

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2643 Session of
2008

INTRODUCED BY CONKLIN, BELFANTI, GOODMAN, MANN, SOLOBAY,
BRENNAN, MANTZ, KORTZ, HARKINS, HARHAI, FAIRCHILD, MURT,
SIPTROTH, KULA, VULAKOVICH, SHIMKUS, GEIST, KING, LONGIETTI,
MOUL, PAYNE AND PHILLIPS, JULY 23, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 23, 2008

AN ACT

1 Requiring persons convicted of arson and related offenses to
2 register with local authorities; providing for duties of the
3 Pennsylvania State Police and the Pennsylvania Board of
4 Probation and Parole; and imposing a penalty.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Convicted
9 Arsonist Registry Act.

10 Section 2. Findings.

11 The General Assembly finds and declares as follows:

12 (1) Following a first arson or related offense,
13 convicted arsonists continue to commit these violent crimes.

14 (2) This Commonwealth experienced 2,312 reported arsons
15 during 2006.

16 (3) This Commonwealth has experienced 44,538 arsons
17 since 1994. Only California and Texas had more arsons.

18 (4) In this Commonwealth there were 735 arrests for

arson offenses in 2006, a 2% increase from 2005.

(5) This Commonwealth's arrest rate of 5.9 arrests for arson per 100,000 inhabitants was greater than the national and northeast region rates.

(6) According to the Federal Bureau of Investigation, in most cases, six out of seven fires, the arsonists are never caught.

(7) In an effort to stymie future offenses, a database of convicted arsonists needs to be maintained. Requiring registration will assist in criminal investigation and prevention. The registry will be at the disposal of local authorities.

(8) Other databases, such as sex offender registries, serve to protect the public, as should an arsonist registry.

Section 3. Definitions.

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

"Convicted arsonist." An individual who has been:

(1) Convicted or adjudicated delinquent for a violation of 18 Pa.C.S. § 3301(a), (c), (d) or (f) (relating to arson and related offenses) or an equivalent offense under Federal law or the law of another jurisdiction.

(2) Convicted of an attempt to commit an offense under paragraph (1).

Section 4. Registration required.

(a) General rule.--

(1) Except as set forth under paragraph (2), a convicted arsonist is subject to lifetime registration in the manner prescribed by this section.

1 (2) A juvenile offender is subject to registration in
2 accordance with this act until the offender has attained 25
3 years of age, at which time all records related to the
4 registration of the juvenile offender shall be destroyed.

5 (b) Information to be provided.--A registration shall
6 consist, at a minimum, of the convicted arsonist's:

7 (1) Name.

8 (2) Social Security number.

9 (3) All current or intended residences and all
10 information concerning current or intended enrollment as a
11 student.

12 (4) Photographs and fingerprinting as set forth under
13 section 6.

14 (c) Procedure.--

15 (1) A convicted arsonist is required to register with
16 the Pennsylvania State Police within 14 days of release from
17 incarceration, parole from a State or county correctional
18 institution or the commencement of a sentence of intermediate
19 punishment or probation or, if the conviction occurred in
20 another jurisdiction, within 14 days of arrival in this
21 Commonwealth.

22 (2) A convicted arsonist shall inform the Pennsylvania
23 State Police of:

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

26 (ii) Any change of institution or location at which
27 the person is enrolled as a student or termination of
28 enrollment.

29 (iii) Becoming enrolled as a student if the
30 individual has not previously provided that information

1 to the Pennsylvania State Police.

2 Section 5. Registration information to local authorities.

3 (1) The Pennsylvania State Police shall provide the
4 information obtained under section 4 to the fire chiefs and
5 the chief law enforcement officers of the police departments
6 of the municipalities in which the individual will reside or
7 be enrolled as a student. In addition, the Pennsylvania State
8 Police shall provide the fire chiefs and the chief law
9 enforcement officers with the address at which the individual
10 will reside or be enrolled as a student following the
11 individual's release from incarceration, parole or probation.

12 (2) The Pennsylvania State Police shall provide notice
13 to the fire chiefs and the chief law enforcement officers of
14 the police departments of the municipalities notified
15 pursuant to paragraph (1) when an individual fails to comply
16 with the registration requirements of this act and request,
17 as appropriate, that the police departments assist in
18 locating and apprehending the individual.

19 (3) The Pennsylvania State Police shall provide notice
20 to the fire chiefs and the chief law enforcement officers of
21 the police departments of the municipalities notified
22 pursuant to paragraph (1) when the Pennsylvania State Police
23 is in receipt of information indicating that the individual
24 will no longer reside or be enrolled as a student in the
25 municipality.

26 Section 6. Photographs and fingerprinting.

27 An individual subject to section 4 shall register and submit
28 to fingerprinting and photographing as required by this act at
29 approved registration sites. Fingerprinting shall, at a minimum,
30 require submission of a full set of fingerprints. Photographing

1 shall, at a minimum, require submission to photographs of the
2 face and any scars, marks, tattoos or other unique features of
3 the individual.

4 Section 7. Penalty.

5 An individual subject to registration under section 4 who
6 fails to register with the Pennsylvania State Police as required
7 under this act commits a misdemeanor of the third degree.

8 Section 8. Sentencing court information.

9 The sentencing court shall inform a convicted arsonist at the
10 time of sentencing of the provisions of this act. The court
11 shall:

12 (1) Specifically inform the convicted arsonist of the
13 duty to register and provide the information required for
14 each registration.

15 (2) Specifically inform the convicted arsonist of the
16 duty to inform the Pennsylvania State Police within 14 days
17 if the convicted arsonist changes residence, establishes an
18 additional residence or changes the institution or location
19 at which the person is enrolled as a student or terminates
20 enrollment.

21 (3) Specifically inform the convicted arsonist of the
22 duty to inform the Pennsylvania State Police within 14 days
23 of becoming enrolled as a student if the convicted arsonist
24 has not previously provided that information to the
25 Pennsylvania State Police.

26 (4) Order the fingerprints and photograph of the
27 convicted arsonist to be provided to the Pennsylvania State
28 Police upon sentencing.

29 (5) Require the convicted arsonist to sign a form
30 stating that the duty to register under this act has been

1 explained.

2 Section 9. Duties of Pennsylvania State Police.

3 The Pennsylvania State Police shall:

4 (1) Create and maintain a State registry of convicted
5 arsonists.

6 (2) In consultation with the Department of Corrections,
7 the Office of Attorney General and the Pennsylvania Board of
8 Probation and Parole, promulgate guidelines necessary for the
9 general administration of this act. These guidelines shall
10 establish procedures to allow an individual subject to the
11 registration to fulfill these requirements at approved
12 registration sites throughout this Commonwealth. The
13 Pennsylvania State Police shall publish a list of approved
14 registration sites in the Pennsylvania Bulletin and provide a
15 list of approved registration sites in any notices sent to
16 individuals required to register under section 4.

17 (3) Notify, within five days of receiving the convicted
18 arsonist's registration, the fire chiefs and the chief law
19 enforcement officers of the police departments having primary
20 jurisdiction of the municipalities in which a convicted
21 arsonist resides or is enrolled as a student of the fact that
22 the convicted arsonist has been registered with the
23 Pennsylvania State Police pursuant to this act.

24 Section 10. Duties of Pennsylvania Board of Probation and
25 Parole.

26 The Pennsylvania Board of Probation and Parole shall:

27 (1) Create a notification form which will inform State
28 and county prison and probation and parole personnel how to
29 inform convicted arsonists required to register under this
30 act of their duty under the law.

1 (2) In cooperation with the Department of Corrections
2 and other Commonwealth agencies, obtain the following
3 information regarding a convicted arsonist:

4 (i) Name, including any aliases.

5 (ii) Identifying factors.

6 (iii) Anticipated future residence.

7 (iv) Offense history.

8 (v) Photograph of the convicted arsonist.

9 (3) Immediately transmit the information under paragraph
10 (2) to the Pennsylvania State Police for immediate entry into
11 the State registry of convicted arsonists.

12 Section 11. Availability of registration information.

13 The registration information obtained under this act shall
14 not be open to inspection by the public or by any person other
15 than a law enforcement officer, fire chief or individual charged
16 with the investigation of a fire.

17 Section 12. Applicability.

18 This act shall apply to individuals convicted or adjudicated
19 delinquent on or after the effective date of this act for an
20 offense requiring registration under this act.

21 Section 13. Effective date.

22 This act shall take effect in 60 days.