
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, HOUSE OF REPRESENTATIVES,
NOVEMBER 15, 2006

AN ACT

1 Amending ~~Title~~ TITLES 18 (CRIMES AND OFFENSES), 23 (DOMESTIC <—
2 RELATIONS) AND 42 (Judiciary and Judicial Procedure) of the
3 Pennsylvania Consolidated Statutes, ~~further providing for~~ <—
4 PROTECTING CHILDREN FROM ABUSE; FURTHER PROVIDING FOR <—
5 ENDANGERING THE WELFARE OF CHILDREN; FURTHER PROVIDING, IN
6 CHILD PROTECTIVE SERVICES, FOR DEFINITIONS, FOR REPORTING,
7 FOR IMMUNITY, FOR PENALTIES AND FOR INFORMATION ON
8 PROSPECTIVE CHILD-CARE PERSONNEL; PROVIDING, IN CHILD
9 PROTECTIVE SERVICES, FOR INFORMATION ON FAMILY DAY-CARE HOME
10 RESIDENTS AND FOR INFORMATION ON PERSONS HAVING CHILD
11 CONTACT; FURTHER PROVIDING, IN CHILD PROTECTIVE SERVICES, FOR
12 INVESTIGATION OF REPORTS; AND FURTHER PROVIDING FOR
13 LIMITATION OF ACTIONS, FOR SENTENCING, FOR assessments and
14 for sex offender information made available on the Internet.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 ~~Section 1. Section 9795.4 of Title 42 of the Pennsylvania~~ <—
18 ~~Consolidated Statutes is amended by adding a subsection to read:~~

19 SECTION 1. SECTION 4304(A) OF TITLE 18 OF THE PENNSYLVANIA <—
20 CONSOLIDATED STATUTES IS AMENDED TO READ:

21 § 4304. ENDANGERING WELFARE OF CHILDREN.

(A) OFFENSE DEFINED.--

(1) A PARENT, GUARDIAN, OR OTHER PERSON SUPERVISING THE WELFARE OF A CHILD UNDER 18 YEARS OF AGE, OR A PERSON THAT EMPLOYS OR SUPERVISES SUCH A PERSON COMMITS AN OFFENSE IF ~~HE~~ ~~KNOWINGLY~~ ~~THE PERSON~~ ENDANGERS THE WELFARE OF THE CHILD BY VIOLATING A DUTY OF CARE, PROTECTION OR SUPPORT.

(2) A PERSON COMMITS AN OFFENSE IF THE PERSON, IN AN OFFICIAL CAPACITY, PREVENTS OR INTERFERES WITH THE MAKING OF A REPORT OF SUSPECTED CHILD ABUSE UNDER 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE SERVICES).

(3) AS USED IN THIS SUBSECTION, THE TERM "PERSON SUPERVISING THE WELFARE OF A CHILD" MEANS A PERSON OTHER THAN A PARENT OR GUARDIAN THAT PROVIDES CARE, EDUCATION, TRAINING OR CONTROL OF A CHILD.

* * *

SECTION 2. THE DEFINITION OF "SEXUAL ABUSE OR EXPLOITATION" IN SECTION 6303(A) OF TITLE 23 ~~OF THE PENNSYLVANIA CONSOLIDATED STATUTES~~ IS AMENDED TO READ:

§ 6303. DEFINITIONS.

(A) GENERAL RULE.--THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *

["SEXUAL ABUSE OR EXPLOITATION." THE EMPLOYMENT, USE, PERSUASION, INDUCEMENT, ENTICEMENT OR COERCION OF ANY CHILD TO ENGAGE IN OR ASSIST ANY OTHER PERSON TO ENGAGE IN ANY SEXUALLY EXPLICIT CONDUCT OR ANY SIMULATION OF ANY SEXUALLY EXPLICIT CONDUCT FOR THE PURPOSE OF PRODUCING ANY VISUAL DEPICTION, INCLUDING PHOTOGRAPHING, VIDEOTAPING, COMPUTER DEPICTING OR FILMING, OF ANY SEXUALLY EXPLICIT CONDUCT OR THE RAPE, SEXUAL

1 ASSAULT, INVOLUNTARY DEVIATE SEXUAL INTERCOURSE, AGGRAVATED
2 INDECENT ASSAULT, MOLESTATION, INCEST, INDECENT EXPOSURE,
3 PROSTITUTION, STATUTORY SEXUAL ASSAULT OR OTHER FORM OF SEXUAL
4 EXPLOITATION OF CHILDREN.]

5 "SEXUAL ABUSE OR EXPLOITATION." ANY OF THE FOLLOWING:

6 (1) THE EMPLOYMENT, USE, PERSUASION, INDUCEMENT,
7 ENTICEMENT OR COERCION OF A CHILD TO ENGAGE IN OR ASSIST
8 ANOTHER INDIVIDUAL TO ENGAGE IN SEXUALLY EXPLICIT CONDUCT.

9 (2) THE EMPLOYMENT, USE, PERSUASION, INDUCEMENT,
10 ENTICEMENT OR COERCION OF A CHILD TO ENGAGE IN OR ASSIST
11 ANOTHER INDIVIDUAL TO ENGAGE IN SIMULATION OF SEXUALLY
12 EXPLICIT CONDUCT FOR THE PURPOSE OF PRODUCING VISUAL
13 DEPICTION, INCLUDING PHOTOGRAPHING, VIDEOTAPING, COMPUTER
14 DEPICTING AND FILMING.

15 (3) ANY OF THE FOLLOWING OFFENSES COMMITTED AGAINST A
16 CHILD:

17 (I) RAPE.

18 (II) SEXUAL ASSAULT.

19 (III) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

20 (IV) AGGRAVATED INDECENT ASSAULT.

21 (V) MOLESTATION.

22 (VI) INCEST.

23 (VII) INDECENT EXPOSURE.

24 (VIII) PROSTITUTION.

25 (IX) SEXUAL ABUSE.

26 (X) SEXUAL EXPLOITATION.

27 * * *

28 SECTION 3. SECTIONS 6311(A), 6318(A) AND 6319 OF TITLE 23
29 ARE AMENDED TO READ:

30 § 6311. PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE.

1 (A) GENERAL RULE.--[PERSONS] A PERSON WHO, IN THE COURSE OF
2 [THEIR] EMPLOYMENT, OCCUPATION OR PRACTICE OF [THEIR] A
3 PROFESSION, [COME] COMES INTO CONTACT WITH CHILDREN SHALL REPORT
4 OR CAUSE A REPORT TO BE MADE IN ACCORDANCE WITH SECTION 6313
5 (RELATING TO REPORTING PROCEDURE) WHEN [THEY HAVE] THE PERSON
6 HAS REASONABLE CAUSE TO SUSPECT, ON THE BASIS OF [THEIR]
7 MEDICAL, PROFESSIONAL OR OTHER TRAINING AND EXPERIENCE, THAT A
8 CHILD [COMING BEFORE THEM IN THEIR PROFESSIONAL OR OFFICIAL
9 CAPACITY IS AN ABUSED CHILD.] UNDER THE CARE, SUPERVISION,
10 GUIDANCE OR TRAINING OF THAT PERSON OR OF AN AGENCY,
11 INSTITUTION, ORGANIZATION OR OTHER ENTITY WITH WHICH THAT PERSON
12 IS AFFILIATED IS A VICTIM OF CHILD ABUSE, INCLUDING CHILD ABUSE
13 BY AN INDIVIDUAL WHO IS NOT A PERPETRATOR, SHALL REPORT OR CAUSE
14 A REPORT TO BE MADE IN ACCORDANCE WITH SECTION 6313 ~~(RELATING TO~~ <—
15 ~~REPORTING PROCEDURE)~~. EXCEPT WITH RESPECT TO CONFIDENTIAL
16 COMMUNICATIONS MADE TO [AN ORDAINED] A MEMBER OF THE CLERGY
17 WHICH ARE PROTECTED UNDER 42 PA.C.S. § 5943 (RELATING TO
18 CONFIDENTIAL COMMUNICATIONS TO CLERGYMEN), AND EXCEPT WITH
19 RESPECT TO CONFIDENTIAL COMMUNICATIONS MADE TO AN ATTORNEY WHICH
20 ARE PROTECTED BY 42 PA.C.S. § 5916 (RELATING TO CONFIDENTIAL
21 COMMUNICATIONS TO ATTORNEY) OR 5928 (RELATING TO CONFIDENTIAL
22 COMMUNICATIONS TO ATTORNEY), THE PRIVILEGED COMMUNICATION
23 BETWEEN ANY PROFESSIONAL PERSON REQUIRED TO REPORT AND THE
24 PATIENT OR CLIENT OF THAT PERSON SHALL NOT APPLY TO SITUATIONS
25 INVOLVING CHILD ABUSE AND SHALL NOT CONSTITUTE GROUNDS FOR
26 FAILURE TO REPORT AS REQUIRED BY THIS CHAPTER.

27 * * *

28 § 6318. IMMUNITY FROM LIABILITY.

29 (A) GENERAL RULE.--A PERSON, HOSPITAL, INSTITUTION, SCHOOL,
30 FACILITY, AGENCY OR AGENCY EMPLOYEE THAT PARTICIPATES IN GOOD

1 FAITH IN THE MAKING OF A REPORT, WHETHER REQUIRED OR NOT,
2 COOPERATING WITH AN INVESTIGATION, TESTIFYING IN A PROCEEDING
3 ARISING OUT OF AN INSTANCE OF SUSPECTED CHILD ABUSE, THE TAKING
4 OF PHOTOGRAPHS OR THE REMOVAL OR KEEPING OF A CHILD PURSUANT TO
5 SECTION 6315 (RELATING TO TAKING CHILD INTO PROTECTIVE CUSTODY),
6 AND ANY OFFICIAL OR EMPLOYEE OF A COUNTY AGENCY WHO REFERS A
7 REPORT OF SUSPECTED ABUSE TO LAW ENFORCEMENT AUTHORITIES OR
8 PROVIDES SERVICES UNDER THIS CHAPTER, SHALL HAVE IMMUNITY FROM
9 CIVIL AND CRIMINAL LIABILITY THAT MIGHT OTHERWISE RESULT BY
10 REASON OF THOSE ACTIONS.

11 * * *

12 § 6319. PENALTIES FOR FAILURE TO REPORT OR TO REFER.

13 A PERSON OR OFFICIAL REQUIRED BY THIS CHAPTER TO REPORT A
14 CASE OF SUSPECTED CHILD ABUSE OR TO MAKE A REFERRAL TO THE
15 APPROPRIATE AUTHORITIES WHO WILLFULLY FAILS TO DO SO COMMITS A
16 [SUMMARY OFFENSE] MISDEMEANOR OF THE THIRD DEGREE FOR THE FIRST
17 VIOLATION AND A MISDEMEANOR OF THE [THIRD] SECOND DEGREE FOR A
18 SECOND OR SUBSEQUENT VIOLATION.

19 SECTION 4. SECTION 6344(A) AND (C)(1) OF TITLE 23 ARE
20 AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
21 READ:

22 § 6344. INFORMATION RELATING TO PROSPECTIVE CHILD-CARE
23 PERSONNEL.

24 (A) APPLICABILITY.--THIS SECTION APPLIES TO ALL PROSPECTIVE
25 EMPLOYEES OF CHILD-CARE SERVICES, PROSPECTIVE FOSTER PARENTS,
26 PROSPECTIVE ADOPTIVE PARENTS, PROSPECTIVE SELF-EMPLOYED FAMILY
27 DAY-CARE PROVIDERS AND OTHER PERSONS SEEKING TO PROVIDE CHILD-
28 CARE SERVICES UNDER CONTRACT WITH A CHILD-CARE FACILITY OR
29 PROGRAM. THIS SECTION ALSO APPLIES TO INDIVIDUALS 14 YEARS OF
30 AGE OR OLDER WHO RESIDE IN THE HOME OF A PROSPECTIVE FOSTER

1 PARENT FOR AT LEAST 30 DAYS IN A CALENDAR YEAR OR WHO RESIDE IN
2 THE HOME OF A PROSPECTIVE ADOPTIVE PARENT FOR AT LEAST 30 DAYS
3 IN A CALENDAR YEAR. THIS SECTION DOES NOT APPLY TO
4 ADMINISTRATIVE OR OTHER SUPPORT PERSONNEL UNLESS THEIR DUTIES
5 WILL INVOLVE DIRECT CONTACT WITH CHILDREN.

6 * * *

7 (C) GROUND FOR DENYING EMPLOYMENT.--

8 (1) IN NO CASE SHALL AN ADMINISTRATOR HIRE AN APPLICANT
9 WHERE THE DEPARTMENT HAS VERIFIED THAT THE APPLICANT IS NAMED
10 IN THE CENTRAL REGISTER AS THE PERPETRATOR OF A FOUNDED
11 REPORT OF CHILD ABUSE COMMITTED WITHIN THE FIVE-YEAR PERIOD
12 IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS
13 SECTION[.] OR IS NAMED IN THE CENTRAL REGISTER AS THE
14 PERPETRATOR OF A FOUNDED REPORT FOR A SCHOOL EMPLOYEE
15 COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING
16 VERIFICATION PURSUANT TO THIS SECTION.

17 * * *

18 (O) USE OF INFORMATION.--A FOSTER FAMILY CARE AGENCY MAY NOT
19 APPROVE A PROSPECTIVE FOSTER PARENT IF THE PROSPECTIVE FOSTER
20 PARENT OR AN INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO RESIDES FOR
21 AT LEAST 30 DAYS IN A CALENDAR YEAR WITH THE PROSPECTIVE FOSTER
22 PARENT MEETS EITHER OF THE FOLLOWING:

23 (1) IS NAMED IN THE CENTRAL REGISTER AS THE PERPETRATOR
24 OF A FOUNDED REPORT OF CHILD ABUSE COMMITTED WITHIN THE FIVE-
25 YEAR PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO
26 THIS SECTION OR IS NAMED IN THE CENTRAL REGISTER AS THE
27 PERPETRATOR OF A FOUNDED REPORT FOR A SCHOOL EMPLOYEE
28 COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING
29 VERIFICATION PURSUANT TO THIS SECTION.

30 (2) HAS BEEN FOUND GUILTY OF AN OFFENSE LISTED IN

1 SUBSECTION (C)(2).

2 (P) USE OF INFORMATION.--A PROSPECTIVE ADOPTIVE PARENT MAY
3 NOT BE APPROVED IF THE PROSPECTIVE ADOPTIVE PARENT OR AN
4 INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO RESIDES FOR AT LEAST 30
5 DAYS IN A CALENDAR YEAR WITH THE PROSPECTIVE ADOPTIVE PARENT
6 MEETS EITHER OF THE FOLLOWING:

7 (1) IS NAMED IN THE CENTRAL REGISTER AS THE PERPETRATOR
8 OF A FOUNDED REPORT OF CHILD ABUSE COMMITTED WITHIN THE FIVE-
9 YEAR PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO
10 THIS SECTION OR IS NAMED IN THE CENTRAL REGISTER AS THE
11 PERPETRATOR OF A FOUNDED REPORT FOR A SCHOOL EMPLOYEE
12 COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING
13 VERIFICATION PURSUANT TO THIS SECTION.

14 (2) HAS BEEN FOUND GUILTY OF AN OFFENSE LISTED IN
15 SUBSECTION (C)(2).

16 SECTION 5. TITLE 23 IS AMENDED BY ADDING SECTIONS TO READ:
17 § 6344.1. INFORMATION RELATING TO FAMILY DAY-CARE HOME
18 RESIDENTS.

19 (A) GENERAL RULE.--IN ADDITION TO THE REQUIREMENTS OF
20 SECTION 6344 (RELATING TO INFORMATION RELATING TO PROSPECTIVE
21 CHILD-CARE PERSONNEL), AN INDIVIDUAL WHO APPLIES TO THE
22 DEPARTMENT FOR A REGISTRATION CERTIFICATE TO OPERATE A FAMILY
23 DAY-CARE HOME SHALL INCLUDE CRIMINAL HISTORY RECORD AND CHILD
24 ABUSE RECORD INFORMATION REQUIRED UNDER SECTION 6344(B) FOR
25 EVERY INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO RESIDES IN THE
26 HOME FOR AT LEAST 30 DAYS IN A CALENDAR YEAR.

27 (B) REQUIRED INFORMATION.--CHILD ABUSE RECORD INFORMATION
28 REQUIRED UNDER SUBSECTION (A) SHALL INCLUDE CERTIFICATION BY THE
29 DEPARTMENT AS TO WHETHER THE APPLICANT IS NAMED IN THE CENTRAL
30 REGISTER AS THE PERPETRATOR OF A FOUNDED REPORT, INDICATED

1 REPORT, FOUNDED REPORT FOR SCHOOL EMPLOYEE OR INDICATED REPORT
2 FOR SCHOOL EMPLOYEE.

3 (C) EFFECT ON REGISTRATION.--THE DEPARTMENT SHALL REFUSE TO
4 ISSUE OR RENEW A REGISTRATION CERTIFICATE OR SHALL REVOKE A
5 REGISTRATION CERTIFICATE IF THE FAMILY DAY-CARE HOME PROVIDER OR
6 INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO HAS RESIDED IN THE HOME
7 FOR AT LEAST 30 DAYS IN A CALENDAR YEAR:

8 (1) IS NAMED IN THE CENTRAL REGISTER ON CHILD ABUSE
9 ESTABLISHED UNDER CHAPTER 63 (RELATING TO CHILD PROTECTIVE
10 SERVICES) AS THE PERPETRATOR OF A FOUNDED REPORT COMMITTED
11 WITHIN THE IMMEDIATELY PRECEDING FIVE-YEAR PERIOD; OR

12 (2) HAS BEEN CONVICTED OF AN OFFENSE ENUMERATED IN
13 SECTION 6344(C).

14 (D) REGULATIONS.--THE DEPARTMENT SHALL PROMULGATE
15 REGULATIONS TO ADMINISTER THIS SECTION.

16 § 6344.2. INFORMATION RELATING TO OTHER PERSONS HAVING CONTACT
17 WITH CHILDREN.

18 (A) APPLICABILITY.--THIS SECTION APPLIES TO PROSPECTIVE
19 EMPLOYEES APPLYING TO ENGAGE IN OCCUPATIONS WITH A SIGNIFICANT
20 LIKELIHOOD OF REGULAR CONTACT WITH CHILDREN, IN THE FORM OF
21 CARE, GUIDANCE, SUPERVISION OR TRAINING. SUCH PERSONS INCLUDE
22 SOCIAL SERVICE WORKERS, HOSPITAL PERSONNEL, MENTAL HEALTH
23 PROFESSIONALS, MEMBERS OF THE CLERGY, COUNSELORS, LIBRARIANS AND
24 DOCTORS.

25 (B) INVESTIGATION.--EMPLOYERS, ADMINISTRATORS OR SUPERVISORS
26 SHALL REQUIRE AN APPLICANT TO SUBMIT TO ALL REQUIREMENTS SET
27 FORTH IN SECTION 6344(B) (RELATING TO INFORMATION RELATING TO
28 PROSPECTIVE CHILD-CARE PERSONNEL). AN EMPLOYER, ADMINISTRATOR,
29 SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS
30 REGARDING AN APPLICABLE PROSPECTIVE EMPLOYEE UNDER THIS SECTION

1 THAT INTENTIONALLY FAILS TO REQUIRE THE SUBMISSIONS BEFORE
2 HIRING THAT INDIVIDUAL COMMITS A MISDEMEANOR OF THE THIRD
3 DEGREE.

4 (C) GROUNDS FOR DENIAL.--EACH APPLICANT SHALL BE SUBJECT TO
5 THE REQUIREMENTS OF SECTION 6344(C).

6 (D) DEPARTMENTAL TREATMENT OF INFORMATION.--INFORMATION
7 PROVIDED AND COMPILED UNDER THIS SECTION BY THE DEPARTMENT SHALL
8 BE CONFIDENTIAL AND SHALL NOT BE SUBJECT TO THE ACT OF JUNE 21,
9 1957 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-KNOW LAW.
10 THIS INFORMATION SHALL NOT BE RELEASED EXCEPT AS PERMITTED BY
11 THE DEPARTMENT THROUGH REGULATION. THE DEPARTMENT MAY CHARGE A
12 FEE TO CONDUCT A CERTIFICATION AS REQUIRED BY SECTION 6344(B)(2)
13 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6344(H). THE
14 DEPARTMENT SHALL PROMULGATE REGULATIONS NECESSARY TO CARRY OUT
15 THIS SUBSECTION.

16 SECTION 6. SECTION 6368(D) OF TITLE 23 IS AMENDED TO READ:
17 § 6368. INVESTIGATION OF REPORTS.

18 * * *

19 (D) REFERRAL FOR INVESTIGATION.--IF THE COMPLAINT OF
20 SUSPECTED ABUSE IS DETERMINED TO BE ONE WHICH CANNOT BE
21 INVESTIGATED UNDER THIS CHAPTER BECAUSE THE PERSON ACCUSED OF
22 THE ABUSE IS NOT A PERPETRATOR WITHIN THE MEANING OF SECTION
23 6303 (RELATING TO DEFINITIONS), BUT DOES SUGGEST THE NEED FOR
24 INVESTIGATION, THE COUNTY AGENCY SHALL IMMEDIATELY TRANSMIT THE
25 INFORMATION TO THE APPROPRIATE AUTHORITIES[.], INCLUDING THE
26 DISTRICT ATTORNEY, THE DISTRICT ATTORNEY'S DESIGNEE OR OTHER LAW
27 ENFORCEMENT OFFICIAL, IN ACCORDANCE WITH THE COUNTY PROTOCOLS
28 FOR INVESTIGATIVE TEAMS REQUIRED BY SECTION 6365(C) (RELATING TO
29 SERVICES FOR PREVENTION, INVESTIGATION AND TREATMENT OF CHILD
30 ABUSE).

SECTION 7. SECTION 5552(C)(3) OF TITLE 42 IS AMENDED TO
READ:

§ 5552. OTHER OFFENSES.

* * *

(C) EXCEPTIONS.--IF THE PERIOD PRESCRIBED IN SUBSECTION (A),
(B) OR (B.1) HAS EXPIRED, A PROSECUTION MAY NEVERTHELESS BE
COMMENCED FOR:

* * *

(3) ANY SEXUAL OFFENSE COMMITTED AGAINST A MINOR WHO IS
LESS THAN 18 YEARS OF AGE ANY TIME UP TO THE LATER OF THE
PERIOD OF LIMITATION PROVIDED BY LAW AFTER THE MINOR HAS
REACHED 18 YEARS OF AGE OR THE DATE THE MINOR REACHES 50
YEARS OF AGE. AS USED IN THIS PARAGRAPH, THE TERM "SEXUAL
OFFENSE" MEANS A CRIME UNDER THE FOLLOWING PROVISIONS OF
TITLE 18 (RELATING TO CRIMES AND OFFENSES):

SECTION 3121 (RELATING TO RAPE).

SECTION 3122.1 (RELATING TO STATUTORY SEXUAL
ASSAULT).

SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
INTERCOURSE).

SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

SECTION 3125 (RELATING TO AGGRAVATED INDECENT
ASSAULT).

SECTION 3126 (RELATING TO INDECENT ASSAULT).

SECTION 3127 (RELATING TO INDECENT EXPOSURE).

SECTION 4302 (RELATING TO INCEST).

SECTION 4304 (RELATING TO ENDANGERING WELFARE OF
CHILDREN).

SECTION 6301 (RELATING TO CORRUPTION OF MINORS).

SECTION 6312(B) (RELATING TO SEXUAL ABUSE OF

1 CHILDREN).

2 SECTION 6320 (RELATING TO SEXUAL EXPLOITATION OF
3 CHILDREN).

4 * * *

5 SECTION 8. SECTION 9795.4 OF TITLE 42 IS AMENDED BY ADDING A
6 SUBSECTION TO READ:

7 § 9795.4. Assessments.

8 * * *

9 ~~(d.1) Description of offense. For purposes of section~~ <—
10 ~~9798.1(c) (relating to information made available on the~~
11 ~~Internet), the~~

12 (D.1) SUMMARY OF OFFENSE.--THE board shall prepare a <—
13 description of the offense or offenses which trigger the
14 application of this subchapter to include, but not be limited
15 to:

16 (1) A concise narrative of the offender's conduct.

17 (2) Whether the victim was a minor.

18 (3) The manner of weapon or physical force used or
19 threatened.

20 (4) If the offense involved unauthorized entry into a
21 room or vehicle occupied by the victim.

22 (5) If the offense was part of a course or pattern of
23 conduct involving multiple incidents or victims.

24 (6) Previous instances in which the offender was
25 determined guilty of an offense subject to this subchapter or
26 of a crime of violence as defined in section 9714(g)
27 (relating to sentences for second and subsequent offenses).

28 * * *

29 ~~Section 2 9. Section 9798.1(b) and (c) of Title 42, added~~ <—
30 ~~November 24, 2004 (P.L.1243, No.152), are amended to read:~~

1 SECTION 9. SECTION 9798.1(B) AND (C) OF TITLE 42, AMENDED OR <—
2 ADDED NOVEMBER 24, 2004 (P.L.1243, NO.152) AND NOVEMBER 9, 2006
3 (P.L. , NO.143), ARE AMENDED TO READ:

4 § 9798.1. Information made available on the Internet.

5 * * *

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

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

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

21 (3) Ensure that the Internet website contains an
22 explanation of its limitations, including statements advising
23 that a positive identification of a sexually violent
24 predator, lifetime registrant or other offender whose record
25 has been made available may be confirmed only by
26 fingerprints; that some information contained on the Internet
27 website may be outdated or inaccurate; and that the Internet
28 website is not a comprehensive listing of every person who
29 has ever committed a sex offense in Pennsylvania.

30 (4) Strive to ensure ~~the information contained on the~~ <—

~~Internet website is accurate and that the data therein is~~

THAT:

(I) THE INFORMATION CONTAINED ON THE INTERNET
WEBSITE IS ACCURATE [AND THAT];

(II) THE DATA THEREIN IS revised and updated as
appropriate in a timely and efficient ~~manner~~. MANNER; AND

(III) INSTRUCTIONS ARE INCLUDED ON HOW TO SEEK
CORRECTION OF INFORMATION WHICH A PERSON CONTENDS IS
ERRONEOUS.

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

(6) Identify when the victim is a minor with a special
designation. THE IDENTITY OF A VICTIM OF A SEX OFFENSE SHALL
NOT BE PUBLISHED OR POSTED ON THE INTERNET WEBSITE.

(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

1 confinement;

2 (iv) the street address, [city] municipality, county

3 [and], zip code and name of any institution or location

4 at which the person is enrolled as a student;

5 (v) the [city] municipality, county and zip code of

6 any employment location;

7 (vi) a photograph of the offender, which shall be

8 updated not less than annually;

9 (VII) A PHYSICAL DESCRIPTION OF THE OFFENDER, <—

10 INCLUDING SEX, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR AND

11 RACE;

12 (VIII) ANY IDENTIFYING MARKS, INCLUDING SCARS,

13 BIRTHMARKS AND TATTOOS;

14 (IX) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY

15 VEHICLE OWNED OR REGISTERED TO THE OFFENDER;

16 (X) WHETHER THE OFFENDER IS CURRENTLY COMPLIANT WITH

17 REGISTRATION REQUIREMENTS;

18 (XI) WHETHER THE VICTIM IS A MINOR;

19 ~~[(vii)]~~ (XII) a description of the offense or <—

20 offenses which triggered the application of this

21 subchapter ~~provided for by section 9795.4(d.1) (relating~~ <—

22 ~~to assessments)~~; and

23 ~~(viii) the date of the offense [and], conviction[,]~~ <—

24 ~~and, where applicable, the release or earliest possible~~

25 ~~release from confinement, if available.~~

26 ~~[VIII]~~ (XIII) THE DATE OF THE OFFENSE AND <—

27 CONVICTION, IF AVAILABLE.

28 (2) For all other lifetime registrants and offenders

29 ~~subject to registration only the following information shall~~ <—

30 ~~be posted on the Internet website.~~

~~(i) name and [any] all known aliases;~~
~~(ii) year of birth;~~
~~(iii) the [city] street address, municipality,~~
~~county and zip code of all residences, including, where~~
~~applicable, the name of the prison or other place of~~
~~confinement;~~
~~(iv) the [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] street address, 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); and~~
~~(viii) the date of the offense [and], conviction[,]~~
~~and, where applicable, the release or earliest possible~~
~~release from confinement, if available. SUBJECT TO~~ <—
REGISTRATION [ONLY], THE [FOLLOWING SAME] INFORMATION [AS
SPECIFIED UNDER] SET FORTH IN PARAGRAPH (1) 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.]~~

(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.

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

(3) The information listed in subsection (c) about any other offender subject to registration shall be made available on the Internet for the entire period during which the offender is required to register, including any extension of this period pursuant to 9795.2(a)(3) (relating to registration procedures and applicability).

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

SECTION 10. THE AMENDMENT OF 42 PA.C.S. § 9798.1(C)(XI)
SHALL APPLY TO PERSONS CONVICTED AFTER NOVEMBER 30, 2006, OF AN
OFFENSE REQUIRING REGISTRATION UNDER 42 PA.C.S. § 9795.1.

SECTION ~~10~~ 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 180 DAYS:

(I) THE AMENDMENT OF THE DEFINITION OF "SEXUAL ABUSE

1 OR EXPLOITATION" IN 23 PA.C.S. § 6303(A).

2 (II) THE AMENDMENT OF 23 PA.C.S. § 6311(A).

3 (III) THE AMENDMENT OF 23 PA.C.S. § 6319.

4 (IV) THE AMENDMENT OR ADDITION OF 23 PA.C.S. §
5 6344(A), (C)(1), (O) AND (P).

6 (V) THE ADDITION OF 23 PA.C.S. § 6344.1.

7 (VI) THE AMENDMENT OF 23 PA.C.S. § 6368(D).

8 (VII) THE AMENDMENT OF 42 PA.C.S. § 9795.4(D.1).

9 (VIII) THE AMENDMENT OF 42 PA.C.S. § 9798.1(B), (C) <—
10 AND (D).

11 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

12 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
13 DAYS.