
9 and the individual is sentenced to a period of
10 incarceration in a State or county correctional facility
11 or work release facility or special probation supervised
12 by the Pennsylvania Board of Probation and Parole, the
13 correctional facility may not release the individual
14 until the correctional facility receives verification
15 from the Pennsylvania State Police that the Pennsylvania
16 State Police has received the information specified in
17 section 9799.16(b) and (c). Verification by the
18 Pennsylvania State Police may occur by electronic means.

19 (v) If the individual is scheduled to be released
20 from a State or county correctional facility due to the
21 expiration of sentence and the individual refuses to
22 provide the information specified in section 9799.16(b),
23 the State or county correctional facility shall notify
24 the Pennsylvania State Police or the municipal police
25 department with jurisdiction over the facility of the
26 failure to provide the information and of the expected
27 date, time and location of the release of the individual.

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

44 (n) Registration if sentenced to county intermediate
45 punishment.--If the individual committed a sexually violent
46 offense and is sentenced to county intermediate punishment, the
47 following apply:

48 (1) If the individual is sentenced to county
49 intermediate punishment which is restorative, the individual
50 shall provide the information specified in section 9799.16(b)
51 by appearing at an approved registration site within 48 hours

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

10 (2) If the individual is sentenced to county
11 intermediate punishment which is restrictive where the
12 individual is not sentenced to incarceration or to a work
13 release facility, the individual shall provide the
14 information specified in section 9799.16(b) by appearing at
15 an approved registration site within 48 hours of being
16 sentenced. The appropriate official of the county office of
17 probation and parole shall ensure that the individual has
18 appeared at an approved registration site as described in
19 this paragraph. If the individual fails to appear, the
20 appropriate official of the county office of probation and
21 parole shall notify the Pennsylvania State Police. The
22 Pennsylvania State Police shall ensure the information
23 specified in section 9799.16(c) with respect to the
24 individual is collected and entered in the registry.

25 (o) Registration if sentenced to county probation.--If the
26 individual committed a sexually violent offense and is sentenced
27 to county probation, the individual shall provide the
28 information specified in section 9799.16(b) by appearing at an
29 approved registration site within 48 hours of being sentenced.
30 The appropriate official of the county office of probation and
31 parole shall ensure that the individual has appeared at an
32 approved registration site as described in this subsection. If
33 the individual fails to appear, the appropriate official of the
34 county office of probation and parole shall notify the
35 Pennsylvania State Police. The Pennsylvania State Police shall
36 ensure the information specified in section 9799.16(c) with
37 respect to the individual is collected and entered in the
38 registry.

39 (p) Registration for county or Federal probationers.--If the
40 individual committed a sexually violent offense, the following
41 apply:

42 (1) If the individual is serving a sentence of county
43 probation, the appropriate office of probation and parole
44 serving the county shall register the individual within 48
45 hours. The appropriate official of that office shall collect
46 the information specified in section 9799.16(b) and forward
47 that information to the Pennsylvania State Police. The
48 Pennsylvania State Police shall ensure that the information
49 specified in section 9799.16(c) is collected. The information
50 specified in section 9799.16(b) and (c) shall be included in
51 the registry. If the individual fails to comply, the

appropriate official of that office shall notify the Pennsylvania State Police.

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

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

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

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

Section 11. Sections 9799.23(b)(2), 9799.25(a.1), (a.2), (b)(2) and (3), (c)(1) and (f)(1), 9799.26(a)(1) and (d), 9799.31(13), 9799.32(6) and (10), 9799.34(1) and 9799.36(b) of Title 42, amended or added February 21, 2018 (P.L.27, No.10), are reenacted to read:

§ 9799.23. Court notification and classification requirements.

* * *

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

* * *

(2) Except as provided in sections 9799.15(a.2) and 9799.17 (relating to termination of period of registration for juvenile offenders), the court shall have no authority to relieve a sexual offender from the duty to register under

1 this subchapter or to modify the requirements of this
2 subchapter as they relate to the sexual offender.
3 § 9799.25. Verification by sexual offenders and Pennsylvania
4 State Police.

5 * * *

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

9 (1) If the individual has been in compliance with the
10 requirements of this subchapter for the first three years of
11 the individual's period of registration and, during the same
12 three-year period, the individual has not been convicted in
13 this Commonwealth or any other jurisdiction or foreign
14 country of an offense punishable by imprisonment of more than
15 one year, the individual shall appear at an approved
16 registration site annually. The individual shall appear
17 within 10 days before the date designated by the Pennsylvania
18 State Police to verify information in section 9799.16(b) and
19 be photographed.

20 (2) The other appearances required of the individual
21 under this section may be completed by contacting the
22 Pennsylvania State Police by telephone at a telephone number
23 designated by the Pennsylvania State Police. The individual
24 shall call the Pennsylvania State Police within three
25 business days of the date designated by the Pennsylvania
26 State Police.

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

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

41 (b) Deadline.--The following apply:

42 * * *

43 (2) In the case of a sexual offender who fails to appear
44 in person or telephonically as required under this section,
45 the Pennsylvania State Police shall notify the municipal
46 police department where the sexual offender has a residence,
47 is employed or is enrolled as a student. The municipal police
48 shall locate the sexual offender and arrest the sexual
49 offender for violating this section. A municipal police
50 department may request assistance locating or arresting a
51 sexual offender from the Pennsylvania State Police. In

1 municipalities where no municipal police department exists,
2 the Pennsylvania State Police shall locate the offender and
3 arrest the sexual offender for violating this section.

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

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

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

27 * * *

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

29 (1) A group-based home may not provide concurrent
30 residence in the group-based home to more than five
31 individuals in total who are required to register under this
32 subchapter and Subchapter I (relating to continued
33 registration of sexual offenders) as sexually violent
34 predators.

35 * * *

36 § 9799.26. Victim notification.

37 (a) Duty to inform victim.--

38 (1) If an individual is determined to be a sexually
39 violent predator or a sexually violent delinquent child, the
40 municipal police department or the Pennsylvania State Police,
41 if no municipal police jurisdiction exists, shall give
42 written notice to the victim when the sexually violent
43 predator or the sexually violent delinquent child registers
44 initially under section 9799.19 (relating to initial
45 registration) or under section 9799.15(g)(2), (3) or (4)
46 (relating to period of registration). The notice shall be
47 given within 72 hours after the sexually violent predator or
48 the sexually violent delinquent child registers or notifies
49 the Pennsylvania State Police of current information under
50 section 9799.15(g). The notice shall contain the following
51 information about the sexually violent predator or sexually

1 violent delinquent child:

2 (i) Name.

3 (ii) Residence. This subparagraph includes whether
4 the sexually violent predator or sexually violent
5 delinquent child is a transient, in which case the notice
6 shall contain information about the transient's temporary
7 habitat or other temporary place of abode or dwelling,
8 including, but not limited to, a homeless shelter or
9 park. In addition, the notice shall contain a list of
10 places the transient eats, frequents and engages in
11 leisure activities.

12 (iii) The address of employment.

13 (iv) The address where the sexually violent predator
14 or sexually violent delinquent child is enrolled as a
15 student.

16 * * *

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

18 (1) The Pennsylvania State Police may enter into a
19 memorandum of understanding with the Office of Victim
20 Advocate to assist the Pennsylvania State Police in notifying
21 victims and providing the information under subsection (a).
22 In addition, the memorandum of understanding may also include
23 the Office of Victim Advocate's notifying a victim of relief
24 granted to a petitioner under section 9799.15(a.2). The
25 memorandum of understanding must state the manner and method
26 of notifying victims and the duties of the Pennsylvania State
27 Police and the Office of Victim Advocate under this section
28 and section 9799.15(a.2). A memorandum of understanding
29 entered into under this subsection shall be valid for no more
30 than 10 years. There shall be no limit to the number of
31 memoranda of understanding which may be executed by the
32 Pennsylvania State Police and the Office of Victim Advocate
33 under this subsection.

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

38 § 9799.31. Immunity for good faith conduct.

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

41 * * *

42 (13) The Department of Human Services and its agents and
43 employees.

44 * * *

45 § 9799.32. Pennsylvania State Police.

46 The Pennsylvania State Police have the following duties:

47 * * *

48 (6) To facilitate verification of information from
49 individuals under section 9799.13 (relating to applicability)
50 as provided in section 9799.25 (relating to verification by
51 sexual offenders and Pennsylvania State Police).

1 * * *
2 (10) To develop the telephonic verification system
3 established under section 9799.25.
4 § 9799.34. Duties of facilities housing sexual offenders.
5 The Department of Corrections, a county correctional
6 facility, an institution or facility set forth in section
7 6352(a)(3) (relating to disposition of delinquent child) and the
8 separate, State-owned facility or unit established under Chapter
9 64 (relating to court-ordered involuntary treatment of certain
10 sexually violent persons) shall have the following duties:
11 (1) To perform their respective duties in accordance
12 with section 9799.19 (relating to initial registration). This
13 paragraph includes taking a current photograph of the
14 individual specified in section 9799.13 (relating to
15 applicability) before the individual is released from
16 confinement or commitment or is discharged.

17 * * *
18 § 9799.36. Counseling of sexually violent predators.

19 * * *
20 (b) Designation in another jurisdiction.--If an individual
21 specified in section 9799.13 (relating to applicability) has
22 been designated as a sexually violent predator in another
23 jurisdiction and was required to undergo counseling, the
24 individual shall be subject to the provisions of this section.

25 * * *
26 Section 12. Section 9799.38(a)(1) and (2) of Title 42,
27 amended February 21, 2018 (P.L.27, No.10), are reenacted and
28 amended to read:

29 § 9799.38. Annual performance audit.

30 (a) Duties of the Attorney General.--The Attorney General
31 has the following duties:

32 (1) To conduct a performance audit annually to determine
33 compliance with the requirements of this subchapter and
34 Subchapter I (relating to continued registration of sexual
35 offenders) and any guidelines promulgated under this
36 subchapter and Subchapter I. The audit shall, at a minimum,
37 include a review of the practices, procedures and records of
38 the Pennsylvania State Police, the Pennsylvania Board of
39 Probation and Parole, the Department of Corrections, the
40 board, the Administrative Office of Pennsylvania Courts and
41 any other State or local agency the Attorney General deems
42 necessary in order to conduct a thorough and accurate
43 performance audit.

44 (2) To prepare an annual report of its findings and any
45 action that it recommends be taken by the Pennsylvania State
46 Police, the Pennsylvania Board of Probation and Parole, the
47 Department of Corrections, the board, the Administrative
48 Office of Pennsylvania Courts, other State or local agencies
49 and the General Assembly to ensure compliance with this
50 subchapter and Subchapter I. The first report shall be
51 released to the general public no fewer than 18 months

[following the effective date of this section] after December 20, 2012.

* * *

Section 13. Sections 9799.39 and 9799.42 of Title 42, amended or added February 21, 2018 (P.L.27, No.10), are reenacted to read:

§ 9799.39. Photographs and fingerprinting.

An individual subject to registration under section 9799.13 (relating to applicability) shall submit to fingerprinting and photographing as required by this subchapter. Fingerprinting as required by this subchapter shall, at a minimum, require submission of a full set of fingerprints and palm prints. Photographing as required by this subchapter shall, at a minimum, require submission to photographs of the face and any 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.

§ 9799.42. Standing for Pennsylvania State Police.

Except for petitions filed under section 9799.15(a.2) (relating to period of registration), 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.

Section 14. Subchapter I heading of Chapter 97 and sections 9799.51 and 9799.52 of Title 42, added February 21, 2018 (P.L.27, No.10), are reenacted to read:

SUBCHAPTER I

CONTINUED REGISTRATION OF SEXUAL OFFENDERS

§ 9799.51. Legislative findings and declaration of policy.

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

(1) If the public is provided adequate notice and information about sexually violent predators and offenders as well as those sexually violent predators and offenders who do not have a fixed place of habitation or abode, the community can develop constructive plans to prepare itself for the release of sexually violent predators and offenders. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to their children.

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

(3) The penal and mental health components of our justice system are largely hidden from public view, and lack of information from either may result in failure of both

1 systems to meet this paramount concern of public safety.

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

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

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

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

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

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

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

39 (4) Address the Pennsylvania Supreme Court's decision in
40 Commonwealth v. Muniz, No. 47 MAP 2016 (Pa. 2016), and the
41 Pennsylvania Superior Court's decision in Commonwealth v.
42 Butler (2017 WL 3882445).

43 § 9799.52. Scope.

44 This subchapter shall apply to individuals who were:

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

50 (2) required to register with the Pennsylvania State
51 Police under a former sexual offender registration law of

1 this Commonwealth on or after April 22, 1996, but before
2 December 20, 2012, whose period of registration has not
3 expired.

4 Section 15. Sections 9799.53 and 9799.54 of Title 42, added
5 February 21, 2018 (P.L.27, No.10), are reenacted and amended to
6 read:

7 § 9799.53. Definitions.

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

11 "Active notification." Notification in accordance with
12 section 9799.62 (relating to other notification) or a process
13 whereby law enforcement, pursuant to the laws of the United
14 States or one of its territories or possessions, another state,
15 the District of Columbia, the Commonwealth of Puerto Rico or a
16 foreign nation, notifies persons in the community in which the
17 individual resides, including a person identified in section
18 9799.62(b), of the residence, employment or school location of
19 the individual.

20 "Approved registration site." A site in this Commonwealth
21 approved by the Pennsylvania State Police as required by section
22 9799.67(2) (relating to duties of Pennsylvania State Police):

23 (1) at which individuals subject to this subchapter may
24 register, verify information or be fingerprinted or
25 photographed as required by this subchapter;

26 (2) which is capable of submitting fingerprints
27 utilizing the Integrated Automated Fingerprint Identification
28 System or in another manner and in the form as the
29 Pennsylvania State Police shall require; and

30 (3) which is capable of submitting photographs utilizing
31 the Commonwealth Photo Imaging Network or in another manner
32 and in the form as the Pennsylvania State Police shall
33 require.

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

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

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

48 "Employed." Includes a vocation or employment that is full
49 time or part time for a period of time exceeding 14 days or for
50 an aggregate period of time exceeding 30 days during a calendar
51 year, whether financially compensated, volunteered, under a

1 contract or for the purpose of government or educational
2 benefit.

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

9 "Mental abnormality." A congenital or acquired condition of
10 a person that affects the emotional or volitional capacity of
11 the person in a manner that predisposes that person to the
12 commission of criminal sexual acts to a degree that makes the
13 person a menace to the health and safety of other persons.

14 "Minor." As used in section 9799.55 (relating to
15 registration), an individual under 18 years of age unless the
16 age of the victim who is considered a minor is otherwise defined
17 in section 9799.55.

18 "Municipality." A city, borough, incorporated town or
19 township.

20 "Offender." Subject to section 9799.75 (relating to
21 construction of subchapter), an individual required to register
22 under section 9799.55(a), (b) (1) or (2) (relating to
23 registration).

24 "Passive notification." Notification in accordance with
25 section 9799.63 (relating to information made available on
26 Internet and electronic notification) or a process whereby
27 persons, under the laws of the United States or one of its
28 territories or possessions, another state, the District of
29 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
30 are able to access information pertaining to an individual as a
31 result of the individual having been convicted or sentenced by a
32 court for an offense similar to an offense listed in section
33 9799.55 (relating to registration).

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

38 "Predatory." An act directed at a stranger or at a person
39 with whom a relationship has been initiated, established,
40 maintained or promoted, in whole or in part, in order to
41 facilitate or support victimization.

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

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

47 (2) In the case of an individual who fails to establish
48 a residence as specified in paragraph (1), a temporary
49 habitat or other temporary place of abode or dwelling,
50 including, but not limited to, a homeless shelter or park,
51 where the individual is lodged.

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

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

3 (i) a criminal offense specified in section 9799.55
4 (relating to registration) committed on or after April
5 22, 1996, but before December 20, 2012, for which the
6 individual was convicted; or

7 (ii) a criminal offense for which an individual was
8 required to register with the Pennsylvania State Police
9 under a former sexual offender registration law of this
10 Commonwealth on or after April 22, 1996, but before
11 December 20, 2012, whose period of registration has not
12 expired.

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

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

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

20 "Sexually violent predator." Subject to section 9799.75
21 (relating to construction of subchapter), a person who has been
22 convicted of a sexually violent offense and who is determined to
23 be a sexually violent predator under section 9799.58 (relating
24 to assessments) due to a mental abnormality or personality
25 disorder that makes the person likely to engage in predatory
26 sexually violent offenses[.] or who has ever been determined by
27 a court to have a mental abnormality or personality disorder
28 that makes the person likely to engage in predatory sexually
29 violent offenses under a former sexual offender registration law
30 of this Commonwealth. The term includes an individual determined
31 to be a sexually violent predator where the determination
32 occurred in the United States or one of its territories or
33 possessions, another state, the District of Columbia, the
34 Commonwealth of Puerto Rico, a foreign nation or by court
35 martial.

36 "Student." A person who is enrolled on a full-time or part-
37 time basis in a public or private educational institution,
38 including a secondary school, trade or professional institution
39 or institution of higher education.

40 § 9799.54. Applicability.

41 (a) Registration.--The following individuals shall register
42 with the Pennsylvania State Police as provided in this
43 subchapter:

44 (1) An individual who committed a sexually violent
45 offense within this Commonwealth and whose period of
46 registration with the Pennsylvania State Police, as specified
47 in section 9799.55 (relating to registration), as of [the
48 effective date of this section] February 21, 2018, has not
49 expired. The individual shall register for the period of time
50 under section 9799.55 less any credit for time spent
51 registered with the Pennsylvania State Police prior to [the

effective date of this section] February 21, 2018.

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

(3) An individual who committed a sexually violent offense within this Commonwealth and is an inmate in a State or county correctional facility 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 under the Interstate Compact for Adult Supervision in accordance with section 9799.62(e) (relating to other notification). The individual shall register for the period of time under section 9799.55, except that the period required in section 9799.55 shall be tolled for any period of time the individual is recommitted for a parole violation or sentenced to a term of imprisonment.

(4) An individual who was convicted of an offense similar to an offense set forth in section 9799.55 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, a foreign nation or under a former law of this Commonwealth or who was court martialed for a similar offense and who, as of [the effective date of this section] February 21, 2018, has not completed registration requirements. The period of registration shall be as set forth in section 9799.56(b)(4) (relating to registration procedures and applicability) less any credit for time spent on a sexual offender registry of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or with the Pennsylvania State Police prior to [the effective date of this section] February 21, 2018.

(b) Initial registration.--Individuals required to register under this section shall have 90 days from [the effective date of this section] February 21, 2018 to initially register with the Pennsylvania State Police. The individual shall appear at an approved registration site to be photographed, fingerprinted and to verify information. The Pennsylvania State Police shall send a notice by first class United States mail to the individual's last reported residence in order to inform the individual of the requirements of this subchapter. The notice shall specifically inform the individual of the duties specified in section 9799.57 (relating to sentencing court information). The notice shall be sent no later than 30 days from [the effective date of this section] February 21, 2018. The notice shall also provide a list of approved registration sites. Neither failure on the part of

1 the Pennsylvania State Police to send nor failure of an
2 individual to receive notice or information under this paragraph
3 shall relieve the individual of the requirements of this
4 subchapter.

5 Section 16. Sections 9799.55 and 9799.56, added February 21,
6 2018 (P.L.27, No.10), are reenacted to read:
7 § 9799.55. Registration.

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

12 (1) (i) (A) Individuals convicted within this
13 Commonwealth of any of the following offenses
14 committed on or after April 22, 1996, but before
15 December 20, 2012:

16 18 Pa.C.S. § 2901 (relating to kidnapping) where
17 the victim is a minor.

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

21 18 Pa.C.S. § 4302 (relating to incest) where the
22 victim is 12 years of age or older but under 18 years
23 of age.

24 18 Pa.C.S. § 5902(b) or (b.1) (relating to
25 prostitution and related offenses) where the actor
26 promotes the prostitution of a minor.

27 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6)
28 (relating to obscene and other sexual materials and
29 performances) where the victim is a minor.

30 18 Pa.C.S. § 6312 (relating to sexual abuse of
31 children).

32 18 Pa.C.S. § 6318 (relating to unlawful contact
33 with minor).

34 18 Pa.C.S. § 6320 (relating to sexual
35 exploitation of children).

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

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

46 18 Pa.C.S. § 2910 (relating to luring a child
47 into a motor vehicle or structure).

48 18 Pa.C.S. § 3124.2 (relating to institutional
49 sexual assault).

50 (2) Individuals convicted of an attempt, conspiracy or
51 solicitation to commit any of the offenses under paragraph

1 (1)(i) or (ii) or subsection (b)(2).

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

9 (a.1) Exception to 10-year registration.--Except as provided
10 under subsection (b), an individual considered to be an offender
11 under section 9799.56(b) (relating to registration procedures
12 and applicability) shall be required to register with the
13 Pennsylvania State Police for a period less than life, the
14 duration of which is to be determined under sections 9799.54
15 (relating to applicability) and 9799.56(b).

16 (b) Lifetime registration.--The following individuals shall
17 be subject to lifetime registration:

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

20 (2) Individuals convicted:

21 (i) (A) in this Commonwealth of the following
22 offenses, if committed on or after April 22, 1996,
23 but before December 20, 2012:
24 18 Pa.C.S. § 3121 (relating to rape);
25 18 Pa.C.S. § 3123 (relating to involuntary
26 deviate sexual intercourse);
27 18 Pa.C.S. § 3124.1 (relating to sexual assault);
28 18 Pa.C.S. § 3125 (relating to aggravated
29 indecent assault); or
30 18 Pa.C.S. § 4302 when the victim is under 12
31 years of age; or

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

38 (ii) of offenses similar to the crimes cited in
39 subparagraph (i) under the laws of the United States or
40 one of its territories or possessions, another state, the
41 District of Columbia, the Commonwealth of Puerto Rico or
42 a foreign nation or under a former law of this
43 Commonwealth, if committed, or for which registration
44 with the Pennsylvania State Police under a former sexual
45 offender registration law of this Commonwealth was
46 required, on or after April 22, 1996, but before December
47 20, 2012, who currently reside in this Commonwealth.

48 (3) Sexually violent predators.

49 (4) An individual who is considered to be a sexually
50 violent predator under section 9799.56(b) or who is otherwise
51 required to register for life under section 9799.56(b), if

1 the sexual offense which is the basis for the consideration
2 or requirement for which the individual was convicted was
3 committed, or for which registration with the Pennsylvania
4 State Police under a former sexual offender registration law
5 of this Commonwealth was required, on or after April 22,
6 1996, but before December 20, 2012.

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

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

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

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

21 (3) The Pennsylvania State Police or local law
22 enforcement agency of jurisdiction shall investigate
23 compliance with this subsection, and the Attorney General or
24 district attorney may commence a civil action in the court of
25 common pleas of the county in which a group-based home is
26 located to impose and collect from the group-based home the
27 penalty under paragraph (2).

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

32 § 9799.56. Registration procedures and applicability.

33 (a) Registration.--

34 (1) (i) Offenders and sexually violent predators shall
35 be required to register with the Pennsylvania State
36 Police as specified in section 9799.54 (relating to
37 applicability).

38 (ii) Offenders and sexually violent predators shall
39 be required to register with the Pennsylvania State
40 Police upon release from incarceration, upon parole from
41 a State or county correctional facility or upon the
42 commencement of a sentence of intermediate punishment or
43 probation.

44 (iii) For purposes of registration, offenders and
45 sexually violent predators shall provide the Pennsylvania
46 State Police with all current or intended residences, all
47 information concerning current or intended employment and
48 all information concerning current or intended enrollment
49 as a student.

50 (2) Offenders and sexually violent predators shall
51 inform the Pennsylvania State Police within three business

1 days of:

2 (i) A change of residence or establishment of an
3 additional residence or residences. In the case of an
4 individual who has a residence as defined in paragraph
5 (2) of the definition of "residence" in section 9799.53
6 (relating to definitions), the individual shall inform
7 the Pennsylvania State Police of the following:

8 (A) the location of a temporary habitat or other
9 temporary place of abode or dwelling, including a
10 homeless shelter or park, where the individual is
11 lodged;

12 (B) a list of places the individual eats,
13 frequents and engages in leisure activities and any
14 planned destinations, including those outside this
15 Commonwealth; and

16 (C) the place the individual receives mail,
17 including a post office box.

18 The duty to provide the information specified in this
19 subparagraph shall apply until the individual establishes
20 a residence as defined in paragraph (1) of the definition
21 of "residence" in section 9799.53. If the individual who
22 has a residence as defined in paragraph (2) of the
23 definition of "residence" in section 9799.53 changes or
24 adds to the places listed in this subparagraph during a
25 30-day period, the individual shall list these when
26 reregistering during the next 30-day period.

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

31 (iii) A change of institution or location at which
32 the person is enrolled as a student, or termination of
33 enrollment.

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

37 (2.1) Registration with a new law enforcement agency
38 shall occur no later than three business days after
39 establishing residence in another state.

40 (3) The registration period required in section
41 9799.55(a) and (a.1) (relating to registration) shall be
42 tolled when an offender is recommitted for a parole violation
43 or sentenced to an additional term of imprisonment. In such
44 cases, the Department of Corrections or county correctional
45 facility shall notify the Pennsylvania State Police of the
46 admission of the offender.

47 (4) This paragraph shall apply to all offenders and
48 sexually violent predators:

49 (i) Where the offender or sexually violent predator
50 was granted parole by the Pennsylvania Board of Probation
51 and Parole or the court or is sentenced to probation or

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

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

31 (b) Individuals convicted or sentenced by a court or
32 adjudicated delinquent in jurisdictions outside this
33 Commonwealth or sentenced by court martial.--

34 (1) (Reserved).

35 (2) (Reserved).

36 (3) (Reserved).

37 (4) An individual who has a residence, is employed or is
38 a student in this Commonwealth and who has been convicted of
39 or sentenced by a court or court martial for a sexually
40 violent offense or a similar offense under the laws of the
41 United States or one of its territories or possessions,
42 another state, the District of Columbia, the Commonwealth of
43 Puerto Rico or a foreign nation, or who was required to
44 register under a sexual offender statute in the jurisdiction
45 where convicted, sentenced or court martial, shall register
46 at an approved registration site within three business days
47 of the individual's arrival in this Commonwealth. The
48 provisions of this subchapter shall apply to the individual
49 as follows:

50 (i) If the individual has been classified as a
51 sexually violent predator as defined in section 9799.53

1 or determined under the laws of the other jurisdiction or
2 by reason of court martial to be subject to active
3 notification and lifetime registration on the basis of a
4 statutorily authorized administrative or judicial
5 decision or on the basis of a statute or administrative
6 rule requiring active notification and lifetime
7 registration based solely on the offense for which the
8 individual was convicted, sentenced or court martialled,
9 the individual shall, notwithstanding section 9799.53, be
10 considered a sexually violent predator and subject to
11 lifetime registration under section 9799.55(b). The
12 individual shall also be subject to the provisions of
13 this section and sections 9799.60 (relating to
14 verification of residence), 9799.62 (relating to other
15 notification) and 9799.63(c)(1) (relating to information
16 made available on Internet and electronic notification),
17 except that the individual shall not be required to
18 receive counseling unless required to do so by the other
19 jurisdiction or by reason of court martial.

20 (ii) Except as provided in subparagraphs (i) and
21 (iv), if the individual has been convicted or sentenced
22 by a court or court martialled for an offense listed in
23 section 9799.55(b) or an equivalent offense, the
24 individual shall, notwithstanding section 9799.53, be
25 considered an offender and be subject to lifetime
26 registration under section 9799.55(b). The individual
27 shall also be subject to the provisions of this section
28 and sections 9799.60 and 9799.63(c)(2).

29 (iii) Except as provided in subparagraphs (i), (ii),
30 (iv) and (v), if the individual has been convicted or
31 sentenced by a court or court martialled for an offense
32 listed in section 9799.55(a) or an equivalent offense,
33 the individual shall be, notwithstanding section 9799.53,
34 considered an offender and subject to registration under
35 this subchapter. The individual shall also be subject to
36 the provisions of this section and sections 9799.60 and
37 9799.63(c)(2). The individual shall be subject to this
38 subchapter for a period of 10 years or for a period of
39 time equal to the time for which the individual was
40 required to register in the other jurisdiction or
41 required to register by reason of court martial,
42 whichever is greater, less any credit due to the
43 individual as a result of prior compliance with
44 registration requirements.

45 (iv) Except as provided in subparagraph (i) and
46 notwithstanding subparagraph (v), if the individual is
47 subject to active notification in the other jurisdiction
48 or subject to active notification by reason of court
49 martial, the individual shall, notwithstanding section
50 9799.53, be considered an offender and subject to this
51 section and sections 9799.60, 9799.62 and 9799.63(c)(1).

1 If the individual was convicted of or sentenced in the
2 other jurisdiction or sentenced by court martial for an
3 offense listed in section 9799.55(b) or an equivalent
4 offense, the individual shall be subject to this
5 subchapter for the individual's lifetime. If the
6 individual was convicted of or sentenced in the other
7 jurisdiction or sentenced by court martial for an offense
8 listed in section 9799.55(a) or an equivalent offense,
9 the individual shall be subject to this subchapter for a
10 period of 10 years or for a period of time equal to the
11 time for which the individual was required to register in
12 the other jurisdiction or required to register by reason
13 of court martial, whichever is greater, less any credit
14 due to the individual as a result of prior compliance
15 with registration requirements. Otherwise, the individual
16 shall be subject to this subchapter for a period of time
17 equal to the time for which the individual was required
18 to register in the other jurisdiction or required to
19 register by reason of court martial, less any credit due
20 to the individual as a result of prior compliance with
21 registration requirements.

22 (v) Except as provided in subparagraphs (i), (ii),
23 (iii) and (iv), if the individual is subject to passive
24 notification in the other jurisdiction or subject to
25 passive notification by reason of court martial, the
26 individual shall, notwithstanding section 9799.53, be
27 considered an offender and subject to this section and
28 sections 9799.60 and 9799.63(c)(2). The individual shall
29 be subject to this subchapter for a period of time equal
30 to the time for which the individual was required to
31 register in the other jurisdiction or required to
32 register by reason of court martial, less any credit due
33 to the individual as a result of prior compliance with
34 registration requirements.

35 (5) Notwithstanding the provisions of Chapter 63
36 (relating to juvenile matters) and except as provided in
37 paragraph (4), an individual who has a residence, is employed
38 or is a student in this Commonwealth and who is required to
39 register as a sex offender under the laws of the United
40 States or one of its territories or possessions, another
41 state, the District of Columbia, the Commonwealth of Puerto
42 Rico or a foreign nation as a result of a juvenile
43 adjudication shall register at an approved registration site
44 within three business days of the individual's arrival in
45 this Commonwealth. The provisions of this subchapter shall
46 apply to the individual as follows:

47 (i) If the individual has been classified as a
48 sexually violent predator as defined in section 9799.53
49 or determined under the laws of the other jurisdiction to
50 be subject to active notification and lifetime
51 registration on the basis of a statutorily authorized

1 administrative or judicial decision or on the basis of a
2 statute or administrative rule requiring active
3 notification and lifetime registration based solely on
4 the offense for which the individual was adjudicated, the
5 individual shall, notwithstanding section 9799.53, be
6 considered a sexually violent predator and subject to
7 lifetime registration under section 9799.55(b). The
8 individual shall also be subject to the provisions of
9 this section and sections 9799.60 and 9799.63(c)(1),
10 except that the individual shall not be required to
11 receive counseling unless required to do so by the other
12 jurisdiction.

13 (ii) Except as provided in subparagraph (i), if the
14 individual is subject to active notification in the other
15 jurisdiction, the individual shall, notwithstanding
16 section 9799.53, be considered an offender and subject to
17 registration under this subchapter. The individual shall
18 also be subject to the provisions of this section and
19 sections 9799.60, 9799.62 and 9799.63(c)(1). The
20 individual shall be subject to this subchapter for a
21 period of time equal to the time for which the individual
22 was required to register in the other jurisdiction, less
23 any credit due to the individual as a result of prior
24 compliance with registration requirements.

25 (iii) Except as provided in subparagraphs (i) and
26 (ii), if the individual is subject to passive
27 notification in the other jurisdiction, the individual
28 shall, notwithstanding section 9799.53, be considered an
29 offender and be subject to this section and sections
30 9799.60 and 9799.63(c)(2). The individual shall be
31 subject to this subchapter for a period of time equal to
32 the time for which the individual was required to
33 register in the other jurisdiction, less any credit due
34 to the individual as a result of prior registration
35 compliance.

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

37 (1) The Pennsylvania State Police shall provide the
38 information obtained under this section and sections 9799.57
39 (relating to sentencing court information) and 9799.60 to the
40 chief law enforcement officers of the police departments of
41 the municipalities in which the individual will establish a
42 residence or be employed or enrolled as a student. In
43 addition, the Pennsylvania State Police shall provide this
44 officer with the address at which the individual will
45 establish a residence or be employed or enrolled as a student
46 following the individual's release from incarceration, parole
47 or probation.

48 (2) The Pennsylvania State Police shall provide notice
49 to the chief law enforcement officers of the police
50 departments of the municipalities notified under paragraph

51 (1) when an individual fails to comply with the registration

requirements of this section or section 9799.60 and request, as appropriate, that these police departments assist in locating and apprehending the individual.

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

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

(e) Registration sites.--An individual subject to section 9799.55 shall register and submit to fingerprinting and photographing as required by this subchapter at approved registration sites.

Section 17. Section 9799.57 of Title 42, added February 21, 2018 (P.L.27, No.10), is reenacted and amended to read:
§ 9799.57. Sentencing court information.

The sentencing court shall inform offenders and sexually violent predators convicted on or after [the effective date of this section] February 21, 2018, at the time of sentencing of the provisions of this subchapter. The court shall:

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

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

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

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

1 and
2 (iii) the place the individual receives mail,
3 including a post office box,
4 if the individual fails to establish a residence as defined
5 in paragraph (1) of the definition of "residence" in section
6 9799.53 (relating to definitions).

7 (2.1) Specifically inform the offender or sexually
8 violent predator of the duty to inform the Pennsylvania State
9 Police within three business days of becoming employed or
10 enrolled as a student if the person has not previously
11 provided that information to the Pennsylvania State Police.

12 (3) Specifically inform the offender or sexually violent
13 predator of the duty to register with a new law enforcement
14 agency if the offender or sexually violent predator moves to
15 another state no later than three business days after
16 establishing residence in another state.

17 (4) Order the fingerprints and photograph of the
18 offender or sexually violent predator to be provided to the
19 Pennsylvania State Police upon sentencing.

20 (5) Specifically inform the offender or sexually violent
21 predator of the duty to register with the appropriate
22 authorities in a state in which the offender or sexually
23 violent predator is employed, carries on a vocation or is a
24 student if the state requires the registration.

25 (6) Require the offender or sexually violent predator to
26 read and sign a form stating that the duty to register under
27 this subchapter has been explained. Where the offender or
28 sexually violent predator is incapable of reading, the court
29 shall certify the duty to register was explained to the
30 offender or sexually violent predator and the offender or
31 sexually violent predator indicated an understanding of the
32 duty.

33 Section 18. Sections 9799.58, 9799.59, 9799.60, 9799.61,
34 9799.62, 9799.63, 9799.64, 9799.65, 9799.66, 9799.67, 9799.68
35 and 9799.69 of Title 42, added February 21, 2018 (P.L.27,
36 No.10), are reenacted to read:
37 § 9799.58. Assessments.

38 (a) Order for assessment.--After conviction but before
39 sentencing, a court shall order an individual convicted of an
40 offense specified in section 9799.55 (relating to registration)
41 to be assessed by the board. The order for an assessment shall
42 be sent to the administrative officer of the board within 10
43 days of the date of conviction.

44 (b) Assessment.--Upon receipt from the court of an order for
45 an assessment, a member of the board as designated by the
46 administrative officer of the board shall conduct an assessment
47 of the individual to determine if the individual should be
48 classified as a sexually violent predator. The board shall
49 establish standards for evaluations and for evaluators
50 conducting the assessments. An assessment shall include, but not
51 be limited to, an examination of the following:

- (1) Facts of the current offense, including:
 - (i) Whether the offense involved multiple victims.
 - (ii) Whether the individual exceeded the means necessary to achieve the offense.
 - (iii) The nature of the sexual contact with the victim.
 - (iv) Relationship of the individual to the victim.
 - (v) Age of the victim.
 - (vi) Whether the offense included a display of unusual cruelty by the individual during the commission of the crime.
 - (vii) The mental capacity of the victim.

- (2) Prior offense history, including:
 - (i) The individual's prior criminal record.
 - (ii) Whether the individual completed any prior sentences.
 - (iii) Whether the individual participated in available programs for sexual offenders.
- (3) Characteristics of the individual, including:
 - (i) Age of the individual.
 - (ii) Use of illegal drugs by the individual.
 - (iii) A mental illness, mental disability or mental abnormality.
 - (iv) Behavioral characteristics that contribute to the individual's conduct.

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

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

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

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

- (1) A concise narrative of the offender's conduct.
- (2) Whether the victim was a minor.
- (3) The manner of weapon or physical force used or threatened.
- (4) If the offense involved unauthorized entry into a room or vehicle occupied by the victim.

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

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

7 (e) Hearing.--

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

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

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

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

32 (f) Presentence investigation.--In all cases where the board
33 has performed an assessment under this section, copies of the
34 report shall be provided to the agency preparing the presentence
35 investigation.

36 (g) Parole assessment.--The Pennsylvania Board of Probation
37 and Parole may request of the board an assessment of an offender
38 or sexually violent predator be conducted and provide a report
39 to the Pennsylvania Board of Probation and Parole prior to
40 considering an offender or sexually violent predator for parole.

41 (h) Delinquent children.--Except where section 6358(b.1) is
42 applicable, the probation officer shall notify the board 90 days
43 prior to the 20th birthday of the child of the status of the
44 delinquent child who is committed to an institution or other
45 facility under section 6352 (relating to disposition of
46 delinquent child) after having been found delinquent for an act
47 of sexual violence which if committed by an adult would be a
48 violation of 18 Pa.C.S. § 3121 (relating to rape), 3123
49 (relating to involuntary deviate sexual intercourse), 3124.1
50 (relating to sexual assault), 3125 (relating to aggravated
51 indecent assault), 3126 (relating to indecent assault) or 4302

(relating to incest), together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality as defined in section 6402 (relating to definitions) or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court within the time frames under section 6358(c). The probation officer shall assist the board in obtaining access to the child and records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).

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

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

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

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

(3) The order for an assessment under this section shall be sent to the administrative officer of the board within 10 days of the entry. No later than 90 days following receipt of the order, the board shall submit a written report containing

1 the board's assessment to the sentencing court, the district
2 attorney and the attorney for the sexual offender.

3 (4) Within 120 days of filing the petition under
4 paragraph (1), the sentencing court shall hold a hearing to
5 determine whether to exempt the petitioner from the
6 application of any or all of the requirements of this
7 subchapter. The petitioner and the district attorney shall be
8 given notice of the hearing and an opportunity to be heard,
9 the right to call witnesses and the right to cross-examine
10 witnesses. The petitioner shall have the right to counsel and
11 to have a lawyer appointed to represent the petitioner if the
12 petitioner cannot afford one.

13 (5) The sentencing court shall exempt the petitioner
14 from application of any or all of the requirements of this
15 subchapter, at the discretion of the court, only upon a
16 finding of clear and convincing evidence that exempting the
17 petitioner from a particular requirement or all of the
18 requirements of this subchapter is not likely to pose a
19 threat to the safety of any other person.

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

23 (7) The petitioner and the Commonwealth shall have the
24 right to appellate review of the actions of the sentencing
25 court under this section. An appeal by the Commonwealth shall
26 stay the order of the sentencing court. A court granting
27 relief under this section shall notify the Pennsylvania State
28 Police in writing within 10 days from the date the relief is
29 granted. If a memorandum of understanding has been entered
30 into under section 9799.61 (relating to victim notification)
31 with respect to relief granted to the petitioner, the
32 Pennsylvania State Police shall transmit the information
33 about the relief to the Office of Victim Advocate as soon as
34 is practicable. The Office of Victim Advocate shall notify
35 the victim of the relief, in accordance with the memorandum
36 of understanding, as specified in section 9799.61.

37 (8) The petitioner may file an additional petition with
38 the sentencing court no sooner than five years from the date
39 of the final determination of a court regarding the petition
40 and every five years thereafter.

41 (9) If a petitioner is exempt from any provisions of
42 this subchapter and the petitioner is subsequently convicted
43 under 18 Pa.C.S. § 4915.2 (relating to failure to comply with
44 42 Pa.C.S. Ch. 97 Subch. I registration requirements), relief
45 granted under this section shall be void, and the petitioner
46 shall automatically and immediately again be subject to the
47 provisions of this subchapter, as previously determined by
48 this subchapter.

49 (b) Agency cooperation.--All State, county and local
50 agencies, offices and entities in this Commonwealth, including
51 juvenile probation officers, shall cooperate by providing access

1 to records and information as requested by the board in
2 connection with the court-ordered assessment under subsection
3 (a).

4 § 9799.60. Verification of residence.

5 (a) Quarterly verification by sexually violent predators.--
6 The Pennsylvania State Police shall verify the residence and
7 compliance with counseling as provided for in section 9799.70
8 (relating to counseling of sexually violent predators) of
9 sexually violent predators every 90 days through the use of a
10 nonforwardable verification form to the last reported residence.
11 For the period of registration required by section 9799.55
12 (relating to registration), a sexually violent predator shall
13 appear quarterly within 10 days of the dates designated by the
14 Pennsylvania State Police each calendar year at an approved
15 registration site to complete a verification form and to be
16 photographed.

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

20 (1) sending a notice by first class United States mail
21 to all registered sexually violent predators at their last
22 reported residence addresses. This notice shall be sent not
23 more than 30 days nor less than 15 days prior to each of the
24 quarterly verification periods specified in subsection (a)
25 and shall remind sexually violent predators of their
26 quarterly verification requirement and provide them with a
27 list of approved registration sites; and

28 (2) providing verification and compliance forms as
29 necessary to each approved registration site not less than 10
30 days before each of the quarterly verification periods.

31 (b) Annual verification by offenders.--The Pennsylvania
32 State Police shall verify the residence of offenders. For the
33 period of registration required by section 9799.55, an offender
34 shall appear within 10 days before each annual anniversary date
35 of the offender's initial registration under section 9799.55 at
36 an approved registration site to complete a verification form
37 and to be photographed.

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

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

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

50 (b.2) Monthly verification by individuals with temporary
51 habitats located within this Commonwealth.--The Pennsylvania

1 State Police shall verify the residence of individuals required
2 to register under this subchapter who have a residence as
3 defined in paragraph (2) of the definition of "residence" in
4 section 9799.53 (relating to definitions) every 30 days through
5 the use of a nonforwardable verification form to the last
6 reported location where the individual receives mail. The
7 individual shall appear every 30 days at an approved
8 registration site to complete a verification form and to be
9 photographed. The individual shall appear within three business
10 days of the date designated by the Pennsylvania State Police.

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

14 (1) sending a notice by first class United States mail
15 to an individual required to register under this subchapter
16 who has a residence as defined in paragraph (2) of the
17 definition of "residence" in section 9799.53 at the last
18 reported location where the individual receives mail. This
19 notice shall be sent not more than 10 days nor less than five
20 days prior to each of the monthly verification periods and
21 shall remind the individual of the monthly verification
22 requirement and provide a list of approved registration
23 sites; and

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

26 (c) Notification of law enforcement agencies of change of
27 residence.--A change of residence of an offender or sexually
28 violent predator required to register under this subchapter
29 reported to the Pennsylvania State Police shall be immediately
30 reported by the Pennsylvania State Police to the appropriate law
31 enforcement agency having jurisdiction of the offender's or the
32 sexually violent predator's new place of residence. The
33 Pennsylvania State Police shall, if the offender or sexually
34 violent predator changes residence to another state, notify the
35 law enforcement agency with which the offender or sexually
36 violent predator must register in the new state.

37 (d) Failure to provide verification.--Where an offender or
38 sexually violent predator fails to provide verification of
39 residence defined in paragraph (1) of the definition of
40 "residence" in section 9799.53 within the 10-day period or three
41 business days in the case of an offender or sexually violent
42 predator who has a residence as defined in paragraph (2) of the
43 definition of "residence" in section 9799.53, as specified in
44 this section, the Pennsylvania State Police shall immediately
45 notify the municipal police department of the offender's or the
46 sexually violent predator's last verified residence. The local
47 municipal police shall locate the offender or sexually violent
48 predator and arrest the individual for violating this section.
49 The Pennsylvania State Police shall assume responsibility for
50 locating and arresting the offender or sexually violent predator
51 in jurisdictions where no municipal police jurisdiction exists.

1 The Pennsylvania State Police shall assist a municipal police
2 department requesting assistance with locating and arresting an
3 offender or sexually violent predator who fails to verify the
4 offender's or sexually violent predator's residence.

5 (e) Penalty.--An individual subject to registration under
6 section 9799.55(a) or (b) who fails to verify the individual's
7 residence or to be photographed as required by this section may
8 be subject to prosecution under 18 Pa.C.S. § 4915.2 (relating to
9 failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration
10 requirements).

11 (f) Effect of notice.--Neither failure on the part of the
12 Pennsylvania State Police to send nor failure of a sexually
13 violent predator or offender to receive notice or information
14 under subsection (a.1), (b.1) or (b.3) shall relieve that
15 predator or offender from the requirements of this subchapter.
16 § 9799.61. Victim notification.

17 (a) Duty to inform victim.--

18 (1) Where the individual is determined to be a sexually
19 violent predator by a court under section 9799.58 (relating
20 to assessments), the local municipal police department or the
21 Pennsylvania State Police where no municipal police
22 jurisdiction exists shall give written notice to the sexually
23 violent predator's victim when the sexually violent predator
24 registers initially and when the sexually violent predator
25 notifies the Pennsylvania State Police of a change of
26 residence. In the case of a sexually violent predator who has
27 a residence as defined in paragraph (1) of the definition of
28 "residence" in section 9799.53 (relating to definitions),
29 notice shall be given within 72 hours after the sexually
30 violent predator registers or notifies the Pennsylvania State
31 Police of a change of address. The notice shall contain the
32 sexually violent predator's name and the address or addresses
33 where the individual has a residence. In the case of a
34 sexually violent predator who has a residence as defined in
35 paragraph (2) of the definition of "residence" in section
36 9799.53, the notice shall contain the sexually violent
37 predator's name and the information specified in section
38 9799.56(a)(2)(i)(A) and (B) (relating to registration
39 procedures and applicability). The notice shall be given to
40 the victim within 72 hours after the sexually violent
41 predator registers or notifies the Pennsylvania State Police
42 of a change of residence.

43 (2) A victim may terminate the duty to inform described
44 in paragraph (1) by providing the local municipal police
45 department or the Pennsylvania State Police where no local
46 municipal police department exists with a written statement
47 releasing that agency from the duty to comply with this
48 section as it pertains to that victim.

49 (b) Where an individual is not determined to be a sexually
50 violent predator.--Where an individual is not determined to be a
51 sexually violent predator by a court under section 9799.58, the

1 victim shall be notified in accordance with section 201 of the
2 act of November 24, 1998 (P.L.882, No.111), known as the Crime
3 Victims Act. This subsection includes the circumstance of an
4 offender having a residence as defined in paragraph (2) of the
5 definition of "residence" in section 9799.53.

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

7 (1) The Pennsylvania State Police may enter into a
8 memorandum of understanding with the Office of Victim
9 Advocate to assist the Pennsylvania State Police in notifying
10 victims and providing the information under subsection (a).
11 In addition, the memorandum of understanding may also include
12 the Office of Victim Advocate's notifying a victim of relief
13 granted to a petitioner under section 9799.59 (relating to
14 exemption from certain notifications). The memorandum of
15 understanding must set forth the manner and method of
16 notifying victims and the duties of the Pennsylvania State
17 Police and the Office of Victim Advocate under this section
18 and section 9799.59(a). A memorandum of understanding entered
19 into under this subsection shall be valid for no more than 10
20 years. There shall be no limit to the number of memoranda of
21 understanding which may be executed by the Pennsylvania State
22 Police and the Office of Victim Advocate under this
23 subsection.

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

27 § 9799.62. Other notification.

28 (a) Notice by municipality's chief law enforcement
29 officer.--Notwithstanding any of the provisions of 18 Pa.C.S.
30 Ch. 91 (relating to criminal history record information), the
31 chief law enforcement officer of the full-time or part-time
32 police department of the municipality where a sexually violent
33 predator lives shall be responsible for providing written notice
34 as required under this section.

35 (1) The notice shall contain:

36 (i) The name of the convicted sexually violent
37 predator.

38 (ii) The address or addresses at which the sexually
39 violent predator has a residence. If, however, the
40 sexually violent predator has a residence as defined in
41 paragraph (2) of the definition of "residence" in section
42 9799.53 (relating to definitions), the notice shall be
43 limited to that provided for under section 9799.56(a)(2)

44 (i)(C) (relating to registration procedures and
45 applicability).

46 (iii) The offense for which the sexually violent
47 predator was convicted, sentenced by a court, adjudicated
48 delinquent or court martialled.

49 (iv) A statement that the individual has been
50 determined by court order to be a sexually violent
51 predator, which determination has or has not been

1 terminated as of a date certain.

2 (v) A photograph of the sexually violent predator,
3 if available.

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

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

9 (1) Neighbors of the sexually violent predator. As used
10 in this paragraph, where the sexually violent predator lives
11 in a common interest community, the term "neighbor" includes
12 the unit owners' association and residents of the common
13 interest community.

14 (2) The director of the county children and youth
15 service agency of the county where the sexually violent
16 predator has a residence.

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

21 (3.1) The superintendent of each school district and the
22 equivalent official for each private and parochial school
23 located within a one-mile radius of where the sexually
24 violent predator has a residence.

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

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

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

35 (1) To neighbors, notice shall be provided within five
36 days after information of the sexually violent predator's
37 release date and residence has been received by the chief law
38 enforcement officer. Notwithstanding the provisions of
39 subsections (a) and (b), verbal notification may be used if
40 written notification would delay meeting this time
41 requirement.

42 (2) To the persons specified in subsection (b) (2), (3),
43 (4) and (5), notice shall be provided within seven days after
44 the chief law enforcement officer receives information
45 regarding the sexually violent predator's release date and
46 residence.

47 (d) Public notice.--All information provided in accordance
48 with subsection (a) shall be available, upon request, to the
49 general public. The information may be provided by electronic
50 means.

51 (e) Interstate transfers.--The duties of police departments

1 under this section shall also apply to individuals who are
2 transferred to this Commonwealth under the Interstate Compact
3 for the Supervision of Adult Offenders or the Interstate Compact
4 for Juveniles.

5 § 9799.63. Information made available on Internet and
6 electronic notification.

7 (a) Legislative findings.--It is hereby declared to be the
8 finding of the General Assembly that public safety will be
9 enhanced by making information about sexually violent predators,
10 lifetime registrants and other sex offenders available to the
11 public through the Internet and electronic notification.

12 Knowledge of whether a person is a sexually violent predator,
13 lifetime registrant or other sex offender could be a significant
14 factor in protecting oneself and one's family members, or those
15 in care of a group or community organization, from recidivist
16 acts by sexually violent predators, lifetime registrants and
17 other sex offenders. The technology afforded by the Internet and
18 electronic notification would make this information readily
19 accessible to parents and private entities, enabling them to
20 undertake appropriate remedial precautions to prevent or avoid
21 placing potential victims at risk. Public access to information
22 about sexually violent predators, lifetime registrants and other
23 sex offenders is intended solely as a means of public protection
24 and shall not be construed as punitive.

25 (b) Internet posting of sexually violent predators, lifetime
26 registrants, other offenders and electronic notification.--The
27 Commissioner of the Pennsylvania State Police shall, in the
28 manner and form directed by the Governor:

29 (1) Develop and maintain a system for making the
30 information described in subsection (c) publicly available by
31 electronic means so that the public may, without limitation,
32 obtain access to the information via an Internet website to
33 view an individual record or the records of all sexually
34 violent predators, lifetime registrants and other offenders
35 who are registered with the Pennsylvania State Police. The
36 publicly accessible Internet website created under this
37 subchapter and the information required to be posted under
38 this subchapter shall be included on the publicly accessible
39 Internet website created and maintained by the Pennsylvania
40 State Police under Subchapter H (relating to registration of
41 sexual offenders).

42 (2) Ensure that the Internet website contains warnings
43 that a person who uses the information contained on the
44 Internet website to threaten, intimidate or harass another or
45 who otherwise misuses that information may be criminally
46 prosecuted.

47 (3) Ensure that the Internet website contains:

48 (i) An explanation of its limitations, including
49 statements advising that a positive identification of a
50 sexually violent predator, lifetime registrant or other
51 offender whose record has been made available may be

1 confirmed only by fingerprints.

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

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

7 (4) Strive to ensure that:

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

10 (ii) the data on the Internet website is revised and
11 updated as appropriate in a timely and efficient manner;
12 and

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

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

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

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

32 (c) Information permitted to be disclosed regarding
33 individuals.--Notwithstanding 18 Pa.C.S. Ch. 91, the Internet
34 website shall contain the following information on each
35 individual:

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

38 (i) name and all known aliases;

39 (ii) year of birth;

40 (iii) in the case of an individual who has a
41 residence as defined in paragraph (1) of the definition
42 of "residence" in section 9799.53 (relating to
43 definitions), the street address, municipality, county
44 and zip code of all residences, including, where
45 applicable, the name of the prison or other place of
46 confinement;

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

50 (v) the municipality, county and zip code of an
51 employment location;

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

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

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

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

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

(xi) whether the victim is a minor;

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

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

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

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

(d) Duration of Internet posting.--

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

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

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

§ 9799.64. Administration.

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

§ 9799.65. Global positioning system technology.

1 The Pennsylvania Board of Probation and Parole and county
2 probation authorities may impose supervision conditions that
3 include offender tracking through global positioning system
4 technology.

5 § 9799.66. Immunity for good faith conduct.

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

8 (1) The Pennsylvania State Police and local law
9 enforcement agencies and employees of law enforcement
10 agencies.

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

12 (3) Superintendents, administrators, teachers, employees
13 and volunteers engaged in the supervision of children of a
14 public, private or parochial school.

15 (4) Directors and employees of county children and youth
16 agencies.

17 (5) Presidents or similar officers of universities and
18 colleges, including community colleges.

19 (6) The Pennsylvania Board of Probation and Parole and
20 its agents and employees.

21 (7) County probation and parole offices and their agents
22 and employees.

23 (8) Licensees of certified day-care centers and
24 directors of licensed preschool programs and owners/operators
25 of registered family day-care homes, and their agents and
26 employees.

27 (9) The Pennsylvania Department of Corrections and its
28 agents and employees.

29 (10) County correctional facilities and their agents and
30 employees.

31 (11) Members of the Sexual Offenders Assessment Board
32 and its agents and employees.

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

38 § 9799.67. Duties of Pennsylvania State Police.

39 The Pennsylvania State Police shall:

40 (1) Create and maintain a State registry of offenders
41 and sexually violent predators required to register under
42 this subchapter. The registry shall be incorporated as part
43 of the registry established under Subchapter H (relating to
44 registration of sexual offenders).

45 (2) In consultation with the Department of Corrections,
46 the Office of Attorney General, the Pennsylvania Board of
47 Probation and Parole and the chairperson and the minority
48 chairperson of the Judiciary Committee of the Senate and the
49 chairperson and the minority chairperson of the Judiciary
50 Committee of the House of Representatives, promulgate
51 guidelines necessary for the general administration of this

1 subchapter. These guidelines shall establish procedures to
2 allow an individual subject to the requirements of sections
3 9799.55 (relating to registration) and 9799.60 (relating to
4 verification of residence) to fulfill these requirements at
5 approved registration sites throughout this Commonwealth.
6 This paragraph includes the duty to establish procedures to
7 allow an individual who has a residence as defined in
8 paragraph (2) of the definition of "residence" in section
9 9799.53 (relating to definitions) to fulfill the requirements
10 regarding registration at approved registration sites
11 throughout this Commonwealth. The Pennsylvania State Police
12 shall publish a list of approved registration sites in the
13 Pennsylvania Bulletin and provide a list of approved
14 registration sites in any notices sent to individuals
15 required to register under section 9799.55. An approved
16 registration site shall be capable of submitting
17 fingerprints, photographs and other information required
18 electronically to the Pennsylvania State Police. The
19 Pennsylvania State Police shall require that approved
20 registration sites submit fingerprints utilizing the
21 Integrated Automated Fingerprint Identification System or in
22 another manner and in the form as the Pennsylvania State
23 Police shall require. The Pennsylvania State Police shall
24 require that approved registration sites submit photographs
25 utilizing the Commonwealth Photo Imaging Network or in
26 another manner and in the form as the Pennsylvania State
27 Police shall require. Approved registration sites shall not
28 be limited to sites managed by the Pennsylvania State Police
29 and shall include sites managed by local law enforcement
30 agencies that meet the criteria for approved registration
31 sites specified in this paragraph.

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

34 (4) Notify, within five business days of receiving the
35 offender's or the sexually violent predator's registration,
36 the chief law enforcement officers of the police departments
37 having primary jurisdiction of the municipalities in which an
38 offender or sexually violent predator has a residence, is
39 employed or enrolled as a student of the fact that the
40 offender or sexually violent predator has been registered
41 with the Pennsylvania State Police under sections 9799.56
42 (relating to registration procedures and applicability) and
43 9799.60.

44 (5) In consultation with the Department of Education and
45 the Pennsylvania Board of Probation and Parole, promulgate
46 guidelines directing licensed day-care centers, licensed
47 preschool programs, schools, universities and colleges,
48 including community colleges, on the proper use and
49 administration of information received under section 9799.62
50 (relating to other notification).

51 (6) Immediately transfer the information received from

1 the Pennsylvania Board of Probation and Parole under section
2 9799.68(2) and (3) (relating to duties of Pennsylvania Board
3 of Probation and Parole) and the fingerprints of a sexually
4 violent predator to the Federal Bureau of Investigation.

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

8 § 9799.68. Duties of Pennsylvania Board of Probation and
9 Parole.

10 The Pennsylvania Board of Probation and Parole shall:

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

15 (2) In cooperation with the Department of Corrections
16 and other Commonwealth agencies, obtain the following
17 information regarding offenders and sexually violent
18 predators:

19 (i) Name, including aliases.

20 (ii) Identifying factors.

21 (iii) Anticipated future residence.

22 (iv) Offense history.

23 (v) Documentation of treatment received for the
24 mental abnormality or personality disorder.

25 (vi) Photograph of the offender or sexually violent
26 predator.

27 (3) Immediately transmit the information in paragraph

28 (2) to the Pennsylvania State Police for immediate entry into
29 the State registry of offenders and sexually violent
30 predators and the criminal history record of the individual
31 as provided in 18 Pa.C.S. Ch. 91 (relating to criminal
32 history record information).

33 (4) Apply for Federal funding as provided in the Adam
34 Walsh Child Protection and Safety Act of 2006 (Public Law
35 109-248, 120 Stat. 587) to support and enhance programming
36 using satellite global positioning system technology.

37 § 9799.69. Board.

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

42 (b) Appointment.--The Governor shall appoint the board
43 members.

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

46 (d) Compensation.--The members of the board shall be
47 compensated at a rate of \$350 per assessment and receive
48 reimbursement for their actual and necessary expenses while
49 performing the business of the board. The chairman shall receive
50 \$500 additional compensation per annum.

51 (e) Staff.--Support staff for the board shall be provided by

1 the Pennsylvania Board of Probation and Parole.

2 Section 18.1. Section 9799.70 of Title 42, added February
3 21, 2018 (P.L.27, No.10), is reenacted and amended to read:

4 § 9799.70. Counseling of sexually violent predators.

5 (a) Counseling required.--For the period of registration
6 required by section 9799.55(b) (relating to registration), a
7 sexually violent predator shall be required to attend at least
8 monthly counseling sessions in a program approved by the board
9 and be financially responsible for all fees assessed from the
10 counseling sessions. The board shall monitor the compliance of
11 the sexually violent predator. If the sexually violent predator
12 can prove to the satisfaction of the court that the person
13 cannot afford to pay for the counseling sessions, that person
14 shall still attend the counseling sessions and the parole office
15 shall pay the requisite fees.

16 (b) Notice.--A provider of counseling sessions under
17 subsection (a) shall notify the district attorney of the county
18 and the chief law enforcement officer as defined in section 8951
19 (relating to definitions) of the municipality where the provider
20 is located that the provider is counseling sexually violent
21 predators. Notice under this subsection must be submitted in
22 writing no later than January 15 of each year and shall include
23 the address of the provider.

24 Section 19. Section 9799.71 of Title 42, added February 21,
25 2018 (P.L.27, No.10), is reenacted to read:

26 § 9799.71. Exemption from notification for certain licensees
27 and their employees.

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

33 (1) a sexually violent predator; or

34 (2) an individual who is transferred to this

35 Commonwealth under the Interstate Compact for the Supervision
36 of Adult Offenders or the Interstate Compact for Juveniles.

37 Section 19.1. Section 9799.72 of Title 42, added February
38 21, 2018 (P.L.27, No.10), is reenacted and amended to read:

39 § 9799.72. Annual performance audit.

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

41 (1) Conduct a performance audit annually to determine
42 compliance with the requirements of this subchapter and
43 guidelines promulgated under this subchapter. The audit
44 shall, at a minimum, include a review of the practices,
45 procedures and records of the Pennsylvania State Police, the
46 Pennsylvania Board of Probation and Parole, the Department of
47 Corrections, the State Sexual Offenders Assessment Board, the
48 Administrative Office of Pennsylvania Courts and any other
49 State or local agency the Attorney General deems necessary in
50 order to conduct a thorough and accurate performance audit.

51 (2) Prepare an annual report of its findings and actions

1 it recommends be taken by the Pennsylvania State Police, the
2 Pennsylvania Board of Probation and Parole, the Department of
3 Corrections, the State Sexual Offenders Assessment Board, the
4 Administrative Office of Pennsylvania Courts, other State or
5 local agencies and the General Assembly to ensure compliance
6 with this subchapter. The first report shall be released to
7 the general public not less than 18 months [following the
8 effective date of this section] after February 21, 2018.

9 (3) Provide a copy of its report to the Pennsylvania
10 State Police, the Pennsylvania Board of Probation and Parole,
11 the Department of Corrections, the State Sexual Offenders
12 Assessment Board, the Administrative Office of Pennsylvania
13 Courts, State or local agencies referenced therein, the
14 chairperson and the minority chairperson of the Judiciary
15 Committee of the Senate and the chairperson and the minority
16 chairperson of the Judiciary Committee of the House of
17 Representatives no less than 30 days prior to the report's
18 release to the general public.

19 (b) Cooperation required.--Notwithstanding any other
20 provision of law to the contrary, the Pennsylvania State Police,
21 the Pennsylvania Board of Probation and Parole, the Department
22 of Corrections, the State Sexual Offenders Assessment Board, the
23 Administrative Office of Pennsylvania Courts, the Pennsylvania
24 Commission on Sentencing and any other State or local agency
25 requested to do so shall fully cooperate with the Attorney
26 General and assist the office in satisfying the requirements of
27 this section. For purposes of this subsection, full cooperation
28 shall include, at a minimum, complete access to unredacted
29 records, files, reports and data systems.

30 Section 20. Sections 9799.73 and 9799.74 of Title 42, added
31 February 21, 2018 (P.L.27, No.10), are reenacted to read:
32 § 9799.73. Photographs and fingerprinting.

33 An individual subject to section 9799.55 (relating to
34 registration) shall submit to fingerprinting and photographing
35 as required by this subchapter at approved registration sites.
36 Fingerprinting as required by this subchapter shall, at a
37 minimum, require submission of a full set of fingerprints.
38 Photographing as required by this subchapter shall, at a
39 minimum, require submission to photographs of the face and
40 scars, marks, tattoos or other unique features of the
41 individual. Fingerprints and photographs obtained under this
42 subchapter may be maintained for use under this subchapter and
43 for general law enforcement purposes.

44 § 9799.74. Standing for Pennsylvania State Police.

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

51 Section 20.1. Section 9799.75 of Title 42, added February

21, 2018 (P.L.27, No.10), is reenacted and amended to read:
§ 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 this subchapter 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 martialed 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 the act of November 24, 2004 (P.L.1243, No.152), entitled "An act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two year limitation; providing for limitation and application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting[.]" but for the decision by the Pennsylvania Supreme Court in Commonwealth v. Neiman, 84 A.3d 603 (Pa. 2013).

(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 21. This act shall apply as follows:

(1) The reenactment or 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 reenactment or amendment of 18 Pa.C.S. § 4915.2 and 42 Pa.C.S. Ch. 97 Subch. I shall apply to:

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

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

10 (iii) Before or after February 21, 2018, an
11 individual who:

12 (A) commits an offense subject to 42 Pa.C.S. Ch.
13 97 Subch. H; but

14 (B) because of a judicial determination on or
15 after February 21, 2018 of the invalidity of 42
16 Pa.C.S. Ch. 97 Subch. H, is not subject to
17 registration as a sexual offender.

18 Section 22. The reenactment of 42 Pa.C.S. §§ 9799.25(f) and
19 9799.55(d) shall apply to all group-based homes and their
20 residents, regardless of when the group-based homes began to
21 provide housing or the residents began their residency.

22 Section 23. This act shall take effect immediately.