
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 944 Session of
2005

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

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

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

1 hereby enacts as follows:

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

5 ~~§ 3121. Rape.~~

6 ~~* * *~~

7 ~~(c) Sentences.~~

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

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

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

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

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

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

26 ~~(3) Notice of the applicability of this subsection shall~~
27 ~~be provided to the defendant before trial. If such notice is~~
28 ~~given, there shall be no authority in any court to impose on~~
29 ~~an offender to which this subsection is applicable a lesser~~
30 ~~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

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

7 (1) WITHHOLDS INFORMATION FROM OR DOES NOT NOTIFY THE
8 LAW ENFORCEMENT AGENT OR AGENCY ABOUT THE SEX OFFENDER'S
9 NONCOMPLIANCE WITH THE REQUIREMENTS OF PAROLE, THE
10 REQUIREMENTS OF 42 PA.C.S. § 9795.2 OR, IF KNOWN, THE SEX
11 OFFENDER'S WHEREABOUTS;

12 (2) HARBORS OR ATTEMPTS TO HARBOR OR ASSIST ANOTHER
13 PERSON IN HARBORING OR ATTEMPTING TO HARBOR THE SEX OFFENDER;

14 (3) CONCEALS OR ATTEMPTS TO CONCEAL, OR ASSISTS ANOTHER
15 PERSON IN CONCEALING OR ATTEMPTING TO CONCEAL, THE SEX
16 OFFENDER; OR

17 (4) PROVIDES INFORMATION TO THE LAW ENFORCEMENT AGENT OR
18 AGENCY REGARDING THE SEX OFFENDER WHICH THE PERSON KNOWS TO
19 BE FALSE.

20 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SEX
21 OFFENDER" MEANS A PERSON WHO IS REQUIRED TO REGISTER WITH THE
22 PENNSYLVANIA STATE POLICE PURSUANT TO THE PROVISIONS OF 42
23 PA.C.S. § 9795.1 (RELATING TO REGISTRATION).

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

26 SUBCHAPTER C

27 LOSS OF PROPERTY RIGHTS

28 Sec.

29 3141. General rule.

30 3142. Process and seizure.

1 3143. Custody of property.

2 3144. Disposal of property.

3 § 3141. General rule.

4 A person:

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

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

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

21 § 3142. Process and seizure.

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

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

1 process, proceedings for the issuance thereof shall be
2 instituted immediately.

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

7 § 3143. Custody of property.

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

13 § 3144. Disposal of property.

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

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

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

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

30 ~~(1) register with the Pennsylvania State Police as~~

1 ~~required under 42 Pa.C.S. § 9795.2 (relating to registration~~
2 ~~procedures and applicability);~~

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

6 ~~(3) provide accurate information when registering under~~
7 ~~42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S.~~
8 ~~§ 9796.~~

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

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

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

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

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

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

1 ~~(c) Arrests for violation.~~

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

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

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

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

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

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

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

~~Section 5. Section 9792 of Title 42 is amended by adding definitions to read:~~

~~§ 9792. Definitions.~~

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

~~* * *~~

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

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

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

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

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

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

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

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

~~* * *~~

~~SECTION 3. SECTIONS 4915(B) AND (C) AND 6318 OF TITLE 18 ARE AMENDED TO READ:~~

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

1 * * *

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

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

7 (2) [AN] EXCEPT AS SET FORTH IN PARAGRAPH (3), AN
8 INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. §
9 9795.1(A) WHO COMMITS A VIOLATION OF SUBSECTION (A)(1) OR (2)
10 [AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER
11 SUBSECTION (A)(1) OR (2) OR A SIMILAR OFFENSE] COMMITS A
12 [MISDEMEANOR OF THE SECOND DEGREE] FELONY OF THE THIRD
13 DEGREE.

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

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

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

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

29 (2) [AN] EXCEPT AS SET FORTH IN PARAGRAPH (3), AN
30 INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. §

1 9795.1(B)(1), (2) OR (3) WHO COMMITS A VIOLATION OF
2 SUBSECTION (A)(1) OR (2) [AND WHO HAS PREVIOUSLY BEEN
3 CONVICTED OF AN OFFENSE UNDER SUBSECTION (A)(1) OR (2) OR A
4 SIMILAR OFFENSE] COMMITS A [MISDEMEANOR OF THE FIRST DEGREE]
5 FELONY OF THE SECOND DEGREE.

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

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

15 * * *

16 § 6318. UNLAWFUL CONTACT WITH MINOR.

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

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

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

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

30 (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

1 INCLUDES ALL INPUT, OUTPUT, PROCESSING, STORAGE, SOFTWARE OR
2 COMMUNICATION FACILITIES WHICH ARE CONNECTED OR RELATED TO THE
3 DEVICE IN A COMPUTER SYSTEM OR COMPUTER NETWORK.

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

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

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

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

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

20 § 9718. SENTENCES FOR OFFENSES AGAINST INFANT PERSONS.

21 (A) MANDATORY SENTENCE.--

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

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

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

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

1 18 PA.C.S. § 3125(A)(1) THROUGH (6) (RELATING TO
2 AGGRAVATED INDECENT ASSAULT) - NOT LESS THAN FIVE YEARS.

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

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

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

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

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

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

17 18 PA.C.S. § 3125(B) - NOT LESS THAN [FIVE] TEN YEARS.

18 * * *

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

30 (D) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO

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

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

16 SECTION 5. TITLE 42 IS AMENDED BY ADDING SECTIONS TO READ:
17 § 9718.2. SENTENCES FOR SEX OFFENDERS.

18 (A) MANDATORY SENTENCE.--

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

1 THE PENALTIES UNDER PARAGRAPH (2) FOR A THIRD CONVICTION.
2 FAILURE TO PROVIDE SUCH NOTICE SHALL NOT RENDER THE OFFENDER
3 INELIGIBLE TO BE SENTENCED UNDER PARAGRAPH (2).

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

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

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

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

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

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

1 OF A SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT
2 THE SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (2) SENTENCING UPON CONVICTION FOR A SECOND OR

SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:

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

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

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

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

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

(B) VIOLATED 18 PA.C.S. § 4915(A)(3).

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

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

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

8 Section 6. Section 9795.1 of Title 42, amended November 24,
9 2004 (P.L.1243, No.152), is amended to read:

10 § 9795.1. Registration.

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

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

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

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

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

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

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

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

1 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
2 obscene and other sexual materials and performances)
3 where the victim is a minor.

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

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

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

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

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

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

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

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

24 18 Pa.C.S. § 3121 (relating to rape).

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

27 18 Pa.C.S. § 3124.1 (relating to sexual assault).

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

30 18 Pa.C.S. § 4302 (relating to incest) when the

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)(2), (2.1), (3) AND (4) 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 the individual's current or intended residence, or place of employment, is within the jurisdiction of a local law enforcement agency or police department, the Pennsylvania State Police shall develop protocols for working with local officials to determine current, real time compliance at all times.~~

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

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

~~(B) If the offender or sexually violent predator's place of residence is a vessel, live aboard vessel or houseboat, the offender or sexually violent predator shall also provide the hull identification number, the manufacturer's serial number, the name of the vessel, live aboard vessel or houseboat, the registration number and a description, including color scheme, of the vessel, live aboard vessel or houseboat. If the offender or sexually violent predator is homeless, he shall be secured a residential placement by the appropriate State or municipal authorities within seven days of notice~~

1 ~~thereof to the Pennsylvania State Police. Should the~~
2 ~~effort to secure residential placement fail within~~
3 ~~the time period allotted, the offender or sexually~~
4 ~~violent predator shall be required to appear at the~~
5 ~~offices of the nearest law enforcement organization~~
6 ~~every seven days, in person, to report his current~~
7 ~~whereabouts, until he reports a residence address,~~
8 ~~which shall be verified before he is released from~~
9 ~~reporting in person every seven days.~~

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

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

22 * * *

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

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

28 (ii) Any change of employer or employment location
29 for a period of time that will exceed 14 days or for an
30 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 the person is enrolled as a student, or termination of enrollment.

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

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

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

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

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

(i) Where the offender or sexually violent predator was granted parole by the Pennsylvania Board of Probation and Parole or the court or is sentenced to probation or intermediate punishment, the board or county office of

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

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

(B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR
ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS
COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

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

(I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A
SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9792
(RELATING TO DEFINITIONS) OR DETERMINED UNDER THE LAWS OF
THE OTHER JURISDICTION OR BY REASON OF COURT MARTIAL TO
BE SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME
REGISTRATION ON THE BASIS OF A STATUTORILY AUTHORIZED
ADMINISTRATIVE OR JUDICIAL DECISION OR ON THE BASIS OF A
STATUTE OR ADMINISTRATIVE RULE REQUIRING ACTIVE
NOTIFICATION AND LIFETIME REGISTRATION BASED SOLELY ON
THE OFFENSE FOR WHICH THE INDIVIDUAL WAS CONVICTED,
SENTENCED OR COURT MARTIALED, THE INDIVIDUAL SHALL,
NOTWITHSTANDING SECTION 9792, BE CONSIDERED A SEXUALLY
VIOLENT PREDATOR AND SUBJECT TO LIFETIME REGISTRATION
PURSUANT TO SECTION 9795.1(B) (RELATING TO REGISTRATION).

1 THE INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF
2 THIS SECTION AND SECTIONS 9796 (RELATING TO VERIFICATION
3 OF RESIDENCE), 9798 (RELATING TO OTHER NOTIFICATION) AND
4 9798.1(C)(1) (RELATING TO INFORMATION MADE AVAILABLE ON
5 THE INTERNET), EXCEPT THAT THE INDIVIDUAL SHALL NOT BE
6 REQUIRED TO RECEIVE COUNSELING UNLESS REQUIRED TO DO SO
7 BY THE OTHER JURISDICTION OR BY REASON OF COURT MARTIAL.

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

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

1 INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH
2 REGISTRATION REQUIREMENTS.

3 (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I) AND
4 NOTWITHSTANDING SUBPARAGRAPH (V), IF THE INDIVIDUAL IS
5 SUBJECT TO ACTIVE NOTIFICATION IN THE OTHER JURISDICTION
6 OR SUBJECT TO ACTIVE NOTIFICATION BY REASON OF COURT
7 MARTIAL, THE INDIVIDUAL SHALL, NOTWITHSTANDING SECTION
8 9792, BE CONSIDERED AN OFFENDER AND SUBJECT TO THIS
9 SECTION AND SECTIONS 9796, 9798 AND 9798.1(C)(1). IF THE
10 INDIVIDUAL WAS CONVICTED OF OR SENTENCED IN THE OTHER
11 JURISDICTION OR SENTENCED BY COURT MARTIAL FOR AN OFFENSE
12 LISTED IN SECTION 9795.1(B) OR AN EQUIVALENT OFFENSE, THE
13 INDIVIDUAL SHALL BE SUBJECT TO THIS SUBCHAPTER FOR THE
14 INDIVIDUAL'S LIFETIME. IF THE INDIVIDUAL WAS CONVICTED OF
15 OR SENTENCED IN THE OTHER JURISDICTION OR SENTENCED BY
16 COURT MARTIAL FOR AN OFFENSE LISTED IN SECTION 9795.1(A)
17 OR AN EQUIVALENT OFFENSE, THE INDIVIDUAL SHALL BE SUBJECT
18 TO THIS SUBCHAPTER FOR A PERIOD OF TEN YEARS OR FOR A
19 PERIOD OF TIME EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL
20 WAS REQUIRED TO REGISTER IN THE OTHER JURISDICTION OR
21 REQUIRED TO REGISTER BY REASON OF COURT MARTIAL,
22 WHICHEVER IS GREATER, LESS ANY CREDIT DUE TO THE
23 INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH
24 REGISTRATION REQUIREMENTS. OTHERWISE, THE INDIVIDUAL
25 SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME
26 EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED
27 TO REGISTER IN THE OTHER JURISDICTION OR REQUIRED TO
28 REGISTER BY REASON OF COURT MARTIAL, LESS ANY CREDIT DUE
29 TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH
30 REGISTRATION REQUIREMENTS.

(V) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I), (II), (III) AND (IV), IF THE INDIVIDUAL IS SUBJECT TO PASSIVE NOTIFICATION IN THE OTHER JURISDICTION OR SUBJECT TO PASSIVE NOTIFICATION BY REASON OF COURT MARTIAL, THE INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9792, BE CONSIDERED AN OFFENDER AND SUBJECT TO THIS SECTION AND SECTIONS 9796 AND 9798.1(C)(2). 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.

(5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN PARAGRAPH (4), AN INDIVIDUAL WHO RESIDES, IS EMPLOYED OR IS A STUDENT IN THIS COMMONWEALTH AND WHO IS REQUIRED TO REGISTER AS A SEX OFFENDER 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 AS A RESULT OF A JUVENILE ADJUDICATION SHALL REGISTER AT AN APPROVED REGISTRATION SITE WITHIN [TEN DAYS] 48 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE PROVISIONS OF THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL AS FOLLOWS:

(I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9792 OR DETERMINED UNDER THE LAWS OF THE OTHER JURISDICTION TO BE SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME REGISTRATION ON THE BASIS OF A STATUTORILY AUTHORIZED ADMINISTRATIVE

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

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

25 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I) AND
26 (II), IF THE INDIVIDUAL IS SUBJECT TO PASSIVE
27 NOTIFICATION IN THE OTHER JURISDICTION, THE INDIVIDUAL
28 SHALL, NOTWITHSTANDING SECTION 9792, BE CONSIDERED AN
29 OFFENDER AND BE SUBJECT TO THIS SECTION AND SECTIONS 9796
30 AND 9798.1(C)(2). THE INDIVIDUAL SHALL BE SUBJECT TO THIS

1 SUBCHAPTER FOR A PERIOD OF TIME EQUAL TO THE TIME FOR
2 WHICH THE INDIVIDUAL WAS REQUIRED TO REGISTER IN THE
3 OTHER JURISDICTION, LESS ANY CREDIT DUE TO THE INDIVIDUAL
4 AS A RESULT OF PRIOR REGISTRATION COMPLIANCE.

5 * * *

6 ~~(c.1) GPS tracking device.~~ <—

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

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

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

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

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

29 ~~(3) A person that, without court order, removes, alters,~~
30 ~~tampers with, interferes with the operation of, damages or~~

~~destroys a GPS tracking device commits a felony of the third 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 site to complete a verification form and to be photographed.~~

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

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

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

~~(a.2) Quarterly verification. Sexually violent predators 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 site to complete a verification form and to be photographed.~~

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

~~(b.1) Facilitation of annual verification. The Pennsylvania 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~~

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

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

18 ~~(f) Effect of notice. Neither failure on the part of the~~
19 ~~Pennsylvania State Police to send nor failure of a sexually~~
20 ~~violent predator or offender to receive any notice or~~
21 ~~information under subsection (a.1) or (b.1) shall relieve that~~
22 ~~predator or offender from the requirements of this subchapter.~~
23 ~~§ 9798.1. Information made available on the Internet.~~

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

1 ~~one's family members, or those in care of a group or community~~
2 ~~organization, from recidivist acts by sexually violent~~
3 ~~predators, lifetime registrants and other sex offenders. The~~
4 ~~technology afforded by the Internet would make this information~~
5 ~~readily accessible to parents and private entities, enabling~~
6 ~~them to undertake appropriate remedial precautions to prevent or~~
7 ~~avoid placing potential victims at risk. Public access to~~
8 ~~information about sexually violent predators, lifetime~~
9 ~~registrants and other sex offenders is intended solely as a~~
10 ~~means of public protection and shall not be construed as~~
11 ~~punitive.~~

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

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

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

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

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

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

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

~~or prospective Commonwealth residents the ability to view the 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
and the date or dates of conviction[, if available.] or
convictions; and~~

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

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

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

~~(ii) year of birth;~~

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

~~(iv) the 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 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 of the offense [and conviction, if
available], conviction and release from prison.~~

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

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

1 ~~(2) The information listed in subsection (c) about an~~
2 ~~offender who is subject to lifetime registration shall be~~
3 ~~made available on the Internet for the lifetime of the~~
4 ~~offender unless the offender is granted relief under section~~
5 ~~9795.5 (relating to exemption from certain notifications).~~

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

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

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

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

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

2 § 9798.3. GLOBAL POSITIONING SYSTEM TECHNOLOGY.

3 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND COUNTY
4 PROBATION AUTHORITIES MAY IMPOSE SUPERVISION CONDITIONS THAT
5 INCLUDE OFFENDER TRACKING THROUGH GLOBAL POSITIONING SYSTEM
6 TECHNOLOGY.

7 SECTION 9. SECTION 9799.2 OF TITLE 42 IS AMENDED BY ADDING A
8 PARAGRAPH TO READ:

9 § 9799.2. DUTIES OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

10 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL:

11 * * *

12 (4) APPLY FOR FEDERAL FUNDING AS PROVIDED IN THE ADAM
13 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW
14 109-248, 120 STAT. 587) TO SUPPORT AND ENHANCE PROGRAMMING
15 USING SATELLITE GLOBAL POSITIONING SYSTEM TECHNOLOGY.

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

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