

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 755 Session of 2009

INTRODUCED BY HICKERNELL, CIVERA, CLYMER, D. COSTA, GIBBONS,  
GINGRICH, GOODMAN, GROVE, GRUCELA, HARRIS, HENNESSEY, MELIO,  
MUSTIO, PHILLIPS, SCAVELLO, SIPTROTH, SOLOBAY, SONNEY, STERN,  
TRUE AND VULAKOVICH, MARCH 5, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 5, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for limitations  
3 on residence of individuals convicted of certain offenses.

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 Section 9795.6. Limitations on residence of individuals  
9 convicted of certain offenses.

10 (a) General rule.--No adult or unrelated juvenile offender  
11 subject to the registration requirements of section 9795.1  
12 (relating to registration) shall establish a residence or other  
13 living accommodation in a residence where another offender  
14 resides who is also required to register pursuant to section  
15 9795.1.

16 (b) Violation.--The owner, lessor or lessee of the property  
17 who knowingly or intentionally permits a violation of subsection

1 (a) commits a summary offense and shall be fined \$2,500 for each  
2 violation. Notwithstanding any other provision of law to the  
3 contrary, all fines collected under this subsection shall be  
4 paid to the Commonwealth for deposit into the Megan's Law Fund,  
5 which is established as a restricted receipt account in the  
6 General Fund. Moneys in the fund are appropriated to the  
7 Pennsylvania State Police to be used exclusively for purposes of  
8 its Megan's Law section. All earnings received from the  
9 investment or deposit of money in the fund shall be paid into  
10 the fund for the purposes of this subsection, and those fees  
11 once collected shall be distributed to the Megan's Law section  
12 of the Pennsylvania State Police.

13 (c) Exceptions.--The following apply:

14 (1) The owner, lessor or lessee of the property shall  
15 not be in violation of subsection (a) if the offender is the  
16 spouse or child of the owner, lessor or lessee or if the  
17 spouse or child is the owner, lessor or lessee of the  
18 property.

19 (2) The owner or lessor of the property is not in  
20 violation where the application for a lease or the lease  
21 itself provides a signed statement by the lessee that the  
22 lessee is not a convicted sex offender.

23 (d) Definition.--As used in this section, the term  
24 "residence" means a home or place where individuals are living  
25 together in a single dwelling unit with common access to and  
26 common use of living, sleeping, housekeeping accommodations and  
27 sanitary facilities.

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