

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1271

 Session of 1993

INTRODUCED BY WOZNIAK, TIGUE, TRELLO, DeLUCA, KASUNIC, PESCI,  
BUXTON, FAJT AND GAMBLE, APRIL 21, 1993

AS REPORTED FROM COMMITTEE ON AGING AND YOUTH, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1994

## AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <—  
2 ~~Consolidated Statutes, expanding the coverage of provisions~~  
3 ~~on criminal history information; and imposing penalties.~~

4 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <—  
5 CONSOLIDATED STATUTES, PROVIDING FOR CHILD SEX OFFENDER  
6 REGISTRATION.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 ~~Section 1. Section 9102 of Title 18 of the Pennsylvania~~ <—  
10 ~~Consolidated Statutes is amended by adding a definition to read:~~  
11 ~~§ 9102. Definitions.~~

12 ~~The following words and phrases when used in this chapter~~  
13 ~~shall have the meanings given to them in this section unless the~~  
14 ~~context clearly indicates otherwise:~~

15 \* \* \*

16 ~~"Sexual offense involving children." Any of the following:~~

17 ~~(1) An offense under section 3122 (relating to statutory~~  
18 ~~rape).~~

19 ~~(2) An offense under any of the following provisions~~

~~where the victim is under 18 years of age:~~

~~Section 3121 (relating to rape).~~

~~Section 3123 (relating to involuntary deviate sexual intercourse).~~

~~Section 3124 (relating to voluntary deviate sexual intercourse).~~

~~Section 3125 (relating to aggravated indecent assault).~~

~~Section 3126 (relating to indecent assault).~~

~~Section 3127 (relating to indecent exposure).~~

~~(3) Offenses in other jurisdictions which are substantially similar to offenses listed in paragraph (1) or (2).~~

~~\* \* \*~~

~~Section 2. Section 9113 of Title 18 is amended by adding a subsection to read:~~

~~§ 9113. Disposition reporting by criminal justice agencies.~~

~~\* \* \*~~

~~(f) Sheriffs. County sheriffs shall submit criminal history record information received under section 9113.1 (relating to sexual offenses involving children).~~

~~Section 3. Title 18 is amended by adding sections to read:~~

~~§ 9113.1. Sexual offenses involving children.~~

~~(a) Duty to report. Except as provided in subsection (c), an individual who has been sentenced for a sexual offense involving children shall provide the sheriff of the county with the following information:~~

~~(1) Name of county.~~

~~(2) Name.~~

~~(3) Address.~~

~~(4) Place of employment.~~

~~(5) Offense for which the individual was sentenced.~~

~~(6) Disposition of offense for which the individual was sentenced.~~

~~(b) Time period.~~

~~(1) An individual who is a resident of a county on the effective date of this act shall comply with subsection (a) within 60 days of the effective date of this section.~~

~~(2) An individual who establishes a residence in a county after the effective date of this act shall comply with subsection (a) within 60 days of establishing residence.~~

~~(c) Exemption. This section shall not apply to an individual after the passage of 15 years from the completion of the sentence for the sexual offense involving children.~~

~~(d) Penalty. Section 9182 (relating to criminal penalties) applies to this section.~~

~~(e) Notice. Each county sheriff shall publish notice of the requirements of this section in a newspaper of general circulation within the county every three months.~~

~~§ 9184. Criminal penalties.~~

~~An individual who fails to report under section 9113.1 (relating to sexual offenses involving children) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.~~

~~Section 4. This act shall take effect in 60 days.~~

SECTION 1. CHAPTER 31 OF TITLE 18 OF THE PENNSYLVANIA  
CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBCHAPTER TO READ:

SUBCHAPTER C

CHILD SEX OFFENDER REGISTRATION

1 SEC.

2 3141. DEFINITIONS.

3 3142. REGISTRATION REQUIREMENTS.

4 3143. OFFENDER REGISTRATION FORM.

5 3144. REGISTRATION PROCEDURE.

6 3145. PENALTIES.

7 § 3141. 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 "CORRECTIONAL INSTITUTION." AS DEFINED IN SECTION 501  
12 (RELATING TO DEFINITIONS).

13 "OFFENDER REGISTRATION FORM." A FORM WHICH OUTLINES THE  
14 RESPONSIBILITIES AS PRESCRIBED IN THIS SUBCHAPTER OF A PERSON  
15 CONVICTED OF A SEXUAL OFFENSE INVOLVING CHILDREN AND AS FURTHER  
16 DESCRIBED IN SECTION 3143 (RELATING TO OFFENDER REGISTRATION  
17 FORM).

18 "SEXUAL OFFENSE INVOLVING CHILDREN." ANY OF THE FOLLOWING:

19 (1) AN OFFENSE UNDER SECTION 3122 (RELATING TO STATUTORY  
20 RAPE).

21 (2) AN OFFENSE UNDER ANY OF THE FOLLOWING PROVISIONS  
22 WHERE THE VICTIM IS UNDER 18 YEARS OF AGE:

23 SECTION 3121 (RELATING TO RAPE).

24 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
25 INTERCOURSE).

26 SECTION 3124 (RELATING TO VOLUNTARY DEVIATE SEXUAL  
27 INTERCOURSE).

28 SECTION 3125 (RELATING TO AGGRAVATED INDECENT  
29 ASSAULT).

30 SECTION 3126 (RELATING TO INDECENT ASSAULT).

1           SECTION 3127 (RELATING TO INDECENT EXPOSURE).

2           SECTION 4302 (RELATING TO INCEST).

3           (3) AN OFFENSE IN ANOTHER JURISDICTION WHICH IS  
4       SUBSTANTIALLY SIMILAR TO OFFENSES LISTED IN PARAGRAPH (1) OR  
5       (2).

6       "STATE POLICE." THE PENNSYLVANIA STATE POLICE.

7   § 3142. REGISTRATION REQUIREMENTS.

8       (A) INMATE OF CORRECTIONAL INSTITUTION.--ANY PERSON  
9       CONVICTED OF A SEXUAL OFFENSE INVOLVING CHILDREN ENUMERATED IN  
10      PARAGRAPH (1) OR (2) OF THE DEFINITION OF "SEXUAL OFFENSE  
11      INVOLVING CHILDREN" IN SECTION 3141 (RELATING TO DEFINITIONS)  
12      WHO IS CONFINED TO A CORRECTIONAL INSTITUTION FOR SUCH OFFENSE  
13      SHALL BE REQUIRED TO READ, COMPLETE AND SIGN AN OFFENDER  
14      REGISTRATION FORM TO BE PROVIDED BY THE CORRECTIONAL INSTITUTION  
15      UPON PAROLE OR RELEASE.

16      (B) OTHER CONVICTED PERSONS.--ANY PERSON CONVICTED OF A  
17      SEXUAL OFFENSE INVOLVING CHILDREN ENUMERATED IN PARAGRAPH (1) OR  
18      (2) OF THE DEFINITION OF "SEXUAL OFFENSE INVOLVING CHILDREN" IN  
19      SECTION 3141 WHO RECEIVES A SUSPENDED OR ALTERNATIVE SENTENCE OR  
20      PROBATION FOR COMMITTING A SEXUAL OFFENSE INVOLVING CHILDREN  
21      SHALL BE REQUIRED TO READ, COMPLETE AND SIGN AN OFFENDER  
22      REGISTRATION FORM PROVIDED BY THE COURT.

23      (C) PERSONS CONVICTED IN OTHER JURISDICTION.--ANY PERSON  
24      CONVICTED IN ANOTHER JURISDICTION OF A SEXUAL OFFENSE INVOLVING  
25      CHILDREN, AS DESCRIBED IN PARAGRAPH (3) OF THE DEFINITION OF  
26      "SEXUAL OFFENSE INVOLVING CHILDREN" IN SECTION 3141, MUST  
27      CONTACT THE STATE POLICE WITHIN 30 DAYS UPON ENTERING THIS  
28      COMMONWEALTH AND SHALL BE REQUIRED TO READ, COMPLETE AND SIGN AN  
29      OFFENDER REGISTRATION FORM WITHIN TEN DAYS OF SUCH CONTACT.

30   § 3143. OFFENDER REGISTRATION FORM.

1 (A) GENERAL RULE.--THE OFFENDER REGISTRATION FORM SHALL SET  
2 FORTH THE RESPONSIBILITIES AS PRESCRIBED IN THIS SUBCHAPTER OF A  
3 PERSON CONVICTED OF A SEXUAL OFFENSE INVOLVING CHILDREN. THIS  
4 FORM SHALL INCLUDE THE FOLLOWING:

5 (1) NAME.

6 (2) DATE OF BIRTH.

7 (3) SOCIAL SECURITY NUMBER.

8 (4) PHOTOGRAPH.

9 (5) FINGERPRINTS.

10 (6) OFFENSE OR OFFENSES COMMITTED, INCLUDING PLACE AND  
11 DATE OF CONVICTION.

12 (7) RESIDENTIAL ADDRESS UPON RELEASE AND SUBSEQUENT  
13 UPDATED INFORMATION AS REQUIRED UNDER THIS SUBCHAPTER.

14 (B) DUTY OF STATE POLICE.--THE STATE POLICE SHALL DEVELOP  
15 THIS FORM. THE FORM SHALL INCLUDE A PROVISION TO BE SIGNED BY  
16 THE OFFENDER INDICATING THAT HE HAS READ AND UNDERSTANDS THE  
17 REQUIREMENTS IMPOSED UNDER THIS SUBCHAPTER.

18 § 3144. REGISTRATION PROCEDURE.

19 (A) GENERAL RULE.--THE CORRECTIONAL INSTITUTION OR COURT  
20 ISSUING AN OFFENDER REGISTRATION FORM PURSUANT TO SECTION  
21 3142(A) AND (B) (RELATING TO REGISTRATION REQUIREMENTS) SHALL  
22 SEND COPIES OF THE COMPLETED AND SIGNED FORM TO THE CHIEF OF  
23 POLICE OF THE MUNICIPALITY IN WHICH THE OFFENDER INTENDS TO  
24 RESIDE, TO THE STATE POLICE AND TO THE OFFENDER. IF AN OFFENDER  
25 REGISTERS PURSUANT TO SECTION 3142(C), THE STATE POLICE SHALL  
26 SEND COPIES TO THE CHIEF OF POLICE OF THE MUNICIPALITY AND TO  
27 THE OFFENDER. ALL INFORMATION CONTAINED IN THE OFFENDER  
28 REGISTRATION FORM SHALL BE ENTERED INTO THE CENTRAL REPOSITORY  
29 OF CRIMINAL INFORMATION MAINTAINED BY THE STATE POLICE UNDER CH.  
30 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION).

1 NOTWITHSTANDING ANY PROVISION OF CH. 91, ALL INFORMATION  
2 COLLECTED UNDER THIS SUBCHAPTER SHALL BE PUBLIC INFORMATION.

3 (B) CHANGE OF RESIDENCE.--ANY PERSON REQUIRED TO REGISTER  
4 UNDER THIS SUBCHAPTER WHO CHANGES RESIDENCE OR TEMPORARILY  
5 RESIDES IN ANY AREA FOR MORE THAN 21 DAYS SHALL REGISTER WITH  
6 THE LOCAL CHIEF OF POLICE AND NOTIFY THE STATE POLICE IN WRITING  
7 OF THE NEW ADDRESS WITHIN TEN DAYS OF THAT TIME. THE STATE  
8 POLICE SHALL SEND A COPY OF THE UPDATED OFFENDER REGISTRATION  
9 FORM TO THE CHIEF OF POLICE OF THE NEW MUNICIPALITY.

10 (C) RESIDENCE AWAY FROM JURISDICTION.--IF AN OFFENDER  
11 RESIDES IN AN AREA WHICH IS NOT UNDER THE JURISDICTION OF A  
12 LOCAL LAW ENFORCEMENT AGENCY, HE SHALL BE RELIEVED OF THE  
13 APPLICABLE REGISTRATION REQUIREMENT BUT SHALL CONTINUE TO NOTIFY  
14 THE STATE POLICE AS REQUIRED UNDER THIS SUBCHAPTER. THE STATE  
15 POLICE SHALL NOT BE REQUIRED TO NOTIFY LOCAL LAW ENFORCEMENT IF  
16 THE OFFENDER IS NOT UNDER THE JURISDICTION OF SUCH AGENCY. ANY  
17 PERSON REQUIRED TO REGISTER UNDER THIS SUBCHAPTER SHALL BE  
18 SUBJECT TO THIS REQUIREMENT FOR A PERIOD OF 15 YEARS SUBSEQUENT  
19 TO THE DATE OF THE INITIAL COMPLETION OF THE OFFENDER  
20 REGISTRATION FORM AS REQUIRED IN SECTION 3142(A) AND (B). ANY  
21 PERSON REQUIRED TO REGISTER UNDER SECTION 3142(C) SHALL BE  
22 SUBJECT TO THIS SUBCHAPTER FOR 15 YEARS SUBSEQUENT TO THE  
23 COMPLETION OF THE SENTENCE IMPOSED IN THE JURISDICTION IN WHICH  
24 THE CONVICTION WAS OBTAINED.

25 § 3145. PENALTIES.

26 ANY PERSON CONVICTED OF A SEXUAL OFFENSE INVOLVING CHILDREN  
27 WHO FAILS TO FULFILL THE REQUIREMENTS OF THIS SUBCHAPTER COMMITS  
28 A MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON CONVICTION, BE  
29 SENTENCED TO PAY A FINE OF \$2,500, OR TO IMPRISONMENT FOR NOT  
30 MORE THAN ONE YEAR, OR BOTH.

1       SECTION 2.   THIS ACT SHALL TAKE EFFECT IN 60 DAYS.