

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1054 Session of
2006

INTRODUCED BY PIPPY, BRIGHTBILL, CONTI, PUNT, MUSTO, RAFFERTY,
ERICKSON, WENGER, REGOLA, PICCOLA, FONTANA, PILEGGI, BOSCOLA,
SCARNATI, BROWNE, WAUGH, VANCE, WONDERLING, WOZNIAK, STACK,
RHOADES, KITCHEN AND MELLOW, JANUARY 3, 2006

AS AMENDED ON THIRD CONSIDERATION, JUNE 14, 2006

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing FOR
3 ASSESSMENTS AND for sex offender information made available
4 on the Internet. <—

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

7 ~~Section 1. Section 9798.1(b) and (c) of Title 42 of the~~ <—
8 ~~Pennsylvania Consolidated Statutes, added November 24, 2004~~
9 ~~(P.L.1243, No.152), are amended to read:~~

10 SECTION 1. SECTION 9795.4 OF TITLE 42 OF THE PENNSYLVANIA <—
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
12 § 9795.4. ASSESSMENTS.

13 * * *

14 (D.1) DESCRIPTION OF OFFENSE.--FOR PURPOSES OF SECTION
15 9798.1(C) (RELATING TO INFORMATION MADE AVAILABLE ON THE
16 INTERNET), THE BOARD SHALL PREPARE A DESCRIPTION OF THE OFFENSE
17 OR OFFENSES WHICH TRIGGER THE APPLICATION OF THIS SUBCHAPTER TO
18 INCLUDE, BUT NOT BE LIMITED TO:

1 (1) A CONCISE NARRATIVE OF THE OFFENDER'S CONDUCT.

2 (2) WHETHER THE VICTIM WAS A MINOR.

3 (3) THE MANNER OF WEAPON OR PHYSICAL FORCE USED OR
4 THREATENED.

5 (4) IF THE OFFENSE INVOLVED UNAUTHORIZED ENTRY INTO A
6 ROOM OR VEHICLE OCCUPIED BY THE VICTIM.

7 (5) IF THE OFFENSE WAS PART OF A COURSE OR PATTERN OF
8 CONDUCT INVOLVING MULTIPLE INCIDENTS OR VICTIMS.

9 (6) PREVIOUS INSTANCES IN WHICH THE OFFENDER WAS
10 DETERMINED GUILTY OF AN OFFENSE SUBJECT TO THIS SUBCHAPTER OR
11 OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 9714(G)
12 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

13 * * *

14 SECTION 2. SECTION 9798.1(B) AND (C) OF TITLE 42, ADDED
15 NOVEMBER 24, 2004 (P.L.1243, NO.152), ARE AMENDED TO READ:
16 § 9798.1. Information made available on the Internet.

17 * * *

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

22 (1) Develop and maintain a system for making the
23 information described in subsection (c) publicly available by
24 electronic means so that the public may, without limitation,
25 obtain access to the information via an Internet website to
26 view an individual record or the records of all sexually
27 violent predators, lifetime registrants and other offenders
28 who are registered with the Pennsylvania State Police.

29 (2) Ensure that the Internet website contains warnings
30 that any person who uses the information contained therein to

1 threaten, intimidate or harass another or who otherwise
2 misuses that information may be criminally prosecuted.

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

12 (4) Strive to ensure the information contained on the
13 Internet website is accurate and that the data therein is
14 revised and updated as appropriate in a timely and efficient
15 manner.

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

23 (6) Identify when the victim is a minor and the specific
24 age of the victim is known, the age of the victim, which
25 shall be included with a special designation.

26 ~~(c) Information permitted to be disclosed regarding~~ <—
27 ~~individuals. Notwithstanding 18 Pa.C.S. Ch. 91 (relating to~~
28 ~~criminal history information), the Internet website shall~~
29 ~~contain the following information on each individual subject to~~
30 ~~registration under this subchapter:~~

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

~~(i)] (1) name and any aliases;~~

~~[(ii)] (2) year of birth;~~

~~[(iii)] (3) the street address, city, county and zip code of all residences;~~

~~[(iv)] (4) the street address, city, county and zip code of any institution or location at which the person is enrolled as a student;~~

~~[(v)] (5) the city, county and zip code of any employment location;~~

~~[(vi)] (6) a photograph of the offender, which shall be updated not less than annually;~~

~~[(vii)] (7) a description of the offense or offenses which triggered the application of this subchapter; and~~

~~[(viii)] (8) the date of the offense and conviction, if available.~~

~~[(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 photograph of the offender, which shall be~~

~~updated not less than annually;~~

~~(vii) a description of the offense or offenses which
triggered the application of this subchapter; and~~

~~(viii) the date of the offense and conviction, if
available.}~~

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(C) INFORMATION PERMITTED TO BE DISCLOSED REGARDING
INDIVIDUALS.--NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO
CRIMINAL HISTORY RECORD INFORMATION), THE INTERNET WEBSITE SHALL
CONTAIN THE FOLLOWING INFORMATION ON EACH INDIVIDUAL:

(1) FOR SEXUALLY VIOLENT PREDATORS ONLY THE FOLLOWING
INFORMATION SHALL BE POSTED ON THE INTERNET WEBSITE:

(I) NAME AND [ANY] ALL KNOWN ALIASES;

(II) YEAR OF BIRTH;

(III) THE STREET ADDRESS, [CITY] MUNICIPALITY,
COUNTY AND ZIP CODE OF ALL RESIDENCES, INCLUDING, WHERE
APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF
CONFINEMENT;

(IV) THE STREET ADDRESS, [CITY] MUNICIPALITY, COUNTY
[AND], ZIP CODE AND NAME OF ANY INSTITUTION OR LOCATION
AT WHICH THE PERSON IS ENROLLED AS A STUDENT;

(V) THE [CITY] MUNICIPALITY, COUNTY AND ZIP CODE OF
ANY EMPLOYMENT LOCATION;

(VI) A PHOTOGRAPH OF THE OFFENDER, WHICH SHALL BE
UPDATED NOT LESS THAN ANNUALLY;

(VII) A DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH
TRIGGERED THE APPLICATION OF THIS SUBCHAPTER PROVIDED FOR
BY SECTION 9795.4(D.1) (RELATING TO ASSESSMENTS); AND

(VIII) THE DATE OF THE OFFENSE [AND], CONVICTION[,]
AND, WHERE APPLICABLE, THE RELEASE OR EARLIEST POSSIBLE

1 RELEASE FROM CONFINEMENT, IF AVAILABLE.

2 (2) FOR ALL OTHER LIFETIME REGISTRANTS AND OFFENDERS
3 SUBJECT TO REGISTRATION ONLY THE FOLLOWING INFORMATION SHALL
4 BE POSTED ON THE INTERNET WEBSITE:

5 (I) NAME AND [ANY] ALL KNOWN ALIASES;

6 (II) YEAR OF BIRTH;

7 (III) THE [CITY] STREET ADDRESS, MUNICIPALITY,
8 COUNTY AND ZIP CODE OF ALL RESIDENCES, INCLUDING, WHERE
9 APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF
10 CONFINEMENT;

11 (IV) THE [CITY] MUNICIPALITY, COUNTY [AND], ZIP CODE
12 AND NAME OF ANY INSTITUTION OR LOCATION AT WHICH THE
13 PERSON IS ENROLLED AS A STUDENT;

14 (V) THE [CITY] STREET ADDRESS, MUNICIPALITY, COUNTY
15 AND ZIP CODE OF ANY EMPLOYMENT LOCATION;

16 (VI) A PHOTOGRAPH OF THE OFFENDER, WHICH SHALL BE
17 UPDATED NOT LESS THAN ANNUALLY;

18 (VII) A DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH
19 TRIGGERED THE APPLICATION OF THIS SUBCHAPTER PROVIDED FOR
20 BY SECTION 9795.4(D.1); AND

21 (VIII) THE DATE OF THE OFFENSE [AND], CONVICTION[,]
22 AND, WHERE APPLICABLE, THE RELEASE OR EARLIEST POSSIBLE
23 RELEASE FROM CONFINEMENT, IF AVAILABLE.

24 (D) DURATION OF INTERNET POSTING.--

25 (1) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT A
26 SEXUALLY VIOLENT PREDATOR SHALL BE MADE AVAILABLE ON THE
27 INTERNET FOR THE LIFETIME OF THE SEXUALLY VIOLENT PREDATOR.

28 (2) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT AN
29 OFFENDER WHO IS SUBJECT TO LIFETIME REGISTRATION SHALL BE
30 MADE AVAILABLE ON THE INTERNET FOR THE LIFETIME OF THE

1 OFFENDER UNLESS THE OFFENDER IS GRANTED RELIEF UNDER SECTION
2 9795.5 (RELATING TO EXEMPTION FROM CERTAIN NOTIFICATIONS).

3 (3) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT ANY
4 OTHER OFFENDER SUBJECT TO REGISTRATION SHALL BE MADE
5 AVAILABLE ON THE INTERNET FOR THE ENTIRE PERIOD DURING WHICH
6 THE OFFENDER IS REQUIRED TO REGISTER, INCLUDING ANY EXTENSION
7 OF THIS PERIOD PURSUANT TO 9795.2(A)(3) (RELATING TO
8 REGISTRATION PROCEDURES AND APPLICABILITY).

9 Section ~~2~~ 3. This act shall take effect in 60 days.

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