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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 944      Session of  
2005

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INTRODUCED BY ORIE, RAFFERTY, PUNT, COSTA, RHOADES, KITCHEN,  
WONDERLING, PICCOLA, MUSTO, ERICKSON, REGOLA, MADIGAN, LOGAN,  
D. WHITE, FONTANA, MELLOW, VANCE, PIPPY, BOSCOLA, WASHINGTON,  
PILEGGI, WOZNIAK, STACK, ARMSTRONG, CORMAN, LAVALLE,  
SCARNATI, KASUNIC, WENGER AND BROWNE, OCTOBER 18, 2005

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 25, 2006

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, ~~further providing for rape and for involuntary~~ <—  
4 ~~deviate sexual intercourse; providing for~~ PROVIDING FOR <—  
5 CONDUCT RELATING TO SEX OFFENDERS AND FOR loss of property  
6 rights by certain offenders ~~and for conduct relating to sex~~ <—  
7 ~~offenders; further providing for failure to comply with~~  
8 ~~sexual offender registration requirements; defining "GPS" and~~ <—  
9 ~~"GPS tracking device"; providing for GPS tracking, for~~  
10 ~~restricted travel, for alert system and for child protective~~  
11 ~~zones; further providing for verification of residence and~~  
12 ~~for information made available on the Internet; and making an~~  
13 ~~appropriation.~~, FOR THE OFFENSE OF UNLAWFUL CONTACT WITH A <—  
14 MINOR AND FOR SENTENCES FOR OFFENSES AGAINST INFANT PERSONS;  
15 PROVIDING FOR SENTENCES FOR SEX OFFENDERS AND FOR SENTENCE  
16 FOR FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS;  
17 further providing for registration and for registration  
18 procedures and applicability; PROVIDING FOR GLOBAL <—  
19 POSITIONING SYSTEM TECHNOLOGY; AND FURTHER PROVIDING FOR THE  
20 DUTIES OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

21 The General Assembly hereby declares its intention to enact  
22 versions of Jessica's Law and Megan's Law in this Commonwealth.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

Section 1. ~~Sections 3121(c) and 3123(d) of Title 18 of the~~  
~~Pennsylvania Consolidated Statutes are amended and the sections~~  
~~are amended by adding subsections to read:~~

~~§ 3121. Rape.~~

~~\* \* \*~~

~~(c) Sentences.~~

~~(1) Notwithstanding the provisions of section 1103~~  
~~(relating to sentence of imprisonment for felony), a person~~  
~~under 18 years of age convicted of an offense under:~~

~~[(1)] (i) Subsection (c) shall be sentenced to a term of~~  
~~imprisonment which shall be fixed by the court at not more~~  
~~than 40 years.~~

~~[(2)] (ii) Subsection (d) shall be sentenced up to a~~  
~~maximum term of life imprisonment.~~

~~(2) Notwithstanding the provisions of section 1103, a~~  
~~person 18 years of age or older convicted of an offense~~  
~~under:~~

~~(i) Subsection (c) shall be sentenced to a minimum~~  
~~term of imprisonment which shall be fixed by the court at~~  
~~not less than 25 years and up to a maximum term of 50~~  
~~years.~~

~~(ii) Subsection (d) shall be sentenced to a minimum~~  
~~term of 50 years and up to a maximum term of life~~  
~~imprisonment.~~

~~(3) Notice of the applicability of this subsection shall~~  
~~be provided to the defendant before trial. If such notice is~~  
~~given, there shall be no authority in any court to impose on~~  
~~an offender to which this subsection is applicable a lesser~~  
~~sentence than provided herein or to place the offender on~~  
~~probation, parole, work release or prerelease or to suspend~~

~~sentence. Nothing in this subsection shall prevent the sentencing court from imposing a sentence greater than provided herein. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided herein. If a sentencing court refuses to apply this subsection where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this subsection if it finds that the sentence was imposed in violation of this subsection.~~

~~(f) Multiple victims. A consecutive term of imprisonment shall be imposed for each victim of an offense under subsection (c) or (d).~~

~~§ 3123. Involuntary deviate sexual intercourse.~~

~~\* \* \*~~

~~(d) Sentences.—~~

~~(1) Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person under 18 years of age convicted of an offense under:~~

~~[(1)] (i) Subsection (b) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.~~

~~[(2)] (ii) Subsection (c) shall be sentenced up to a maximum term of life imprisonment.~~

~~(2) Notwithstanding the provisions of section 1103, a person 18 years of age or older convicted of an offense under:~~

~~(i) Subsection (b) shall be sentenced to a minimum~~

~~term of imprisonment which shall be fixed by the court at not less than 25 years and up to a maximum term of 50 years.~~

~~(ii) Subsection (c) shall be sentenced up to a minimum term of 50 years and up to a maximum term of life imprisonment.~~

~~(3) Notice of the applicability of this subsection shall be provided to the defendant before trial. If such notice is given, there shall be no authority in any court to impose on an offender to which this subsection is applicable a lesser sentence than provided herein or to place the offender on probation, parole, work release or prerelease or to suspend sentence. Nothing in this subsection shall prevent the sentencing court from imposing a sentence greater than provided herein. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided herein. If a sentencing court refuses to apply this subsection where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this subsection if it finds that the sentence was imposed in violation of this subsection.~~

~~(d.1) Multiple victims. A consecutive term of imprisonment shall be imposed for each victim of an offense under subsection (b) or (c).~~

~~Section 2. Title 18 is amended by adding a section to read:~~  
~~§ 3130. Conduct relating to sex offenders.~~

~~A person who has knowledge that a sexual predator or sex~~

~~offender is not complying with or has not complied with the requirements of probation and parole, imposed by statute or court order, including, but not limited to, therapeutic or rehabilitative programs, travel restrictions and real time satellite monitoring of his or her physical location, commits a felony of the third degree if the person knowingly:~~

~~(1) withholds information concerning, or does not notify the law enforcement agent or agency about, the sexual predator's or sex offender's noncompliance with the requirements of probation, parole or the whereabouts of the sexual predator or sex offender;~~

~~(2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sexually violent predator or sex offender;~~

~~(3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual predator or sex offender; or~~

~~(4) provides information to the law enforcement agent or agency regarding the sexual predator or sex offender which the person knows to be false.~~

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

§ 3130. CONDUCT RELATING TO SEX OFFENDERS.

(A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE THIRD DEGREE IF THE PERSON HAS REASON TO BELIEVE THAT A SEX OFFENDER IS NOT COMPLYING WITH OR HAS NOT COMPLIED WITH THE REQUIREMENTS OF THE SEX OFFENDER'S PROBATION OR PAROLE, IMPOSED BY STATUTE OR COURT ORDER, OR WITH THE REGISTRATION REQUIREMENTS OF 42 PA.C.S. § 9795.2 (RELATING TO REGISTRATION PROCEDURES AND APPLICABILITY), AND THE PERSON, WITH THE INTENT TO ASSIST THE

1 SEX OFFENDER IN ELUDING A LAW ENFORCEMENT AGENT OR AGENCY THAT  
2 IS SEEKING TO FIND THE SEX OFFENDER TO QUESTION THE SEX OFFENDER  
3 ABOUT, OR TO ARREST THE SEX OFFENDER FOR, NONCOMPLIANCE WITH THE  
4 REQUIREMENTS OF SEX OFFENDER'S PROBATION OR PAROLE OR THE  
5 REQUIREMENTS OF 42 PA.C.S. § 9795.2:

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. § 9795.2 OR, IF KNOWN, THE SEX  
10 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. § 9795.1 (RELATING TO REGISTRATION).

23 Section 3 2. Title 18 is amended by adding a subchapter to <—  
24 read:

25 SUBCHAPTER C

26 LOSS OF PROPERTY RIGHTS

27 Sec.

28 3141. General rule.

29 3142. Process and seizure.

30 3143. Custody of property.

1 3144. Disposal of property.

2 § 3141. General rule.

3 A person:

4 (1) convicted under section 3121 (relating to rape),  
5 3122.1 (relating to statutory sexual assault), 3123 (relating  
6 to involuntary deviate sexual intercourse), 3124.1 (relating  
7 to sexual assault), 3125 (relating to aggravated indecent  
8 assault) or 3126 (relating to indecent assault); or

9 (2) required to register with the Pennsylvania State  
10 Police under 42 Pa.C.S. § 9795.2 (relating to registration  
11 procedures and applicability);

12 may be required to forfeit property rights in any property or  
13 assets used to implement or facilitate commission of the crime  
14 or crimes of which the person has been convicted. Such property  
15 may include, but is not limited to, a computer or computers,  
16 telephone equipment, firearms, licit or illicit prescription  
17 drugs or controlled substances, a motor vehicle or such other  
18 property or assets as determined by the court of common pleas to  
19 have facilitated the person's criminal misconduct.

20 § 3142. Process and seizure.

21 (a) Seizure.--Property subject to forfeiture under this  
22 section may be seized by law enforcement authority upon process  
23 issued by the court of common pleas having jurisdiction over the  
24 person or property.

25 (b) Seizure without process.--Seizure without process may be  
26 made if the seizure is incident to an arrest or a search under a  
27 search warrant and there is probable cause to believe that  
28 the property was or is material to the charges for which the  
29 arrest or search warrant was issued. In seizures without  
30 process, proceedings for the issuance thereof shall be

1 instituted immediately.

2 (c) Return of property.--Property belonging to someone other  
3 than the convicted sex offender or registrant shall be returned  
4 if the offense was committed without the knowledge or consent of  
5 the owner.

6 § 3143. Custody of property.

7 Property taken or detained under this subchapter is deemed to  
8 be the property of the law enforcement authority having custody  
9 thereof and is subject only to the court of common pleas having  
10 jurisdiction over the criminal or forfeiture proceedings, the  
11 district attorney in the matter or the Attorney General.

12 § 3144. Disposal of property.

13 Property taken or detained pursuant to the provisions of this  
14 subchapter shall be sold in the manner of property forfeited  
15 under 42 Pa.C.S. Ch. 68 (relating to forfeitures). The net  
16 proceeds, as determined by the law enforcement authority having  
17 custody thereof, shall be utilized for investigation or  
18 prosecution of sexual offenses or donated to nonprofit  
19 charitable institutions which provide counseling and other  
20 assistance to victims of sexual offenses.

21 ~~Section 4. Section 4915 of Title 18 is amended to read:~~ <—

22 ~~§ 4915. Failure to comply with registration of sexual offenders~~  
23 ~~requirements.~~

24 ~~(a) Offense defined. An individual who is subject to~~  
25 ~~registration under 42 Pa.C.S. § 9795.1(a) (relating to~~  
26 ~~registration) or an individual who is subject to registration~~  
27 ~~under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) commits an offense~~  
28 ~~if he knowingly fails to:~~

29 ~~(1) register with the Pennsylvania State Police as~~  
30 ~~required under 42 Pa.C.S. § 9795.2 (relating to registration~~



1 ~~procedures and applicability);~~

2 ~~(2) verify his address or be photographed as required~~  
3 ~~under 42 Pa.C.S. § 9796 (relating to verification of~~  
4 ~~residence); or~~

5 ~~(3) provide accurate information when registering under~~  
6 ~~42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S.~~  
7 ~~§ 9796.~~

8 ~~(a.1) Harboring offenders. A person commits a felony of the~~  
9 ~~third degree if the person knowingly or intentionally assists an~~  
10 ~~individual subject to registration under 42 Pa.C.S. § 9795.1 in~~  
11 ~~evading the requirements of 42 Pa.C.S. § 9795.2.~~

12 ~~(b) Grading for offenders who must register for ten years.~~

13 ~~(1) Except as provided in paragraph (2), an individual~~  
14 ~~subject to registration under 42 Pa.C.S. § 9795.1(a) who~~  
15 ~~violates subsection (a)(1) [or], (2) or (3) commits a~~  
16 ~~[misdemeanor] felony of the third degree.~~

17 ~~(2) An individual subject to registration under 42~~  
18 ~~Pa.C.S. § 9795.1(a) who commits a violation of subsection~~  
19 ~~(a)(1) [or], (2) or (3) and who has previously been convicted~~  
20 ~~of an offense under subsection (a)(1) or (2) or a similar~~  
21 ~~offense commits a [misdemeanor] felony of the second degree.~~

22 ~~(3) An individual subject to registration under 42~~  
23 ~~Pa.C.S. § 9795.1(a) who commits a violation of subsection~~  
24 ~~(a)(1) [or], (2) or (3) and who has previously been convicted~~  
25 ~~of two or more offenses under subsection (a)(1) or (2) or a~~  
26 ~~similar offense commits a felony of the [third] first degree.~~

27 ~~(4) An individual subject to registration under 42~~  
28 ~~Pa.C.S. § 9795.1(a) who violates subsection (a)(3) commits a~~  
29 ~~felony of the [third] first degree.~~

30 ~~(c) Grading for sexually violent predators and others with~~

lifetime registration.—

(1) Except as provided in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(1) or (2) commits a [misdemeanor of the second] felony of the third degree.

(2) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a [misdemeanor of the first] felony of the third degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of two or more offenses under subsection (a)(1) or (2) or a similar offense commits a felony of the [third] second degree.

(4) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(3) commits a felony of the [third] second degree.

(d) Effect of notice. Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive any notice or information pursuant to 42 Pa.C.S. § 9796(a.1) [or (b.1)] (a.2), (b.1) or (b.2) 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. § 9796(a.1) [and (b.1)] (a.2), (b.1) and (b.2) are not an element of an offense under this section.

(e) Arrests for violation.—

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

6           ~~(2) An individual arrested for a violation of this~~  
7           ~~section shall be afforded a preliminary arraignment by the~~  
8           ~~proper issuing authority without unnecessary delay. In no~~  
9           ~~case may the individual be released from custody without~~  
10           ~~first having appeared before the issuing authority.~~

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

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

17                 ~~(ii) The individual must provide the Pennsylvania~~  
18                 ~~State Police with all current or intended residences, all~~  
19                 ~~information concerning current or intended employment,~~  
20                 ~~including all employment locations, and all information~~  
21                 ~~concerning current or intended enrollment as a student.~~

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

24           ~~(f) Definition. As used in this section, the term "a~~  
25           ~~similar offense" means an offense similar to an offense under~~  
26           ~~either subsection (a)(1) or (2) under the laws of this~~  
27           ~~Commonwealth, the United States or one of its territories or~~  
28           ~~possessions, another state, the District of Columbia, the~~  
29           ~~Commonwealth of Puerto Rico or a foreign nation.~~

30           ~~Section 5. Section 9792 of Title 42 is amended by adding~~

1 ~~definitions to read:~~

2 ~~§ 9792. Definitions.~~

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

6 ~~\* \* \*~~

7 ~~"GPS." A global positioning system operated by the United~~  
8 ~~States Department of Defense which provides specially coded~~  
9 ~~satellite signals that can be processed by a receiver to compute~~  
10 ~~location.~~

11 ~~"GPS tracking device." A device which enables the location~~  
12 ~~of the offender to be monitored through use of GPS and related~~  
13 ~~technology and which is designed so that it:~~

14 ~~(1) actively and continuously monitors, identifies and~~  
15 ~~reports location data within a 100 mile radius;~~

16 ~~(2) permits the Pennsylvania State Police and any local~~  
17 ~~police department to receive location data, record it~~  
18 ~~securely and confidentially and retain it indefinitely;~~

19 ~~(3) can be worn around the wrist or ankle; and~~

20 ~~(4) cannot be removed without:~~

21 ~~(i) employing specialized equipment specifically~~  
22 ~~designed for that purpose; and~~

23 ~~(ii) alerting the Pennsylvania State Police and each~~  
24 ~~local police department that it has been removed.~~

25 ~~\* \* \*~~

26 SECTION 3. SECTIONS 4915(B) AND (C) AND 6318 OF TITLE 18 ARE <—  
27 AMENDED TO READ:

28 § 4915. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS  
29 REQUIREMENTS.

30 \* \* \*

(B) GRADING FOR OFFENDERS WHO MUST REGISTER FOR TEN YEARS.--

[(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) WHO VIOLATES SUBSECTION (A)(1) OR (2) COMMITS A MISDEMEANOR OF THE THIRD DEGREE.]

(2) [AN] EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) WHO COMMITS A VIOLATION OF SUBSECTION (A)(1) OR (2) [AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER SUBSECTION (A)(1) OR (2) OR A SIMILAR OFFENSE] COMMITS A [MISDEMEANOR OF THE SECOND DEGREE] FELONY OF THE THIRD DEGREE.

(3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) WHO COMMITS A VIOLATION OF SUBSECTION (A)(1) OR (2) AND WHO HAS PREVIOUSLY BEEN CONVICTED OF [TWO OR MORE OFFENSES] AN OFFENSE UNDER SUBSECTION (A)(1) OR (2) OR A SIMILAR OFFENSE COMMITS A FELONY OF THE [THIRD] SECOND DEGREE.

(4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) WHO VIOLATES SUBSECTION (A)(3) COMMITS A FELONY OF THE [THIRD] SECOND DEGREE.

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

[(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(B)(1), (2) OR (3) WHO VIOLATES SUBSECTION (A)(1) OR (2) COMMITS A MISDEMEANOR OF THE SECOND DEGREE.]

(2) [AN] EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(B)(1), (2) OR (3) WHO COMMITS A VIOLATION OF

SUBSECTION (A)(1) OR (2) [AND WHO HAS PREVIOUSLY BEEN  
CONVICTED OF AN OFFENSE UNDER SUBSECTION (A)(1) OR (2) OR A  
SIMILAR OFFENSE] COMMITS A [MISDEMEANOR OF THE FIRST DEGREE]  
FELONY OF THE SECOND DEGREE.

(3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42  
PA.C.S § 9795.1(B)(1), (2) OR (3) WHO COMMITS A VIOLATION OF  
SUBSECTION (A)(1) OR (2) AND WHO HAS PREVIOUSLY BEEN  
CONVICTED OF [TWO OR MORE OFFENSES] AN OFFENSE UNDER  
SUBSECTION (A)(1) OR (2) OR A SIMILAR OFFENSE COMMITS A  
FELONY OF THE [THIRD] FIRST DEGREE.

(4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42  
PA.C.S. § 9795.1(B)(1), (2) OR (3) WHO VIOLATES SUBSECTION  
(A)(3) COMMITS A FELONY OF THE [THIRD] FIRST DEGREE.

\* \* \*

§ 6318. UNLAWFUL CONTACT WITH MINOR.

(A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF HE IS  
INTENTIONALLY IN CONTACT WITH A MINOR, OR A LAW ENFORCEMENT  
OFFICER ACTING IN THE PERFORMANCE OF HIS DUTIES WHO HAS ASSUMED  
THE IDENTITY OF A MINOR, FOR THE PURPOSE OF ENGAGING IN AN  
ACTIVITY PROHIBITED UNDER ANY OF THE FOLLOWING, AND EITHER THE  
PERSON INITIATING THE CONTACT OR THE PERSON BEING CONTACTED IS  
WITHIN THIS COMMONWEALTH:

(1) ANY OF THE OFFENSES ENUMERATED IN CHAPTER 31  
(RELATING TO SEXUAL OFFENSES).

(2) OPEN LEWDNESS AS DEFINED IN SECTION 5901 (RELATING  
TO OPEN LEWDNESS).

(3) PROSTITUTION AS DEFINED IN SECTION 5902 (RELATING TO  
PROSTITUTION AND RELATED OFFENSES).

(4) OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES  
AS DEFINED IN SECTION 5903 (RELATING TO OBSCENE AND OTHER

SEXUAL MATERIALS AND PERFORMANCES).

(5) SEXUAL ABUSE OF CHILDREN AS DEFINED IN SECTION 6312  
(RELATING TO SEXUAL ABUSE OF CHILDREN).

(6) SEXUAL EXPLOITATION OF CHILDREN AS DEFINED IN  
SECTION 6320 (RELATING TO SEXUAL EXPLOITATION OF CHILDREN).

(B) GRADING.--A VIOLATION OF SUBSECTION (A) IS:

(1) AN OFFENSE OF THE SAME GRADE AND DEGREE AS THE MOST  
SERIOUS UNDERLYING OFFENSE IN SUBSECTION (A) FOR WHICH THE  
DEFENDANT CONTACTED THE MINOR; OR

(2) A [MISDEMEANOR] FELONY OF THE [FIRST] THIRD DEGREE;  
WHICHEVER IS GREATER.

(B.1) CONCURRENT JURISDICTION TO PROSECUTE.--THE ATTORNEY  
GENERAL SHALL HAVE CONCURRENT PROSECUTORIAL JURISDICTION WITH  
THE DISTRICT ATTORNEY FOR VIOLATIONS UNDER THIS SECTION AND ANY  
CRIME ARISING OUT OF THE ACTIVITY PROHIBITED BY THIS SECTION  
WHEN THE PERSON CHARGED WITH A VIOLATION OF THIS SECTION  
CONTACTS A MINOR THROUGH THE USE OF A COMPUTER, COMPUTER SYSTEM  
OR COMPUTER NETWORK. NO PERSON CHARGED WITH A VIOLATION OF THIS  
SECTION BY THE ATTORNEY GENERAL SHALL HAVE STANDING TO CHALLENGE  
THE AUTHORITY OF THE ATTORNEY GENERAL TO PROSECUTE THE CASE,  
AND, IF ANY SUCH CHALLENGE IS MADE, THE CHALLENGE SHALL BE  
DISMISSED AND NO RELIEF SHALL BE AVAILABLE IN THE COURTS OF THIS  
COMMONWEALTH TO THE PERSON MAKING THE CHALLENGE.

(C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
SUBSECTION:

"COMPUTER." AN ELECTRONIC, MAGNETIC, OPTICAL, HYDRAULIC,  
ORGANIC OR OTHER HIGH-SPEED DATA PROCESSING DEVICE OR SYSTEM  
WHICH PERFORMS LOGIC, ARITHMETIC OR MEMORY FUNCTIONS AND  
INCLUDES ALL INPUT, OUTPUT, PROCESSING, STORAGE, SOFTWARE OR

1 COMMUNICATION FACILITIES WHICH ARE CONNECTED OR RELATED TO THE  
2 DEVICE IN A COMPUTER SYSTEM OR COMPUTER NETWORK.

3 "COMPUTER NETWORK." THE INTERCONNECTION OF TWO OR MORE  
4 COMPUTERS THROUGH THE USAGE OF SATELLITE, MICROWAVE, LINE OR  
5 OTHER COMMUNICATION MEDIUM.

6 "COMPUTER SYSTEM." A SET OF RELATED, CONNECTED OR  
7 UNCONNECTED COMPUTER EQUIPMENT, DEVICES AND SOFTWARE.

8 "CONTACTS." DIRECT OR INDIRECT CONTACT OR COMMUNICATION BY  
9 ANY MEANS, METHOD OR DEVICE, INCLUDING CONTACT OR COMMUNICATION  
10 IN PERSON OR THROUGH AN AGENT OR AGENCY, THROUGH ANY PRINT  
11 MEDIUM, THE MAILS, A COMMON CARRIER OR COMMUNICATION COMMON  
12 CARRIER, ANY ELECTRONIC COMMUNICATION SYSTEM AND ANY  
13 TELECOMMUNICATIONS, WIRE, COMPUTER OR RADIO COMMUNICATIONS  
14 DEVICE OR SYSTEM.

15 "MINOR." AN INDIVIDUAL UNDER 18 YEARS OF AGE.

16 SECTION 4. SECTION 9718(A) OF TITLE 42, AMENDED NOVEMBER 30,  
17 2004 (P.L.1703, NO.217), IS AMENDED AND THE SECTION IS AMENDED  
18 BY ADDING SUBSECTIONS TO READ:

19 § 9718. SENTENCES FOR OFFENSES AGAINST INFANT PERSONS.

20 (A) MANDATORY SENTENCE.--

21 (1) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN  
22 THE VICTIM IS UNDER 16 YEARS OF AGE SHALL BE SENTENCED TO A  
23 MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

24 18 PA.C.S. § 2702(A)(1) AND (4) (RELATING TO AGGRAVATED  
25 ASSAULT) - NOT LESS THAN TWO YEARS.

26 18 PA.C.S. § 3121(A)(1), (2), (3), (4) AND (5) (RELATING  
27 TO RAPE) - NOT LESS THAN [FIVE] TEN YEARS.

28 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
29 INTERCOURSE) - NOT LESS THAN [FIVE] TEN YEARS.

30 18 PA.C.S. § 3125(A)(1) THROUGH (6) (RELATING TO



1     AGGRAVATED INDECENT ASSAULT) - NOT LESS THAN FIVE YEARS.

2           (2) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN  
3     THE VICTIM IS LESS THAN 13 YEARS OF AGE SHALL BE SENTENCED TO  
4     A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

5           18 PA.C.S. § 2702(A)(1) [(RELATING TO AGGRAVATED  
6     ASSAULT)] - NOT LESS THAN FIVE YEARS.

7           [18 PA.C.S. § 3125(A)(1) THROUGH (6) (RELATING TO  
8     AGGRAVATED INDECENT ASSAULT) - NOT LESS THAN TWO AND ONE-HALF  
9     YEARS.]

10          (3) A PERSON CONVICTED OF THE FOLLOWING OFFENSES SHALL  
11     BE SENTENCED TO A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

12          18 PA.C.S. § 3121(C) AND (D) - NOT LESS THAN [FIVE] TEN  
13     YEARS.

14          18 PA.C.S. § 3125(A)(7) - NOT LESS THAN [TWO AND ONE-  
15     HALF] FIVE YEARS.

16          18 PA.C.S. § 3125(B) - NOT LESS THAN [FIVE] TEN YEARS.

17     \* \* \*

18     (C) PROOF AT SENTENCING.--PROVISIONS OF THIS SECTION SHALL  
19     NOT BE AN ELEMENT OF THE CRIME AND NOTICE OF THE PROVISIONS OF  
20     THIS SECTION TO THE DEFENDANT SHALL NOT BE REQUIRED PRIOR TO  
21     CONVICTION, BUT REASONABLE NOTICE OF THE COMMONWEALTH'S  
22     INTENTION TO PROCEED UNDER THIS SECTION SHALL BE PROVIDED AFTER  
23     CONVICTION AND BEFORE SENTENCING. THE APPLICABILITY OF THIS  
24     SECTION SHALL BE DETERMINED AT SENTENCING. THE COURT SHALL  
25     CONSIDER ANY EVIDENCE PRESENTED AT TRIAL AND SHALL AFFORD THE  
26     COMMONWEALTH AND THE DEFENDANT AN OPPORTUNITY TO PRESENT ANY  
27     NECESSARY ADDITIONAL EVIDENCE AND SHALL DETERMINE, BY A  
28     PREPONDERANCE OF THE EVIDENCE, IF THIS SECTION IS APPLICABLE.

29     (D) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO  
30     AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS

1 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN  
2 SUBSECTION (A) OR TO PLACE THE OFFENDER ON PROBATION OR TO  
3 SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE  
4 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT  
5 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY  
6 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE  
7 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

8 (E) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES  
9 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL  
10 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE  
11 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE  
12 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A  
13 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE  
14 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

15 SECTION 5. TITLE 42 IS AMENDED BY ADDING SECTIONS TO READ:  
16 § 9718.2. SENTENCES FOR SEX OFFENDERS.

17 (A) MANDATORY SENTENCE.--

18 (1) ANY PERSON WHO IS CONVICTED IN ANY COURT OF THIS  
19 COMMONWEALTH OF AN OFFENSE SET FORTH IN SECTION 9795.1(A) OR  
20 (B) (RELATING TO REGISTRATION) SHALL, IF AT THE TIME OF THE  
21 COMMISSION OF THE CURRENT OFFENSE THE PERSON HAD PREVIOUSLY  
22 BEEN CONVICTED OF AN OFFENSE SET FORTH IN SECTION 9795.1(A)  
23 OR (B) OR AN EQUIVALENT CRIME UNDER THE LAWS OF THIS  
24 COMMONWEALTH IN EFFECT AT THE TIME OF THE COMMISSION OF THAT  
25 OFFENSE OR AN EQUIVALENT CRIME IN ANOTHER JURISDICTION, BE  
26 SENTENCED TO A MINIMUM SENTENCE OF AT LEAST 25 YEARS OF TOTAL  
27 CONFINEMENT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
28 TITLE OR OTHER STATUTE TO THE CONTRARY. UPON SUCH CONVICTION  
29 THE COURT SHALL GIVE THE PERSON ORAL AND WRITTEN NOTICE OF  
30 THE PENALTIES UNDER PARAGRAPH (2) FOR A THIRD CONVICTION.

1 FAILURE TO PROVIDE SUCH NOTICE SHALL NOT RENDER THE OFFENDER  
2 INELIGIBLE TO BE SENTENCED UNDER PARAGRAPH (2).

3 (2) WHERE THE PERSON HAD AT THE TIME OF THE COMMISSION  
4 OF THE CURRENT OFFENSE PREVIOUSLY BEEN CONVICTED OF TWO OR  
5 MORE OFFENSES ARISING FROM SEPARATE CRIMINAL TRANSACTIONS SET  
6 FORTH IN SECTION 9795.1(A) OR (B) OR EQUIVALENT CRIMES UNDER  
7 THE LAWS OF THIS COMMONWEALTH IN EFFECT AT THE TIME OF THE  
8 COMMISSION OF THE OFFENSE OR EQUIVALENT CRIMES IN ANOTHER  
9 JURISDICTION, THE PERSON SHALL BE SENTENCED TO A TERM OF LIFE  
10 IMPRISONMENT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
11 TITLE OR OTHER STATUTE TO THE CONTRARY. PROOF THAT THE  
12 OFFENDER RECEIVED NOTICE OF OR OTHERWISE KNEW OR SHOULD HAVE  
13 KNOWN OF THE PENALTIES UNDER THIS PARAGRAPH SHALL NOT BE  
14 REQUIRED.

15 (B) MANDATORY MAXIMUM.--AN OFFENDER SENTENCED TO A MANDATORY  
16 MINIMUM SENTENCE UNDER THIS SECTION SHALL BE SENTENCED TO A  
17 MAXIMUM SENTENCE EQUAL TO TWICE THE MANDATORY MINIMUM SENTENCE,  
18 NOTWITHSTANDING 18 PA.C.S. § 1103 (RELATING TO SENTENCE OF  
19 IMPRISONMENT FOR FELONY) OR ANY OTHER PROVISION OF THIS TITLE OR  
20 OTHER STATUTE TO THE CONTRARY.

21 (C) PROOF OF SENTENCING.--THE PROVISION OF THIS SECTION  
22 SHALL NOT BE AN ELEMENT OF THE CRIME AND NOTICE THEREOF TO THE  
23 DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT  
24 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED  
25 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND BEFORE  
26 SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE  
27 DETERMINED AT SENTENCING. THE SENTENCING COURT, PRIOR TO  
28 IMPOSING SENTENCE ON AN OFFENDER UNDER SUBSECTION (A), SHALL  
29 HAVE A COMPLETE RECORD OF THE PREVIOUS CONVICTIONS OF THE  
30 OFFENDER, COPIES OF WHICH SHALL BE FURNISHED TO THE OFFENDER. IF

1 THE OFFENDER OR THE ATTORNEY FOR THE COMMONWEALTH CONTESTS THE  
2 ACCURACY OF THE RECORD, THE COURT SHALL SCHEDULE A HEARING AND  
3 DIRECT THE OFFENDER AND THE ATTORNEY FOR THE COMMONWEALTH TO  
4 SUBMIT EVIDENCE REGARDING THE PREVIOUS CONVICTIONS OF THE  
5 OFFENDER. THE COURT SHALL THEN DETERMINE, BY A PREPONDERANCE OF  
6 THE EVIDENCE, THE PREVIOUS CONVICTIONS OF THE OFFENDER AND, IF  
7 THIS SECTION IS APPLICABLE, SHALL IMPOSE SENTENCE IN ACCORDANCE  
8 WITH THIS SECTION. SHOULD A PREVIOUS CONVICTION BE VACATED AND  
9 AN ACQUITTAL OR FINAL DISCHARGE ENTERED SUBSEQUENT TO IMPOSITION  
10 OF SENTENCE UNDER THIS SECTION, THE OFFENDER SHALL HAVE THE  
11 RIGHT TO PETITION THE SENTENCING COURT FOR RECONSIDERATION OF  
12 SENTENCE IF THIS SECTION WOULD NOT HAVE BEEN APPLICABLE EXCEPT  
13 FOR THE CONVICTION WHICH WAS VACATED.

14 (D) AUTHORITY OF COURT IN SENTENCING.--NOTICE OF THE  
15 APPLICATION OF THIS SECTION SHALL BE PROVIDED TO THE DEFENDANT  
16 BEFORE TRIAL. IF THE NOTICE IS GIVEN, THERE SHALL BE NO  
17 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS  
18 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN  
19 SUBSECTIONS (A) AND (B) OR TO PLACE THE OFFENDER ON PROBATION OR  
20 TO SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE  
21 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT  
22 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY  
23 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE  
24 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

25 (E) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT SHALL  
26 REFUSE TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH  
27 SHALL HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE  
28 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE  
29 AND REMAND THE CASE TO THE SENTENCING COURT FOR THE IMPOSITION  
30 OF A SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT

1 THE SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

2 § 9718.3. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF  
3 SEXUAL OFFENDERS.

4 (A) MANDATORY SENTENCE.--MANDATORY SENTENCING SHALL BE AS  
5 FOLLOWS:

6 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL  
7 BE AS FOLLOWS:

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

9 (A) WAS SUBJECT TO SECTION 9795.1(A) (RELATING  
10 TO REGISTRATION) OR A SIMILAR PROVISION FROM ANOTHER  
11 JURISDICTION; AND

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

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

17 (A) WAS SUBJECT TO SECTION 9795.1(A) OR A  
18 SIMILAR PROVISION FROM ANOTHER JURISDICTION; AND

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

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

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

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

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

26 (A) WAS SUBJECT TO SECTION 9795.1(B) OR A  
27 SIMILAR PROVISION FROM ANOTHER JURISDICTION; AND

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

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

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

2                   (A) WAS SUBJECT TO SECTION 9795.1(A) OR A  
3                   SIMILAR PROVISION FROM ANOTHER JURISDICTION; AND

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

5           (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL  
6           WHO:

7                   (A) WAS SUBJECT TO SECTION 9795.1 OR A SIMILAR  
8                   PROVISION FROM ANOTHER JURISDICTION; AND

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

10       (B) PROOF AT SENTENCING.--PROVISIONS OF THIS SECTION SHALL  
11 NOT BE AN ELEMENT OF THE CRIME, AND NOTICE THEREOF TO THE  
12 DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT  
13 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED  
14 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND BEFORE  
15 SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE  
16 DETERMINED AT SENTENCING. THE COURT SHALL CONSIDER ANY EVIDENCE  
17 PRESENTED AT TRIAL AND SHALL AFFORD THE COMMONWEALTH AND THE  
18 DEFENDANT AN OPPORTUNITY TO PRESENT ANY NECESSARY ADDITIONAL  
19 EVIDENCE AND SHALL DETERMINE, BY A PREPONDERANCE OF THE  
20 EVIDENCE, IF THIS SECTION IS APPLICABLE.

21       (C) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO  
22 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS  
23 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN  
24 SUBSECTION (A) OR TO PLACE SUCH OFFENDER ON PROBATION OR TO  
25 SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE  
26 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT  
27 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY  
28 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE  
29 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

30       (D) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES

1 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL  
2 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE  
3 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE  
4 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A  
5 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE  
6 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

7 Section 6. Section 9795.1 of Title 42, amended November 24,  
8 2004 (P.L.1243, No.152), is amended to read:

9 § 9795.1. Registration.

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

13 (1) Individuals convicted of any of the following  
14 offenses:

15 18 Pa.C.S. § 2901 (relating to kidnapping) where the  
16 victim is a minor.

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

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

21 18 Pa.C.S. § 3126 (relating to indecent assault)  
22 where the offense is GRADED AS a misdemeanor of the first <—  
23 degree OR HIGHER. <—

24 18 Pa.C.S. § 4302 (relating to incest) where the  
25 victim is 12 years of age or older but under 18 years of  
26 age.

27 18 Pa.C.S. § 5902(b) (relating to prostitution and  
28 related offenses) where the actor promotes the  
29 prostitution of a minor.

30 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to

1           obscene and other sexual materials and performances)  
2           where the victim is a minor.

3           18 Pa.C.S. § 6312 (relating to sexual abuse of  
4           children).

5           18 Pa.C.S. § 6318 (relating to unlawful contact with  
6           minor).

7           18 Pa.C.S. § 6320 (relating to sexual exploitation of  
8           children).

9           (2) Individuals convicted of an attempt to commit any of  
10          the offenses under paragraph (1) or subsection (b)(2).

11          (3) Individuals currently residing in this Commonwealth  
12          who have been convicted of offenses similar to the crimes  
13          cited in paragraphs (1) and (2) under the laws of the United  
14          States or one of its territories or possessions, another  
15          state, the District of Columbia, the Commonwealth of Puerto  
16          Rico or a foreign nation.

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

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

21               (2) Individuals convicted of any of the following  
22               offenses:

23                     18 Pa.C.S. § 3121 (relating to rape).

24                     18 Pa.C.S. § 3123 (relating to involuntary deviate  
25                     sexual intercourse).

26                     18 Pa.C.S. § 3124.1 (relating to sexual assault).

27                     18 Pa.C.S. § 3125 (relating to aggravated indecent  
28                     assault).

29                     18 Pa.C.S. § 4302 (relating to incest) when the  
30                     victim is under 12 years of age.



(3) Sexually violent predators.

(4) Individuals currently residing in this Commonwealth who have been convicted of offenses similar to the crimes cited in paragraph (2) 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.

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

Section 7. Section 9795.2 heading, ~~(a) and (d)~~ (A) AND (B) of Title 42, amended November 24, 2004 (P.L.1243, No.152), are amended ~~and the section is amended by adding subsections to~~ read:

§ 9795.2. Registration procedures ~~{and} applicability; probationary supervision; alert system; child protective zone.~~

(a) Registration.--

(1) Offenders and sexually violent predators shall be required to register with the Pennsylvania State Police upon release from incarceration, upon parole from a State or county correctional institution or upon the commencement of a sentence of intermediate punishment or probation. During the entire period of time for which the offender or sexually violent predator is required to register, the Pennsylvania State Police shall be required to monitor and ascertain the ongoing compliance of the individual with all requirements and restrictions herein, and shall be ultimately responsible for tracking the individual's location and compliance. Where

1 the individual's current or intended residence, or place of  
2 employment, is within the jurisdiction of a local law  
3 enforcement agency or police department, the Pennsylvania  
4 State Police shall develop protocols for working with local  
5 officials to determine current, real-time compliance at all  
6 times.

7 (i) For purposes of registration, offenders and  
8 sexually violent predators shall provide the Pennsylvania  
9 State Police with all current or intended residences[,].

10 (A) If the offender or sexually violent  
11 predator's place of residence is a motor vehicle,  
12 trailer, mobile home or manufactured home, the  
13 offender or sexually violent predator shall also  
14 provide the vehicle identification number, the  
15 license tag number, the registration number and a  
16 description, including color scheme, of the motor  
17 vehicle, trailer, mobile home or manufactured home.

18 (B) If the offender or sexually violent  
19 predator's place of residence is a vessel, live-  
20 aboard vessel or houseboat, the offender or sexually  
21 violent predator shall also provide the hull  
22 identification number, the manufacturer's serial  
23 number, the name of the vessel, live-aboard vessel or  
24 houseboat, the registration number and a description,  
25 including color scheme, of the vessel, live-aboard  
26 vessel or houseboat. If the offender or sexually  
27 violent predator is homeless, he shall be secured a  
28 residential placement by the appropriate State or  
29 municipal authorities within seven days of notice  
30 thereof to the Pennsylvania State Police. Should the

effort to secure residential placement fail within the time period allotted, the offender or sexually violent predator shall be required to appear at the offices of the nearest law enforcement organization every seven days, in person, to report his current whereabouts, until he reports a residence address, which shall be verified before he is released from reporting in person every seven days.

(ii) The registration process also requires  
offenders and sexually violent predators to disclose all  
information concerning current or intended employment and  
all information concerning current or intended enrollment  
as a student.

(iii) Offenders and sexually violent predators are also required to disclose a driver's license, if held, and the make, model, color, VIN number and license plate number of any motor vehicle which the offender or sexually violent predator owns or to which he has access, along with current vehicle registration and insurance information.

(2) Offenders and sexually violent predators shall inform the Pennsylvania State Police within [ten days] 48 HOURS of:

(i) Any change of residence or establishment of an additional residence or residences.

(ii) Any change of 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 any calendar year, or termination of employment.

(iii) Any change of institution or location at which

1 the person is enrolled as a student, or termination of  
2 enrollment.

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

6 (2.1) Registration with a new law enforcement agency  
7 shall occur no later than [ten days] 48 HOURS after <—  
8 establishing residence in another state.

9 (2.2) Persons required to comply with registration  
10 provisions pursuant to a conviction for a sexual offense  
11 under the laws of the United States or one of its territories  
12 or possessions, another state, the District of Columbia, the  
13 Commonwealth of Puerto Rico or a foreign nation shall  
14 register with the Pennsylvania State Police no later than ten  
15 days after establishing residence in this Commonwealth.

16 (3) The ten-year registration period required in section  
17 9795.1(a) (relating to registration) shall be tolled when an  
18 offender is recommitted for a parole violation or sentenced  
19 to an additional term of imprisonment. In such cases, the  
20 Department of Corrections or county correctional facility  
21 shall notify the Pennsylvania State Police of the admission  
22 of the offender.

23 (4) This paragraph shall apply to all offenders and  
24 sexually violent predators:

25 (i) Where the offender or sexually violent predator  
26 was granted parole by the Pennsylvania Board of Probation  
27 and Parole or the court or is sentenced to probation or  
28 intermediate punishment, the board or county office of  
29 probation and parole shall collect registration  
30 information from the offender or sexually violent

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

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

29 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR  
30 ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS

<—

1 COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

2 (4) AN INDIVIDUAL WHO RESIDES, IS EMPLOYED OR IS A  
3 STUDENT IN THIS COMMONWEALTH AND WHO HAS BEEN CONVICTED OF OR  
4 SENTENCED BY A COURT OR COURT MARTIALED FOR A SEXUALLY  
5 VIOLENT OFFENSE OR A SIMILAR OFFENSE UNDER THE LAWS OF THE  
6 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,  
7 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF  
8 PUERTO RICO OR A FOREIGN NATION, OR WHO WAS REQUIRED TO  
9 REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE JURISDICTION  
10 WHERE CONVICTED, SENTENCED OR COURT MARTIALED, SHALL REGISTER  
11 AT AN APPROVED REGISTRATION SITE WITHIN [TEN DAYS] 48 HOURS  
12 OF THE INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE  
13 PROVISIONS OF THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL  
14 AS FOLLOWS:

15 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A  
16 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9792  
17 (RELATING TO DEFINITIONS) OR DETERMINED UNDER THE LAWS OF  
18 THE OTHER JURISDICTION OR BY REASON OF COURT MARTIAL TO  
19 BE SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME  
20 REGISTRATION ON THE BASIS OF A STATUTORILY AUTHORIZED  
21 ADMINISTRATIVE OR JUDICIAL DECISION OR ON THE BASIS OF A  
22 STATUTE OR ADMINISTRATIVE RULE REQUIRING ACTIVE  
23 NOTIFICATION AND LIFETIME REGISTRATION BASED SOLELY ON  
24 THE OFFENSE FOR WHICH THE INDIVIDUAL WAS CONVICTED,  
25 SENTENCED OR COURT MARTIALED, THE INDIVIDUAL SHALL,  
26 NOTWITHSTANDING SECTION 9792, BE CONSIDERED A SEXUALLY  
27 VIOLENT PREDATOR AND SUBJECT TO LIFETIME REGISTRATION  
28 PURSUANT TO SECTION 9795.1(B) (RELATING TO REGISTRATION).  
29 THE INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF  
30 THIS SECTION AND SECTIONS 9796 (RELATING TO VERIFICATION

1 OF RESIDENCE), 9798 (RELATING TO OTHER NOTIFICATION) AND  
2 9798.1(C)(1) (RELATING TO INFORMATION MADE AVAILABLE ON  
3 THE INTERNET), EXCEPT THAT THE INDIVIDUAL SHALL NOT BE  
4 REQUIRED TO RECEIVE COUNSELING UNLESS REQUIRED TO DO SO  
5 BY THE OTHER JURISDICTION OR BY REASON OF COURT MARTIAL.

6 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I) AND  
7 (IV), IF THE INDIVIDUAL HAS BEEN CONVICTED OR SENTENCED  
8 BY A COURT OR COURT MARTIALED FOR AN OFFENSE LISTED IN  
9 SECTION 9795.1(B) OR AN EQUIVALENT OFFENSE, THE  
10 INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9792, BE  
11 CONSIDERED AN OFFENDER AND BE SUBJECT TO LIFETIME  
12 REGISTRATION PURSUANT TO 9795.1(B). THE INDIVIDUAL SHALL  
13 ALSO BE SUBJECT TO THE PROVISIONS OF THIS SECTION AND  
14 SECTIONS 9796 AND 9798.1(C)(2).

15 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I), (II),  
16 (IV) AND (V), IF THE INDIVIDUAL HAS BEEN CONVICTED OR  
17 SENTENCED BY A COURT OR COURT MARTIALED FOR AN OFFENSE  
18 LISTED IN SECTION 9795.1(A) OR AN EQUIVALENT OFFENSE, THE  
19 INDIVIDUAL SHALL BE, NOTWITHSTANDING SECTION 9792,  
20 CONSIDERED AN OFFENDER AND SUBJECT TO REGISTRATION  
21 PURSUANT TO THIS SUBCHAPTER. THE INDIVIDUAL SHALL ALSO BE  
22 SUBJECT TO THE PROVISIONS OF THIS SECTION AND SECTIONS  
23 9796 AND 9798.1(C)(2). THE INDIVIDUAL SHALL BE SUBJECT TO  
24 THIS SUBCHAPTER FOR A PERIOD OF TEN YEARS OR FOR A PERIOD  
25 OF TIME EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS  
26 REQUIRED TO REGISTER IN THE OTHER JURISDICTION OR  
27 REQUIRED TO REGISTER BY REASON OF COURT MARTIAL,  
28 WHICHEVER IS GREATER, LESS ANY CREDIT DUE TO THE  
29 INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH  
30 REGISTRATION REQUIREMENTS.

(IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I) AND NOTWITHSTANDING SUBPARAGRAPH (V), IF THE INDIVIDUAL IS SUBJECT TO ACTIVE NOTIFICATION IN THE OTHER JURISDICTION OR SUBJECT TO ACTIVE NOTIFICATION BY REASON OF COURT MARTIAL, THE INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9792, BE CONSIDERED AN OFFENDER AND SUBJECT TO THIS SECTION AND SECTIONS 9796, 9798 AND 9798.1(C)(1). IF THE INDIVIDUAL WAS CONVICTED OF OR SENTENCED IN THE OTHER JURISDICTION OR SENTENCED BY COURT MARTIAL FOR AN OFFENSE LISTED IN SECTION 9795.1(B) OR AN EQUIVALENT OFFENSE, THE INDIVIDUAL SHALL BE SUBJECT TO THIS SUBCHAPTER FOR THE INDIVIDUAL'S LIFETIME. IF THE INDIVIDUAL WAS CONVICTED OF OR SENTENCED IN THE OTHER JURISDICTION OR SENTENCED BY COURT MARTIAL FOR AN OFFENSE LISTED IN SECTION 9795.1(A) OR AN EQUIVALENT OFFENSE, THE INDIVIDUAL SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TEN YEARS OR FOR A PERIOD OF TIME EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO REGISTER IN THE OTHER JURISDICTION OR REQUIRED TO REGISTER BY REASON OF COURT MARTIAL, WHICHEVER IS GREATER, LESS ANY CREDIT DUE TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH REGISTRATION REQUIREMENTS. OTHERWISE, THE INDIVIDUAL SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO REGISTER IN THE OTHER JURISDICTION OR REQUIRED TO REGISTER BY REASON OF COURT MARTIAL, LESS ANY CREDIT DUE TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH REGISTRATION REQUIREMENTS.

(V) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I), (II), (III) AND (IV), IF THE INDIVIDUAL IS SUBJECT TO PASSIVE



1 NOTIFICATION IN THE OTHER JURISDICTION OR SUBJECT TO  
2 PASSIVE NOTIFICATION BY REASON OF COURT MARTIAL, THE  
3 INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9792, BE  
4 CONSIDERED AN OFFENDER AND SUBJECT TO THIS SECTION AND  
5 SECTIONS 9796 AND 9798.1(C)(2). THE INDIVIDUAL SHALL BE  
6 SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME EQUAL TO  
7 THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO  
8 REGISTER IN THE OTHER JURISDICTION OR REQUIRED TO  
9 REGISTER BY REASON OF COURT MARTIAL, LESS ANY CREDIT DUE  
10 TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH  
11 REGISTRATION REQUIREMENTS.

12 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63  
13 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN  
14 PARAGRAPH (4), AN INDIVIDUAL WHO RESIDES, IS EMPLOYED OR IS A  
15 STUDENT IN THIS COMMONWEALTH AND WHO IS REQUIRED TO REGISTER  
16 AS A SEX OFFENDER UNDER THE LAWS OF THE UNITED STATES OR ONE  
17 OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE  
18 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A  
19 FOREIGN NATION AS A RESULT OF A JUVENILE ADJUDICATION SHALL  
20 REGISTER AT AN APPROVED REGISTRATION SITE WITHIN [TEN DAYS]  
21 48 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH.  
22 THE PROVISIONS OF THIS SUBCHAPTER SHALL APPLY TO THE  
23 INDIVIDUAL AS FOLLOWS:

24 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A  
25 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9792 OR  
26 DETERMINED UNDER THE LAWS OF THE OTHER JURISDICTION TO BE  
27 SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME REGISTRATION  
28 ON THE BASIS OF A STATUTORILY AUTHORIZED ADMINISTRATIVE  
29 OR JUDICIAL DECISION OR ON THE BASIS OF A STATUTE OR  
30 ADMINISTRATIVE RULE REQUIRING ACTIVE NOTIFICATION AND

1 LIFETIME REGISTRATION BASED SOLELY ON THE OFFENSE FOR  
2 WHICH THE INDIVIDUAL WAS ADJUDICATED, THE INDIVIDUAL  
3 SHALL, NOTWITHSTANDING SECTION 9792, BE CONSIDERED A  
4 SEXUALLY VIOLENT PREDATOR AND SUBJECT TO LIFETIME  
5 REGISTRATION PURSUANT TO SECTION 9795.1(B). THE  
6 INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF  
7 THIS SECTION AND SECTIONS 9796 AND 9798.1(C)(1), EXCEPT  
8 THAT THE INDIVIDUAL SHALL NOT BE REQUIRED TO RECEIVE  
9 COUNSELING UNLESS REQUIRED TO DO SO BY THE OTHER  
10 JURISDICTION.

11 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I), IF THE  
12 INDIVIDUAL IS SUBJECT TO ACTIVE NOTIFICATION IN THE OTHER  
13 JURISDICTION, THE INDIVIDUAL SHALL, NOTWITHSTANDING  
14 SECTION 9792, BE CONSIDERED AN OFFENDER AND SUBJECT TO  
15 REGISTRATION PURSUANT TO THIS SUBCHAPTER. THE INDIVIDUAL  
16 SHALL ALSO BE SUBJECT TO THE PROVISIONS OF THIS SECTION  
17 AND SECTIONS 9796, 9798 AND 9798.1(C)(1). THE INDIVIDUAL  
18 SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME  
19 EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED  
20 TO REGISTER IN THE OTHER JURISDICTION, LESS ANY CREDIT  
21 DUE TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE  
22 WITH REGISTRATION REQUIREMENTS.

23 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I) AND  
24 (II), IF THE INDIVIDUAL IS SUBJECT TO PASSIVE  
25 NOTIFICATION IN THE OTHER JURISDICTION, THE INDIVIDUAL  
26 SHALL, NOTWITHSTANDING SECTION 9792, BE CONSIDERED AN  
27 OFFENDER AND BE SUBJECT TO THIS SECTION AND SECTIONS 9796  
28 AND 9798.1(C)(2). THE INDIVIDUAL SHALL BE SUBJECT TO THIS  
29 SUBCHAPTER FOR A PERIOD OF TIME EQUAL TO THE TIME FOR  
30 WHICH THE INDIVIDUAL WAS REQUIRED TO REGISTER IN THE

1 OTHER JURISDICTION, LESS ANY CREDIT DUE TO THE INDIVIDUAL  
2 AS A RESULT OF PRIOR REGISTRATION COMPLIANCE.

3 \* \* \*

4 ~~(c.1) GPS tracking device.~~

<—

5 ~~(1) Upon classification as a sexually violent predator~~  
6 ~~and before release from incarceration, the sexually violent~~  
7 ~~predator shall be fitted with a GPS tracking device which he~~  
8 ~~shall be required to wear for the rest of his natural life.~~

9 ~~(2) The Pennsylvania State Police shall combine data~~  
10 ~~collected by use of GPS tracking devices and retain the data~~  
11 ~~in a single database which can be searched by date, time and~~  
12 ~~location. Information in the database is confidential and~~  
13 ~~shall be accessed only by authorized law enforcement~~  
14 ~~personnel in connection with official investigation of cases~~  
15 ~~in which the status of an individual fitted with a GPS~~  
16 ~~tracking device may be relevant to the investigation.~~

17 ~~(d) Penalty. [An individual]~~

18 ~~(1) A person subject to registration under section~~  
19 ~~9795.1(a) or (b) who fails to register with the Pennsylvania~~  
20 ~~State Police as required by this section may be subject to~~  
21 ~~prosecution under 18 Pa.C.S. § 4915 (relating to failure to~~  
22 ~~comply with registration of sexual offenders requirements).~~

23 ~~(2) A person who fails to immediately notify the nearest~~  
24 ~~police department that a sexually violent predator's GPS~~  
25 ~~tracking device has been removed commits a felony of the~~  
26 ~~third degree.~~

27 ~~(3) A person that, without court order, removes, alters,~~  
28 ~~tampers with, interferes with the operation of, damages or~~  
29 ~~destroys a GPS tracking device commits a felony of the third~~  
30 ~~degree.~~

~~(4) A person that violates subsection (c.1)(2) commits a misdemeanor of the third degree.~~

~~\* \* \*~~

~~(f) Travel restricted. No person subject to section 9795.1 who is on parole, commencing a sentence of intermediate punishment or subject to probationary supervision shall be permitted to travel out of the person's county of residence without specific permission of the court of common pleas of the county where the offender resides.~~

~~(g) Alert system. The Pennsylvania State Police shall establish and maintain an alert system which provides prompt notification to the general public and law enforcement authorities and assists in identifying and locating persons subject to GPS tracking who fail to register as required by this chapter or who violate subsection (d)(3) or (h). In the case of a violation of subsection (h), the notification shall be immediate. The Pennsylvania State Police shall work with local law enforcement officials to establish such protocols and procedures as are necessary for the effective operation of the alert system and shall educate and inform local law enforcement agencies, school officials, day care providers, other child services providers and the general public with regard to its availability. Owners, licensees, operators and employees of any communication medium, including, but not limited to, telephone, radio, television, newspaper, digital communications network or global communications network shall be immune from civil liability for good faith conduct while participating in accordance with this subsection.~~

~~(h) Child protective zone. A person classified as a sexually violent predator under section 9795.4 (relating to~~

~~assessments) who intentionally or knowingly enters into an area within 2,000 feet of a school, playground, park or day care center commits a felony of the third degree.~~

~~(i) Computer and Internet restrictions. Any sex offender required to register under section 9795.1 (relating to registration), or any sexually violent predator, shall be subject to terms and conditions for the use of a computer or the Internet, during the entire time for which he is required to register with the Pennsylvania State Police. County probation officers and State parole agents shall work with the Pennsylvania State Police to establish restrictions appropriate to the registrant which shall, at a minimum, prohibit access to materials related to the crime for which he was convicted, or related to the identity of his victim or victims. Technology implementing remote Internet control and monitoring shall be used to enforce these restrictions. No person required to register under this act may use a computer for any purpose until appropriate restrictions and monitoring protocols to enforce them have been developed and deployed upon the computer the person proposes to use.~~

~~Section 8. Sections 9795.4(b)(4), 9796 and 9798.1 of Title 42, amended or added November 24, 2004 (P.L.1243, No.152), are amended to read:~~

~~§ 9795.4. Assessments.~~

~~\* \* \*~~

~~(b) Assessment. Upon receipt from the court of an order for an assessment, 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 individual should be classified as a sexually violent predator. The board shall~~

~~establish standards for evaluations and for evaluators  
conducting the assessments. An assessment shall include, but not  
be limited to, an examination of the following:~~

~~\* \* \*~~

~~(4) Factors that are supported in a sexual offender  
assessment field as criteria reasonably related to the risk  
of reoffense. Conviction of an individual over 18 years of  
age for a violation of any of the following shall be  
considered a factor reasonably related to the risk of  
reoffense:~~

~~18 Pa.C.S. § 3121(c) (relating to rape of a child).~~

~~18 Pa.C.S. § 3121(d) (relating to rape of a child with  
serious bodily injury).~~

~~18 Pa.C.S. § 3123(b) (relating to involuntary deviate  
sexual intercourse with a child).~~

~~18 Pa.C.S. § 3123(c) (relating to involuntary deviate  
sexual intercourse with a child with serious bodily injury).~~

~~\* \* \*~~

~~§ 9796. Verification of residence.~~

~~(a) [Quarterly verification] Verification by sexually  
violent predators. The Pennsylvania State Police shall verify  
the residence and compliance with counseling as provided for in  
section 9799.4 (relating to counseling of sexually violent  
predators) of sexually violent predators every [90] 30 days  
through the use of a nonforwardable verification form to the  
last reported residence. For the period of registration required  
by section 9795.1 (relating to registration), a sexually violent  
predator shall appear quarterly between January 5 and January  
15, April 5 and April 15, July 5 and July 15 and October 5 and  
October 15 of each calendar year at an approved registration~~

1 ~~site to complete a verification form and to be photographed.~~

2 ~~(a.1) Facilitation of [quarterly] monthly verification. The~~  
3 ~~Pennsylvania State Police shall facilitate and administer the~~  
4 ~~verification process required by subsection (a) by:~~

5 ~~(1) sending a notice by first class United States mail~~  
6 ~~to all registered sexually violent predators at their last~~  
7 ~~reported residence addresses. This notice shall be sent not~~  
8 ~~more than 30 days nor less than 15 days prior to each of the~~  
9 ~~[quarterly] monthly verification periods set forth in~~  
10 ~~subsection (a) and shall remind sexually violent predators of~~  
11 ~~their [quarterly] monthly verification requirement and~~  
12 ~~provide them with a list of approved registration sites; and~~

13 ~~(2) providing verification and compliance forms as~~  
14 ~~necessary to each approved registration site not less than~~  
15 ~~ten days before each of the [quarterly] monthly verification~~  
16 ~~periods.~~

17 ~~(a.2) Quarterly verification. Sexually violent predators~~  
18 ~~shall appear quarterly between January 5 and January 15, April 5~~  
19 ~~and April 15, July 5 and July 15 and October 5 and October 15 of~~  
20 ~~each calendar year at an approved registration site to complete~~  
21 ~~a verification form and to be photographed.~~

22 ~~(b) Annual verification by offenders. The Pennsylvania~~  
23 ~~State Police shall verify the residence of offenders. For the~~  
24 ~~period of registration required by section 9795.1, an offender~~  
25 ~~shall appear within ten days before each annual anniversary date~~  
26 ~~of the offender's initial registration under section 9795.1 at~~  
27 ~~an approved registration site to complete a verification form~~  
28 ~~and to be photographed.~~

29 ~~(b.1) Facilitation of annual verification. The Pennsylvania~~  
30 ~~State Police shall facilitate and administer the verification~~

~~process required by subsection (b) by:~~

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

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

~~(b.2) Quarterly verification by offenders. The Pennsylvania State Police shall verify the residence of offenders every 90 days through the use of a nonforwardable verification form to the last reported residence.~~

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

~~(d) Failure to provide verification. Where an offender or sexually violent predator fails to provide verification of residence within the ten day period as set forth in this section, the Pennsylvania State Police shall immediately notify the municipal police department of the offender's or the~~



1 ~~sexually violent predator's last verified residence. The local~~  
2 ~~municipal police shall locate the offender or sexually violent~~  
3 ~~predator and arrest him for violating this section. The~~  
4 ~~Pennsylvania State Police shall assume responsibility for~~  
5 ~~locating the offender or sexually violent predator and arresting~~  
6 ~~him in jurisdictions where no municipal police jurisdiction~~  
7 ~~exists. The Pennsylvania State Police shall assist any municipal~~  
8 ~~police department requesting assistance with locating and~~  
9 ~~arresting an offender or sexually violent predator who fails to~~  
10 ~~verify his residence.~~

11 ~~(c) Penalty. An individual subject to registration under~~  
12 ~~section 9795.1(a) or (b) who fails to verify his residence or to~~  
13 ~~be photographed as required by this section may be subject to~~  
14 ~~prosecution under 18 Pa.C.S. § 4915 (relating to failure to~~  
15 ~~comply with registration of sexual offenders requirements).~~

16 ~~(f) Effect of notice. Neither failure on the part of the~~  
17 ~~Pennsylvania State Police to send nor failure of a sexually~~  
18 ~~violent predator or offender to receive any notice or~~  
19 ~~information under subsection (a.1) or (b.1) shall relieve that~~  
20 ~~predator or offender from the requirements of this subchapter.~~  
21 ~~§ 9798.1. Information made available on the Internet.~~

22 ~~(a) Legislative findings. It is hereby declared to be the~~  
23 ~~finding of the General Assembly that public safety will be~~  
24 ~~enhanced by making information about sexually violent predators,~~  
25 ~~lifetime registrants and other sex offenders available to the~~  
26 ~~public through the Internet. Knowledge of whether a person is a~~  
27 ~~sexually violent predator, lifetime registrant or other sex~~  
28 ~~offender could be a significant factor in protecting oneself and~~  
29 ~~one's family members, or those in care of a group or community~~  
30 ~~organization, from recidivist acts by sexually violent~~

~~predators, lifetime registrants and other sex offenders. The technology afforded by the Internet would make this information readily accessible to parents and private entities, enabling them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk. Public access to information about sexually violent predators, lifetime registrants and other sex offenders is intended solely as a means of public protection and shall not be construed as punitive.~~

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

~~(1) Develop and maintain a system for making the information described in subsection (c) publicly available by electronic means so that the public may, without limitation, obtain access to the information via an Internet website to view an individual record or the records of all sexually violent predators, lifetime registrants and other offenders who are registered with the Pennsylvania State Police. The Internet website shall also prominently display a toll free number any interested person may call to receive the latest updated information for a particular zip code, sex offender or sexually violent predator.~~

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

~~(3) Ensure that the Internet website contains an explanation of its limitations, including statements advising~~

1 ~~that a positive identification of a sexually violent~~  
2 ~~predator, lifetime registrant or other offender whose record~~  
3 ~~has been made available may be confirmed only by~~  
4 ~~fingerprints; that some information contained on the Internet~~  
5 ~~website may be outdated or inaccurate; and that the Internet~~  
6 ~~website is not a comprehensive listing of every person who~~  
7 ~~has ever committed a sex offense in Pennsylvania.~~

8 ~~(4) Strive to ensure the information contained on the~~  
9 ~~Internet website is accurate and that the data therein is~~  
10 ~~revised and updated as appropriate in a timely and efficient~~  
11 ~~manner. In the case of sex offenders or sexually violent~~  
12 ~~predators scheduled to be released from incarceration, the~~  
13 ~~update as to his release and postrelease residence shall be~~  
14 ~~posted no later than ten days prior to this release.~~

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

22 ~~(6) Provide current or prospective Commonwealth~~  
23 ~~residents the ability to search the database of an Internet~~  
24 ~~website by inputting a home address. This type of Internet~~  
25 ~~search shall enable current or prospective residents to input~~  
26 ~~an address and discover if persons required to register under~~  
27 ~~section 9795.1 (relating to registration) live within five~~  
28 ~~miles of their residence. This function shall allow current~~  
29 ~~or prospective Commonwealth residents the ability to view the~~  
30 ~~location of the residence of those required to register under~~

~~section 9795.1 in relation to their own by electronic map.~~

~~(c) Information [permitted] to be disclosed regarding individuals. Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history information), the Internet website shall have separate sections entitled "Sexually Violent Predators" and "Other Sex Offenders" and shall contain the following information on each individual under the individual's respective classification:~~

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

~~(i) name and any aliases;~~

~~(ii) year of birth;~~

~~(iii) the street address, city, county and zip code of all residences;~~

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

~~(v) the city, county and zip code of any employment location;~~

~~(vi) a current photograph of the offender, which shall be updated not less than annually, and online access by law enforcement personnel to the offender's fingerprints;~~

~~(vii) a listing of all criminal charges filed against the predator, a listing of the crimes for which he was convicted, a description of the offense or offenses which triggered the application of this subchapter, the number of the offender's victims and their genders and ages; [and]~~

~~(viii) the date or dates of the offense or offenses~~

1 ~~and the date or dates of conviction[, if available.] or~~  
2 ~~convictions; and~~

3 ~~(ix) the date of the predator's release from prison.~~

4 ~~(2) For all other lifetime registrants and offenders~~  
5 ~~subject to registration only the following information shall~~  
6 ~~be posted on the Internet website:~~

7 ~~(i) name and any aliases;~~

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

9 ~~(iii) the city, county and zip code of all~~  
10 ~~residences;~~

11 ~~(iv) the city, county and zip code of any~~  
12 ~~institution or location at which the person is enrolled~~  
13 ~~as a student;~~

14 ~~(v) the city, county and zip code of any employment~~  
15 ~~location;~~

16 ~~(vi) a current photograph of the offender, which~~  
17 ~~shall be updated not less than annually, and online~~  
18 ~~access by law enforcement personnel to the offender's~~  
19 ~~fingerprints;~~

20 ~~(vii) a description of the offense or offenses which~~  
21 ~~triggered the application of this subchapter, the number~~  
22 ~~of the offender's victims and their genders and ages; and~~

23 ~~(viii) the date of the offense [and conviction, if~~  
24 ~~available], conviction and release from prison.~~

25 ~~(d) Duration of Internet posting.—~~

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

29 ~~(2) The information listed in subsection (c) about an~~  
30 ~~offender who is subject to lifetime registration shall be~~

1 ~~made available on the Internet for the lifetime of the~~  
2 ~~offender unless the offender is granted relief under section~~  
3 ~~9795.5 (relating to exemption from certain notifications).~~

4 ~~(3) The information listed in subsection (c) about any~~  
5 ~~other offender subject to registration shall be made~~  
6 ~~available on the Internet for the entire period during which~~  
7 ~~the offender is required to register, including any extension~~  
8 ~~of this period pursuant to 9795.2(a)(3) (relating to~~  
9 ~~registration procedures and applicability). The Pennsylvania~~  
10 ~~State Police shall also from time to time share this public~~  
11 ~~information with Federal, State and local law enforcement~~  
12 ~~officials, to the extent deemed appropriate for investigative~~  
13 ~~and supervisory purposes.~~

14 ~~(c) Use of information to commit offense. Use of~~  
15 ~~information published on the Internet in accordance with this~~  
16 ~~section with intent to facilitate commission of a criminal~~  
17 ~~offense shall constitute an offense of the same grade and degree~~  
18 ~~as the underlying criminal offense.~~

19 ~~Section 9. The Legislative Budget and Finance Committee is~~  
20 ~~hereby directed to do a comprehensive study and review of the~~  
21 ~~monitoring and regulation of sex offenders and sexually violent~~  
22 ~~predators in this Commonwealth under this act, and to make a~~  
23 ~~full report of its findings, annually, to the chairman of the~~  
24 ~~Judiciary Committee of the Senate and chairman of the Judiciary~~  
25 ~~Committee of the House of Representatives.~~

26 ~~Section 10. The sum of \_\_\_\_\_, or as much thereof as may be~~  
27 ~~necessary, is hereby appropriated to the Pennsylvania State~~  
28 ~~Police for implementation of this act.~~

29 ~~SECTION 8. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:~~ <—

30 ~~§ 9798.3. 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     SECTION 9.   SECTION 9799.2 OF TITLE 42 IS AMENDED BY ADDING A  
6     PARAGRAPH TO READ:

7     § 9799.2.   DUTIES OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

8     THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL:

9             \* \* \*

10            (4) APPLY FOR FEDERAL FUNDING AS PROVIDED IN THE ADAM  
11            WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW  
12            109-248, 120 STAT. 587) TO SUPPORT AND ENHANCE PROGRAMMING  
13            USING SATELLITE GLOBAL POSITIONING SYSTEM TECHNOLOGY.

14     SECTION 10.   THE ADDITION OF 42 PA.C.S. § 9718.3 SHALL APPLY  
15     TO OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS  
16     SECTION.

17     Section 11.   This act shall take effect January 1, 2007.