

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2530** Session of  
2008

INTRODUCED BY R. TAYLOR, LENTZ, BELFANTI, BRENNAN, BOBACK,  
CONKLIN, CURRY, DePASQUALE, FRANKEL, GEORGE, GIBBONS,  
GOODMAN, GRUCELA, HARHAI, HARKINS, HORNAMAN, KORTZ, KOTIK,  
LEACH, MAHONEY, MANN, McCALL, McILHATTAN, MELIO, MOYER, MURT,  
ROCK, SAYLOR, SCAVELLO, SHAPIRO, SIPTROTH, M. SMITH, SOLOBAY,  
SURRA, J. TAYLOR, WANSACZ, J. WHITE, YOUNGBLOOD, BEYER,  
HENNESSEY, HERSHEY, D. O'BRIEN AND GEIST, JUNE 4, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 4, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for restriction  
3 on residency.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 9798.4. Residency restriction.

9 (a) Optional requirements.--In addition to any other  
10 conditions permitted by law, the Pennsylvania Board of Probation  
11 and Parole and county probation authorities may impose  
12 supervision conditions on offenders who committed a sexually  
13 violent offense against a victim who was under 18 years of age  
14 at the time of the offense that forbid the establishment of a  
15 residence within a 1,000-foot radius of any school, licensed  
16 day-care center, public playground or public swimming pool.

1     (b) Mandatory requirements.--In addition to any other  
2     conditions permitted by law, the Pennsylvania Board of Probation  
3     and Parole and county probation authorities shall impose  
4     supervision conditions on sexually violent predators who  
5     committed a sexually violent offense against a victim who was  
6     under 18 years of age at the time of the offense that forbid the  
7     establishment of a residence within a 1,000-foot radius of any  
8     school, licensed day-care center, public playground or public  
9     swimming pool.

10    (c) Exception.--The Pennsylvania Board of Probation and  
11    Parole and county probation authorities may, on a case-by-case  
12    basis, forgo the supervision condition required under subsection  
13    (b) for good cause. In every case where a determination is made  
14    to forgo the supervision condition required under subsection  
15    (b), a contemporaneous written statement shall be provided  
16    setting forth the reason or reasons for the deviation from the  
17    requirement under subsection (b).

18    (d) Default.--For the purposes of this section, a "school"  
19    shall be defined as any elementary or secondary publicly funded  
20    educational institution, any elementary or secondary private  
21    school licensed by the Department of Education or any elementary  
22    or secondary parochial school.

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