

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1958 Session of 2011

INTRODUCED BY MARSICO, CALTAGIRONE, STEPHENS, DePASQUALE,  
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HARPER, HARRIS, HENNESSEY, HESS, HICKERNELL, KAUFFMAN,  
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KULA, LONGIETTI, MARSHALL, METCALFE, MICCARELLI, MICOZZIE,  
MILLARD, MILLER, MILNE, MOUL, MURPHY, MURT, OBERLANDER,  
O'NEILL, PARKER, PASHINSKI, PERRY, PETRARCA, PICKETT, PYLE,  
QUIGLEY, QUINN, RAPP, READSHAW, REESE, REICHLEY, ROCK,  
SABATINA, SACCONI, SAINATO, SANTARSIERO, SANTONI, SCAVELLO,  
CULVER, SCHRODER, SIMMONS, SONNEY, STERN, SWANGER, TAYLOR,  
TOEPEL, TOOHL, VULAKOVICH AND WATSON, NOVEMBER 2, 2011

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 2, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic  
2 Relations), 42 (Judiciary and Judicial Procedure), 44 (Law  
3 and Justice) and 61 (Prisons and Parole) of the Pennsylvania  
4 Consolidated Statutes, extensively revising provisions  
5 relating to registration of sexual offenders pursuant to  
6 Federal mandate; and making editorial changes.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Sections 3130(a) introductory paragraph and (1)  
10 and (b), 3141 and 4915 of Title 18 of the Pennsylvania  
11 Consolidated Statutes are amended to read:

1 § 3130. Conduct relating to sex offenders.

2 (a) Offense defined.--A person commits a felony of the third  
3 degree if the person has reason to believe that a sex offender  
4 is not complying with or has not complied with the requirements  
5 of the sex offender's probation or parole, imposed by statute or  
6 court order, or with the registration requirements of 42 Pa.C.S.  
7 [§ 9795.2 (relating to registration procedures and  
8 applicability)] Ch. 97 Subch. H (relating to registration of  
9 sexual offenders), and the person, with the intent to assist the  
10 sex offender in eluding a law enforcement agent or agency that  
11 is seeking to find the sex offender to question the sex offender  
12 about, or to arrest the sex offender for, noncompliance with the  
13 requirements of the sex offender's probation or parole or the  
14 requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H:

15 (1) withholds information from or does not notify the  
16 law enforcement agent or agency about the sex offender's  
17 noncompliance with the requirements of parole, the  
18 requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H or, if  
19 known, the sex offender's whereabouts;

20 \* \* \*

21 (b) Definition.--As used in this section, the term "sex  
22 offender" means a person who is required to register with the  
23 Pennsylvania State Police pursuant to the provisions of 42  
24 Pa.C.S. [§ 9795.1 (relating to registration)] Ch. 97 Subch. H.

25 § 3141. General rule.

26 A person:

27 (1) convicted under section 3121 (relating to rape),  
28 3122.1 (relating to statutory sexual assault), 3123 (relating  
29 to involuntary deviate sexual intercourse), 3124.1 (relating  
30 to sexual assault), 3125 (relating to aggravated indecent

1 assault) or 3126 (relating to indecent assault); or

2 (2) required to register with the Pennsylvania State  
3 Police under 42 Pa.C.S. [§ 9795.2 (relating to registration  
4 procedures and applicability)] Ch. 97 Subch. H (relating to  
5 registration of sexual offenders);

6 may be required to forfeit property rights in any property or  
7 assets used to implement or facilitate commission of the crime  
8 or crimes of which the person has been convicted. Such property  
9 may include, but is not limited to, a computer or computers,  
10 telephone equipment, firearms, licit or illicit prescription  
11 drugs or controlled substances, a motor vehicle or such other  
12 property or assets as determined by the court of common pleas to  
13 have facilitated the person's criminal misconduct.

14 § 4915. Failure to comply with registration of sexual offenders  
15 requirements.

16 (a) Offense defined.--An individual who is subject to  
17 registration under 42 Pa.C.S. § [9795.1(a) (relating to  
18 registration) or an individual who is subject to registration  
19 under 42 Pa.C.S. § 9795.1(b) (1), (2) or (3)] 9799.13 (relating  
20 to applicability) commits an offense if he knowingly fails to:

21 (1) register with the Pennsylvania State Police as  
22 required under 42 Pa.C.S. § [9795.2 (relating to registration  
23 procedures and applicability)] 9799.15 (relating to period of  
24 registration), 9799.19 (relating to initial registration) or  
25 9799.25 (relating to verification by sexual offenders and  
26 Pennsylvania State Police);

27 (2) verify his address or be photographed as required  
28 under 42 Pa.C.S. § [9796 (relating to verification of  
29 residence)] 9799.15, 9799.19 or 9799.25; or

30 (3) provide accurate information when registering under

42 Pa.C.S. § [9795.2 or verifying an address under 42 Pa.C.S.  
§ 9796] 9799.15, 9799.19 or 9799.25.

(a.1) Transients.--An individual set forth in 42 Pa.C.S. §  
9799.13 who is a transient commits an offense if he knowingly  
fails to:

(1) register with the Pennsylvania State Police as  
required under 42 Pa.C.S. §§ 9799.15, 9799.16(b)(6) (relating  
to registry) and 9799.25(a)(7);

(2) verify the information provided in 42 Pa.C.S. §§  
9799.15 and 9799.16(b)(6) or be photographed as required  
under 42 Pa.C.S. § 9799.15 or 9799.25;

(3) provide accurate information when registering under  
42 Pa.C.S. § 9799.15, 9799.16(b)(6) or 9799.25.

(a.2) Counseling.--The following apply:

(1) An individual who is designated as a sexually  
violent predator commits an offense if he knowingly fails to  
comply with 42 Pa.C.S. § 9799.36 (relating to counseling of  
sexually violent predators).

(2) An individual who is subject to a counseling  
requirement under a sex offender registration statute  
following conviction in another jurisdiction commits an  
offense if he knowingly fails to comply with 42 Pa.C.S. §  
9799.36.

(b) Grading for [offenders who must register for ten] sexual  
offenders who must register for 15 years.--

(2) Except as set forth in paragraph (3), an individual  
subject to registration under 42 Pa.C.S. § [9795.1(a)]  
9799.13 and required to register for a period of 15 years who  
commits a violation of subsection (a)(1) or (2) commits a  
felony of the third degree.

1           (3) An individual subject to registration under 42  
2 Pa.C.S. § [9795.1(a)] 9799.13 and required to register for a  
3 period of 15 years who commits a violation of subsection (a)  
4 (1) or (2) and who has previously been convicted of an  
5 offense under subsection (a)(1) or (2) or a similar offense  
6 commits a felony of the second degree.

7           (4) An individual subject to registration under 42  
8 Pa.C.S. § [9795.1(a)] 9799.13 and required to register for a  
9 period of 15 years who violates subsection (a)(3) commits a  
10 felony of the second degree.

11       (c) Grading for [sexually violent predators and others with  
12 lifetime registration] sexual offenders who must register for 25  
13 years or life.--

14           (2) Except as set forth in paragraph (3), an individual  
15 subject to registration under 42 Pa.C.S. § [9795.1(b)(1), (2)  
16 or (3)] 9799.13 and required to register for a period of 25  
17 years who commits a violation of subsection (a)(1) or (2)  
18 commits a felony of the second degree.

19           (3) An individual subject to registration under 42  
20 Pa.C.S. § [9795.1(b)(1), (2) or (3)] 9799.13 and required to  
21 register for a period of 25 years who commits a violation of  
22 subsection (a)(1) or (2) and who has previously been  
23 convicted of an offense under subsection (a)(1) or (2) or a  
24 similar offense commits a felony of the first degree.

25           (4) An individual subject to registration under 42  
26 Pa.C.S. § [9795.1(b)(1), (2) or (3)] 9799.13 and required to  
27 register for a period of 25 years who violates subsection (a)  
28 (3) commits a felony of the first degree.

29       (c.1) Grading for sexual offenders who are transients who  
30 must register for 15 years.--

1       (1) Except as set forth in paragraph (2), an individual  
2       subject to registration under 42 Pa.C.S. § 9799.13 who is a  
3       transient who must register for 15 years commits a felony of  
4       the third degree if the individual violates subsection (a.1)  
5       (1), (2) or (3).

6       (2) An individual subject to registration under 42  
7       Pa.C.S. § 9799.13 who is a transient who must register for a  
8       period of 15 years commits a felony of the second degree if  
9       the individual violates subsection (a.1)(1), (2) or (3) and  
10       has been previously convicted of an offense under subsection  
11       (a.1)(1), (2) or (3) or a similar offense.

12       (c.2) Grading for sexual offenders who are transients who  
13       must register for 25 years or life.--

14       (1) Except as set forth in paragraph (2), an individual  
15       subject to registration under 42 Pa.C.S. § 9799.13 who is a  
16       transient who must register for a period of 25 years or life  
17       commits a felony of the second degree if the individual  
18       violates subsection (a.1)(1), (2) or (3).

19       (2) An individual subject to registration under 42  
20       Pa.C.S. § 9799.13 who is a transient who must register for a  
21       period of 25 years or life commits a felony of the first  
22       degree if the individual violates subsection (a.1)(1), (2) or  
23       (3) and has been previously convicted of an offense under  
24       subsection (a.1)(1), (2) or (3) or a similar offense.

25       (c.3) Grading for failure to comply with counseling  
26       requirements.--An individual designated as a sexually violent  
27       predator or an individual who is subject to a counseling  
28       requirement under a sex offender registration statute following  
29       conviction in another jurisdiction commits a misdemeanor of the  
30       first degree if the individual violates subsection (a.2).

1 (d) Effect of notice.--Neither failure on the part of the  
2 Pennsylvania State Police to send nor failure of a sexually  
3 violent predator or offender to receive any notice or  
4 information pursuant to 42 Pa.C.S. § [9796(a.1) or (b.1)]  
5 9799.25 shall be a defense to a prosecution commenced against an  
6 individual arising from a violation of this section. The  
7 provisions of 42 Pa.C.S. § [9796(a.1) and (b.1)] 9799.25 are not  
8 an element of an offense under this section.

9 (e) Arrests for violation.--

10 (1) A police officer shall have the same right of arrest  
11 without a warrant as in a felony whenever the police officer  
12 has probable cause to believe an individual has committed a  
13 violation of this section regardless of whether the violation  
14 occurred in the presence of the police officer.

15 (2) An individual arrested for a violation of this  
16 section shall be afforded a preliminary arraignment by the  
17 proper issuing authority without unnecessary delay. In no  
18 case may the individual be released from custody without  
19 first having appeared before the issuing authority.

20 (3) Prior to admitting an individual arrested for a  
21 violation of this section to bail, the issuing authority  
22 shall require all of the following:

23 (i) The individual must be fingerprinted and  
24 photographed in the manner required by 42 Pa.C.S. Ch. 97  
25 Subch. H (relating to registration of sexual offenders).

26 (ii) The individual must provide the Pennsylvania  
27 State Police with all current or intended residences, all  
28 information concerning current or intended employment,  
29 including all employment locations, and all information  
30 concerning current or intended enrollment as a student.

1       This subparagraph includes an individual who is a  
2       transient, in which case the individual must, in addition  
3       to other information required under this subparagraph,  
4       provide the information set forth in 42 Pa.C.S. §  
5       9799.16(b)(6).

6               (iii) Law enforcement must make reasonable attempts  
7       to verify the information provided by the individual.

8       (f) [Definition.--As used in this section, the term "a  
9       similar offense" means an] Definitions.--As used in this  
10      section, the following words and phrases shall have the meanings  
11      given to them in this subsection unless the context clearly  
12      indicates otherwise:

13              "Sexually violent predator." The term shall have the  
14      meaning given to it in 42 Pa.C.S. § 9799.12 (relating to  
15      definitions).

16              "Similar offense." An offense similar to an offense  
17      under either subsection (a)(1) or (2) under the laws of this  
18      Commonwealth, [the United States or one of its territories or  
19      possessions, another state, the District of Columbia, the  
20      Commonwealth of Puerto Rico or a foreign nation.] another  
21      jurisdiction or a foreign country or a military offense, as  
22      defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

23              "Transient." The term shall have the meaning given to it  
24      in 42 Pa.C.S. § 9799.12 (relating to definitions).

25      Section 2. Section 6707(2)(ii) of Title 23 is amended to  
26      read:

27      § 6707. Agency use of designated address.

28      State and local government agencies shall accept the  
29      substitute address designated on a valid program participation  
30      card issued to the program participant by the Office of Victim



1 Advocate as the program participant's address except as follows:

2 \* \* \*

3 (2) when the program participant is any of the  
4 following:

5 \* \* \*

6 (ii) a convicted sexual offender who has fulfilled  
7 the offender's sentence but must register the offender's  
8 community residence as required under 42 Pa.C.S. [ §§  
9 9795.1 (relating to registration) and 9795.2 (relating to  
10 registration procedures and applicability)] Ch. 97 Subch.  
11 H (relating to registration of sexual offenders) or any  
12 similar registration requirement imposed by any other  
13 jurisdiction.

14 Section 3. Sections 6358(b), 6403(a)(2), (b)(3) and (d) and  
15 6404 of Title 42 are amended to read:

16 § 6358. Assessment of delinquent children by the State Sexual  
17 Offenders Assessment Board.

18 \* \* \*

19 (b) Duty of probation officer.--Ninety days prior to the  
20 20th birthday of the child, the probation officer shall have the  
21 duty to notify the board of the status of the delinquent child  
22 and the institution or other facility where the child is  
23 presently committed. The probation officer shall assist the  
24 board in obtaining access to the child and any information  
25 required by the board to perform the assessment, including, but  
26 not limited to, the child's official court record and complete  
27 juvenile probation file.

28 \* \* \*

29 § 6403. Court-ordered involuntary treatment.

30 (a) Persons subject to involuntary treatment.--A person may

1 be subject to court-ordered commitment for involuntary treatment  
2 under this chapter if the person:

3 \* \* \*

4 (2) Has been committed to an institution or other  
5 facility pursuant to section 6352 (relating to disposition of  
6 delinquent child) and remains in [the] any such institution  
7 or [other] facility upon attaining 20 years of age.

8 \* \* \*

9 (b) Procedures for initiating court-ordered involuntary  
10 commitment.--

11 \* \* \*

12 (3) The court shall set a date for the hearing which  
13 shall be held within 30 days of the filing of the petition  
14 pursuant to paragraph (1) and direct the person to appear for  
15 the hearing. A copy of the petition and notice of the hearing  
16 date shall be served on the person, the attorney who  
17 represented the person at the most recent dispositional  
18 review hearing pursuant to section 6358(e) and the county  
19 solicitor or a designee. A copy of the petition, the  
20 assessment and notice of the hearing date shall also be  
21 provided to the director of the facility operated by the  
22 department pursuant to section 6406(a) (relating to duty of  
23 Department of Public Welfare). The person and the attorney  
24 who represented the person shall, along with copies of the  
25 petition, also be provided with written notice advising that  
26 the person has the right to counsel and that, if he cannot  
27 afford one, counsel shall be appointed for the person.

28 \* \* \*

29 (d) Determination and order.--Upon a finding by clear and  
30 convincing evidence that the person has a mental abnormality or

1 personality disorder which results in serious difficulty in  
2 controlling sexually violent behavior that makes the person  
3 likely to engage in an act of sexual violence, an order shall be  
4 entered directing the immediate commitment of the person for  
5 [inpatient] involuntary inpatient treatment to a facility  
6 designated by the department. The order shall be in writing and  
7 shall be consistent with the protection of the public safety and  
8 the appropriate control, care and treatment of the person. An  
9 appeal shall not stay the execution of the order. If the court  
10 does not order the person to be committed for involuntary  
11 inpatient treatment by the department, the court shall order the  
12 director of the facility operated by the department pursuant to  
13 section 6406(a) to destroy the facility's copy of the petition  
14 and the assessment.

15 § 6404. Duration of inpatient commitment and review.

16 (a) Initial period of commitment.--The person shall be  
17 subject to a period of commitment for inpatient treatment for  
18 one year.

19 (b) Annual review.--

20 (1) Sixty days prior to the expiration of the one-year  
21 commitment period, the director of the facility or a designee  
22 shall submit an evaluation and the board shall submit an  
23 assessment of the person to the court.

24 (2) The court shall schedule a review hearing which  
25 shall be conducted pursuant to section 6403(c) (relating to  
26 court-ordered involuntary treatment) and which shall be held  
27 no later than 30 days after receipt of both the evaluation  
28 and the assessment under paragraph (1). Notice of the review  
29 hearing shall be provided to the person, the attorney who  
30 represented the person at the previous hearing held pursuant

1 to this subsection or section 6403, the district attorney and  
2 the county solicitor or a designee. The person and the  
3 person's attorney shall also be provided with written notice  
4 advising that the person has the right to counsel and that,  
5 if he cannot afford one, counsel shall be appointed for the  
6 person. If the court determines by clear and convincing  
7 evidence that the person continues to have serious difficulty  
8 controlling sexually violent behavior in an inpatient setting  
9 due to a mental abnormality or personality disorder that  
10 makes the person likely to engage in an act of sexual  
11 violence, the court shall order an additional period of  
12 involuntary inpatient treatment of one year; otherwise, the  
13 court shall order the [discharge of] department, in  
14 consultation with the board, to develop an outpatient  
15 treatment plan for the person. The order shall be in writing  
16 and shall be consistent with the protection of the public  
17 safety and appropriate control, care and treatment of the  
18 person.

19 (c) [Discharge] Outpatient treatment plan.--

20 (1) If at any time the director or a designee of the  
21 facility to which the person was committed concludes the  
22 person no longer has serious difficulty in controlling  
23 sexually violent behavior in an inpatient setting, the  
24 director shall petition the court for a hearing. Notice of  
25 the petition shall be given to the person, the attorney who  
26 represented the person at the previous hearing held pursuant  
27 to subsection (b) or section 6403, the board, the district  
28 attorney and the county solicitor. The person and the  
29 person's attorney shall also be provided with written notice  
30 advising that the person has the right to counsel and that,

1 if he cannot afford one, counsel shall be appointed for the  
2 person.

3 (2) Upon receipt of notice under paragraph (1), the  
4 board shall conduct a new assessment within 30 days and  
5 provide that assessment to the court.

6 (3) Within 15 days after the receipt of the assessment  
7 from the board, the court shall hold a hearing pursuant to  
8 section 6403(c). If the court determines by clear and  
9 convincing evidence that the person continues to have serious  
10 difficulty controlling sexually violent behavior in an  
11 inpatient setting due to a mental abnormality or personality  
12 disorder that makes the person likely to engage in an act of  
13 sexual violence, the court shall order that the person be  
14 subject to the remainder of the period of inpatient  
15 commitment. Otherwise, the court shall order the [discharge  
16 of] department, in consultation with the board, to develop an  
17 outpatient treatment plan for the person.

18 (4) The department shall provide the person with notice  
19 of the person's right to petition the court for [discharge]  
20 transfer to involuntary outpatient treatment over the  
21 objection of the department. The court, after review of the  
22 petition, may schedule a hearing pursuant to section 6403(c).

23 (5) An outpatient treatment plan shall be in writing and  
24 shall identify the specific entity that will provide each  
25 clinical and support service identified in the plan.

26 (6) The department shall provide a copy of the  
27 outpatient treatment plan to the court, the person, the  
28 attorney who represented the person at the most recent  
29 hearing pursuant to section 6403, the board, the district  
30 attorney, and the county solicitor or a designee.

1 (d) Prohibition on discharge.--The court shall not order  
2 discharge from involuntary treatment until the person has  
3 completed involuntary outpatient treatment pursuant to section  
4 6404.2 (relating to duration of outpatient commitment and  
5 review).

6 Section 4. Title 42 is amended by adding sections to read:

7 § 6404.1. Transfer to involuntary outpatient treatment.

8 The court may approve or disapprove an outpatient treatment  
9 plan. Upon approval of an outpatient treatment plan, the court  
10 shall order transfer of the person to involuntary outpatient  
11 treatment pursuant to section 6404.2 (relating to duration of  
12 outpatient commitment and review).

13 § 6404.2. Duration of outpatient commitment and review.

14 (a) Terms and conditions.--If a court has ordered the  
15 transfer of the person to involuntary outpatient treatment  
16 pursuant to section 6404.1 (relating to transfer to involuntary  
17 outpatient treatment), the court may in its discretion specify  
18 the terms and conditions of the outpatient commitment,  
19 including, but not limited to:

20 (1) Absolute compliance with the outpatient treatment  
21 plan.

22 (2) Restrictions and requirements regarding the location  
23 of the person's residence and the times the person must be  
24 physically present.

25 (3) Restrictions and requirements regarding areas the  
26 person is not permitted to visit.

27 (4) Restrictions and requirements regarding who the  
28 person may contact in any medium.

29 (5) Periodic polygraph tests.

30 (b) Duration.--The court shall order involuntary outpatient

1 treatment for a period of one year.

2 (c) Status reports.--An involuntary outpatient treatment  
3 provider shall submit a report on the person's status and  
4 clinical progress, on a form prescribed by the department, to  
5 the facility operated by the department pursuant to section  
6 6406(a) (relating to duty of Department of Public Welfare), not  
7 less than every 30 days.

8 (d) Failure to comply.--If an involuntary outpatient  
9 treatment provider becomes aware that the person has violated  
10 any provision of the treatment plan or any term or condition  
11 specified pursuant to subsection (a), the provider shall  
12 immediately notify the facility operated by the department  
13 pursuant to section 6406(a). The facility shall notify the court  
14 by the close of the next business day.

15 (e) Revocation of transfer.--Upon receiving notice pursuant  
16 to subsection (d) that the person has violated a term or  
17 condition of transfer specified pursuant to subsection (a), the  
18 court may in its discretion revoke the transfer to involuntary  
19 outpatient treatment and order the immediate return to  
20 involuntary inpatient treatment without a prior hearing. The  
21 court may issue a warrant requiring any law enforcement officer  
22 or any person authorized by the court to take the person into  
23 custody and return the person to involuntary inpatient  
24 treatment. The person may file a written request for a hearing  
25 after revocation of the transfer to involuntary treatment. The  
26 court shall conduct a hearing pursuant to section 6403(c)  
27 (relating to court-ordered involuntary treatment) within ten  
28 days of filing of the request.

29 (f) Annual review.--

30 (1) Sixty days prior to the expiration of the one-year

1 outpatient commitment period, the director of the facility or  
2 a designee shall submit an evaluation, and the board shall  
3 submit an assessment of the person to the court.

4 (2) The court shall schedule a review hearing which  
5 shall be conducted pursuant to section 6403(c) and which  
6 shall be held no later than 30 days after receipt of both the  
7 evaluation and the assessment under paragraph (1). Notice of  
8 the review hearing shall be provided to the person, the  
9 attorney who represented the person at the previous hearing  
10 held pursuant to section 6403, the district attorney and the  
11 county solicitor or a designee. The person and the person's  
12 attorney shall also be provided with written notice advising  
13 that the person has the right to counsel and that, if the  
14 person cannot afford one, counsel shall be appointed for the  
15 person. If the court determines by clear and convincing  
16 evidence that the person has serious difficulty controlling  
17 sexually violent behavior due to a mental abnormality or  
18 personality disorder that makes the person likely to engage  
19 in an act of sexual violence, the court shall order an  
20 additional period of involuntary inpatient or outpatient  
21 treatment of one year; otherwise the court shall order the  
22 discharge of the person. The order shall be in writing and  
23 shall be consistent with the protection of the public safety  
24 and appropriate control, care and treatment of the person.

25 (g) Discharge.--

26 (1) If at any time the director or a designee of the  
27 facility operated by the department pursuant to section  
28 6406(a) concludes the person no longer has serious difficulty  
29 in controlling sexually violent behavior, the director shall  
30 petition the court for a hearing. Notice of the petition



1 shall be given to the person, the attorney who represented  
2 the person at the previous hearing held pursuant to section  
3 6403, the board, the district attorney and the county  
4 solicitor. The person and the person's attorney shall also be  
5 provided with written notice advising that the person has the  
6 right to counsel and that, if the person cannot afford one,  
7 counsel shall be appointed for the person.

8 (2) Upon receipt of notice under paragraph (1), the  
9 board shall conduct a new assessment within 30 days and  
10 provide that assessment to the court.

11 (3) Within 15 days after the petition has been filed,  
12 the court shall hold a hearing pursuant to section 6403(c).  
13 If the court determines the person no longer has serious  
14 difficulty controlling sexually violent behavior, the court  
15 shall order the discharge of the person. If the court denies  
16 the petition, the person shall be subject to the remainder of  
17 the period of outpatient commitment.

18 (h) Notice.--The involuntary outpatient treatment provider  
19 shall provide the person with notice of the person's right to  
20 petition the court for discharge. The court, after review of the  
21 petition, may schedule a hearing pursuant to section 6403(c).

22 Section 5. Sections 6406(a), 6409, 9718.1(a) introductory  
23 paragraph and (b) (2) and 9718.2(a) and (d) of Title 42 are  
24 amended to read:

25 § 6406. Duty of Department of Public Welfare.

26 (a) General rule.--The department shall have the duty to  
27 provide a separate, secure State-owned facility or unit utilized  
28 solely for the control, care and treatment of persons committed  
29 pursuant to this chapter. The department shall be responsible  
30 for all costs relating to the control, care and treatment of

persons committed to [custody] involuntary treatment pursuant to this chapter.

\* \* \*

§ 6409. Immunity for good faith conduct.

The following entities shall be immune from liability for good faith conduct under this subchapter:

(1) Members of the board and its agents and employees.

(2) The department and its agents and employees.

(3) County probation departments and their agents and employees.

(4) Providers of involuntary outpatient treatment and their agents and employees.

§ 9718.1. Sexual offender treatment.

(a) General rule.--A person, including an offender designated as a "sexually violent predator" as defined in section [9792] 9799.12 (relating to definitions), shall attend and participate in a Department of Corrections program of counseling or therapy designed for incarcerated sex offenders if the person is incarcerated in a State institution for any of the following provisions under 18 Pa.C.S. (relating to crimes and offenses):

\* \* \*

(b) Eligibility for parole.--For an offender required to participate in the program under subsection (a), all of the following apply:

\* \* \*

(2) Notwithstanding paragraph (1)(iii), an offender who is a sexually violent predator is subject to section [9799.4] 9799.36 (relating to counseling of sexually violent predators).

1 \* \* \*

2 § 9718.2. Sentences for [sex] sexual offenders.

3 (a) Mandatory sentence.--

4 (1) Any person who is convicted in any court of this  
5 Commonwealth of an offense set forth in section [9795.1(a) or  
6 (b) (relating to registration)] 9799.14 (relating to sexual  
7 offenses and tier system) shall, if at the time of the  
8 commission of the current offense the person had previously  
9 been convicted of an offense set forth in section [9795.1(a)  
10 or (b)] 9799.14 or an equivalent crime under the laws of this  
11 Commonwealth in effect at the time of the commission of that  
12 offense or an equivalent crime in another jurisdiction, be  
13 sentenced to a minimum sentence of at least 25 years of total  
14 confinement, notwithstanding any other provision of this  
15 title or other statute to the contrary. Upon such conviction,  
16 the court shall give the person oral and written notice of  
17 the penalties under paragraph (2) for a third conviction.  
18 Failure to provide such notice shall not render the offender  
19 ineligible to be sentenced under paragraph (2).

20 (2) Where the person had at the time of the commission  
21 of the current offense previously been convicted of two or  
22 more offenses arising from separate criminal transactions set  
23 forth in section [9795.1(a) or (b)] 9799.14 or equivalent  
24 crimes under the laws of this Commonwealth in effect at the  
25 time of the commission of the offense or equivalent crimes in  
26 another jurisdiction, the person shall be sentenced to a term  
27 of life imprisonment, notwithstanding any other provision of  
28 this title or other statute to the contrary. Proof that the  
29 offender received notice of or otherwise knew or should have  
30 known of the penalties under this paragraph shall not be

1 required.

2 \* \* \*

3 (d) Authority of court in sentencing.--[Notice of the  
4 application of this section shall be provided to the defendant  
5 before trial.] If the notice is given, there shall be no  
6 authority in any court to impose on an offender to which this  
7 section is applicable any lesser sentence than provided for in  
8 subsections (a) and (b) or to place the offender on probation or  
9 to suspend sentence. Nothing in this section shall prevent the  
10 sentencing court from imposing a sentence greater than that  
11 provided in this section. Sentencing guidelines promulgated by  
12 the Pennsylvania Commission on Sentencing shall not supersede  
13 the mandatory sentences provided in this section.

14 \* \* \*

15 Section 6. Section 9718.3(a) of Title 42 is amended and the  
16 section is amended by adding a subsection to read:

17 § 9718.3. Sentence for failure to comply with registration of  
18 sexual offenders.

19 (a) Mandatory sentence.--Mandatory sentencing shall be as  
20 follows:

21 (1) Sentencing upon conviction for a first offense shall  
22 be as follows:

23 (i) Not less than two years for an individual who:

24 (A) [was] is subject to section [9795.1(a)  
25 (relating to registration)] 9799.13 (relating to  
26 applicability) and must register for a period of 15  
27 years under section 9799.15 (relating to period of  
28 registration) or a similar provision from another  
29 jurisdiction; and

30 (B) violated 18 Pa.C.S. § 4915(a) (1) or (2)

(relating to failure to comply with registration of sexual offenders requirements).

(ii) Not less than three years for an individual who:

(A) [was] is subject to section [9795.1(a)] 9799.13 and must register for a period of 15 years under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a) (3).

(iii) Not less than three years for an individual who:

(A) [was] is subject to section [9795.1(b)] 9799.13 and must register for a period of 25 years under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a) (1) or (2).

(iv) Not less than five years for an individual who:

(A) [was] is subject to section [9795.1(b)] 9799.13 and must register for a period of 25 years under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a) (3).

(2) Sentencing upon conviction for a second or subsequent offense shall be as follows:

(i) Not less than five years for an individual who:

(A) [was] is subject to section [9795.1] 9799.13 and must register for a period of 15 or 25 years or life under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a) (1) or (2).

(ii) Not less than seven years for an individual  
who:

(A) [was] is subject to section [9795.1] 9799.13  
and must register for a period of 15 or 25 years or  
life under section 9799.15 or a similar provision  
from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a) (3).

(a.1) Transients and mandatory sentence.--Mandatory  
sentencing shall be as follows for an individual subject to  
registration under section 9799.13 who is a transient:

(1) Sentencing upon conviction for a first offense shall  
not be less than two years for an individual who:

(i) is subject to sections 9799.16(b) (6) (relating  
to registry) and 9799.25(a) (7) (relating to verification  
by sexual offenders and Pennsylvania State Police) or a  
similar provision from another jurisdiction; and

(ii) violated 18 Pa.C.S. § 4915(a.1).

(2) Sentencing upon conviction for a second or  
subsequent offense shall not be less than five years for an  
individual who:

(i) is subject to sections 9799.16(b) (6) and  
9799.25(a) (7) or a similar provision from another  
jurisdiction; and

(ii) violated 18 Pa.C.S. § 4915(a.1).

\* \* \*

Section 7. Sections 9791, 9792, 9795.1, 9795.2, 9795.3,  
9795.4, 9795.5, 9796, 9797, 9798, 9798.1, 9798.2, 9798.3, 9799,  
9799.1, 9799.2, 9799.3, 9799.4, 9799.7, 9799.8 and 9799.9 of  
Title 42 are repealed:

[§ 9791. Legislative findings and declaration of policy.

1 (a) Legislative findings.--It is hereby determined and  
2 declared as a matter of legislative finding:

3 (1) If the public is provided adequate notice and  
4 information about sexually violent predators and certain  
5 other offenders, the community can develop constructive plans  
6 to prepare themselves and their children for the offender's  
7 release. This allows communities to meet with law enforcement  
8 to prepare and obtain information about the rights and  
9 responsibilities of the community and to provide education  
10 and counseling to their children.

11 (2) These sexually violent predators pose a high risk of  
12 engaging in further offenses even after being released from  
13 incarceration or commitments and that protection of the  
14 public from this type of offender is a paramount governmental  
15 interest.

16 (3) The penal and mental health components of our  
17 justice system are largely hidden from public view and lack  
18 of information from either may result in failure of both  
19 systems to meet this paramount concern of public safety.

20 (4) Overly restrictive confidentiality and liability  
21 laws governing the release of information about sexually  
22 violent predators have reduced the willingness to release  
23 information that could be appropriately released under the  
24 public disclosure laws and have increased risks to public  
25 safety.

26 (5) Persons found to have committed such an offense have  
27 a reduced expectation of privacy because of the public's  
28 interest in public safety and in the effective operation of  
29 government.

30 (6) Release of information about sexually violent

1 predators to public agencies and the general public will  
2 further the governmental interests of public safety and  
3 public scrutiny of the criminal and mental health systems so  
4 long as the information released is rationally related to the  
5 furtherance of those goals.

6 (b) Declaration of policy.--It is hereby declared to be the  
7 intention of the General Assembly to protect the safety and  
8 general welfare of the people of this Commonwealth by providing  
9 for registration and community notification regarding sexually  
10 violent predators who are about to be released from custody and  
11 will live in or near their neighborhood. It is further declared  
12 to be the policy of this Commonwealth to require the exchange of  
13 relevant information about sexually violent predators among  
14 public agencies and officials and to authorize the release of  
15 necessary and relevant information about sexually violent  
16 predators to members of the general public as a means of  
17 assuring public protection and shall not be construed as  
18 punitive.

19 § 9792. Definitions.

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

23 "Active notification." Notification pursuant to section 9798  
24 (relating to other notification) or any process whereby law  
25 enforcement, pursuant to the laws of the United States or one of  
26 its territories or possessions, another state, the District of  
27 Columbia, the Commonwealth of Puerto Rico or a foreign nation,  
28 notifies persons in the community in which the individual  
29 resides, including any person identified in section 9798(b), of  
30 the residence, employment or school location of the individual.



1 "Approved registration site." A site in this Commonwealth  
2 approved by the Pennsylvania State Police as required by section  
3 9799.1(2) (relating to duties of Pennsylvania State Police):

4 (1) at which individuals subject to this subchapter may  
5 register, verify information or be fingerprinted or  
6 photographed as required by this subchapter;

7 (2) which is capable of submitting fingerprints  
8 utilizing the Integrated Automated Fingerprint Identification  
9 System or in another manner and in such form as the  
10 Pennsylvania State Police shall require; and

11 (3) which is capable of submitting photographs utilizing  
12 the Commonwealth Photo Imaging Network or in another manner  
13 and in such form as the Pennsylvania State Police shall  
14 require.

15 "Board." The State Sexual Offenders Assessment Board.

16 "Common interest community." Includes a cooperative, a  
17 condominium and a planned community where an individual by  
18 virtue of an ownership interest in any portion of real estate is  
19 or may become obligated by covenant, easement or agreement  
20 imposed upon the owner's interest to pay any amount for real  
21 property taxes, insurance, maintenance, repair, improvement,  
22 management, administration or regulation of any part of the real  
23 estate other than the portion or interest owned solely by the  
24 individual.

25 "Commonwealth Photo Imaging Network." The computer network  
26 administered by the Commonwealth and used to record and store  
27 digital photographs of an individual's face and any scars,  
28 marks, tattoos or other unique features of the individual.

29 "Employed." Includes a vocation or employment that is full-  
30 time or part-time for a period of time exceeding 14 days or for

1 an aggregate period of time exceeding 30 days during any  
2 calendar year, whether financially compensated, volunteered,  
3 pursuant to a contract or for the purpose of government or  
4 educational benefit.

5 "Integrated Automated Fingerprint Identification System."

6 The national fingerprint and criminal history system maintained  
7 by the Federal Bureau of Investigation providing automated  
8 fingerprint search capabilities, latent searching capability,  
9 electronic image storage and electronic exchange of fingerprints  
10 and responses.

11 "Mental abnormality." A congenital or acquired condition of  
12 a person that affects the emotional or volitional capacity of  
13 the person in a manner that predisposes that person to the  
14 commission of criminal sexual acts to a degree that makes the  
15 person a menace to the health and safety of other persons.

16 "Minor." As used in section 9795.1 (relating to  
17 registration), is any individual under the age of 18 unless the  
18 age of the victim who is considered a minor is otherwise defined  
19 in section 9795.1.

20 "Municipality." A city, borough, incorporated town or  
21 township.

22 "Offender." An individual required to register under section  
23 9795.1(a), (b) (1) or (2) (relating to registration).

24 "Passive notification." Notification pursuant to section  
25 9798.1 (relating to information made available on the Internet)  
26 or any process whereby persons, pursuant to the laws of the  
27 United States or one of its territories or possessions, another  
28 state, the District of Columbia, the Commonwealth of Puerto Rico  
29 or a foreign nation, are able to access information pertaining  
30 to an individual as a result of the individual having been

1 convicted or sentenced by a court for an offense similar to an  
2 offense listed in section 9795.1 (relating to registration).

3 "Penetration." Includes any penetration, however slight, of  
4 the genitals or anus or mouth of another person with a part of  
5 the person's body or a foreign object for any purpose other than  
6 good faith medical, hygienic or law enforcement procedures.

7 "Predatory." An act directed at a stranger or at a person  
8 with whom a relationship has been initiated, established,  
9 maintained or promoted, in whole or in part, in order to  
10 facilitate or support victimization.

11 "Residence." A location where an individual resides or is  
12 domiciled or intends to be domiciled for 30 consecutive days or  
13 more during a calendar year.

14 "Sexually violent offense." Any criminal offense specified  
15 in section 9795.1 (relating to registration).

16 "Sexually violent predator." A person who has been convicted  
17 of a sexually violent offense as set forth in section 9795.1  
18 (relating to registration) and who is determined to be a  
19 sexually violent predator under section 9795.4 (relating to  
20 assessments) due to a mental abnormality or personality disorder  
21 that makes the person likely to engage in predatory sexually  
22 violent offenses. The term includes an individual determined to  
23 be a sexually violent predator where the determination occurred  
24 in the United States or one of its territories or possessions,  
25 another state, the District of Columbia, the Commonwealth of  
26 Puerto Rico, a foreign nation or by court martial.

27 "Student." A person who is enrolled on a full-time or part-  
28 time basis in any public or private educational institution,  
29 including any secondary school, trade or professional  
30 institution or institution of higher education.

1 § 9795.1. Registration.

2 (a) Ten-year registration.--The following individuals shall  
3 be required to register with the Pennsylvania State Police for a  
4 period of ten years:

5 (1) Individuals convicted of any of the following  
6 offenses:

7 18 Pa.C.S. § 2901 (relating to kidnapping) where the  
8 victim is a minor.

9 18 Pa.C.S. § 2910 (relating to luring a child into a  
10 motor vehicle or structure).

11 18 Pa.C.S. § 3124.2 (relating to institutional sexual  
12 assault).

13 18 Pa.C.S. § 3126 (relating to indecent assault)  
14 where the offense is graded as a misdemeanor of the first  
15 degree or higher.

16 18 Pa.C.S. § 4302 (relating to incest) where the  
17 victim is 12 years of age or older but under 18 years of  
18 age.

19 18 Pa.C.S. § 5902(b) (relating to prostitution and  
20 related offenses) where the actor promotes the  
21 prostitution of a minor.

22 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to  
23 obscene and other sexual materials and performances)  
24 where the victim is a minor.

25 18 Pa.C.S. § 6312 (relating to sexual abuse of  
26 children).

27 18 Pa.C.S. § 6318 (relating to unlawful contact with  
28 minor).

29 18 Pa.C.S. § 6320 (relating to sexual exploitation of  
30 children).

1           (2) Individuals convicted of an attempt, conspiracy or  
2 solicitation to commit any of the offenses under paragraph  
3 (1) or subsection (b) (2).

4           (3) Individuals currently residing in this Commonwealth  
5 who have been convicted of offenses similar to the crimes  
6 cited in paragraphs (1) and (2) under the laws of the United  
7 States or one of its territories or possessions, another  
8 state, the District of Columbia, the Commonwealth of Puerto  
9 Rico or a foreign nation or under a former law of this  
10 Commonwealth.

11       (b) Lifetime registration.--The following individuals shall  
12 be subject to lifetime registration:

13           (1) An individual with two or more convictions of any of  
14 the offenses set forth in subsection (a).

15           (2) Individuals convicted of any of the following  
16 offenses:

17               18 Pa.C.S. § 3121 (relating to rape).

18               18 Pa.C.S. § 3123 (relating to involuntary deviate  
19 sexual intercourse).

20               18 Pa.C.S. § 3124.1 (relating to sexual assault).

21               18 Pa.C.S. § 3125 (relating to aggravated indecent  
22 assault).

23               18 Pa.C.S. § 4302 (relating to incest) when the  
24 victim is under 12 years of age.

25           (3) Sexually violent predators.

26           (4) Individuals currently residing in this Commonwealth  
27 who have been convicted of offenses similar to the crimes  
28 cited in paragraph (2) under the laws of the United States or  
29 one of its territories or possessions, another state, the  
30 District of Columbia, the Commonwealth of Puerto Rico or a

foreign nation or under a former law of this Commonwealth.

(c) Natural disaster.--The occurrence of a natural disaster or other event requiring evacuation of residences shall not relieve an individual of the duty to register or any other duty imposed by this chapter.

§ 9795.2. Registration procedures and applicability.

(a) Registration.--

(1) Offenders and sexually violent predators shall be required to register with the Pennsylvania State Police upon release from incarceration, upon parole from a State or county correctional institution or upon the commencement of a sentence of intermediate punishment or probation. For purposes of registration, offenders and sexually violent predators shall provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment and all information concerning current or intended enrollment as a student.

(2) Offenders and sexually violent predators shall inform the Pennsylvania State Police within 48 hours of:

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

(ii) Any change of employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year, or termination of employment.

(iii) Any change of institution or location at which the person is enrolled as a student, or termination of enrollment.

(iv) Becoming employed or enrolled as a student if the person has not previously provided that information

1 to the Pennsylvania State Police.

2 (2.1) Registration with a new law enforcement agency  
3 shall occur no later than 48 hours after establishing  
4 residence in another state.

5 (3) The ten-year registration period required in section  
6 9795.1(a) (relating to registration) shall be tolled when an  
7 offender is recommitted for a parole violation or sentenced  
8 to an additional term of imprisonment. In such cases, the  
9 Department of Corrections or county correctional facility  
10 shall notify the Pennsylvania State Police of the admission  
11 of the offender.

12 (4) This paragraph shall apply to all offenders and  
13 sexually violent predators:

14 (i) Where the offender or sexually violent predator  
15 was granted parole by the Pennsylvania Board of Probation  
16 and Parole or the court or is sentenced to probation or  
17 intermediate punishment, the board or county office of  
18 probation and parole shall collect registration  
19 information from the offender or sexually violent  
20 predator and forward that registration information to the  
21 Pennsylvania State Police. The Department of Corrections  
22 or county correctional facility shall not release the  
23 offender or sexually violent predator until it receives  
24 verification from the Pennsylvania State Police that it  
25 has received the registration information. Verification  
26 by the Pennsylvania State Police may occur by electronic  
27 means, including e-mail or facsimile transmission. Where  
28 the offender or sexually violent predator is scheduled to  
29 be released from a State correctional facility or county  
30 correctional facility because of the expiration of the

1 maximum term of incarceration, the Department of  
2 Corrections or county correctional facility shall collect  
3 the information from the offender or sexually violent  
4 predator no later than ten days prior to the maximum  
5 expiration date. The registration information shall be  
6 forwarded to the Pennsylvania State Police.

7 (ii) Where the offender or sexually violent predator  
8 scheduled to be released from a State correctional  
9 facility or county correctional facility due to the  
10 maximum expiration date refuses to provide the  
11 registration information, the Department of Corrections  
12 or county correctional facility shall notify the  
13 Pennsylvania State Police or police department with  
14 jurisdiction over the facility of the failure to provide  
15 registration information and of the expected date, time  
16 and location of the release of the offender or sexually  
17 violent predator.

18 (b) Individuals convicted or sentenced by a court or  
19 adjudicated delinquent in jurisdictions outside this  
20 Commonwealth or sentenced by court martial.--

21 (4) An individual who resides, is employed or is a  
22 student in this Commonwealth and who has been convicted of or  
23 sentenced by a court or court martial for a sexually  
24 violent offense or a similar offense under the laws of the  
25 United States or one of its territories or possessions,  
26 another state, the District of Columbia, the Commonwealth of  
27 Puerto Rico or a foreign nation, or who was required to  
28 register under a sexual offender statute in the jurisdiction  
29 where convicted, sentenced or court martial, shall register  
30 at an approved registration site within 48 hours of the



1 individual's arrival in this Commonwealth. The provisions of  
2 this subchapter shall apply to the individual as follows:

3 (i) If the individual has been classified as a  
4 sexually violent predator as defined in section 9792  
5 (relating to definitions) or determined under the laws of  
6 the other jurisdiction or by reason of court martial to  
7 be subject to active notification and lifetime  
8 registration on the basis of a statutorily authorized  
9 administrative or judicial decision or on the basis of a  
10 statute or administrative rule requiring active  
11 notification and lifetime registration based solely on  
12 the offense for which the individual was convicted,  
13 sentenced or court martialed, the individual shall,  
14 notwithstanding section 9792, be considered a sexually  
15 violent predator and subject to lifetime registration  
16 pursuant to section 9795.1(b) (relating to registration).  
17 The individual shall also be subject to the provisions of  
18 this section and sections 9796 (relating to verification  
19 of residence), 9798 (relating to other notification) and  
20 9798.1(c)(1) (relating to information made available on  
21 the Internet), except that the individual shall not be  
22 required to receive counseling unless required to do so  
23 by the other jurisdiction or by reason of court martial.

24 (ii) Except as provided in subparagraphs (i) and  
25 (iv), if the individual has been convicted or sentenced  
26 by a court or court martialed for an offense listed in  
27 section 9795.1(b) or an equivalent offense, the  
28 individual shall, notwithstanding section 9792, be  
29 considered an offender and be subject to lifetime  
30 registration pursuant to 9795.1(b). The individual shall

1       also be subject to the provisions of this section and  
2       sections 9796 and 9798.1(c)(2).

3           (iii) Except as provided in subparagraphs (i), (ii),  
4       (iv) and (v), if the individual has been convicted or  
5       sentenced by a court or court martial for an offense  
6       listed in section 9795.1(a) or an equivalent offense, the  
7       individual shall be, notwithstanding section 9792,  
8       considered an offender and subject to registration  
9       pursuant to this subchapter. The individual shall also be  
10      subject to the provisions of this section and sections  
11      9796 and 9798.1(c)(2). The individual shall be subject to  
12      this subchapter for a period of ten years or for a period  
13      of time equal to the time for which the individual was  
14      required to register in the other jurisdiction or  
15      required to register by reason of court martial,  
16      whichever is greater, less any credit due to the  
17      individual as a result of prior compliance with  
18      registration requirements.

19           (iv) Except as provided in subparagraph (i) and  
20      notwithstanding subparagraph (v), if the individual is  
21      subject to active notification in the other jurisdiction  
22      or subject to active notification by reason of court  
23      martial, the individual shall, notwithstanding section  
24      9792, be considered an offender and subject to this  
25      section and sections 9796, 9798 and 9798.1(c)(1). If the  
26      individual was convicted of or sentenced in the other  
27      jurisdiction or sentenced by court martial for an offense  
28      listed in section 9795.1(b) or an equivalent offense, the  
29      individual shall be subject to this subchapter for the  
30      individual's lifetime. If the individual was convicted of

1 or sentenced in the other jurisdiction or sentenced by  
2 court martial for an offense listed in section 9795.1(a)  
3 or an equivalent offense, the individual shall be subject  
4 to this subchapter for a period of ten years or for a  
5 period of time equal to the time for which the individual  
6 was required to register in the other jurisdiction or  
7 required to register by reason of court martial,  
8 whichever is greater, less any credit due to the  
9 individual as a result of prior compliance with  
10 registration requirements. Otherwise, the individual  
11 shall be subject to this subchapter for a period of time  
12 equal to the time for which the individual was required  
13 to register in the other jurisdiction or required to  
14 register by reason of court martial, less any credit due  
15 to the individual as a result of prior compliance with  
16 registration requirements.

17 (v) Except as provided in subparagraphs (i), (ii),  
18 (iii) and (iv), if the individual is subject to passive  
19 notification in the other jurisdiction or subject to  
20 passive notification by reason of court martial, the  
21 individual shall, notwithstanding section 9792, be  
22 considered an offender and subject to this section and  
23 sections 9796 and 9798.1(c)(2). The individual shall be  
24 subject to this subchapter for a period of time equal to  
25 the time for which the individual was required to  
26 register in the other jurisdiction or required to  
27 register by reason of court martial, less any credit due  
28 to the individual as a result of prior compliance with  
29 registration requirements.

30 (5) Notwithstanding the provisions of Chapter 63

1 (relating to juvenile matters) and except as provided in  
2 paragraph (4), an individual who resides, is employed or is a  
3 student in this Commonwealth and who is required to register  
4 as a sex offender under the laws of the United States or one  
5 of its territories or possessions, another state, the  
6 District of Columbia, the Commonwealth of Puerto Rico or a  
7 foreign nation as a result of a juvenile adjudication shall  
8 register at an approved registration site within 48 hours of  
9 the individual's arrival in this Commonwealth. The provisions  
10 of this subchapter shall apply to the individual as follows:

11 (i) If the individual has been classified as a  
12 sexually violent predator as defined in section 9792 or  
13 determined under the laws of the other jurisdiction to be  
14 subject to active notification and lifetime registration  
15 on the basis of a statutorily authorized administrative  
16 or judicial decision or on the basis of a statute or  
17 administrative rule requiring active notification and  
18 lifetime registration based solely on the offense for  
19 which the individual was adjudicated, the individual  
20 shall, notwithstanding section 9792, be considered a  
21 sexually violent predator and subject to lifetime  
22 registration pursuant to section 9795.1(b). The  
23 individual shall also be subject to the provisions of  
24 this section and sections 9796 and 9798.1(c)(1), except  
25 that the individual shall not be required to receive  
26 counseling unless required to do so by the other  
27 jurisdiction.

28 (ii) Except as provided in subparagraph (i), if the  
29 individual is subject to active notification in the other  
30 jurisdiction, the individual shall, notwithstanding

1 section 9792, be considered an offender and subject to  
2 registration pursuant to this subchapter. The individual  
3 shall also be subject to the provisions of this section  
4 and sections 9796, 9798 and 9798.1(c)(1). The individual  
5 shall be subject to this subchapter for a period of time  
6 equal to the time for which the individual was required  
7 to register in the other jurisdiction, less any credit  
8 due to the individual as a result of prior compliance  
9 with registration requirements.

10 (iii) Except as provided in subparagraphs (i) and  
11 (ii), if the individual is subject to passive  
12 notification in the other jurisdiction, the individual  
13 shall, notwithstanding section 9792, be considered an  
14 offender and be subject to this section and sections 9796  
15 and 9798.1(c)(2). The individual shall be subject to this  
16 subchapter for a period of time equal to the time for  
17 which the individual was required to register in the  
18 other jurisdiction, less any credit due to the individual  
19 as a result of prior registration compliance.

20 (c) Registration information to local police.--

21 (1) The Pennsylvania State Police shall provide the  
22 information obtained under this section and sections 9795.3  
23 (relating to sentencing court information) and 9796 (relating  
24 to verification of residence) to the chief law enforcement  
25 officers of the police departments of the municipalities in  
26 which the individual will reside, be employed or enrolled as  
27 a student. In addition, the Pennsylvania State Police shall  
28 provide this officer with the address at which the individual  
29 will reside, be employed or enrolled as a student following  
30 his release from incarceration, parole or probation.

1           (2) The Pennsylvania State Police shall provide notice  
2 to the chief law enforcement officers of the police  
3 departments of the municipalities notified pursuant to  
4 paragraph (1) when an individual fails to comply with the  
5 registration requirements of this section or section 9796 and  
6 request, as appropriate, that these police departments assist  
7 in locating and apprehending the individual.

8           (3) The Pennsylvania State Police shall provide notice  
9 to the chief law enforcement officers of the police  
10 departments of the municipalities notified pursuant to  
11 paragraph (1) when they are in receipt of information  
12 indicating that the individual will no longer reside, be  
13 employed or be enrolled as a student in the municipality.

14       (d) Penalty.--An individual subject to registration under  
15 section 9795.1(a) or (b) who fails to register with the  
16 Pennsylvania State Police as required by this section may be  
17 subject to prosecution under 18 Pa.C.S. § 4915 (relating to  
18 failure to comply with registration of sexual offenders  
19 requirements).

20       (e) Registration sites.--An individual subject to section  
21 9795.1 shall register and submit to fingerprinting and  
22 photographing as required by this subchapter at approved  
23 registration sites.

24 § 9795.3. Sentencing court information.

25       The sentencing court shall inform offenders and sexually  
26 violent predators at the time of sentencing of the provisions of  
27 this subchapter. The court shall:

28           (1) Specifically inform the offender or sexually violent  
29 predator of the duty to register and provide the information  
30 required for each registration, including verification as

1 required in section 9796(a) (relating to verification of  
2 residence).

3 (2) Specifically inform the offender or sexually violent  
4 predator of the duty to inform the Pennsylvania State Police  
5 within ten days if the offender or sexually violent predator  
6 changes residence or establishes an additional residence or  
7 residences, changes employer or employment location for a  
8 period of time that will exceed 14 days or for an aggregate  
9 period of time that will exceed 30 days during any calendar  
10 year or terminates employment or changes institution or  
11 location at which the person is enrolled as a student or  
12 terminates enrollment.

13 (2.1) Specifically inform the offender or sexually  
14 violent predator of the duty to inform the Pennsylvania State  
15 Police within ten days of becoming employed or enrolled as a  
16 student if the person has not previously provided that  
17 information to the Pennsylvania State Police.

18 (3) Specifically inform the offender or sexually violent  
19 predator of the duty to register with a new law enforcement  
20 agency if the offender or sexually violent predator moves to  
21 another state no later than ten days after establishing  
22 residence in another state.

23 (4) Order the fingerprints and photograph of the  
24 offender or sexually violent predator to be provided to the  
25 Pennsylvania State Police upon sentencing.

26 (5) Specifically inform the offender or sexually violent  
27 predator of the duty to register with the appropriate  
28 authorities in any state in which the offender or sexually  
29 violent predator is employed, carries on a vocation or is a  
30 student if the state requires such registration.

1           (6) Require the offender or sexually violent predator to  
2 read and sign a form stating that the duty to register under  
3 this subchapter has been explained. Where the offender or  
4 sexually violent predator is incapable of reading, the court  
5 shall certify the duty to register was explained to the  
6 offender or sexually violent predator and the offender or  
7 sexually violent predator indicated an understanding of the  
8 duty.

9   § 9795.4. Assessments.

10       (a) Order for assessment.--After conviction but before  
11 sentencing, a court shall order an individual convicted of an  
12 offense specified in section 9795.1 (relating to registration)  
13 to be assessed by the board. The order for an assessment shall  
14 be sent to the administrative officer of the board within ten  
15 days of the date of conviction.

16       (b) Assessment.--Upon receipt from the court of an order for  
17 an assessment, a member of the board as designated by the  
18 administrative officer of the board shall conduct an assessment  
19 of the individual to determine if the individual should be  
20 classified as a sexually violent predator. The board shall  
21 establish standards for evaluations and for evaluators  
22 conducting the assessments. An assessment shall include, but not  
23 be limited to, an examination of the following:

24           (1) Facts of the current offense, including:

25               (i) Whether the offense involved multiple victims.

26               (ii) Whether the individual exceeded the means  
27 necessary to achieve the offense.

28               (iii) The nature of the sexual contact with the  
29 victim.

30               (iv) Relationship of the individual to the victim.



1 (v) Age of the victim.

2 (vi) Whether the offense included a display of  
3 unusual cruelty by the individual during the commission  
4 of the crime.

5 (vii) The mental capacity of the victim.

6 (2) Prior offense history, including:

7 (i) The individual's prior criminal record.

8 (ii) Whether the individual completed any prior  
9 sentences.

10 (iii) Whether the individual participated in  
11 available programs for sexual offenders.

12 (3) Characteristics of the individual, including:

13 (i) Age of the individual.

14 (ii) Use of illegal drugs by the individual.

15 (iii) Any mental illness, mental disability or  
16 mental abnormality.

17 (iv) Behavioral characteristics that contribute to  
18 the individual's conduct.

19 (4) Factors that are supported in a sexual offender  
20 assessment field as criteria reasonably related to the risk  
21 of reoffense.

22 (c) Release of information.--All State, county and local  
23 agencies, offices or entities in this Commonwealth, including  
24 juvenile probation officers, shall cooperate by providing copies  
25 of records and information as requested by the board in  
26 connection with the court-ordered assessment and the assessment  
27 requested by the Pennsylvania Board of Probation and Parole or  
28 the assessment of a delinquent child under section 6358  
29 (relating to assessment of delinquent children by the State  
30 Sexual Offenders Assessment Board).

1 (d) Submission of report by board.--The board shall have 90  
2 days from the date of conviction of the individual to submit a  
3 written report containing its assessment to the district  
4 attorney.

5 (d.1) Summary of offense.--The board shall prepare a  
6 description of the offense or offenses which trigger the  
7 application of this subchapter to include, but not be limited  
8 to:

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

10 (2) Whether the victim was a minor.

11 (3) The manner of weapon or physical force used or  
12 threatened.

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

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

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

21 (e) Hearing.--

22 (1) A hearing to determine whether the individual is a  
23 sexually violent predator shall be scheduled upon the  
24 praecipe filed by the district attorney. The district  
25 attorney upon filing a praecipe shall serve a copy of same  
26 upon defense counsel together with a copy of the report of  
27 the board.

28 (2) The individual and district attorney shall be given  
29 notice of the hearing and an opportunity to be heard, the  
30 right to call witnesses, the right to call expert witnesses

1 and the right to cross-examine witnesses. In addition, the  
2 individual shall have the right to counsel and to have a  
3 lawyer appointed to represent him if he cannot afford one. If  
4 the individual requests another expert assessment, the  
5 individual shall provide a copy of the expert assessment to  
6 the district attorney prior to the hearing.

7 (3) At the hearing prior to sentencing, the court shall  
8 determine whether the Commonwealth has proved by clear and  
9 convincing evidence that the individual is a sexually violent  
10 predator.

11 (4) A copy of the order containing the determination of  
12 the court shall be immediately submitted to the individual,  
13 the district attorney, the Pennsylvania Board of Probation  
14 and Parole, the Department of Corrections, the board and the  
15 Pennsylvania State Police.

16 (f) Presentence investigation.--In all cases where the board  
17 has performed an assessment pursuant to this section, copies of  
18 the report shall be provided to the agency preparing the  
19 presentence investigation.

20 (g) Parole assessment.--The Pennsylvania Board of Probation  
21 and Parole may request of the board an assessment of an offender  
22 or sexually violent predator be conducted and provide a report  
23 to the Pennsylvania Board of Probation and Parole prior to  
24 considering an offender or sexually violent predator for parole.

25 (h) Delinquent children.--Except where section 6358(b.1)  
26 (relating to assessment of delinquent children by the State  
27 Sexual Offenders Assessment Board) is applicable, the probation  
28 officer shall notify the board 90 days prior to the 20th  
29 birthday of the child of the status of the delinquent child who  
30 is committed to an institution or other facility pursuant to

1 section 6352 (relating to disposition of delinquent child) after  
2 having been found delinquent for an act of sexual violence which  
3 if committed by an adult would be a violation of 18 Pa.C.S. §  
4 3121 (relating to rape), 3123 (relating to involuntary deviate  
5 sexual intercourse), 3124.1 (relating to sexual assault), 3125  
6 (relating to aggravated indecent assault), 3126 (relating to  
7 indecent assault) or 4302 (relating to incest), together with  
8 the location of the facility where the child is committed. The  
9 board shall conduct an assessment of the child, which shall  
10 include the board's determination of whether or not the child is  
11 in need of commitment due to a mental abnormality as defined in  
12 section 6402 (relating to definitions) or a personality  
13 disorder, either of which results in serious difficulty in  
14 controlling sexually violent behavior, and provide a report to  
15 the court within the time frames set forth in section 6358(c).  
16 The probation officer shall assist the board in obtaining access  
17 to the child and any records or information as requested by the  
18 board in connection with the assessment. The assessment shall be  
19 conducted pursuant to subsection (b).

20 (i) Other assessments.--Upon receipt from the court of an  
21 order for an assessment under section 9795.5 (relating to  
22 exemption from certain notification), a member of the board as  
23 designated by the administrative officer of the board shall  
24 conduct an assessment of the individual to determine if the  
25 relief sought, if granted, is likely to pose a threat to the  
26 safety of any other person. The board shall establish standards  
27 for evaluations and for evaluators conducting these assessments.  
28 § 9795.5. Exemption from certain notifications.

29 (a) Lifetime registrants not classified as sexually violent  
30 predators.--

1           (1) An individual required to register under section  
2   9795.1 (relating to registration) who is not a sexually  
3   violent predator may petition the sentencing court to be  
4   exempt from the application of section 9798.1 (relating to  
5   information made available on the Internet) provided no less  
6   than 20 years have passed since the individual has been  
7   convicted in this or any other jurisdiction of any offense  
8   punishable by imprisonment for more than one year, or the  
9   individual's release from custody following the individual's  
10  most recent conviction for any such offense, whichever is  
11  later.

12           (2) Upon receipt of a petition filed under paragraph  
13   (1), the sentencing court shall enter an order directing that  
14   the petitioner be assessed by the board in accordance with  
15   the provisions of section 9795.4(i) (relating to  
16   assessments). The order for an assessment under this  
17   subsection shall be sent to the administrative officer of the  
18   board within ten days of its entry. No later than 90 days  
19   following receipt of such an order, the board shall submit a  
20   written report containing its assessment to the sentencing  
21   court, the district attorney and the attorney for the  
22   petitioner.

23           (3) Within 120 days of the filing of a petition under  
24   paragraph (1), the sentencing court shall hold a hearing to  
25   determine whether to exempt the petitioner from the  
26   application of section 9798.1. The petitioner and the  
27   district attorney shall be given notice of the hearing and an  
28   opportunity to be heard, the right to call witnesses, the  
29   right to call expert witnesses and the right to cross-examine  
30   witnesses. The petitioner shall have the right to counsel and

1 to have a lawyer appointed to represent him if he cannot  
2 afford one.

3 (4) The sentencing court shall exempt the petitioner  
4 from application of section 9798.1 only upon finding by clear  
5 and convincing evidence that exempting the petitioner from  
6 the application of section 9798.1 is not likely to pose a  
7 threat to the safety of any other person.

8 (b) Sexually violent predators.--

9 (1) An individual required to register under section  
10 9795.1 who is a sexually violent predator may petition the  
11 sentencing court for release from the application of section  
12 9798 (relating to other notification) provided no less than  
13 20 years have passed since the individual has been convicted  
14 in this or any other jurisdiction of any offense punishable  
15 by imprisonment for more than one year, or the individual's  
16 release from custody following the individual's most recent  
17 conviction for any such offense, whichever is later.

18 (2) Upon receipt of a petition under paragraph (1), the  
19 sentencing court shall order the petitioner to be assessed by  
20 the board in accordance with the provisions of section  
21 9795.4(i). The order for an assessment pursuant to this  
22 subsection shall be sent to the administrative officer of the  
23 board within ten days of its entry. No later than 90 days  
24 following receipt of such an order, the board shall submit a  
25 written report containing its assessment to the sentencing  
26 court, the district attorney and the attorney for the  
27 petitioner.

28 (3) Within 120 days of the filing of a petition under  
29 paragraph (1), the sentencing court shall hold a hearing to  
30 determine whether to exempt the petitioner from application

1 of section 9798. The petitioner and the district attorney  
2 shall be given notice of the hearing and an opportunity to be  
3 heard, the right to call witnesses, the right to call expert  
4 witnesses and the right to cross-examine witnesses. The  
5 petitioner shall have the right to counsel and to have a  
6 lawyer appointed to represent him if he cannot afford one.

7 (4) The sentencing court shall exempt the petitioner  
8 from application of section 9798 only upon clear and  
9 convincing evidence that releasing the petitioner from  
10 application of section 9798 is not likely to pose a threat to  
11 the safety of any other person.

12 (c) Notice.--Any court granting relief to a petitioner under  
13 this section shall notify the Pennsylvania State Police in  
14 writing within ten days from the date such relief is granted.

15 (d) Right to appeal.--The petitioner and the Commonwealth  
16 shall have the right to appellate review of the actions of the  
17 sentencing court taken under this section. An appeal by the  
18 Commonwealth shall stay the order of the sentencing court.

19 (e) Subsequent conviction for failing to comply.--If an  
20 individual is exempt from the application of either section 9798  
21 or 9798.1 under this section and the individual is subsequently  
22 convicted of an offense under 18 Pa.C.S. § 4915 (relating to  
23 failure to comply with registration of sexual offenders  
24 requirements), any relief granted under this section shall be  
25 void, and the individual shall automatically and immediately  
26 again be subject to all applicable provisions of this  
27 subchapter, as previously determined by this subchapter.

28 § 9796. Verification of residence.

29 (a) Quarterly verification by sexually violent predators.--  
30 The Pennsylvania State Police shall verify the residence and

1 compliance with counseling as provided for in section 9799.4  
2 (relating to counseling of sexually violent predators) of  
3 sexually violent predators every 90 days through the use of a  
4 nonforwardable verification form to the last reported residence.  
5 For the period of registration required by section 9795.1  
6 (relating to registration), a sexually violent predator shall  
7 appear quarterly between January 5 and January 15, April 5 and  
8 April 15, July 5 and July 15 and October 5 and October 15 of  
9 each calendar year at an approved registration site to complete  
10 a verification form and to be photographed.

11 (a.1) Facilitation of quarterly verification.--The  
12 Pennsylvania State Police shall facilitate and administer the  
13 verification process required by subsection (a) by:

14 (1) sending a notice by first class United States mail  
15 to all registered sexually violent predators at their last  
16 reported residence addresses. This notice shall be sent not  
17 more than 30 days nor less than 15 days prior to each of the  
18 quarterly verification periods set forth in subsection (a)  
19 and shall remind sexually violent predators of their  
20 quarterly verification requirement and provide them with a  
21 list of approved registration sites; and

22 (2) providing verification and compliance forms as  
23 necessary to each approved registration site not less than  
24 ten days before each of the quarterly verification periods.

25 (b) Annual verification by offenders.--The Pennsylvania  
26 State Police shall verify the residence of offenders. For the  
27 period of registration required by section 9795.1, an offender  
28 shall appear within ten days before each annual anniversary date  
29 of the offender's initial registration under section 9795.1 at  
30 an approved registration site to complete a verification form



1 and to be photographed.

2 (b.1) Facilitation of annual verification.--The Pennsylvania  
3 State Police shall facilitate and administer the verification  
4 process required by subsection (b) by:

5 (1) sending a notice by first class United States mail  
6 to all registered offenders at their last reported residence  
7 addresses. This notice shall be sent not more than 30 days  
8 nor less than 15 days prior to each offender's annual  
9 anniversary date and shall remind the offender of the annual  
10 verification requirement and provide the offender with a list  
11 of approved registration sites; and

12 (2) providing verification and compliance forms as  
13 necessary to each approved registration site.

14 (c) Notification of law enforcement agencies of change of  
15 residence.--A change of residence of an offender or sexually  
16 violent predator required to register under this subchapter  
17 reported to the Pennsylvania State Police shall be immediately  
18 reported by the Pennsylvania State Police to the appropriate law  
19 enforcement agency having jurisdiction of the offender's or the  
20 sexually violent predator's new place of residence. The  
21 Pennsylvania State Police shall, if the offender or sexually  
22 violent predator changes residence to another state, notify the  
23 law enforcement agency with which the offender or sexually  
24 violent predator must register in the new state.

25 (d) Failure to provide verification.--Where an offender or  
26 sexually violent predator fails to provide verification of  
27 residence within the ten-day period as set forth in this  
28 section, the Pennsylvania State Police shall immediately notify  
29 the municipal police department of the offender's or the  
30 sexually violent predator's last verified residence. The local

1 municipal police shall locate the offender or sexually violent  
2 predator and arrest him for violating this section. The  
3 Pennsylvania State Police shall assume responsibility for  
4 locating the offender or sexually violent predator and arresting  
5 him in jurisdictions where no municipal police jurisdiction  
6 exists. The Pennsylvania State Police shall assist any municipal  
7 police department requesting assistance with locating and  
8 arresting an offender or sexually violent predator who fails to  
9 verify his residence.

10 (e) Penalty.--An individual subject to registration under  
11 section 9795.1(a) or (b) who fails to verify his residence or to  
12 be photographed as required by this section may be subject to  
13 prosecution under 18 Pa.C.S. § 4915 (relating to failure to  
14 comply with registration of sexual offenders requirements).

15 (f) Effect of notice.--Neither failure on the part of the  
16 Pennsylvania State Police to send nor failure of a sexually  
17 violent predator or offender to receive any notice or  
18 information under subsection (a.1) or (b.1) shall relieve that  
19 predator or offender from the requirements of this subchapter.

20 § 9797. Victim notification.

21 (a) Duty to inform victim.--

22 (1) Where the individual is determined to be a sexually  
23 violent predator by a court under section 9795.4 (relating to  
24 assessments), the local municipal police department or the  
25 Pennsylvania State Police where no municipal police  
26 jurisdiction exists shall give written notice to the sexually  
27 violent predator's victim when the sexually violent predator  
28 registers initially and when he notifies the Pennsylvania  
29 State Police of any change of residence. This notice shall be  
30 given within 72 hours after the sexually violent predator

1 registers or notifies the Pennsylvania State Police of a  
2 change of address. The notice shall contain the sexually  
3 violent predator's name and the address or addresses where he  
4 resides.

5 (2) A victim may terminate the duty to inform set forth  
6 in paragraph (1) by providing the local municipal police  
7 department or the Pennsylvania State Police where no local  
8 municipal police department exists with a written statement  
9 releasing that agency from the duty to comply with this  
10 section as it pertains to that victim.

11 (b) Where an individual is not determined to be a sexually  
12 violent predator.--Where an individual is not determined to be a  
13 sexually violent predator by a court under section 9795.4, the  
14 victim shall be notified in accordance with section 201 of the  
15 act of November 24, 1998 (P.L.882, No.111), known as the Crime  
16 Victims Act.

17 § 9798. Other notification.

18 (a) Notice by municipality's chief law enforcement  
19 officer.--Notwithstanding any of the provisions of 18 Pa.C.S.  
20 Ch. 91 (relating to criminal history record information), the  
21 chief law enforcement officer of the full-time or part-time  
22 police department of the municipality where a sexually violent  
23 predator lives shall be responsible for providing written notice  
24 as required under this section.

25 (1) The notice shall contain:

26 (i) The name of the convicted sexually violent  
27 predator.

28 (ii) The address or addresses at which he resides.

29 (iii) The offense for which he was convicted,  
30 sentenced by a court, adjudicated delinquent or

1 courtmartialed.

2 (iv) A statement that he has been determined by  
3 court order to be a sexually violent predator, which  
4 determination has or has not been terminated as of a date  
5 certain.

6 (v) A photograph of the sexually violent predator,  
7 if available.

8 (2) The notice shall not include any information that  
9 might reveal the victim's name, identity and residence.

10 (b) To whom written notice is provided.--The chief law  
11 enforcement officer shall provide written notice, under  
12 subsection (a), to the following persons:

13 (1) Neighbors of the sexually violent predator. As used  
14 in this paragraph, where the sexually violent predator lives  
15 in a common interest community, the term "neighbor" includes  
16 the unit owners' association and residents of the common  
17 interest community.

18 (2) The director of the county children and youth  
19 service agency of the county where the sexually violent  
20 predator resides.

21 (3) The superintendent of each school district and the  
22 equivalent official for private and parochial schools  
23 enrolling students up through grade 12 in the municipality  
24 where the sexually violent predator resides.

25 (3.1) The superintendent of each school district and the  
26 equivalent official for each private and parochial school  
27 located within a one-mile radius of where the sexually  
28 violent predator resides.

29 (4) The licensee of each certified day care center and  
30 licensed preschool program and owner/operator of each

1 registered family day care home in the municipality where the  
2 sexually violent predator resides.

3 (5) The president of each college, university and  
4 community college located within 1,000 feet of a sexually  
5 violent predator's residence.

6 (c) Urgency of notification.--The municipal police  
7 department's chief law enforcement officer shall provide notice  
8 within the following time frames:

9 (1) To neighbors, notice shall be provided within five  
10 days after information of the sexually violent predator's  
11 release date and residence has been received by the chief law  
12 enforcement officer. Notwithstanding the provisions of  
13 subsections (a) and (b), verbal notification may be used if  
14 written notification would delay meeting this time  
15 requirement.

16 (2) To the persons specified in subsection (b) (2), (3),  
17 (4) and (5), notice shall be provided within seven days after  
18 the chief law enforcement officer receives information  
19 regarding the sexually violent predator's release date and  
20 residence.

21 (d) Public notice.--All information provided in accordance  
22 with subsection (a) shall be available, upon request, to the  
23 general public. The information may be provided by electronic  
24 means.

25 (e) Interstate transfers.--The duties of police departments  
26 under this section shall also apply to individuals who are  
27 transferred to this Commonwealth pursuant to the Interstate  
28 Compact for the Supervision of Adult Offenders or the Interstate  
29 Compact for Juveniles.

30 § 9798.1. Information made available on the Internet.

1 (a) Legislative findings.--It is hereby declared to be the  
2 finding of the General Assembly that public safety will be  
3 enhanced by making information about sexually violent predators,  
4 lifetime registrants and other sex offenders available to the  
5 public through the Internet. Knowledge of whether a person is a  
6 sexually violent predator, lifetime registrant or other sex  
7 offender could be a significant factor in protecting oneself and  
8 one's family members, or those in care of a group or community  
9 organization, from recidivist acts by sexually violent  
10 predators, lifetime registrants and other sex offenders. The  
11 technology afforded by the Internet would make this information  
12 readily accessible to parents and private entities, enabling  
13 them to undertake appropriate remedial precautions to prevent or  
14 avoid placing potential victims at risk. Public access to  
15 information about sexually violent predators, lifetime  
16 registrants and other sex offenders is intended solely as a  
17 means of public protection and shall not be construed as  
18 punitive.

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

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

30 (2) Ensure that the Internet website contains warnings

1       that any person who uses the information contained therein to  
2       threaten, intimidate or harass another or who otherwise  
3       misuses that information may be criminally prosecuted.

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

13      (4) Strive to ensure that:

14          (i) the information contained on the Internet  
15          website is accurate;

16          (ii) the data therein is revised and updated as  
17          appropriate in a timely and efficient manner; and

18          (iii) instructions are included on how to seek  
19          correction of information which a person contends is  
20          erroneous.

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

28      (6) Identify when the victim is a minor with a special  
29      designation. The identity of a victim of a sex offense shall  
30      not be published or posted on the Internet website.

1 (c) Information permitted to be disclosed regarding  
2 individuals.--Notwithstanding 18 Pa.C.S. Ch. 91 (relating to  
3 criminal history record information), the Internet website shall  
4 contain the following information on each individual:

5 (1) For sexually violent predators, the following  
6 information shall be posted on the Internet website:

7 (i) name and all known aliases;

8 (ii) year of birth;

9 (iii) the street address, municipality, county and  
10 zip code of all residences, including, where applicable,  
11 the name of the prison or other place of confinement;

12 (iv) the street address, municipality, county, zip  
13 code and name of any institution or location at which the  
14 person is enrolled as a student;

15 (v) the municipality, county and zip code of any  
16 employment location;

17 (vi) a photograph of the offender, which shall be  
18 updated not less than annually;

19 (vii) a physical description of the offender,  
20 including sex, height, weight, eye color, hair color and  
21 race;

22 (viii) any identifying marks, including scars,  
23 birthmarks and tattoos;

24 (ix) the license plate number and description of any  
25 vehicle owned or registered to the offender;

26 (x) whether the offender is currently compliant with  
27 registration requirements;

28 (xi) whether the victim is a minor;

29 (xii) a description of the offense or offenses which  
30 triggered the application of this subchapter; and



(xiii) the date of the offense and conviction, if available.

(2) For all other lifetime registrants and offenders subject to registration, the information set forth in paragraph (1) shall be posted on the Internet website.

(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).

§ 9798.2. Administration.

The Governor shall direct the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the State Sexual Offenders Assessment Board, the Department of Corrections, the Department of Transportation and any other agency of this Commonwealth the Governor deems necessary to collaboratively design, develop and implement an integrated and secure system of communication, storage and retrieval of information to assure the timely, accurate and efficient administration of this subchapter.

1 § 9798.3. Global positioning system technology.

2 The Pennsylvania Board of Probation and Parole and county  
3 probation authorities may impose supervision conditions that  
4 include offender tracking through global positioning system  
5 technology.

6 § 9799. Immunity for good faith conduct.

7 The following entities shall be immune from liability for  
8 good faith conduct under this subchapter:

9 (1) The Pennsylvania State Police and local law  
10 enforcement agencies and employees of law enforcement  
11 agencies.

12 (2) District attorneys and their agents and employees.

13 (3) Superintendents, administrators, teachers, employees  
14 and volunteers engaged in the supervision of children of any  
15 public, private or parochial school.

16 (4) Directors and employees of county children and youth  
17 agencies.

18 (5) Presidents or similar officers of universities and  
19 colleges, including community colleges.

20 (6) The Pennsylvania Board of Probation and Parole and  
21 its agents and employees.

22 (7) County probation and parole offices and their agents  
23 and employees.

24 (8) Licensees of certified day care centers and  
25 directors of licensed preschool programs and owners/operators  
26 of registered family day care homes, and their agents and  
27 employees.

28 (9) The Pennsylvania Department of Corrections and its  
29 agents and employees.

30 (10) County correctional facilities and their agents and

employees.

(11) Members of the Sexual Offenders Assessment Board and its agents and employees.

(12) The unit owners' association of a common interest community and its agents and employees as it relates to distributing information regarding sexually violent predators obtained pursuant to section 9798(b)(1) (relating to other notification).

§ 9799.1. Duties of Pennsylvania State Police.

The Pennsylvania State Police shall:

(1) Create and maintain a State registry of offenders and sexually violent predators.

(2) In consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole and the chairman and the minority chairman of the Judiciary Committee of the Senate and the chairman and the minority chairman of the Judiciary Committee of the House of Representatives, promulgate guidelines necessary for the general administration of this subchapter. These guidelines shall establish procedures to allow an individual subject to the requirements of sections 9795.1 (relating to registration) and 9796 (relating to verification of residence) to fulfill these requirements at approved registration sites throughout this Commonwealth. The Pennsylvania State Police shall publish a list of approved registration sites in the Pennsylvania Bulletin and provide a list of approved registration sites in any notices sent to individuals required to register under section 9795.1. An approved registration site shall be capable of submitting fingerprints, photographs and any other information required

1 electronically to the Pennsylvania State Police. The  
2 Pennsylvania State Police shall require that approved  
3 registration sites submit fingerprints utilizing the  
4 Integrated Automated Fingerprint Identification System or in  
5 another manner and in such form as the Pennsylvania State  
6 Police shall require. The Pennsylvania State Police shall  
7 require that approved registration sites submit photographs  
8 utilizing the Commonwealth Photo Imaging Network or in  
9 another manner and in such form as the Pennsylvania State  
10 Police shall require. Approved registration sites shall not  
11 be limited to sites managed by the Pennsylvania State Police  
12 and shall include sites managed by local law enforcement  
13 agencies that meet the criteria for approved registration  
14 sites set forth in this paragraph.

15 (3) Write regulations regarding neighbor notification of  
16 the current residence of sexually violent predators.

17 (4) Notify, within five days of receiving the offender's  
18 or the sexually violent predator's registration, the chief  
19 law enforcement officers of the police departments having  
20 primary jurisdiction of the municipalities in which an  
21 offender or sexually violent predator resides, is employed or  
22 enrolled as a student of the fact that the offender or  
23 sexually violent predator has been registered with the  
24 Pennsylvania State Police pursuant to sections 9795.2  
25 (relating to registration procedures and applicability) and  
26 9796 (relating to verification of residence).

27 (5) In consultation with the Department of Education and  
28 the Pennsylvania Board of Probation and Parole, promulgate  
29 guidelines directing licensed day-care centers, licensed  
30 preschool programs, schools, universities and colleges,

1 including community colleges, on the proper use and  
2 administration of information received under section 9798  
3 (relating to other notification).

4 (6) Immediately transfer the information received from  
5 the Pennsylvania Board of Probation and Parole under section  
6 9799.2(2) and (3) (relating to duties of Pennsylvania Board  
7 of Probation and Parole) and the fingerprints of a sexually  
8 violent predator to the Federal Bureau of Investigation.

9 § 9799.2. Duties of Pennsylvania Board of Probation and Parole.

10 The Pennsylvania Board of Probation and Parole shall:

11 (1) Create a notification form which will inform State  
12 and county prison and probation and parole personnel how to  
13 inform offenders and sexually violent predators required to  
14 register under this subchapter of their duty under the law.

15 (2) In cooperation with the Department of Corrections  
16 and other Commonwealth agencies, obtain the following  
17 information regarding offenders and sexually violent  
18 predators:

19 (i) Name, including any aliases.

20 (ii) Identifying factors.

21 (iii) Anticipated future residence.

22 (iv) Offense history.

23 (v) Documentation of any treatment received for the  
24 mental abnormality or personality disorder.

25 (vi) Photograph of the offender or sexually violent  
26 predator.

27 (3) Immediately transmit the information in paragraph  
28 (2) to the Pennsylvania State Police for immediate entry into  
29 the State registry of offenders and sexually violent  
30 predators and the criminal history record of the individual

as provided in 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

(4) Apply for Federal funding as provided in the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587) to support and enhance programming using satellite global positioning system technology.

§ 9799.3. Board.

(a) Composition.--The State Sexual Offenders Assessment Board shall be composed of psychiatrists, psychologists and criminal justice experts, each of whom is an expert in the field of the behavior and treatment of sexual offenders.

(b) Appointment.--The Governor shall appoint the board members.

(c) Term of office.--Members of the board shall serve four-year terms.

(d) Compensation.--The members of the board shall be compensated at a rate of \$350 per assessment and receive reimbursement for their actual and necessary expenses while performing the business of the board. The chairman shall receive \$500 additional compensation per annum.

(e) Staff.--Support staff for the board shall be provided by the Pennsylvania Board of Probation and Parole.

§ 9799.4. Counseling of sexually violent predators.

For the period of registration required by section 9795.1(b) (relating to registration), a sexually violent predator shall be required to attend at least monthly counseling sessions in a program approved by the board and be financially responsible for all fees assessed from such counseling sessions. The board shall monitor the compliance of the sexually violent predator. If the sexually violent predator can prove to the satisfaction of the

1 court that the person cannot afford to pay for the counseling  
2 sessions, that person shall still attend the counseling sessions  
3 and the parole office shall pay the requisite fees.

4 § 9799.7. Exemption from notification for certain licensees and  
5 their employees.

6 Nothing in this subchapter shall be construed as imposing a  
7 duty upon a person licensed under the act of February 19, 1980  
8 (P.L.15, No.9), known as the Real Estate Licensing and  
9 Registration Act, or an employee thereof to disclose any  
10 information regarding:

11 (1) a sexually violent predator; or

12 (2) an individual who is transferred to this  
13 Commonwealth pursuant to the Interstate Compact for the  
14 Supervision of Adult Offenders or the Interstate Compact for  
15 Juveniles.

16 § 9799.8. Annual performance audit.

17 (a) Duties of the Attorney General.--The Attorney General  
18 shall:

19 (1) Conduct a performance audit annually to determine  
20 compliance with the requirements of this subchapter and any  
21 guidelines promulgated pursuant thereto. The audit shall, at  
22 a minimum, include a review of the practices, procedures and  
23 records of the Pennsylvania State Police, the Pennsylvania  
24 Board of Probation and Parole, the Department of Corrections,  
25 the State Sexual Offenders Assessment Board, the  
26 Administrative Office of the Pennsylvania Courts and any  
27 other State or local agency the Attorney General deems  
28 necessary in order to conduct a thorough and accurate  
29 performance audit.

30 (2) Prepare an annual report of its findings and any

1 action it recommends be taken by the Pennsylvania State  
2 Police, the Pennsylvania Board of Probation and Parole, the  
3 Department of Corrections, the State Sexual Offenders  
4 Assessment Board, the Administrative Office of the  
5 Pennsylvania Courts, other State or local agencies and the  
6 General Assembly to ensure compliance with this subchapter.  
7 The first report shall be released to the general public not  
8 less than 18 months following the effective date of this  
9 section.

10 (3) Provide a copy of its report to the Pennsylvania  
11 State Police, the Pennsylvania Board of Probation and Parole,  
12 the Department of Corrections, the State Sexual Offenders  
13 Assessment Board, the Administrative Office of the  
14 Pennsylvania Courts, State or local agencies referenced  
15 therein, the chairman and the minority chairman of the  
16 Judiciary Committee of the Senate and the chairman and the  
17 minority chairman of the Judiciary Committee of the House of  
18 Representatives no less than 30 days prior to its release to  
19 the general public.

20 (b) Cooperation required.--Notwithstanding any other  
21 provision of law to the contrary, the Pennsylvania State Police,  
22 the Pennsylvania Board of Probation and Parole, the Department  
23 of Corrections, the State Sexual Offenders Assessment Board, the  
24 Administrative Office of the Pennsylvania Courts, the  
25 Pennsylvania Commission on Sentencing and any other State or  
26 local agency requested to do so shall fully cooperate with the  
27 Attorney General and assist the office in satisfying the  
28 requirements of this section. For purposes of this subsection,  
29 full cooperation shall include, at a minimum, complete access to  
30 unredacted records, files, reports and data systems.



1 § 9799.9. Photographs and fingerprinting.

2 An individual subject to section 9795.1 (relating to  
3 registration) shall submit to fingerprinting and photographing  
4 as required by this subchapter at approved registration sites.  
5 Fingerprinting as required by this subchapter shall, at a  
6 minimum, require submission of a full set of fingerprints.  
7 Photographing as required by this subchapter shall, at a  
8 minimum, require submission to photographs of the face and any  
9 scars, marks, tattoos or other unique features of the  
10 individual. Fingerprints and photographs obtained under this  
11 subchapter may be maintained for use under this subchapter and  
12 for general law enforcement purposes.]

13 Section 8. Title 42 is amended by adding sections to read:

14 § 9799.10. Purposes of subchapter.

15 This subchapter shall be interpreted and construed to  
16 effectuate the following purposes:

17 (1) To bring the Commonwealth into substantial  
18 compliance with the Adam Walsh Child Protection and Safety  
19 Act of 2006 (Public Law 109-248, 120 Stat. 597).

20 (2) To require individuals convicted of certain sexual  
21 offenses to register with the Pennsylvania State Police and  
22 to otherwise comply with this subchapter if those individuals  
23 reside within this Commonwealth, intend to reside within this  
24 Commonwealth, attend an educational institution within this  
25 Commonwealth or are employed or conduct volunteer work within  
26 this Commonwealth.

27 (3) To require individuals convicted of certain sexual  
28 offenses who fail to maintain a residence and are therefore  
29 homeless but can still be found within the borders of this  
30 Commonwealth to register with the Pennsylvania State Police.

1       (4) To require individuals who are currently subject to  
2 the criminal justice system of this Commonwealth as inmates,  
3 supervised with respect to probation or parole or registrants  
4 under this subchapter to register with the Pennsylvania State  
5 Police and to otherwise comply with this subchapter. To the  
6 extent practicable and consistent with the requirements of  
7 the Adam Walsh Child Protection and Safety Act of 2006, this  
8 subchapter shall be construed to maintain existing procedures  
9 regarding registration of sexual offenders who are subject to  
10 the criminal justice system of this Commonwealth.

11       (5) To provide a mechanism for members of the general  
12 public to obtain information about certain sexual offenders  
13 from a public Internet website and to include on that  
14 Internet website a feature which will allow a member of the  
15 public to enter a zip code or a geographic radius and  
16 determine whether a sexual offender resides within that zip  
17 code or radius.

18       (6) To provide a mechanism for law enforcement entities  
19 within this Commonwealth to obtain information about certain  
20 sexual offenders and to allow law enforcement entities  
21 outside this Commonwealth, including those within the Federal  
22 Government, to obtain current information about certain  
23 sexual offenders.

24 § 9799.11. Legislative findings and declaration of policy.

25       (a) Legislative findings.--The General Assembly finds as  
26 follows:

27       (1) In 1995 the General Assembly enacted the act of  
28 October 24, 1995 (1st Sp.Sess. P.L.1079, No.24), commonly  
29 referred to as Megan's Law. Through this enactment, the  
30 General Assembly intended to comply with legislation enacted

1 by Congress requiring that states provide for the  
2 registration of sexual offenders. The Federal statute, the  
3 Jacob Wetterling Crimes Against Children and Sexually Violent  
4 Offender Registration Act (Public Law 103-322, 42 U.S.C.  
5 14071 et seq.), has been superseded by the Adam Walsh Child  
6 Protection and Safety Act of 2006 (Public Law 109-248, 120  
7 Stat. 597).

8 (2) This Commonwealth's laws regarding registration of  
9 sexual offenders need to be strengthened. The Adam Walsh  
10 Child Protection and Safety Act of 2006 provides a mechanism  
11 for the Commonwealth to increase its regulation of sexual  
12 offenders in a manner which is nonpunitive but offers an  
13 increased measure of protection to the citizens of this  
14 Commonwealth.

15 (3) If the public is provided adequate notice and  
16 information about sexual offenders, the community can develop  
17 constructive plans to prepare for the presence of sexual  
18 offenders in the community. This allows communities to meet  
19 with law enforcement to prepare and obtain information about  
20 the rights and responsibilities of the community and to  
21 provide education and counseling to residents, particularly  
22 children.

23 (4) Sexual offenders pose a high risk of committing  
24 additional sexual offenses, and protection of the public from  
25 this type of offender is a paramount governmental interest.

26 (5) Sexual offenders have a reduced expectation of  
27 privacy because of the public's interest in public safety and  
28 in the effective operation of government.

29 (6) Release of information about sexual offenders to  
30 public agencies and the general public will further the

1 governmental interests of public safety and public scrutiny  
2 of the criminal and mental health systems so long as the  
3 information released is rationally related to the furtherance  
4 of those goals.

5 (7) Knowledge of whether a person is a sexual offender  
6 could be a significant factor in protecting oneself and one's  
7 family members, or those in care of a group or community  
8 organization, from recidivist acts by such offenders.

9 (8) The technology afforded by the Internet and other  
10 modern electronic communication methods makes this  
11 information readily accessible to parents, minors and private  
12 entities, enabling them to undertake appropriate remedial  
13 precautions to prevent or avoid placing potential victims at  
14 risk.

15 (b) Declaration of policy.--The General Assembly declares as  
16 follows:

17 (1) It is the intention of the General Assembly to  
18 substantially comply with the Adam Walsh Child Protection and  
19 Safety Act of 2006 and to further protect the safety and  
20 general welfare of the citizens of this Commonwealth by  
21 providing for increased regulation of sexual offenders,  
22 specifically as that regulation relates to registration of  
23 sexual offenders and community notification about sexual  
24 offenders.

25 (2) It is the policy of the Commonwealth to require the  
26 exchange of relevant information about sexual offenders among  
27 public agencies and officials and to authorize the release of  
28 necessary and relevant information about sexual offenders to  
29 members of the general public as a means of assuring public  
30 protection and shall not be construed as punitive.

1 § 9799.12. Definitions.

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

5 "Approved registration site." A site in this Commonwealth  
6 approved by the Pennsylvania State Police:

7 (1) at which individuals subject to this subchapter may  
8 register, update and verify information or be fingerprinted  
9 and photographed as required by this subchapter;

10 (2) which is capable of submitting fingerprints  
11 utilizing the Integrated Automated Fingerprint Identification  
12 System or in another manner and in the form as the  
13 Pennsylvania State Police shall require; and

14 (3) which is capable of submitting photographs in the  
15 form as the Pennsylvania State Police shall require.

16 "Board." The State Sexual Offenders Assessment Board.

17 "Common interest community." Includes a cooperative, a  
18 condominium and a planned community where an individual by  
19 virtue of an ownership interest in any portion of real estate is  
20 or may become obligated by covenant, easement or agreement  
21 imposed upon the owner's interest to pay any amount for real  
22 property taxes, insurance, maintenance, repair, improvement,  
23 management, administration or regulation of any part of the real  
24 estate other than the portion or interest owned solely by the  
25 individual.

26 "Convicted." Includes conviction by entry of plea of guilty  
27 or nolo contendere, conviction after trial and a finding of not  
28 guilty due to insanity or of guilty but mentally ill.

29 "Employed." Includes a vocation or employment that is full  
30 time or part time for a period of time exceeding four days

1 during a seven-day period or for an aggregate period of time  
2 exceeding 14 days during any calendar year, whether self-  
3 employed, volunteered, financially compensated, pursuant to a  
4 contract or for the purpose of governmental or educational  
5 benefit.

6 "Foreign country." Includes Canada, the United Kingdom,  
7 Australia, New Zealand and a foreign country where the United  
8 States Department of State in the Country Reports on Human  
9 Rights Practices has concluded that an independent judiciary  
10 enforced the right to a fair trial in that country during the  
11 calendar year in which the individual's conviction occurred.

12 "IAFIS." The Integrated Automated Fingerprint Identification  
13 System.

14 "Integrated Automated Fingerprint Identification System."  
15 The national fingerprint and criminal history system maintained  
16 by the Federal Bureau of Investigation providing automated  
17 fingerprint search capabilities, latent searching capability,  
18 electronic image storage and electronic exchange of fingerprints  
19 and responses.

20 "Jurisdiction." A state, the District of Columbia, the  
21 Commonwealth of Puerto Rico, Guam, American Samoa, the Northern  
22 Mariana Islands, the United States Virgin Islands and a  
23 federally recognized Indian tribe as provided in section 127 of  
24 the Adam Walsh Child Protection and Safety Act of 2006 (Public  
25 Law 109-248, 42 U.S.C. § 16927).

26 "Juvenile offender." One of the following:

27 (1) An individual who was 14 years of age or older at  
28 the time the individual committed an offense which, if  
29 committed by an adult, would be classified as an offense  
30 under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to

1 involuntary deviate sexual intercourse) or 3125 (relating to  
2 aggravated indecent assault) or an attempt, solicitation or  
3 conspiracy to commit an offense under 18 Pa.C.S § 3121, 3123  
4 or 3125 and either:

5 (i) is adjudicated delinquent for such offense on or  
6 after the effective date of this section; or

7 (ii) has been adjudicated delinquent for such  
8 offense and, on the effective date of this section, is  
9 subject to the jurisdiction of the court, including  
10 commitment to an institution or facility set forth in  
11 section 6352(a)(3) (relating to a disposition of  
12 delinquent child).

13 (2) An individual who was 14 years of age or older at  
14 the time the individual committed an offense similar to an  
15 offense under 18 Pa.C.S. § 3121, 3123 or 3125 or an attempt,  
16 solicitation or conspiracy to commit an offense similar to an  
17 offense under 18 Pa.C.S. § 3121, 3123 or 3125 under the laws  
18 of the United States, another jurisdiction or a foreign  
19 country and was adjudicated delinquent for such an offense.  
20 The term does not include a sexually violent delinquent child.

21 "Mental abnormality." A congenital or acquired condition of  
22 a person that affects the emotional or volitional capacity of  
23 the person in a manner that predisposes that person to the  
24 commission of criminal sexual acts to a degree that makes the  
25 person a menace to the health and safety of other persons.

26 "Military offense." An offense specified by the United  
27 States Secretary of Defense under 10 U.S.C. § 951 (relating to  
28 establishment; organization; administration).

29 "Minor." Any individual under 18 years of age.

30 "Municipality." A city, borough, incorporated town or

1 township.

2 "NCIC." The National Crime Information Center.

3 "Penetration." Includes any penetration, however slight, of  
4 the genitals or anus or mouth of another person with a part of  
5 the person's body or a foreign object for any purpose other than  
6 good faith medical, hygienic or law enforcement procedures.

7 "Predatory." An act directed at a stranger or at a person  
8 with whom a relationship has been initiated, established,  
9 maintained or promoted, in whole or in part, in order to  
10 facilitate or support victimization.

11 "Registry." The Statewide Registry of Sexual Offenders  
12 established in section 9799.16(a) (relating to registry).

13 "Residence." A location where an individual resides or is  
14 domiciled or intends to be domiciled for 30 consecutive days or  
15 more during a calendar year. The term includes a residence which  
16 is mobile, including a houseboat, mobile home, trailer or  
17 recreational vehicle.

18 "Sexual offender." An individual required to register under  
19 this subchapter.

20 "Sexually violent delinquent child." As defined in section  
21 6402 (relating to definitions).

22 "Sexually violent offense." An offense specified in section  
23 9799.14 (relating to sexual offenses and tier system) as a Tier  
24 I, Tier II or Tier III sexual offense.

25 "Sexually violent predator." An individual convicted of an  
26 offense specified in:

27 (1) section 9799.14(b) (1), (2), (3), (4), (5), (6), (7),  
28 (8), (9) or (10) (relating to sexual offenses and tier  
29 system) or an attempt, conspiracy or solicitation to commit  
30 any offense under section 9799.14(b) (1), (2), (3), (4), (5),



(6), (7), (8), (9) or (10);

(2) section 9799.14(c)(1), (2), (3), (4), (5) or (6) or  
an attempt, conspiracy or solicitation to commit an offense  
under section 9799.14(c)(1), (2), (3), (4), (5) or (6); or

(3) section 9799.14(d)(1), (2), (3), (4), (5), (6), (7)  
or (8) or an attempt, conspiracy or solicitation to commit an  
offense under section 9799.14(d)(1), (2), (3), (4), (5), (6),  
(7) or (8)

who is determined to be a sexually violent predator under  
section 9799.24 (relating to assessments) due to a mental  
abnormality or personality disorder that makes the individual  
likely to engage in predatory sexually violent offenses. The  
term includes an individual determined to be a sexually violent  
predator where the determination occurred in another  
jurisdiction, a foreign country or by court martial.

"Student." An individual who is enrolled in or attends a  
public or private educational institution within this  
Commonwealth on a full-time or part-time basis, including a  
secondary school, trade or professional institution or  
institution of higher education. The term does not include an  
individual enrolled in an educational institution exclusively  
through the Internet or via correspondence courses.

"Temporary lodging." The specific location, including street  
address, where a sexual offender is staying when away from the  
sexual offender's residence for seven or more days.

"Tier I sexual offense." An offense specified in section  
9799.14(b) (relating to sexual offenses and tier system).

"Tier II sexual offense." An offense specified in section  
9799.14(c) (relating to sexual offenses and tier system).

"Tier III sexual offense." An offense specified in section

1 9799.14(d) (relating to sexual offenses and tier system).

2 "Transient." An individual required to register under this  
3 subchapter who does not have a residence but nevertheless  
4 resides in this Commonwealth in a temporary habitat or other  
5 temporary place of abode or dwelling, including a homeless  
6 shelter or park.

7 § 9799.13. Applicability.

8 The following individuals shall register with the  
9 Pennsylvania State Police as provided in sections 9799.15  
10 (relating to period of registration), 9799.19 (relating to  
11 initial registration) and 9799.25 (relating to verification by  
12 sexual offenders and Pennsylvania State Police) and otherwise  
13 comply with the provisions of this subchapter:

14 (1) An individual who, on or after the effective date of  
15 this section, has been convicted of a sexually violent  
16 offense and who has a residence within this Commonwealth or  
17 is a transient.

18 (2) An individual who, on or after the effective date of  
19 this section, is an inmate in a State or county correctional  
20 institution of this Commonwealth, including a community  
21 corrections center or a community contract facility, is being  
22 supervised by the Pennsylvania Board of Probation and Parole  
23 or county probation or parole or is subject to a sentence of  
24 intermediate punishment and has committed a sexually violent  
25 offense.

26 (3) An individual who is required to register with the  
27 Pennsylvania State Police under this subchapter prior to the  
28 effective date of this section who has not fulfilled the  
29 period of registration as of the effective date of this  
30 section.

1       (4) An individual who was required to register with the  
2 Pennsylvania State Police pursuant to former section 9795.1  
3 and:

4           (i) has fulfilled the period of registration  
5 provided in former section 9795.1(a) (relating to  
6 registration) or has been removed from the registry under  
7 former section 9795.5 (relating to exemption from certain  
8 notifications); and

9           (ii) on or after the effective date of this section,  
10 is convicted of a sexually violent offense or convicted  
11 of an offense graded as a felony.

12       (5) An individual who, on or after the effective date of  
13 this section, was required to register with the Pennsylvania  
14 State Police pursuant to this subchapter and:

15           (i) has fulfilled the period of registration  
16 provided in this subchapter; and

17           (ii) on or after the effective date of this section,  
18 is convicted of a sexually violent offense or convicted  
19 of another offense graded as a felony.

20       (6) An individual who, on or after the effective date of  
21 this section, was required to register with the Pennsylvania  
22 State Police pursuant to this subchapter and:

23           (i) has fulfilled the period of registration  
24 provided in this subchapter or has been removed from the  
25 registry pursuant to section 9799.17 (relating to  
26 reduction of period of registration); and

27           (ii) is subsequently convicted of a sexually violent  
28 offense or subsequently convicted of another offense  
29 graded as a misdemeanor of the second degree or higher or  
30 an offense punishable by more than one year imprisonment.

1       (7) An individual who, on or after the effective date of  
2       this section, is required to register in a sexual offender  
3       registry in another jurisdiction or in a foreign country  
4       based upon a conviction for a sexually violent offense and:

5               (i) has a residence in this Commonwealth or is a  
6       transient;

7               (ii) is employed within this Commonwealth; or

8               (iii) is a student within this Commonwealth.

9       (8) An individual who, on or after the effective date of  
10       this section, is a juvenile offender who was adjudicated  
11       delinquent within this Commonwealth or was adjudicated  
12       delinquent in another jurisdiction or a foreign country and:

13               (i) has a residence within this Commonwealth;

14               (ii) is employed within this Commonwealth; or

15               (iii) is a student within this Commonwealth.

16       (9) An individual who, on or after the effective date of  
17       this section, is a sexually violent delinquent child who is  
18       committed for involuntary treatment or, on the effective date  
19       of this section, is under commitment receiving involuntary  
20       treatment in the State-owned facility or unit as set forth in  
21       Chapter 64 (relating to court-ordered involuntary treatment  
22       of certain sexually violent persons).

23       § 9799.14. Sexual offenses and tier system.

24       (a) Tier system established.--Sexual offenses shall be  
25       classified in a three-tiered system composed of Tier I sexual  
26       offenses, Tier II sexual offenses and Tier III sexual offenses.

27       (b) Tier I sexual offenses.--The following offenses shall be  
28       classified as Tier I sexual offenses:

29               (1) 18 Pa.C.S. § 2902 (relating to unlawful restraint)  
30       if the victim is a minor and the sexual offender is not the

1 victim's parent or guardian.

2 (2) 18 Pa.C.S. § 2903 (relating to false imprisonment)  
3 if the victim is a minor and the sexual offender is not the  
4 victim's parent or guardian.

5 (3) 18 Pa.C.S. § 2904 (relating to interference with  
6 custody of children) if the victim is a minor and the sexual  
7 offender is not the victim's parent or guardian.

8 (4) 18 Pa.C.S. § 2910 (relating to luring a child into a  
9 motor vehicle or structure).

10 (5) 18 Pa.C.S. § 3124.2 (relating to institutional  
11 sexual assault) if the victim is an adult.

12 (6) 18 Pa.C.S. § 3126 (relating to indecent assault) if  
13 the offense is graded as a misdemeanor of the first degree or  
14 higher.

15 (7) 18 Pa.C.S. § 3127 (relating to indecent exposure) if  
16 the offense is graded as a misdemeanor of the first degree.

17 (8) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption  
18 of minors).

19 (9) 18 Pa.C.S. § 6312(d) (relating to sexual abuse of  
20 children).

21 (10) 18 Pa.C.S. § 7507.1. (relating to invasion of  
22 privacy).

23 (11) 18 U.S.C. § 1801 (relating to video voyeurism).

24 (12) 18 U.S.C. § 2252 (relating to certain activities  
25 relating to material involving the sexual exploitation of  
26 minors).

27 (13) 18 U.S.C. § 2252A (relating to certain activities  
28 relating to material constituting or containing child  
29 pornography).

30 (14) 18 U.S.C. § 2252B (relating to misleading domain

1 names on the Internet).

2 (15) 18 U.S.C. § 2252C (relating to misleading words or  
3 digital images on the Internet).

4 (16) 18 U.S.C. § 2422(a) (relating to coercion and  
5 enticement).

6 (17) 18 U.S.C. § 2423(b) (relating to transportation of  
7 minors).

8 (18) 18 U.S.C. § 2423(c).

9 (19) 18 U.S.C. § 2424 (relating to filing factual  
10 statement about alien individual).

11 (20) 18 U.S.C. § 2425 (relating to use of interstate  
12 facilities to transmit information about a minor).

13 (21) A comparable military offense or similar offense  
14 under the laws of another jurisdiction or foreign country.

15 (22) An attempt, conspiracy or solicitation to commit an  
16 offense listed in paragraph (1), (2), (3), (4), (5), (6),  
17 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16),  
18 (17), (18), (19), (20) or (21).

19 (c) Tier II sexual offenses.--The following offenses shall  
20 be classified as Tier II sexual offenses:

21 (1) 18 Pa.C.S. § 3126 if the offense is graded as a  
22 misdemeanor or higher or the punishment is one year or more  
23 or if the sexual offender was previously convicted of 18  
24 Pa.C.S. § 3126.

25 (2) 18 Pa.C.S. § 5902(b) (relating to prostitution and  
26 related offenses) if the sexual offender promotes the  
27 prostitution of a minor.

28 (3) 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6) (relating  
29 to obscene and other sexual materials and performances) if  
30 the victim is a minor.

1       (4) 18 Pa.C.S. § 6312(b) and (c) (relating to sexual  
2       abuse of children).

3       (5) 18 Pa.C.S. § 6318 (relating to unlawful contact with  
4       minor).

5       (6) 18 Pa.C.S. § 6320 (relating to sexual exploitation  
6       of children).

7       (7) 18 U.S.C. § 1591 (relating to sex trafficking of  
8       children by force, fraud, or coercion).

9       (8) 18 U.S.C. § 2243 (relating to sexual abuse of a  
10       minor or ward).

11       (9) 18 U.S.C. § 2244 (relating to abusive sexual  
12       contact).

13       (10) 18 U.S.C. § 2251 (relating to sexual exploitation  
14       of children).

15       (11) 18 U.S.C. § 2251A (relating to selling or buying of  
16       children).

17       (12) 18 U.S.C. § 2252.

18       (13) 18 U.S.C. § 2260 (relating to production of  
19       sexually explicit depictions of a minor for importation into  
20       the United States).

21       (14) 18 U.S.C. § 2421 (relating to transportation  
22       generally).

23       (15) 18 U.S.C. § 2422(b).

24       (16) 18 U.S.C. § 2423(a).

25       (17) A comparable military offense or similar offense  
26       under the laws of another jurisdiction or foreign country.

27       (18) An attempt, conspiracy or solicitation to commit an  
28       offense listed in paragraph (1), (2), (3), (4), (5), (6),  
29       (7), (8), (9), (10), (11), (12), (13), (14), (15), (16) or  
30       (17).

1       (19) An offense specified as a Tier I sexual offense  
2       where there is a subsequent conviction for a sexual offense  
3       punishable by more than one year's imprisonment.

4       (d) Tier III sexual offenses.--The following offenses shall  
5       be classified as Tier III sexual offenses:

6           (1) 18 Pa.C.S. § 2901 (relating to kidnapping) if the  
7           victim is a minor and the sexual offender is not the victim's  
8           parent or guardian.

9           (2) 18 Pa.C.S. § 3121 (relating to rape).

10          (3) 18 Pa.C.S. § 3122.1 (relating to statutory sexual  
11          assault).

12          (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
13          sexual intercourse).

14          (5) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

15          (6) 18 Pa.C.S. § 3124.2 if the victim is a minor.

16          (7) 18 Pa.C.S. § 3125 (relating to aggravated indecent  
17          assault).

18          (8) 18 Pa.C.S. § 3126 (relating to indecent assault) if  
19          the offense is graded as a misdemeanor of the first degree or  
20          higher, the victim is less than 13 years of age and the  
21          punishment is more than one year.

22          (9) 18 Pa.C.S. § 4302 (relating to incest) if the victim  
23          is under 13 years of age or the victim is between 13 years of  
24          age and 18 years of age and the sexual offender is at least  
25          four years older than the victim.

26          (10) 18 U.S.C. § 2241 (relating to aggravated sexual  
27          abuse).

28          (11) 18 U.S.C. § 2242 (relating to sexual abuse).

29          (12) 18 U.S.C. § 2244.

30          (13) A comparable military offense or similar offense



1 under the laws of another jurisdiction or country.

2 (14) An attempt, conspiracy or solicitation to commit an  
3 offense listed in paragraph (1), (2), (3), (4), (5), (6),  
4 (7), (8), (9), (10), (11), (12) or (13).

5 (15) An offense listed as a Tier II sexual offense where  
6 there is a subsequent conviction for a sexual offense  
7 punishable by more than one year's imprisonment.

8 § 9799.15. Period of registration.

9 (a) Period of registration.--Subject to subsection (c), an  
10 individual specified in section 9799.13 (relating to  
11 applicability) shall register with the Pennsylvania State Police  
12 as follows:

13 (1) An individual convicted of a Tier I sexual offense  
14 shall register for a period of 15 years.

15 (2) An individual convicted of a Tier II sexual offense  
16 shall register for a period of 25 years.

17 (3) An individual convicted of a Tier III sexual offense  
18 shall register for the life of the individual.

19 (4) A juvenile offender shall register for the life of  
20 the individual.

21 (5) A sexually violent delinquent child shall register  
22 for the life of the individual.

23 (6) A sexually violent predator shall register for the  
24 life of the individual.

25 (b) Commencement of registration and initial registration.--  
26 The following apply:

27 (1) The period of registration set forth in subsection  
28 (a) shall commence as follows:

29 (i) For an individual convicted of a sexually  
30 violent offense in this Commonwealth, the period of

1 registration shall commence upon:

2 (A) release from incarceration in a State or  
3 county correctional facility, including release to a  
4 community correction center or community contract  
5 facility;

6 (B) parole or a sentence of probation; or

7 (C) a sentence of State or county intermediate  
8 punishment in which the person is not sentenced to a  
9 period of incarceration.

10 (ii) For an individual who is a juvenile offender,  
11 the period of registration shall commence upon release  
12 from an institution or facility set forth in section  
13 6352(a)(3) (relating to disposition of delinquent child).

14 (iii) For a sexually violent delinquent child, the  
15 period of registration shall commence upon the earlier  
16 of:

17 (A) transfer to involuntary outpatient treatment  
18 pursuant to section 6401.1 (relating to transfer to  
19 involuntary outpatient treatment); or

20 (B) discharge from commitment to the separate,  
21 State-owned facility or unit established under  
22 section 6406 (relating to duty of Department of  
23 Public Welfare).

24 (iv) For an individual who is convicted of a  
25 sexually violent offense in another jurisdiction or  
26 foreign country or a comparable military offense, the  
27 period of registration shall commence upon establishment  
28 of a residence or commencement of employment or  
29 enrollment as a student within this Commonwealth.

30 (2) An individual specified in section 9799.13 shall

1 initially register with the Pennsylvania State Police as set  
2 forth in section 9799.19 (relating to initial registration).

3 (c) Period of registration tolled.--The following shall  
4 apply:

5 (1) the period of registration set forth in subsection  
6 (a) shall be tolled for the period of time in which the  
7 individual specified in section 9799.13 is:

8 (i) incarcerated in a State or county correctional  
9 institution, excluding a community contract facility or  
10 community corrections center;

11 (ii) subject to a sentence of intermediate  
12 punishment which is restrictive and where the individual  
13 is sentenced to a period of incarceration;

14 (iii) committed to an institution or facility set  
15 forth in section 6352(a)(3); or

16 (iv) committed to and receiving involuntary  
17 inpatient treatment in the State-owned facility or unit  
18 set forth in Chapter 64 (relating to court-ordered  
19 involuntary treatment of certain sexually violent  
20 persons).

21 (2) This subsection shall apply to an individual  
22 specified in section 9799.13 who is recommitted to a State or  
23 county correctional institution for a parole violation or who  
24 has been sentenced to an additional term of imprisonment. In  
25 the case of recommitment, the Department of Corrections or  
26 the county correctional facility shall notify the  
27 Pennsylvania State Police of the admission of the individual.

28 (d) Sexually violent predators.--An individual convicted of  
29 a Tier I sexual offense, a Tier II sexual offense or a Tier III  
30 sexual offense who is determined to be a sexually violent

predator under section 9799.24 (relating to assessments) shall register for the life of the individual.

(e) Periodic in-person appearance required.--Except as provided in subsection (f) and subject to subsections (g) and (h), an individual specified in section 9799.13 shall appear in person at an approved registration site to provide or verify the information set forth in section 9799.16(b) (relating to registry) and to be photographed as follows:

(1) An individual convicted of a Tier I sexual offense shall appear annually.

(2) An individual convicted of a Tier II sexual offense shall appear semiannually.

(3) An individual convicted of a Tier III sexual offense shall appear quarterly.

(f) Sexually violent predators.--An individual convicted of a Tier I sexual offense, a Tier II sexual offense or a Tier III sexual offense who is determined to be a sexually violent predator under section 9799.24 shall appear in person at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed every 90 days.

(g) In-person appearance to update information.--In addition to the periodic in-person appearance required in subsection (e), an individual specified in section 9799.13 shall appear in person at an approved registration site within three business days to provide current information relating to:

(1) A change in name.

(2) A commencement of residence, change in residence, termination of residence or failure to maintain a residence, thus making the individual a transient.

1       (3) Commencement of employment, a change in the location  
2       or entity in which the individual is employed or a  
3       termination of employment.

4       (4) Initial enrollment as a student, a change in  
5       enrollment as a student or termination as a student.

6       (5) A change in telephone number, including a cell phone  
7       number, or a termination of telephone number, including a  
8       cell phone number.

9       (6) A change in or termination of a motor vehicle owned  
10      or operated, including watercraft or aircraft. In order to  
11      fulfill the requirements of this paragraph, the individual  
12      must provide any license plate numbers and registration  
13      numbers or other identifiers.

14      (7) A commencement of temporary lodging, a change in  
15      temporary lodging or a termination of temporary lodging. In  
16      order to fulfill the requirements of this paragraph, the  
17      individual must provide the specific length of time and the  
18      dates during which the individual will be temporarily lodged.

19      (8) A change in or termination of e-mail address,  
20      instant message address or any other designations used in  
21      Internet communications or postings.

22      (h) Transients, juvenile offenders and sexually violent  
23      delinquent children.--If the individual specified in section  
24      9799.13 is a transient, a juvenile offender or a sexually  
25      violent delinquent child, the following apply:

26      (1) If the individual is a transient, the individual  
27      shall appear in person at an approved registration site to  
28      provide or to verify the information set forth in section  
29      9799.16(b) and to be photographed every 30 days. The duty to  
30      appear in person every 30 days and to be photographed shall

1 apply until a transient establishes a residence. In the event  
2 a transient establishes a residence, the requirement of  
3 periodic in-person appearances set forth in subsection (c)  
4 shall apply.

5 (2) If the individual is a juvenile offender, the  
6 individual shall appear at an approved registration site to  
7 provide or verify the information set forth in section  
8 9799.16(b) and to be photographed every 90 days.

9 (3) If the individual is a sexually violent delinquent  
10 child, the individual shall appear at an approved  
11 registration site to provide or verify the information set  
12 forth in section 9799.16(b) and to be photographed every 90  
13 days.

14 (i) International travel.--In addition to the periodic in-  
15 person appearance required in subsection (c), an individual  
16 specified in section 9799.13 shall appear in person at an  
17 approved registration site no less than 21 days in advance of  
18 traveling outside of the United States. The individual shall  
19 provide the following information:

20 (1) Dates of travel, including date of return to the  
21 United States.

22 (2) Destinations.

23 (3) Temporary lodging.

24 § 9799.16. Registry.

25 (a) Establishment.--There is established a Statewide  
26 registry of sexual offenders in order to carry out the  
27 provisions of this subchapter. The Pennsylvania State Police  
28 shall create and maintain the registry. The registry shall  
29 maintain a complete and systematic index of all records required  
30 regarding sexual offenders in order to comply with the Adam

Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 597). The registry shall:

(1) Be composed of an electronic database and digitized records.

(2) Be able to communicate with the Sex Offender Registration and Notification Act Exchange Portal developed by the United States Department of Justice, the National Sex Offender Registry or any successor database which is maintained by the Department of Justice and the Dru Sjodin National Sex Offender Public Website maintained by the Department of Justice.

(3) Be able to communicate with sexual offender registries established in other jurisdictions.

(b) Information provided by sexual offender.--An individual specified in section 9799.13 (relating to applicability) shall provide the following information which shall be included in the registry:

(1) Primary or given name, including an alias used by the individual, nickname, pseudonym, ethnic or tribal name, regardless of the context used and any designations or monikers used for self-identification in Internet communications or postings.

(2) Designation used by the individual for purposes of routing or self-identification in Internet communications or postings.

(3) Telephone number, including cell phone number, and any other designation used by the individual for purposes of routing or self-identification in telephonic communications.

(4) Valid Social Security number issued to the individual by the Federal Government and purported Social

1     Security number.

2             (5) Address of each residence or intended residence. If  
3     the individual enters this Commonwealth and fails to maintain  
4     a residence and is therefore a transient, the individual  
5     shall provide information for the registry as set forth in  
6     paragraph (6).

7             (6) If the individual is a transient, the individual  
8     shall provide information about the transient's temporary  
9     habitat or other temporary place of abode or dwelling,  
10    including a homeless shelter or park. In addition, the  
11    transient shall provide a list of places the transient eats,  
12    frequents and engages in leisure activities and any planned  
13    destinations, including those outside this Commonwealth. If  
14    the transient changes or adds to the places listed under this  
15    paragraph during a 30-day period, the transient shall list  
16    these when registering as a transient during the next 30-day  
17    period. In addition, the transient shall provide the place  
18    the transient receives mail, including a post office box. If  
19    the transient has been designated as a sexually violent  
20    predator, the transient shall state whether he is in  
21    compliance with section 9799.36 (relating to counseling of  
22    sexually violent predators). The duty to provide the  
23    information set forth in this paragraph shall apply until the  
24    transient establishes a residence. In the event a transient  
25    establishes a residence, the requirements of section  
26    9799.15(e) (relating to period of registration) shall apply.

27             (7) Temporary lodging. In order to fulfill the  
28    requirements of this paragraph, the individual must provide  
29    the specific length of time and the dates during which the  
30    individual will be temporarily lodged.



1       (8) A passport and documents establishing immigration  
2       status, which shall be copied in a digitized format for  
3       inclusion in the registry.

4       (9) Name and address where the individual is employed or  
5       will be employed. In order to fulfill the requirements of  
6       this paragraph, if the individual is not employed in a fixed  
7       workplace, the individual shall provide information regarding  
8       general travel routes and general areas where the individual  
9       works.

10       (10) Information relating to occupational and  
11       professional licensing, including type of license held and  
12       the license number.

13       (11) Name and address where the individual is a student  
14       or will be a student.

15       (12) Information relating to motor vehicles owned or  
16       operated by the individual, including watercraft and  
17       aircraft. In order to fulfill the requirements of this  
18       paragraph, the individual shall provide a description of each  
19       motor vehicle, watercraft or aircraft. The individual shall  
20       provide a license plate number, registration number or other  
21       identification number and the address of the place where a  
22       vehicle is stored. In addition, the individual shall provide  
23       the individual's license to operate a motor vehicle or other  
24       identification card issued by the Commonwealth, another  
25       jurisdiction or a foreign country so that the Pennsylvania  
26       State Police can fulfill its responsibilities under  
27       subsection (c)(7).

28       (13) Actual date of birth and purported date of birth.

29       (14) Form signed by the individual acknowledging the  
30       individual's obligations under this subchapter provided in

accordance with section 9799.23 (relating to court notification and classification requirements).

(c) Criminal justice information.--The Pennsylvania State Police shall ensure that the following information is included in the registry:

(1) Physical description of the individual, including a general physical description and tattoos, scars and other identifying marks.

(2) Text of the statute defining the criminal offense for which the individual is registered.

(3) Criminal history record information of the individual, including:

(i) Dates of arrests and convictions.

(ii) Status of probation, parole or supervised release.

(iii) Whether the individual is in compliance with requirements regarding this subchapter or has absconded.

(iv) Existence of any outstanding warrants.

(4) Current photograph of the individual. In order to fulfill the requirements of this paragraph, in addition to the taking of photographs pursuant to section 9799.15(e), the Pennsylvania State Police shall ensure that additional photographs are taken as needed when there is a significant change in appearance of the individual, including the taking of a current photograph before the individual is released from a State or county correctional institution or an institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child) or discharged from the State-owned facility or unit set forth in Chapter 64 (relating to court-ordered involuntary treatment of certain

1 sexually violent persons), due to:

2 (i) the expiration of sentence, period of commitment  
3 or involuntary treatment;

4 (ii) parole or other supervised release, including  
5 release to a community corrections center or a community  
6 contract facility;

7 (iii) commencement of a sentence of intermediate  
8 punishment; or

9 (iv) any other form of supervised release.

10 (5) Set of fingerprints and palm prints of the  
11 individual. In order to fulfill the requirements of this  
12 paragraph, the palm prints shall be taken for the purpose of  
13 submission to the Federal Bureau of Investigation Central  
14 Database. The palm prints shall be submitted for entry into  
15 the database.

16 (6) DNA sample of the individual. In order to fulfill  
17 the requirements of this paragraph, the sample shall be taken  
18 for the purpose of analysis and entry into the Combined DNA  
19 Index System (CODIS). In addition, the sample shall be  
20 analyzed and submitted for entry into CODIS.

21 (7) Photocopy of valid driver's license or  
22 identification card issued to the individual by the  
23 Commonwealth, another jurisdiction or a foreign country.

24 (d) Cooperation.--The Pennsylvania State Police shall  
25 cooperate with State and county correctional institutions, the  
26 Pennsylvania Board of Probation and Parole, the county office of  
27 probation and parole, any court with jurisdiction over a sexual  
28 offender, the chief juvenile probation officer of the court,  
29 juvenile probation and parole and the Department of Public  
30 Welfare to ensure that the information set forth in subsections

1 (b) and (c) is provided and placed in the registry.

2 § 9799.17. Reduction of period of registration.

3 (a) General rule.--The period of registration set forth in  
4 section 9799.15(a)(1) (relating to period of registration) shall  
5 be reduced for an individual who was convicted of a sexually  
6 violent offense and is required to register for a period of 15  
7 years if all of the following apply:

8 (1) A period of ten years has elapsed since the  
9 individual was convicted of the sexually violent offense,  
10 excluding:

11 (i) Time spent incarcerated in a State or county  
12 correctional facility of this Commonwealth or another  
13 jurisdiction or foreign country.

14 (ii) Time spent supervised by the Pennsylvania Board  
15 of Probation and Parole or the county office of probation  
16 or parole or probation or parole office of another  
17 jurisdiction or foreign country.

18 (iii) Time spent completing a sentence of  
19 intermediate punishment or completing another type of  
20 supervision, including time spent in a community  
21 corrections center or community contract facility of this  
22 Commonwealth, another jurisdiction or foreign country.

23 (2) The individual has not been convicted of a  
24 subsequent offense graded as a misdemeanor of the second  
25 degree or higher or an offense punishable by more than one  
26 year's imprisonment.

27 (3) The individual has not been convicted of a  
28 subsequent sexually violent offense.

29 (4) The individual successfully completed supervised  
30 release, including probation, parole or other form of

1 supervision.

2 (5) The individual successfully completed treatment  
3 provided under section 9718.1 (relating to sexual offender  
4 treatment) or treatment recognized by another jurisdiction or  
5 foreign country or the United States Attorney General under  
6 section 115(b)(1) of the Adam Walsh Child Protection and  
7 Safety Act of 2006 (Public Law 109-248, 42 U.S.C. § 16915(b)  
8 (1)).

9 (b) Juvenile offender.--An individual who is a juvenile  
10 offender shall have the requirement to register terminated if  
11 all of the following apply:

12 (1) At least 25 years have elapsed since the individual  
13 was:

14 (i) adjudicated delinquent for an offense which, if  
15 committed by an adult, would be classified as an offense  
16 under 18 Pa.C.S. § 3121 (relating to rape), 3123  
17 (relating to involuntary deviate sexual intercourse) or  
18 3125 (relating to aggravated indecent assault) or an  
19 attempt, solicitation or conspiracy to commit an offense  
20 under 18 Pa.C.S. § 3121, 3123 or 3125, excluding time  
21 spent under the supervision of the court, including  
22 commitment to an institution or facility set forth in  
23 section 6352(a)(3) (relating to deposition of delinquent  
24 child); or

25 (ii) adjudicated delinquent for an offense in  
26 another jurisdiction which is similar to that which if  
27 committed by an adult in this Commonwealth would be  
28 classified as an offense under 18 Pa.C.S. § 3121, 3123 or  
29 3125 or an attempt, solicitation or conspiracy to commit  
30 an offense under 18 Pa.C.S. § 3121, 3123 or 3125.

1       (2) The individual has not been convicted of a  
2       subsequent offense:

3           (i) graded as a misdemeanor of the second degree or  
4       higher; or

5           (ii) which is punishable by a term of imprisonment  
6       greater than one year.

7       (3) The individual successfully completed court-ordered  
8       supervision.

9       (4) The individual successfully completed a treatment  
10      program for sexual offenders recognized by the juvenile court  
11      in this Commonwealth or another jurisdiction or the United  
12      States Attorney General under section 115(b)(1) of the Adam  
13      Walsh Child Protection and Safety Act of 2006 (42 U.S.C. §  
14      16915(b)(1)).

15      (c) Procedure.--An individual who seeks to reduce the period  
16      of registration to ten years pursuant to subsection (a) and an  
17      individual who seeks to terminate the obligation to register  
18      pursuant to subsection (b) may petition the sentencing court for  
19      reduction or termination, as appropriate. The court shall:

20           (1) Enter an order directing the petitioner be assessed  
21      by the board in accordance with section 9799.24 (relating to  
22      assessments). The order for assessment shall be sent to the  
23      administrative officer of the board within ten days of its  
24      entry. No later than 90 days following receipt of such an  
25      order, the board shall submit a written report containing its  
26      assessment to the sentencing court, district attorney and the  
27      attorney for the petitioner.

28           (2) Within 120 days of the filing of the petition under  
29      paragraph (1), the sentencing court shall hold a hearing to  
30      determine whether to reduce the period of registration to ten

1 years or to terminate the obligation to register, as  
2 appropriate. The petitioner and the district attorney shall  
3 be given notice of the hearing and an opportunity to be  
4 heard, the right to call witnesses, the right to call expert  
5 witnesses and the right to cross-examine witnesses. The  
6 petitioner shall have the right to counsel and to have a  
7 lawyer appointed if the petitioner cannot afford one.

8 (3) The sentencing court shall reduce the period of  
9 registration to ten years or terminate the obligation to  
10 register, as appropriate, only upon a finding of clear and  
11 convincing evidence that allowing the petitioner to reduce  
12 the period of registration or to terminate the obligation to  
13 register, as appropriate, is not likely to pose a threat to  
14 the safety of any other person.

15 (d) Notice.--A court granting relief under this section  
16 shall notify the Pennsylvania State Police in writing within ten  
17 days from the date relief is granted.

18 (e) Right to appeal.--The petitioner and the Commonwealth  
19 shall have the right to appellate review of the actions of the  
20 sentencing court taken under this section. An appeal by the  
21 Commonwealth shall stay the order of the sentencing court.

22 (f) Prohibition.--This section shall not apply to an  
23 individual who:

24 (1) Has been designated as a sexually violent predator.

25 (2) Has been convicted of a sexually violent offense who  
26 is required to register for a period of 25 years.

27 (3) Has been convicted of a sexually violent offense who  
28 is required to register for a period of life.

29 (4) Is a sexually violent delinquent child.

30 § 9799.18. Information sharing.

1     (a) General rule.--The Pennsylvania State Police shall,  
2 within three business days, transfer information provided by an  
3 individual set forth in section 9799.13 (relating to  
4 applicability) under sections 9799.15(g) and (i) (relating to  
5 period of registration), 9799.16(b) (relating to registry) and  
6 9799.19 (relating to initial registration) to:

7             (1) A jurisdiction in which the individual is required  
8 to register the individual's residence, employment or  
9 enrollment as a student.

10            (2) A jurisdiction in which the individual has  
11 terminated the individual's residence, employment or  
12 enrollment as a student.

13            (3) The United States Attorney General, the Department  
14 of Justice and the United States Marshals Service for  
15 inclusion in the National Sex Offender Registry, NCIC and any  
16 other database established by such Federal agencies.

17            (4) The district attorney of the county in which the  
18 individual:

19                 (i) establishes a residence or terminates a  
20 residence;

21                 (ii) commences employment or terminates employment;  
22 or

23                 (iii) enrolls as a student or terminates enrollment  
24 as a student.

25            (5) The chief law enforcement officer of the police  
26 department of the municipality in which the individual:

27                 (i) establishes a residence or terminates a  
28 residence;

29                 (ii) commences employment or terminates employment;  
30 or



1           (iii) enrolls as a student or terminates enrollment  
2           as a student.

3           (6) The county office of probation and parole for the  
4           county in which the individual:

5           (i) establishes a residence or terminates a  
6           residence;

7           (ii) commences employment or terminates employment;  
8           or

9           (iii) enrolls as a student or terminates enrollment  
10           as a student.

11       (b) When sexual offender fails to appear.--When another  
12       jurisdiction notifies this Commonwealth that a sexual offender  
13       has terminated his residence, employment or enrollment as a  
14       student in that jurisdiction and intends to establish a  
15       residence in this Commonwealth, commence employment in this  
16       Commonwealth or commence enrollment as a student in this  
17       Commonwealth and that sexual offender fails to appear in this  
18       Commonwealth to register, the Pennsylvania State Police shall  
19       notify the other jurisdiction that the sexual offender failed to  
20       appear.

21       (c) International residence.--The Pennsylvania State Police  
22       shall, within three business days, transfer information that a  
23       sexual offender intends to establish residence in another  
24       country to:

25           (1) A jurisdiction in which the sexual offender is  
26           required to register residence, employment or enrollment as a  
27           student.

28           (2) The United States Marshals Service.

29           (3) The Department of Justice for inclusion in the  
30           National Sex Offender Registry and NCIC.

1 (d) International travel.--The Pennsylvania State Police  
2 shall, within three business days, transfer information about  
3 international travel provided by the sexual offender under  
4 section 9799.15(i) to:

5 (1) A jurisdiction in which the sexual offender is  
6 required to register the sexual offender's residence,  
7 employment or enrollment as a student.

8 (2) The United States Marshals Service.

9 (3) The Department of Justice for inclusion in the  
10 National Sex Offender Registry and NCIC.

11 (e) National Child Protection Act agencies.--The  
12 Pennsylvania State Police shall, within three business days,  
13 transfer such criminal history record information about a sexual  
14 offender in the registry necessary to enable an agency  
15 responsible for conducting employment-related background checks  
16 under section 3 of the National Child Protection Act of 1993  
17 (Public Law 103-209, 42 U.S.C. 5119a) to conduct the background  
18 checks.

19 § 9799.19. Initial registration.

20 (a) General rule.--An individual set forth in section  
21 9799.13 (relating to applicability) shall initially register  
22 with the Pennsylvania State Police as set forth in this section.

23 (b) Initial registration if incarcerated within  
24 Commonwealth.--The following apply:

25 (1) If the individual is, on or after the effective date  
26 of this section, incarcerated in a State or county  
27 correctional facility, the individual shall provide the  
28 information set forth in section 9799.16(b) (relating to  
29 registry) to the appropriate official of the State or county  
30 correctional facility or the Pennsylvania Board of Probation

1 and Parole for inclusion in the registry before being  
2 released due to:

3 (i) the expiration of sentence, in which case the  
4 information shall be collected no later than ten days  
5 prior to the maximum expiration date;

6 (ii) parole;

7 (iii) State or county intermediate punishment where  
8 the sentence is restrictive and the individual is  
9 sentenced to a period of incarceration in a State or  
10 county correctional institution or a work release  
11 facility; or

12 (iv) special probation supervised by the  
13 Pennsylvania Board of Probation and Parole.

14 (2) For individuals set forth in paragraph (1), the  
15 appropriate official of the State or county correctional  
16 facility or the Pennsylvania Board of Probation and Parole  
17 shall collect and forward the information in section  
18 9799.16(b) to the Pennsylvania State Police. The appropriate  
19 official shall, in addition, ensure that the information set  
20 forth in section 9799.16(c) is collected and forwarded to the  
21 Pennsylvania State Police. The information in section  
22 9799.16(b) and (c) shall be included in the registry. With  
23 respect to individuals released under paragraphs (1)(ii),  
24 (iii) or (iv), the State or county correctional facility  
25 shall not release the individual until it receives  
26 verification from the Pennsylvania State Police that it has  
27 received the information set forth in section 9799.16(b) and  
28 (c). Verification may take place by electronic means. With  
29 respect to individuals released under paragraph (1)(i), if  
30 the individual refuses to provide the information set forth

1 in section 9799.16(b), the State or county correctional  
2 institution shall notify the Pennsylvania State Police or the  
3 municipal police department with jurisdiction over the  
4 facility of the failure to provide the information and of the  
5 expected date, time and location of the release of the  
6 individual.

7 (c) Initial registration if sentenced to county intermediate  
8 punishment on effective date of section.--If the individual is,  
9 on the effective date of this section, sentenced to county  
10 intermediate punishment which is restorative where the  
11 individual is not sentenced to incarceration or to a work  
12 release facility, the individual shall provide the information  
13 set forth in section 9799.16(b) by appearing at an approved  
14 registration site within 48 hours of being sentenced. The  
15 appropriate official of the county office of probation and  
16 parole shall ensure that the individual has appeared at an  
17 approved registration site as set forth in this subsection. If  
18 the individual fails to appear, the appropriate official of the  
19 county office of probation and parole shall notify the  
20 Pennsylvania State Police. The Pennsylvania State Police shall  
21 ensure the information set forth in section 9799.16(c) with  
22 respect to the individual is collected and entered in the  
23 registry.

24 (d) Initial registration if sentenced to county intermediate  
25 punishment after effective date of section.--If the individual  
26 is, after the effective date of this section, sentenced to  
27 county intermediate punishment, the following apply:

28 (1) If the individual is sentenced to county  
29 intermediate punishment which is restorative, the individual  
30 shall provide the information set forth in section 9799.16(b)

1 by appearing at an approved registration site within 48 hours  
2 of being sentenced. The appropriate official of the county  
3 office of probation and parole shall ensure that the  
4 individual has appeared at an approved registration site as  
5 set forth in this paragraph. If the individual fails to  
6 appear, the appropriate official of the county office of  
7 probation and parole shall notify the Pennsylvania State  
8 Police. The Pennsylvania State Police shall ensure the  
9 information set forth in section 9799.16(c) with respect to  
10 the individual is collected and entered in the registry.

11 (2) If the individual is sentenced to county  
12 intermediate punishment which is restrictive where the  
13 individual is not sentenced to incarceration or to a work  
14 release facility, the individual shall provide the  
15 information set forth in section 9799.16(b) by appearing at  
16 an approved registration site within 48 hours of being  
17 sentenced. The appropriate official of the county office of  
18 probation and parole shall ensure that the individual has  
19 appeared at an approved registration site as set forth in  
20 this paragraph. If the individual fails to appear, the  
21 appropriate official of the county office of probation and  
22 parole shall notify the Pennsylvania State Police. The  
23 Pennsylvania State Police shall ensure the information set  
24 forth in section 9799.16(c) with respect to the individual is  
25 collected and entered in the registry.

26 (e) Initial registration if sentenced to county probation on  
27 or after effective date of section.--If the individual is, on or  
28 after the effective date of this section, sentenced to county  
29 probation, the individual shall provide the information set  
30 forth in section 9799.16(b) by appearing at an approved

1 registration site within 48 hours of being sentenced. The  
2 appropriate official of the county office of probation and  
3 parole shall ensure that the individual has appeared at an  
4 approved registration site as set forth in this paragraph. If  
5 the individual fails to appear, the appropriate official of the  
6 county office of probation and parole shall notify the  
7 Pennsylvania State Police. The Pennsylvania State Police shall  
8 ensure the information set forth in section 9799.16(c) with  
9 respect to the individual is collected and entered in the  
10 registry.

11 (f) Initial registration if being supervised by  
12 Commonwealth under Interstate Compact for Adult Offender  
13 Supervision.--If an individual is in this Commonwealth and is  
14 being supervised by the State Board of Probation and Parole or  
15 the county office of probation and parole pursuant to the  
16 Interstate Compact for Adult Offender Supervision, the following  
17 apply:

18 (1) If the individual is being supervised under the  
19 compact after the effective date of this section, the  
20 individual shall provide the information set forth in section  
21 9799.16(b) to the appropriate official of the State Board of  
22 Probation and Parole or the county office of probation and  
23 parole for inclusion in the registry. The appropriate  
24 official shall collect the information set forth in section  
25 9799.16(b) and forward the information to the Pennsylvania  
26 State Police. The appropriate official shall, in addition,  
27 ensure that the information set forth in section 9799.16(c)  
28 is collected and forwarded to the Pennsylvania State Police.  
29 If the individual fails to provide the information in section  
30 9799.16(b), the appropriate official of the State Board of

1 Probation and Parole or county office of probation and parole  
2 shall notify the Pennsylvania State Police.

3 (2) If the individual is being supervised under the  
4 compact on the effective date of this section, the individual  
5 shall provide the information set forth in section 9799.16(b)  
6 by appearing at an approved registration site within 48 hours  
7 of the effective date of this section. The appropriate  
8 official of the Pennsylvania Board of Probation and Parole or  
9 the county office of probation and parole shall ensure that  
10 the individual has appeared at an approved registration site  
11 as set forth in this paragraph. If the individual fails to  
12 appear, the appropriate official shall notify the  
13 Pennsylvania State Police. The appropriate official shall, in  
14 addition, ensure the information set forth in section  
15 9799.16(c) is collected and forwarded to the Pennsylvania  
16 State Police.

17 (g) Supervision of individual convicted in Commonwealth who  
18 does not intend to reside in Commonwealth.--On or after the  
19 effective date of this section, an individual convicted of a  
20 sexually violent offense within this Commonwealth who seeks  
21 transfer of supervision to another jurisdiction pursuant to the  
22 Interstate Compact for Adult Offender Supervision, shall not  
23 have supervision transferred to another jurisdiction prior to  
24 the individual's registration with the Pennsylvania State Police  
25 as set forth in this section.

26 (h) Initial registration of juvenile offender or sexually  
27 violent delinquent child.--If the individual is a juvenile  
28 offender or a sexually violent delinquent child, the following  
29 apply:

30 (1) If the individual is a juvenile offender who is

1 adjudicated delinquent by a court on or after the effective  
2 date of this section, the court shall require the individual  
3 to provide the information set forth in section 9799.16(b) to  
4 the chief juvenile probation officer of the court at the time  
5 of disposition under section 6352 (relating to disposition of  
6 delinquent child). The chief juvenile probation officer shall  
7 collect the information in section 9799.16(b) and (c) and  
8 forward it to the Pennsylvania State Police for inclusion in  
9 the registry as directed by the Pennsylvania State Police. If  
10 the juvenile offender is under court-ordered placement in an  
11 institution or facility set forth in section 6352(a)(3), the  
12 institution or facility shall ensure the information provided  
13 by the juvenile offender pursuant to section 9799.16(b) is  
14 updated to reflect accurate information prior to release. The  
15 institution or facility may not release the juvenile offender  
16 until it receives verification from the Pennsylvania State  
17 Police that the information required under section 9799.16(b)  
18 and (c) has been entered in the registry.

19 (2) If the individual is, on the effective date of this  
20 section, a juvenile offender and is subject to the  
21 jurisdiction of the court pursuant to a disposition entered  
22 under section 6352 and is on probation, the individual shall  
23 provide the information set forth in section 9799.16(b) to  
24 the chief juvenile probation officer of the court within 30  
25 days of the effective date of this section. The chief  
26 juvenile probation officer shall collect the information set  
27 forth in section 9799.16(b) and (c) and forward it to the  
28 Pennsylvania State Police for inclusion in the registry, as  
29 directed by the Pennsylvania State Police.

30 (3) If the individual is, on the effective date of this



1 section, a juvenile offender and is subject to the  
2 jurisdiction of a court pursuant to a disposition entered  
3 under section 6352 and is under court-ordered placement in an  
4 institution or facility set forth in section 6352, the  
5 director of the institution or facility or a designee shall  
6 make the juvenile offender available for and facilitate the  
7 collection of the information set forth in section 9799.16(b)  
8 and (c) as directed by the Pennsylvania State Police for  
9 inclusion in the registry. The Pennsylvania State Police may  
10 require the institution or facility to transport the juvenile  
11 offender to and from an approved registration site in order  
12 to fulfill the requirement of this paragraph. In order to  
13 fulfill the requirements of this paragraph, the chief  
14 juvenile probation officer of the court shall, within ten  
15 days of the effective date of this section, notify the  
16 director of the institution or facility and the Pennsylvania  
17 State Police that the juvenile offender is required to  
18 register under this subchapter. In addition, the institution  
19 or facility shall ensure that the information provided by the  
20 juvenile offender pursuant to section 9799.16(b) is updated  
21 to reflect accurate information prior to release. The  
22 juvenile offender may not be released until the institution  
23 or facility receives verification from the Pennsylvania State  
24 Police that the information required under section 9799.16(b)  
25 and (c) has been entered into the registry.

26 (4) If the individual is, on the effective date of this  
27 section, a sexually violent delinquent child and receiving  
28 involuntary treatment in the State-owned facility or unit  
29 under Chapter 64 (relating to court-ordered involuntary  
30 treatment of certain sexually violent persons), the director

1 of the facility or unit or a designee shall make the sexually  
2 violent delinquent child available for and facilitate the  
3 collection of the information set forth in section 9799.16(b)  
4 and (c) as directed by the Pennsylvania State Police for  
5 inclusion in the registry. The Pennsylvania State Police may  
6 require the facility or unit to transport the sexually  
7 violent delinquent child to and from an approved registration  
8 site in order to fulfill the requirement of this paragraph.  
9 In addition, the facility or unit shall ensure that the  
10 information provided by the sexually violent delinquent child  
11 pursuant to section 9799.16(b) is updated to reflect accurate  
12 information prior to release. The facility or unit may not  
13 release the sexually violent delinquent child until it has  
14 received verification from the Pennsylvania State Police that  
15 it has received the information set forth in section  
16 9799.16(b) and (c).

17 (5) If the individual is, on or after the effective date  
18 of this section, determined by the court to be a sexually  
19 violent delinquent child and committed for involuntary  
20 treatment to the State-owned facility or unit under Chapter  
21 64, the following apply:

22 (i) The court shall require the individual to  
23 provide the information set forth in section 9799.16(b)  
24 to the chief juvenile probation officer of the court at  
25 the time of commitment. The chief juvenile probation  
26 officer shall collect and forward the information to the  
27 Pennsylvania State Police for inclusion in the registry.  
28 The chief juvenile probation officer shall, at the time  
29 of commitment, also ensure that the information set forth  
30 in section 9799.16(c) is collected and forwarded to the

1 Pennsylvania State Police for inclusion in the registry.  
2 The Pennsylvania State Police may require the facility or  
3 unit to transport the sexually violent delinquent child  
4 to and from an approved registration site in order to  
5 fulfill the requirement of initial registration at the  
6 time of commitment.

7 (ii) The facility or unit shall ensure that the  
8 information provided by the sexually violent delinquent  
9 child pursuant to section 9799.16(b) is updated to  
10 reflect accurate information prior to transfer to  
11 involuntary outpatient treatment pursuant to section  
12 6404.1 (relating to transfer to involuntary outpatient  
13 treatment) or discharge. The court may not discharge the  
14 sexually violent delinquent child from the facility or  
15 unit until it has received verification from the  
16 Pennsylvania State Police that the information required  
17 under section 9799.16(b) and (c) has been entered in the  
18 registry.

19 (i) Initial registration if convicted outside  
20 Commonwealth.--If the individual is, on or after the effective  
21 date of this section, convicted of a sexually violent offense in  
22 another jurisdiction or a foreign country or of a comparable  
23 military offense, the individual shall appear in person at an  
24 approved registration site to provide the information set forth  
25 in section 9799.16(b) to the Pennsylvania State Police within  
26 three business days of establishing residence, commencing  
27 employment or commencing enrollment as a student within this  
28 Commonwealth. In addition, the individual shall comply with the  
29 other provisions of this subchapter, including section 9799.15  
30 (relating to period of registration). If the individual fails to

1 establish a residence but nevertheless resides in this  
2 Commonwealth, the individual shall register as a transient. The  
3 Pennsylvania State Police shall ensure that the information set  
4 forth in section 9799.16(c) with respect to the individual is  
5 collected and entered in the registry.

6 (j) Former law and initial registration.--If the individual  
7 was required to register under this subchapter before the  
8 effective date of this section and has not fulfilled the period  
9 of registration, the individual shall appear at an approved  
10 registration site to provide the information set forth in  
11 section 9799.16(b) to the Pennsylvania State Police within 90  
12 days of the effective date of this section. In addition, the  
13 individual shall comply with the other provisions of this  
14 subchapter, including section 9799.15. If the individual fails  
15 to establish a residence, the individual shall register as a  
16 transient. The Pennsylvania State Police shall ensure that the  
17 information set forth in section 9799.16(c) with respect to the  
18 individual is collected and entered in the registry.

19 § 9799.20. Duty to inform.

20 In order to implement the provisions of section 9799.19  
21 (relating to initial registration), the Pennsylvania State  
22 Police, the court having jurisdiction over the sexual offender,  
23 the chief juvenile probation officer of the court and the  
24 appropriate official of the Pennsylvania Board of Probation and  
25 Parole, county office of probation and parole, the Department of  
26 Public Welfare or a State or county correctional institution  
27 shall:

28 (1) Inform the individual required to register of the  
29 individual's duties under this subchapter.

30 (2) Require the individual to read and sign a form

1 stating that the duty to register has been explained and that  
2 the individual understands the registration requirement.

3 (3) Collect the information required under section  
4 9799.16 (b) and (c) (relating to registry) and forward the  
5 information to the Pennsylvania State Police for inclusion in  
6 the registry as set forth in this subchapter.

7 § 9799.21. Penalty.

8 An individual set forth in section 9799.13 (relating to  
9 applicability) may be subject to prosecution under 18 Pa.C.S. §  
10 4915 (relating to failure to comply with registration of sexual  
11 offenders requirements) if the individual fails to:

12 (1) register with the Pennsylvania State Police as set  
13 forth in section 9799.15 (relating to period of  
14 registration), 9799.19 (relating to initial registration) or  
15 9799.25 (relating to verification by sexual offenders and  
16 Pennsylvania State Police);

17 (2) verify the information provided by the individual or  
18 be photographed as provided in sections 9799.15, 9799.19 and  
19 9799.25; or

20 (3) provide accurate information when registering under  
21 sections 9799.15, 9799.19 and 9799.25.

22 § 9799.22. Enforcement.

23 (a) Failure to comply.--When an individual set forth in  
24 section 9799.13 (relating to applicability) fails to comply with  
25 section 9799.21(1), (2) or (3) (relating to penalty), the  
26 Pennsylvania State Police shall:

27 (1) locate and arrest the individual for violating this  
28 section; or

29 (2) notify the municipal police department where the  
30 individual has a residence, is employed or is enrolled as a

1 student. The municipal police shall locate and arrest the  
2 individual for violating this section. In municipalities  
3 where no municipal police department exists, the Pennsylvania  
4 State Police shall proceed under paragraph (1).

5 (b) When individual cannot be found.--In the event the  
6 individual cannot be located, the Pennsylvania State Police  
7 shall:

8 (1) Enter information on the Internet website of sexual  
9 offenders and in the registry indicating that the individual  
10 cannot be located.

11 (2) Provide information to the National Sex Offender  
12 Registry and NCIC to reflect that the individual cannot be  
13 located.

14 (3) Notify the United States Marshals Service.

15 (4) In cooperation with the district attorney, seek  
16 issuance of a warrant for the arrest of the individual. If a  
17 warrant is issued pursuant to this paragraph, the  
18 Pennsylvania State Police shall provide information to the  
19 National Crime Information Center Wanted Person File to  
20 reflect that a warrant has been issued for the individual's  
21 arrest.

22 (c) Notice from another jurisdiction.--When another  
23 jurisdiction notifies the Commonwealth that a sexual offender  
24 has terminated residence, employment or enrollment as a student  
25 in that jurisdiction and intends to establish a residence in  
26 this Commonwealth, commence employment in this Commonwealth or  
27 commence enrollment as a student in this Commonwealth, and that  
28 sexual offender fails to appear in this Commonwealth to register  
29 as provided in section 9799.15 (relating to period of  
30 registration), the Pennsylvania State Police shall notify the

1 other jurisdiction that the sexual offender failed to appear.

2 (d) Duty to inform Pennsylvania State Police.--In order to  
3 implement the provisions of section 9799.15 and section 9799.19  
4 (relating to initial registration), the court with jurisdiction  
5 over the sexual offender, the chief juvenile probation officer  
6 of the court and the appropriate official of the Pennsylvania  
7 Board of Probation and Parole, the county office of probation  
8 and parole, the Department of Public Welfare or a State or  
9 county correctional institution shall inform the Pennsylvania  
10 State Police if the individual refuses to provide the  
11 information required. The Pennsylvania State Police shall locate  
12 and arrest the individual for a violation of 18 Pa.C.S. § 4915  
13 (relating to failure to comply with registration of sexual  
14 offenders requirements).

15 § 9799.23. Court notification and classification requirements.

16 (a) Notice to sexual offenders.--At the time of sentencing  
17 or disposition, in the case of a juvenile offender or sexually  
18 violent delinquent child, the court shall inform the sexual  
19 offender of the provisions of this subchapter. The court shall:

20 (1) Specifically inform the sexual offender of the duty  
21 to register under this subchapter.

22 (2) Specifically inform the sexual offender of the duty  
23 to register in accordance with sections 9799.15 (relating to  
24 period of registration), 9799.16(b) (relating to registry),  
25 9799.19 (relating to initial registration) and 9799.25  
26 (relating to verification by sexual offenders and  
27 Pennsylvania State Police).

28 (3) Specifically inform the sexual offender of the duty  
29 to register with authorities in another jurisdiction within  
30 three business days of:

1           (i) Commencement of residence, change of residence,  
2           termination of residence or failure to maintain a  
3           residence, thus making the sexual offender a transient.

4           (ii) Commencement of employment, a change in the  
5           location or entity in which the sexual offender is  
6           employed or termination of employment.

7           (iii) Commencement of enrollment as a student, a  
8           change in enrollment as a student or termination of  
9           enrollment as a student.

10          (4) In accordance with section 9799.16(c), order that  
11          the fingerprints, palm prints, DNA sample and photograph of  
12          the sexual offender be provided to the Pennsylvania State  
13          Police upon sentencing.

14          (5) Require the sexual offender to read and sign a form  
15          stating that the duty to register under this subchapter has  
16          been explained. If the sexual offender is incapable of  
17          speaking, reading or writing the English language, the court  
18          shall certify the duty to register was explained to the  
19          sexual offender, and the sexual offender indicated an  
20          understanding of the duty.

21          (6) Specifically classify the individual as one of the  
22          following:

23               (i) An individual convicted of a Tier I offense.

24               (ii) An individual convicted of a Tier II offense.

25               (iii) An individual convicted of a Tier III offense.

26               (iv) A sexually violent predator.

27               (v) A juvenile offender.

28               (vi) A sexually violent delinquent child.

29          (b) Mandatory registration.--All sexual offenders must  
30          register in accordance with this subchapter. The following



1 apply:

2 (1) Failure by the court to provide the information  
3 required in this section, to correctly inform a sexual  
4 offender of the sexual offender's obligations or to require a  
5 sexual offender to register shall not relieve the sexual  
6 offender from the requirements of this subchapter.

7 (2) Except as provided in section 9799.17 (relating to  
8 reduction of period of registration), the court shall have no  
9 authority to relieve a sexual offender from the duty to  
10 register under this subchapter or to modify the requirements  
11 of this subchapter as they relate to the sexual offender.

12 § 9799.24. Assessments.

13 (a) Order for assessment.--After conviction but before  
14 sentencing, a court shall order an individual convicted of a  
15 sexually violent offense to be assessed by the board. The order  
16 for an assessment shall be sent to the administrative officer of  
17 the board within ten days of the date of conviction for the  
18 sexually violent offense.

19 (b) Assessment.--Upon receipt from the court of an order for  
20 an assessment, a member of the board as designated by the  
21 administrative officer of the board shall conduct an assessment  
22 of the individual to determine if the individual should be  
23 classified as a sexually violent predator. The board shall  
24 establish standards for evaluations and for evaluators  
25 conducting the assessments. An assessment shall include, but not  
26 be limited to, an examination of the following:

27 (1) Facts of the current offense, including:  
28 (i) Whether the offense involved multiple victims.  
29 (ii) Whether the individual exceeded the means  
30 necessary to achieve the offense.

1           (iii) The nature of the sexual contact with the  
2 victim.

3           (iv) Relationship of the individual to the victim.

4           (v) Age of the victim.

5           (vi) Whether the offense included a display of  
6 unusual cruelty by the individual during the commission  
7 of the crime.

8           (vii) The mental capacity of the victim.

9           (2) Prior offense history, including:

10           (i) The individual's prior criminal record.

11           (ii) Whether the individual completed any prior  
12 sentences.

13           (iii) Whether the individual participated in  
14 available programs for sexual offenders.

15           (3) Characteristics of the individual, including:

16           (i) Age.

17           (ii) Use of illegal drugs.

18           (iii) Any mental illness, mental disability or  
19 mental abnormality.

20           (iv) Behavioral characteristics that contribute to  
21 the individual's conduct.

22           (4) Factors that are supported in a sexual offender  
23 assessment field as criteria reasonably related to the risk  
24 of reoffense.

25           (c) Release of information.--All State, county and local  
26 agencies, offices and entities in this Commonwealth, including  
27 juvenile probation officers, shall cooperate by providing copies  
28 of records and information as requested by the board in  
29 connection with the court-ordered assessment and the assessment  
30 requested by the Pennsylvania Board of Probation and Parole or

1 the assessment of a delinquent child under section 6358  
2 (relating to assessment of delinquent children by the State  
3 Sexual Offenders Assessment Board).

4 (d) Submission of report by board.--The board shall have 90  
5 days from the date of conviction of the individual to submit a  
6 written report containing its assessment to the district  
7 attorney.

8 (d.1) Summary of offense.--The board shall prepare a  
9 description of the offense or offenses that trigger the  
10 application of this subchapter to include, but not be limited  
11 to:

12 (1) A concise narrative of the individual's conduct.

13 (2) Whether the victim was a minor.

14 (3) The manner of weapon or physical force used or  
15 threatened.

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

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

20 (6) Previous instances in which the individual was  
21 determined guilty of an offense subject to this subchapter or  
22 of a crime of violence as defined in section 9714(g)  
23 (relating to sentences for second and subsequent offenses).

24 (e) Hearing.--

25 (1) A hearing to determine whether the individual is a  
26 sexually violent predator shall be scheduled upon the  
27 praecipe filed by the district attorney. The district  
28 attorney upon filing a praecipe shall serve a copy of the  
29 praecipe upon defense counsel together with a copy of the  
30 report of the board.

1       (2) The individual and district attorney shall be given  
2       notice of the hearing and an opportunity to be heard, the  
3       right to call witnesses, the right to call expert witnesses  
4       and the right to cross-examine witnesses. In addition, the  
5       individual shall have the right to counsel and to have an  
6       attorney appointed to represent the individual if the  
7       individual cannot afford one. If the individual requests  
8       another expert assessment, the individual shall provide a  
9       copy of the expert assessment to the district attorney prior  
10      to the hearing.

11      (3) At the hearing prior to sentencing, the court shall  
12      determine whether the Commonwealth has proved by clear and  
13      convincing evidence that the individual is a sexually violent  
14      predator.

15      (4) A copy of the order containing the determination of  
16      the court shall be immediately submitted to the individual,  
17      the district attorney, the Pennsylvania Board of Probation  
18      and Parole, the Department of Corrections, the board and the  
19      Pennsylvania State Police.

20      (f) Presentence investigation.--In all cases where the board  
21      has performed an assessment under this section, copies of the  
22      report shall be provided to the agency preparing the presentence  
23      investigation.

24      (g) Parole assessment.--The Pennsylvania Board of Probation  
25      and Parole may request of the board that an assessment of a  
26      sexual offender be conducted and that a report be provided to  
27      the Pennsylvania Board of Probation and Parole prior to  
28      considering a sexual offender for parole.

29      (h) Delinquent children.--The probation officer shall notify  
30      the board 90 days prior to the 20th birthday of the child of the

status of the delinquent child who is committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) after having been found delinquent for an act of sexual violence that if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest), together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality as defined in section 6402 (relating to definitions) or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court within the time frames set forth in section 6358(c). The probation officer shall assist the board in obtaining access to the child and any records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).

(i) Other assessments.--Upon receipt from the court of an order for an assessment under section 9799.17 (relating to reduction of period of registration), a member of the board as designated by the administrative officer of the board shall conduct an assessment of the individual to determine if the relief sought, if granted, is likely to pose a threat to the safety of any other person. The board shall establish standards for evaluations and for evaluators conducting these assessments.  
§ 9799.25. Verification by sexual offenders and Pennsylvania

1           State Police.

2       (a) Periodic verification.--Except for initial registration  
3 as provided in section 9799.19 (relating to initial  
4 registration) and in accordance with section 9799.15(a)  
5 (relating to period of registration), sexual offenders shall  
6 verify the information provided in section 9799.16(b) (relating  
7 to registry) and be photographed as follows:

8           (1) An individual convicted of a Tier I sexual offense  
9 shall appear in person at an approved registration site once  
10 per calendar year.

11          (2) An individual convicted of a Tier II sexual offense  
12 shall appear in person at an approved registration site every  
13 180 days.

14          (3) An individual convicted of a Tier III sexual offense  
15 shall appear in person at an approved registration site every  
16 90 days.

17          (4) An individual designated as a sexually violent  
18 predator shall appear in person at an approved registration  
19 site every 90 days.

20          (5) A juvenile offender shall appear in person at an  
21 approved registration site every 90 days.

22          (6) A sexually violent delinquent child shall appear in  
23 person at an approved registration site every 90 days.

24          (7) A transient shall appear in person at an approved  
25 registration site every 30 days.

26       (b) Deadline.--The following apply:

27          (1) A sexual offender shall appear as required under  
28 subsection (a) within ten days of the date designated by the  
29 Pennsylvania State Police. Failure to appear within ten days  
30 may subject the sexual offender to prosecution under 18

1 Pa.C.S. § 4915 (relating to failure to comply with  
2 registration of sexual offenders requirements).

3 (2) In the case of a sexual offender who fails to appear  
4 as required under this section, the Pennsylvania State Police  
5 shall notify the municipal police department where the sexual  
6 offender has a residence, is employed or is enrolled as a  
7 student. The municipal police shall locate the sexual  
8 offender and arrest the sexual offender for violating this  
9 section. A municipal police department may request assistance  
10 locating or arresting a sexual offender from the Pennsylvania  
11 State Police. In municipalities where no municipal police  
12 department exists, the Pennsylvania State Police shall locate  
13 the offender and arrest the sexual offender for violating  
14 this section.

15 (3) In the case of a sexual offender who fails to appear  
16 as required under this section, the Pennsylvania State Police  
17 shall notify the United States Marshals Service in accordance  
18 with section 9799.22(b)(3) (relating to enforcement).

19 (c) Facilitation of verification.--The Pennsylvania State  
20 Police shall administer and facilitate the process of  
21 verification of information, including compliance with  
22 counseling in the case of sexually violent predators, and  
23 photographing the sexual offender by:

24 (1) Sending a notice by first class United States mail  
25 to each sexual offender at the offender's last reported  
26 residence or location, including a post office box. The  
27 notice shall be sent not more than 30 days nor less than 15  
28 days prior to the date a sexual offender is required to  
29 appear pursuant to subsection (a). The notice shall remind  
30 the sexual offender of the sexual offender's responsibilities

1 under this subchapter, including counseling in the case of  
2 sexually violent predators, and provide a list of approved  
3 registration sites.

4 (2) Providing verification and compliance forms as  
5 necessary at each approved registration site.

6 (d) Effect of notice.--Failure to send or receive notice of  
7 information under this section shall not relieve the sexual  
8 offender from the requirements of this subchapter.

9 (e) Natural disaster.--The occurrence of a natural disaster  
10 or other event requiring evacuation of residences shall not  
11 relieve the sexual offender of the duty to register or any other  
12 duty imposed by this subchapter.

13 § 9799.26. Victim notification.

14 (a) Duty to inform victim.--

15 (1) If an offender is determined to be a sexually  
16 violent predator or a sexually violent delinquent child, the  
17 municipal police department or the Pennsylvania State Police,  
18 if no municipal police jurisdiction exists, shall give  
19 written notice to the victim when the sexually violent  
20 predator or the sexually violent delinquent child registers  
21 initially under section 9799.19 (relating to initial  
22 registration) or under section 9799.15(g) (2), (3) or (4)  
23 (relating to period of registration). The notice shall be  
24 given within 72 hours after the sexually violent predator or  
25 the sexually violent delinquent child registers or notifies  
26 the Pennsylvania State Police of current information under  
27 section 9799.15(g). The notice shall contain the following  
28 information about the sexually violent predator or sexually  
29 violent delinquent child:

30 (i) Name.



1           (ii) Residence. This subparagraph includes whether  
2           the sexually violent predator or sexually violent  
3           delinquent child is a transient, in which case the notice  
4           shall contain information about the transient's temporary  
5           habitat or other temporary place of abode or dwelling,  
6           including a homeless shelter or park. In addition, the  
7           notice shall contain a list of places the transient eats,  
8           frequents and engages in leisure activities.

9           (iii) The address of employment.

10          (iv) The address where the sexually violent predator  
11          or sexually violent delinquent child is enrolled as a  
12          student.

13          (2) A victim may terminate the duty to inform set forth  
14          in paragraph (1) by providing the local municipal police  
15          department or the Pennsylvania State Police, if no local  
16          municipal police department exists, with a written statement  
17          releasing that agency from the duty to comply with this  
18          section as it pertains to that victim.

19          (b) Individual not determined to be sexually violent  
20          predator.--If an individual is not determined to be a sexually  
21          violent predator or a sexually violent delinquent child, the  
22          victim shall be notified in accordance with section 201 of the  
23          act of November 24, 1998 (P.L.882, No.111), known as the Crime  
24          Victims Act.

25          (c) Electronic notification option.--In addition to  
26          subsections (a) and (b), the Pennsylvania State Police shall  
27          develop and implement a system that allows a victim to receive  
28          electronic notification instead of the notification in  
29          subsections (a) and (b) when a sexual offender provides current  
30          information to the Pennsylvania State Police under subsection

1 (a).

2 § 9799.27. Other notification.

3 (a) Notice.--Notwithstanding the provisions of Chapter 63  
4 (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating  
5 to criminal history record information), the chief law  
6 enforcement officer of the police department of the municipality  
7 where a sexually violent predator or sexually violent delinquent  
8 child lives or, in the case of a sexually violent predator or  
9 sexually violent delinquent child failing to establish a  
10 residence and being a transient, the chief law enforcement  
11 officer of the police department of the transient's last known  
12 habitat, shall be responsible for providing written notice as  
13 required under this section. The notice shall contain:

14 (1) The name of the individual.

15 (2) The address of the residence of the individual. If  
16 the individual is a transient, written notice under this  
17 paragraph shall consist of information about the transient's  
18 temporary habitat or other temporary place of abode or  
19 dwelling, including a homeless shelter or park and a list of  
20 the places the transient eats, frequents and engages in  
21 leisure activities.

22 (3) The offense for which the individual was convicted,  
23 sentenced by a court, adjudicated delinquent or court  
24 martialed.

25 (4) A statement that the individual has been determined  
26 to be a sexually violent predator or sexually violent  
27 delinquent child, which determination has or has not been  
28 terminated as of a date certain.

29 (5) A photograph of the sexually violent predator or  
30 sexually violent delinquent child.

1 The notice shall not include any information that might reveal  
2 the victim's name, identity and residence.

3 (b) To whom written notice is provided.--The chief law  
4 enforcement officer shall provide written notice under  
5 subsection (a) to the following persons:

6 (1) Neighbors of the sexually violent predator or  
7 sexually violent delinquent child. As used in this paragraph:

8 (i) In the case of a sexually violent predator or  
9 sexually violent delinquent child being a transient,  
10 "neighbor" includes residents in the area of the  
11 transient's last known temporary habitat or other  
12 temporary place of abode or dwelling, including a  
13 homeless shelter or park.

14 (ii) Where the sexually violent predator lives in a  
15 common interest community, the term "neighbor" includes  
16 the unit owners' association and residents of the common  
17 interest community.

18 (2) The director of the county children and youth agency  
19 of the county where the sexually violent predator or sexually  
20 violent delinquent child has a residence or, in the case of a  
21 sexually violent predator or sexually violent delinquent  
22 child failing to establish a residence and being a transient,  
23 the director of the county children and youth agency of the  
24 county of the sexually violent predator's or sexually violent  
25 delinquent child's last known temporary habitat or other  
26 temporary place of abode or dwelling, including a homeless  
27 shelter or park.

28 (3) The superintendent of each school district and the  
29 equivalent official for each private and parochial school  
30 enrolling students up through grade 12 in the municipality

1 where the sexually violent predator or sexually violent  
2 delinquent child has a residence or, in the case of a  
3 sexually violent predator or sexually violent delinquent  
4 child failing to establish a residence and being a transient,  
5 the superintendent of each school district and the equivalent  
6 official for private and parochial schools enrolling students  
7 up through grade 12 in the municipality of the sexually  
8 violent predator's or sexually violent delinquent child's  
9 last known temporary habitat or other temporary place of  
10 abode or dwelling, including a homeless shelter or park.

11 (4) The superintendent of each school district and the  
12 equivalent official for each private and parochial school  
13 located within a one-mile radius of where the sexually  
14 violent predator or sexually violent delinquent child has a  
15 residence or, in the case of a sexually violent predator or  
16 sexually violent delinquent child failing to establish a  
17 residence and being a transient, the superintendent of each  
18 school district and the equivalent official for each private  
19 and parochial school within a one-mile radius of the sexually  
20 violent predator's or sexually violent delinquent child's  
21 last known temporary habitat or other temporary place of  
22 abode or dwelling, including a homeless shelter or park.

23 (5) The licensee of each certified day-care center and  
24 licensed preschool program and owner or operator of each  
25 registered family day-care home in the municipality where the  
26 sexually violent predator or sexually violent delinquent  
27 child has a residence or, in the case of a sexually violent  
28 predator or sexually violent delinquent child failing to  
29 establish a residence and being a transient, the licensee of  
30 each certified day-care center and licensed preschool program

1 and owner or operator of each registered family day-care home  
2 in the municipality of the sexually violent predator's or  
3 sexually violent delinquent child's last known temporary  
4 habitat or other temporary place of abode or dwelling,  
5 including a homeless shelter or park.

6 (6) The president of each college, university and  
7 community college located within 1,000 feet of where the  
8 sexually violent predator or sexually violent delinquent  
9 child has a residence or, in the case of a sexually violent  
10 predator or sexually violent delinquent child failing to  
11 establish a residence and being a transient, the president of  
12 each college, university and community college located within  
13 1,000 feet of the sexually violent predator's or sexually  
14 violent delinquent child's last known temporary habitat or  
15 other temporary place of abode or dwelling, including a  
16 homeless shelter or park.

17 (c) Notification time frames.--The municipal police  
18 department's chief law enforcement officer shall provide notice  
19 within the following time frames:

20 (1) To neighbors, notice shall be provided within five  
21 days after information of the sexually violent predator's or  
22 sexually violent delinquent child's release date and  
23 residence has been received by the chief law enforcement  
24 officer. Notwithstanding the provisions of subsections (a)  
25 and (b), verbal notification may be used if written  
26 notification would delay meeting the requirement of this  
27 paragraph.

28 (2) To the persons specified in subsection (b) (2), (3),  
29 (4), (5) and (6), notice shall be provided within seven days  
30 after the chief law enforcement officer receives information

1 regarding the sexually violent predator's or sexually violent  
2 delinquent child's release date and residence.

3 (d) Public notice.--Information provided in accordance with  
4 subsection (a) shall be available to the general public upon  
5 request. The information may be provided by electronic means.  
6 § 9799.28. Public Internet website.

7 (a) Information to be made available through Internet.--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 information  
11 about individuals convicted of a sexually violent offense,  
12 sexually violent predators and sexually violent delinquent  
13 children publicly available by electronic means via an  
14 Internet website. In order to fulfill its duties under this  
15 section, the Pennsylvania State Police shall ensure that the  
16 Internet website:

17 (i) Contains a feature to permit a member of the  
18 public to obtain relevant information for an individual  
19 convicted of a sexually violent offense, a sexually  
20 violent predator or a sexually violent delinquent child  
21 by a single query for any given zip code or geographic  
22 radius set by the user.

23 (ii) Contains a feature to allow a member of the  
24 public to receive electronic notification when an  
25 individual convicted of a sexually violent offense,  
26 sexually violent predator or sexually violent delinquent  
27 child provides information under section 9799.15(g)(2),  
28 (3) or (4) (relating to period of registration) relating  
29 to a geographic area chosen by the user.

30 (iii) Includes in its design all field search

1 capabilities needed for full participation in the Dru  
2 Sjodin National Sex Offender Public Website. The  
3 Pennsylvania State Police shall ensure that the website  
4 is able to participate in the Dru Sjodin National Sex  
5 Offender Public Website as the United States Attorney  
6 General may direct.

7 (iv) Is updated within three business days with the  
8 information required.

9 (2) Include on the Internet website the following:

10 (i) Instructions on how to seek correction of  
11 information that an individual contends is erroneous.

12 (ii) A warning that the information on the Internet  
13 website should not be used to unlawfully injure, harass  
14 or commit a crime against an individual convicted of a  
15 sexually violent offense, a sexually violent predator or  
16 a sexually violent delinquent child and that any such  
17 action could result in criminal or civil penalties.

18 (3) Include on the Internet website an explanation of  
19 its limitations, including statements advising that:

20 (i) A positive identification of an individual  
21 convicted of a sexually violent offense, sexually violent  
22 predator or sexually violent delinquent child may be  
23 confirmed only by fingerprints.

24 (ii) Some information contained on the Internet  
25 website may be outdated or inaccurate.

26 (iii) The Internet website is not a comprehensive  
27 listing of every person who has ever committed a sexual  
28 offense in Pennsylvania.

29 (4) Strive to ensure that the information contained on  
30 the Internet website is accurate and that the data therein is

1 revised and updated as provided in paragraph (1)(iv).

2 (5) Provide on the Internet website general information  
3 designed to inform and educate the public about sexual  
4 offenders and the operation of this subchapter as well as  
5 pertinent and appropriate information concerning crime  
6 prevention and personal safety, with appropriate links to  
7 other relevant Internet websites operated by the  
8 Commonwealth.

9 (b) Required information.--Notwithstanding Chapter 63  
10 (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating  
11 to criminal history record information), the Internet website  
12 shall contain the following information regarding an individual  
13 convicted of a sexually violent offense, a sexually violent  
14 predator or a sexually violent delinquent child:

15 (1) Name and aliases.

16 (2) Year of birth.

17 (3) Street address, city, county and zip code of  
18 residences and intended residences. In the case of an  
19 individual convicted of a sexually violent offense, a  
20 sexually violent predator or a sexually violent delinquent  
21 child who fails to establish a residence and is therefore a  
22 transient, the Internet website shall contain information  
23 about the transient's temporary habitat or other temporary  
24 place of abode or dwelling, including a homeless shelter or  
25 park. In addition, the Internet website shall contain a list  
26 of places the transient eats, frequents and engages in  
27 leisure activities.

28 (4) Street address, city, county and zip code of any  
29 location at which an individual convicted of a sexually  
30 violent offense, a sexually violent predator or a sexually



1 violent delinquent child is enrolled as a student.

2 (5) Street address, city, county and zip code of a fixed  
3 location where an individual convicted of a sexually violent  
4 offense, a sexually violent predator or a sexually violent  
5 delinquent child is employed. If an individual convicted of a  
6 sexually violent offense, a sexually violent predator or a  
7 sexually violent delinquent child is not employed at a fixed  
8 address, the information shall include general travel routes  
9 and general areas of work.

10 (6) Current photograph of an individual convicted of a  
11 sexually violent offense, a sexually violent predator or a  
12 sexually violent delinquent child.

13 (7) Physical description of an individual convicted of a  
14 sexually violent offense, a sexually violent predator or a  
15 sexually violent delinquent child.

16 (8) License plate number and a description of a vehicle  
17 owned or operated by an individual convicted of a sexually  
18 violent offense, a sexually violent predator or a sexually  
19 violent delinquent child.

20 (9) The sexually violent offense for which an individual  
21 convicted of a sexually violent offense, a sexually violent  
22 predator or a sexually violent delinquent child is registered  
23 under this subchapter.

24 (10) A statement whether an individual convicted of a  
25 sexually violent offense, a sexually violent predator or a  
26 sexually violent delinquent child is in compliance with  
27 registration.

28 (11) A statement whether the victim is a minor.

29 (c) Prohibited information.--The public Internet website  
30 established under this section shall not contain:

1       (1) The identity of any victim.

2       (2) The Social Security number of an individual  
3 convicted of a sexually violent offense, a sexually violent  
4 predator or a sexually violent delinquent child.

5       (3) Any information relating to arrests of an individual  
6 convicted of a sexually violent offense, a sexually violent  
7 predator or a sexually violent delinquent child that did not  
8 result in conviction.

9       (4) Travel and immigration document numbers.

10      (d) (Reserved).

11      (e) Duration of posting.--The information listed in  
12 subsection (b) shall be made available on the Internet website  
13 unless:

14       (1) An individual convicted of a sexually violent  
15 offense and who is required to register for a period of 15  
16 years is granted relief under section 9799.17 (relating to  
17 reduction of period of registration).

18       (2) An individual convicted of a sexually violent  
19 offense, a sexually violent predator or a sexually violent  
20 delinquent child is deceased, in which case the Internet  
21 website shall contain a notice of the death.

22       (3) An individual convicted of a sexually violent  
23 offense, a sexually violent predator or a sexually violent  
24 delinquent child has terminated residence, has terminated  
25 employment or has terminated enrollment as a student within  
26 this Commonwealth, in which case the Internet website shall  
27 contain a notice indicating such information.

28      § 9799.29. Administration.

29      The Governor shall direct the Pennsylvania State Police, the  
30 Pennsylvania Board of Probation and Parole, the board, the

Department of Corrections, the Department of Transportation and any other agency of the Commonwealth that the Governor deems necessary to collaboratively design, develop and implement an integrated and secure system of communication, storage and retrieval of information to assure the timely, accurate and efficient administration of this subchapter.

§ 9799.30. Global positioning system technology.

The Pennsylvania Board of Probation and Parole and county probation authorities may impose supervision conditions that include tracking through global positioning system technology.

§ 9799.31. Immunity for good faith conduct.

The following entities shall be immune from liability for good faith conduct under this subchapter:

(1) Agents and employees of the Pennsylvania State Police and local law enforcement agencies.

(2) District attorneys and their agents and employees.

(3) Superintendents, administrators, teachers, employees and volunteers engaged in the supervision of children of any public, private or parochial school.

(4) Directors and employees of county children and youth agencies.

(5) Presidents or similar officers of universities and colleges, including community colleges.

(6) The Pennsylvania Board of Probation and Parole and its agents and employees.

(7) County probation and parole offices and their agents and employees.

(8) Licensees of certified day-care centers and directors of licensed preschool programs and owners and operators of registered family day-care homes and their

1 agents and employees.

2 (9) The Department of Corrections and its agents and  
3 employees.

4 (10) County correctional facilities and their agents and  
5 employees.

6 (11) The board and its agents and employees.

7 (12) Juvenile probation offices and their agents and  
8 employees.

9 (13) The Department of Public Welfare and its agents and  
10 employees.

11 (14) Institutions or facilities set forth in section  
12 6352(a)(3) (relating to disposition of delinquent child) and  
13 their agents and employees.

14 (15) The unit owners' association of a common interest  
15 community and its agents and employees as it relates to  
16 distributing information regarding section 9799.27(b)(1)  
17 (relating to other notification).

18 § 9799.32. Pennsylvania State Police.

19 The Pennsylvania State Police have the following duties:

20 (1) To create and maintain the Statewide registry of  
21 sexual offenders in conformity with the provisions of this  
22 subchapter.

23 (2) In consultation with the Department of Corrections,  
24 the Office of Attorney General, the Juvenile Court Judges'  
25 Commission, the Administrative Office of Pennsylvania Courts,  
26 the Pennsylvania Board of Probation and Parole and the  
27 chairman and minority chairman of the Judiciary Committee of  
28 the Senate and the chairman and minority chairman of the  
29 Judiciary Committee of the House of Representatives, to  
30 promulgate guidelines necessary for the general

1 administration of this subchapter. These guidelines shall  
2 establish procedures to allow an individual subject to the  
3 requirements of this subchapter, including a transient, to  
4 fulfill these requirements at approved registration sites  
5 throughout this Commonwealth. The Pennsylvania State Police  
6 shall publish a list of approved registration sites in the  
7 Pennsylvania Bulletin and provide a list of approved  
8 registration sites in any notice sent to individuals required  
9 to register under this subchapter. An approved registration  
10 site shall be capable of submitting fingerprints, palm  
11 prints, DNA samples and any other information required  
12 electronically to the Pennsylvania State Police. The  
13 Pennsylvania State Police shall require that approved  
14 registration sites submit fingerprints utilizing the  
15 Integrated Automated Fingerprint Identification System or in  
16 another manner and in such form as the Pennsylvania State  
17 Police shall require. Approved registration sites shall not  
18 be limited to sites managed by the Pennsylvania State Police  
19 and shall include sites managed by local law enforcement  
20 agencies that meet the criteria for approved registration  
21 sites set forth in this paragraph.

22 (3) To write regulations regarding neighbor notification  
23 under section 9799.27(b)(1) (relating to other notification).

24 (4) Within three business days, to transfer information  
25 as set forth in section 9799.18 (relating to information  
26 sharing).

27 (5) To enforce the provisions of this subchapter as set  
28 forth in section 9799.22 (relating to enforcement).

29 (6) To facilitate verification of information from  
30 individuals required to register under this subchapter as

1 provided in section 9799.25 (relating to verification by  
2 sexual offenders and Pennsylvania State Police).

3 (7) In consultation with the Department of Education and  
4 the Pennsylvania Board of Probation and Parole, to promulgate  
5 guidelines directing licensed day-care centers, licensed  
6 preschool programs, schools, universities and colleges,  
7 including community colleges, on the proper use and  
8 administration of information received under section 9799.27.

9 (8) In consultation with the Department of Corrections  
10 and the Pennsylvania Board of Probation and Parole, to  
11 promulgate guidelines directing State and county correctional  
12 facilities and State and county probation and parole offices  
13 regarding the completion of information, including the taking  
14 of photographs, required by sexual offenders under this  
15 subchapter.

16 (9) In consultation with the Administrative Office of  
17 Pennsylvania Courts, the Department of Public Welfare and the  
18 Juvenile Court Judges' Commission, to promulgate guidelines  
19 regarding the completion of information required by juvenile  
20 offenders and sexually violent delinquent children under this  
21 subchapter.

22 § 9799.33. Duties of probation and parole officials.

23 (a) Duties.--The Pennsylvania Board of Probation and Parole,  
24 the county office of probation and parole and the chief juvenile  
25 probation officer of the court shall:

26 (1) Perform their respective duties set forth for the  
27 Pennsylvania Board of Probation and Parole, the county office  
28 of probation and parole and the chief juvenile probation  
29 officer of the court in accordance with section 9799.19  
30 (relating to initial registration).

1       (2) On a form prescribed by the Pennsylvania State  
2       Police, notify the Pennsylvania State Police each time a  
3       sexual offender is arrested, recommitted to a State or county  
4       correctional institution for a parole violation or  
5       incarcerated.

6       (b) Notification form.--The Pennsylvania Board of Probation  
7       and Parole shall create a notification form which will inform  
8       State and county prison and probation and parole personnel how  
9       to inform sexual offenders of their duties under this  
10       subchapter. In addition, the Pennsylvania Board of Probation and  
11       Parole shall apply for Federal funding as provided in the Adam  
12       Walsh Child Protection and Safety Act of 2006 (Public Law  
13       109-248, 120 Stat. 597) to support and enhance programming using  
14       global satellite positioning system technology.

15       § 9799.34. Duties of facilities housing sexual offenders.

16       The Department of Corrections, a county correctional  
17       facility, an institution or facility set forth in section  
18       6352(a)(3) (relating to disposition of delinquent child) and the  
19       separate, State-owned facility or unit established under Chapter  
20       64 (relating to court-ordered involuntary treatment of certain  
21       sexually violent persons), shall have the following duties:

22       (1) To perform their respective duties in accordance  
23       with section 9799.19 (relating to initial registration). This  
24       paragraph includes taking a current photograph of the  
25       individual required to register under this subchapter before  
26       the individual is released from confinement or commitment or  
27       is discharged.

28       (2) On a form prescribed by the Pennsylvania State  
29       Police, to notify the Pennsylvania State Police each time a  
30       sexual offender is incarcerated, committed or released,

1 including supervised release or transfer to another  
2 correctional institution or facility or institution, in the  
3 case of a juvenile offender or sexually violent delinquent  
4 child. This paragraph shall include a community corrections  
5 center or community contract facility.

6 (3) To assist sexual offenders registering under this  
7 subchapter.

8 § 9799.35. Board.

9 (a) Composition.--The board shall be composed of  
10 psychiatrists, psychologists and criminal justice experts, each  
11 of whom is an expert in the field of the behavior and treatment  
12 of sexual offenders.

13 (b) Appointment.--The Governor shall appoint the board  
14 members.

15 (c) Term of office.--Members of the board shall serve four-  
16 year terms.

17 (d) Compensation.--The members of the board shall be  
18 compensated at a rate of \$350 per assessment and receive  
19 reimbursement for their actual and necessary expenses while  
20 performing the business of the board. The chairman shall receive  
21 \$500 additional compensation annually.

22 (e) Staff.--Support staff for the board shall be provided by  
23 the Pennsylvania Board of Probation and Parole.

24 § 9799.36. Counseling of sexually violent predators.

25 (a) General rule.--A sexually violent predator shall be  
26 required to attend at least monthly counseling sessions in a  
27 program approved by the board and be financially responsible for  
28 all fees assessed from the counseling sessions. The board shall  
29 monitor the compliance of the sexually violent predator. If the  
30 sexually violent predator can prove to the satisfaction of the



1 court that the sexually violent predator cannot afford to pay  
2 for the counseling sessions, the sexually violent predator shall  
3 nonetheless attend the counseling sessions, and the parole  
4 office shall pay the requisite fees.

5 (b) Designation in another jurisdiction.--If an individual  
6 required to register under this subchapter has been designated  
7 as a sexually violent predator in another jurisdiction and was  
8 required to undergo counseling, the individual shall be subject  
9 to the provisions of this section.

10 (c) Penalty.--A sexually violent predator who knowingly  
11 fails to attend counseling sessions as provided in this section  
12 may be subject to prosecution under 18 Pa.C.S. § 4915 (relating  
13 to failure to comply with registration of sexual offenders  
14 requirements).

15 § 9799.37. Exemption from notification for certain licensees  
16 and their employees.

17 Nothing in this subchapter shall be construed as imposing a  
18 duty upon a person licensed under the act of February 19, 1980  
19 (P.L.15, No.9), known as the Real Estate Licensing and  
20 Registration Act, or an employee of the person, to disclose any  
21 information regarding an individual required to be included in  
22 the registry pursuant to this subchapter.

23 § 9799.38. Annual performance audit.

24 (a) Duties of the Attorney General.--The Attorney General  
25 has the following duties:

26 (1) To conduct a performance audit annually to determine  
27 compliance with the requirements of this subchapter and any  
28 guidelines promulgated under this subchapter. The audit  
29 shall, at a minimum, include a review of the practices,  
30 procedures and records of the Pennsylvania State Police, the

Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts and any other State or local agency the Attorney General deems necessary in order to conduct a thorough and accurate performance audit.

(2) To prepare an annual report of its findings and any action that it recommends be taken by the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, other State or local agencies and the General Assembly to ensure compliance with this subchapter. The first report shall be released to the general public no fewer than 18 months following the effective date of this section.

(3) To provide a copy of its report to the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, State or local agencies referenced in the report, the chairman and the minority chairman of the Judiciary Committee of the Senate and the chairman and the minority chairman of the Judiciary Committee of the House of Representatives no fewer than 30 days prior to its release to the general public.

(b) Cooperation required.--Notwithstanding any other provision of law to the contrary, the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, the Pennsylvania Commission on Sentencing and any other State or local agency requested to do so shall fully cooperate with the Attorney General and assist the Office

1 of Attorney General in satisfying the requirements of this  
2 section. For purposes of this subsection, full cooperation shall  
3 include, at a minimum, complete access to unredacted records,  
4 files, reports and data systems.

5 § 9799.39. Photographs and fingerprinting.

6 An individual subject to registration shall submit to  
7 fingerprinting and photographing as required by this subchapter.  
8 Fingerprinting as required by this subchapter shall, at a  
9 minimum, require submission of a full set of fingerprints and  
10 palm prints. Photographing as required by this subchapter shall,  
11 at a minimum, require submission to photographs of the face and  
12 any scars, marks, tattoos or other unique features of the  
13 individual. Fingerprints and photographs obtained under this  
14 subchapter may be maintained for use under this subchapter and  
15 for general law enforcement purposes.

16 § 9799.40. Duties of Pennsylvania Commission on Sentencing.

17 The Pennsylvania Commission on Sentencing shall establish  
18 procedures to enable courts to classify sexual offenders as  
19 provided in section 9799.23 (relating to court notification and  
20 classification requirements).

21 Section 9. The definition of "other specified offense" in  
22 section 2303 of Title 44 is amended to read:

23 § 2303. Definitions.

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

27 \* \* \*

28 "Other specified offense." Any of the following:

29 (1) A felony offense [or an].

30 (2) An offense under 18 Pa.C.S. § 2910 (relating to

luring a child into a motor vehicle or structure) or 3126  
(relating to indecent assault) or an attempt to commit such  
an offense.

(3) An offense subject to 42 Pa.C.S. Ch. 97 Subch. H  
(relating to registration of sexual offenders).

\* \* \*

Section 10. Paragraph (4) of the definition of "eligible  
offender" in section 4503 of Title 61 is amended to read:

§ 4503. Definitions.

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:

\* \* \*

"Eligible offender." A defendant or inmate convicted of a  
criminal offense who will be committed to the custody of the  
department and who meets all of the following eligibility  
requirements:

\* \* \*

(4) Has not been found guilty or previously convicted or  
adjudicated delinquent for violating any of the following  
provisions or an equivalent offense under the laws of the  
United States or one of its territories or possessions,  
another state, the District of Columbia, the Commonwealth of  
Puerto Rico or a foreign nation:

18 Pa.C.S. § 4302 (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

18 Pa.C.S. § 6312 (relating to sexual abuse of children).

18 Pa.C.S. § 6318 (relating to unlawful contact with  
minor).

18 Pa.C.S. § 6320 (relating to sexual exploitation of

1 children).

2 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child  
3 pornography).

4 Received a criminal sentence pursuant to 42 Pa.C.S.  
5 § 9712.1 (relating to sentences for certain drug offenses  
6 committed with firearms).

7 Any sexually violent offense [listed under 42 Pa.C.S.  
8 § 9795.1 (relating to registration)], as defined in 42  
9 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual  
10 offenders).

11 \* \* \*

12 Section 11. Section 6137(a)(3.1)(ii) of Title 61 is amended  
13 to read:

14 § 6137. Parole power.

15 (a) General criteria for parole.--

16 \* \* \*

17 (3.1) \* \* \*

18 (ii) This paragraph shall not apply to offenders who  
19 are currently serving a term of imprisonment for a crime  
20 of violence as defined in 42 Pa.C.S. § 9714 (relating to  
21 sentences for second and subsequent offenses) or for a  
22 crime requiring registration under 42 Pa.C.S. [§ 9795.1  
23 (relating to registration)] Ch. 97 Subch. H (relating to  
24 registration of sexual offenders).

25 \* \* \*

26 Section 12. Any reference in any act or part of an act to 42  
27 Pa.C.S. § 9795.1 shall be deemed a reference to 42 Pa.C.S.  
28 § 9799.15 as if fully set forth in that act or part of that act.

29 Section 13. The addition of 42 Pa.C.S. § 9799.28(b)(11)  
30 shall apply to persons convicted after November 30, 2006, of an

1 offense which required registration under former 42 Pa.C.S. §  
2 9795.1 and to persons required to register under 42 Pa.C.S. Ch.  
3 97 Subch. H on or after the effective date of this section.  
4 Section 14. This act shall take effect in 120 days.