

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 903 Session of
2003

INTRODUCED BY GREENLEAF, LEMMOND, O'PAKE, EARLL, COSTA, DENT,
TARTAGLIONE, KITCHEN, STACK, MUSTO, WONDERLING, BOSCOLA,
RAFFERTY, WOZNIAK AND ORIE, SEPTEMBER 15, 2003

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 13, 2004

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, ~~by~~ further providing for <—
3 ten-year registration, FOR REGISTRATION PROCEDURES AND <—
4 APPLICABILITY, FOR NOTIFICATION AND FOR EXEMPTIONS FROM
5 NOTIFICATION.

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

8 ~~Section 1. Section 9795.1(a)(1) of Title 42 of the~~ <—
9 ~~Pennsylvania Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTIONS 9795.1(A)(1), 9795.2(B), 9798(A) AND (E) <—
11 AND 9799.7 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
12 ARE AMENDED TO READ:

13 § 9795.1. Registration.

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

17 (1) Individuals convicted of any of the following
18 offenses:

1 18 Pa.C.S. § 2901 (relating to kidnapping) where the
2 victim is a minor.

3 18 Pa.C.S. § 3124.2 (relating to institutional sexual
4 assault).

5 18 Pa.C.S. § 3126 (relating to indecent assault)
6 where the offense is a misdemeanor of the first degree.

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

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

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

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

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

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

22 * * *

23 § 9795.2. REGISTRATION PROCEDURES AND APPLICABILITY. <—

24 * * *

25 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT IN
26 JURISDICTIONS OUTSIDE THIS COMMONWEALTH.--

27 (1) THE REGISTRATION REQUIREMENTS OF THIS SUBCHAPTER
28 SHALL APPLY TO INDIVIDUALS CONVICTED OF OR SENTENCED BY A
29 COURT FOR AN EQUIVALENT OFFENSE LISTED IN SECTION 9795.1
30 WHERE THE CONVICTION OR COURT SENTENCE OCCURRED IN ANOTHER

1 STATE, TERRITORY, FEDERAL COURT, THE COMMONWEALTH OF PUERTO
2 RICO, THE UNITED STATES VIRGIN ISLANDS OR THE DISTRICT OF
3 COLUMBIA OR WHERE THE INDIVIDUAL WAS SENTENCED BY COURT
4 MARTIAL, OR WHERE THE INDIVIDUAL WAS REQUIRED TO REGISTER
5 UNDER A SEXUAL OFFENDER STATUTE IN THE JURISDICTION WHERE THE
6 INDIVIDUAL WAS CONVICTED OR SENTENCED BY A COURT, AND THE
7 INDIVIDUAL:

8 (I) RESIDES IN THIS COMMONWEALTH; OR

9 (II) IS EMPLOYED OR IS A STUDENT IN THIS
10 COMMONWEALTH.

11 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER THIS
12 SUBSECTION SHALL REGISTER WITHIN TEN DAYS OF HIS ARRIVAL IN
13 THIS COMMONWEALTH.

14 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER THIS
15 SUBSECTION WHO IS [PAROLED] TRANSFERRED TO THE COMMONWEALTH
16 PURSUANT TO THE [INTERSTATE COMPACT FOR THE SUPERVISION OF
17 PAROLEES AND PROBATIONERS] INTERSTATE COMPACT FOR ADULT
18 OFFENDER SUPERVISION SHALL, IN ADDITION TO THE REQUIREMENTS
19 OF THIS SUBCHAPTER, BE SUBJECT TO THE REQUIREMENTS OF SECTION
20 33 OF THE ACT OF AUGUST 6, 1941 (P.L.861, NO.323), REFERRED
21 TO AS THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE LAW.

22 * * *

23 § 9798. OTHER NOTIFICATION.

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

(1) THE NOTICE SHALL CONTAIN:

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

(II) THE ADDRESS OR ADDRESSES AT WHICH HE RESIDES.

(III) THE OFFENSE FOR WHICH HE WAS CONVICTED OR
SENTENCED BY A COURT.

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

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

(2) THE NOTICE SHALL NOT INCLUDE ANY INFORMATION THAT
MIGHT REVEAL THE VICTIM'S NAME, IDENTITY AND RESIDENCE.

* * *

(E) INTERSTATE [PAROLEES] TRANSFERS.--THE DUTIES OF POLICE
DEPARTMENTS UNDER THIS SECTION SHALL ALSO APPLY TO INDIVIDUALS
WHO ARE [PAROLED] TRANSFERRED TO THIS COMMONWEALTH PURSUANT TO
SECTION 33 OF THE ACT OF AUGUST 6, 1941 (P.L.861, NO.323),
REFERRED TO AS THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE
LAW.

§ 9799.7. EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES AND
THEIR EMPLOYEES.

NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED AS IMPOSING A
DUTY UPON A PERSON LICENSED UNDER THE ACT OF FEBRUARY 19, 1980
(P.L.15, NO.9), KNOWN AS THE REAL ESTATE LICENSING AND
REGISTRATION ACT, OR AN EMPLOYEE THEREOF TO DISCLOSE ANY
INFORMATION REGARDING:

(1) A SEXUALLY VIOLENT PREDATOR; OR

(2) AN INDIVIDUAL WHO IS [PAROLED] TRANSFERRED TO THIS

1 COMMONWEALTH PURSUANT TO THE [INTERSTATE COMPACT FOR THE
2 SUPERVISION OF PAROLEES AND PROBATIONERS] INTERSTATE COMPACT
3 FOR ADULT OFFENDER SUPERVISION.

4 Section 2. This act shall take effect in 60 days.