

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1012 Session of  
2013INTRODUCED BY DINNIMAN, STACK, RAFFERTY, BREWSTER, FONTANA,  
KASUNIC, HUGHES, SOLOBAY AND TARTAGLIONE, JUNE 12, 2013

REFERRED TO JUDICIARY, JUNE 12, 2013

## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in registration of sexual  
3 offenders, further providing for applicability; and imposing  
4 residency restrictions for certain offenders.

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

7 Section 1. Section 9799.13 of Title 42 of the Pennsylvania  
8 Consolidated Statutes, amended July 5, 2012 (P.L.880, No.91), is  
9 amended to read:

10 § 9799.13. Applicability.

11 (a) General rule.--The following individuals shall register  
12 with the Pennsylvania State Police as provided in sections  
13 9799.15 (relating to period of registration), 9799.19 (relating  
14 to initial registration) and 9799.25 (relating to verification  
15 by sexual offenders and Pennsylvania State Police) and otherwise  
16 comply with the provisions of this subchapter:

17 (1) An individual who, on or after the effective date of  
18 this section, is convicted of a sexually violent offense and

1 who has a residence within this Commonwealth or is a  
2 transient.

3 (1.1) An individual who, on or after the effective date  
4 of this section, is convicted of a sexually violent offense  
5 in this Commonwealth and does not have a residence in this  
6 Commonwealth and:

7 (i) is employed in this Commonwealth; or

8 (ii) is a student in this Commonwealth.

9 (1.2) An individual who, on or after the effective date  
10 of this section, is convicted of a sexually violent offense  
11 and does not have a residence within this Commonwealth or is  
12 not a transient in this Commonwealth and:

13 (i) is employed in this Commonwealth; or

14 (ii) is a student in this Commonwealth.

15 (2) An individual who, on or after the effective date of  
16 this section, is, as a result of a conviction for a sexually  
17 violent offense, an inmate in a State or county correctional  
18 institution of this Commonwealth, including a community  
19 corrections center or a community contract facility, is being  
20 supervised by the Pennsylvania Board of Probation and Parole  
21 or county probation or parole, is subject to a sentence of  
22 intermediate punishment or has supervision transferred  
23 pursuant to the Interstate Compact for Adult Supervision in  
24 accordance with section 9799.19(g).

25 (2.1) An individual who, on or after the effective date  
26 of this section, is, as a result of a conviction for a  
27 sexually violent offense, an inmate in a Federal correctional  
28 institution or is supervised by Federal probation authorities  
29 and who:

30 (i) has a residence within this Commonwealth or is a

1           transient;

2           (ii) is employed within this Commonwealth; or

3           (iii) is a student within this Commonwealth.

4           (3) An individual who is required to register or was  
5 required to register and failed to register with the  
6 Pennsylvania State Police under this subchapter prior to the  
7 effective date of this section and who has not fulfilled the  
8 period of registration as of the effective date of this  
9 section.

10          (7) An individual who, on or after the effective date of  
11 this section, is required to register in a sexual offender  
12 registry in another jurisdiction or in a foreign country  
13 based upon a conviction for a sexually violent offense or  
14 under a sexual offender statute in the jurisdiction where the  
15 individual is convicted and:

16           (i) has a residence in this Commonwealth or is a  
17 transient;

18           (ii) is employed within this Commonwealth; or

19           (iii) is a student within this Commonwealth.

20          (7.1) An individual who, on or after the effective date  
21 of this section, is required to register in a sexual offender  
22 registry in another jurisdiction or foreign country based  
23 upon a conviction of an offense set forth in section  
24 9799.14(b) (23) (relating to sexual offenses and tier system)  
25 and:

26           (i) has a residence in this Commonwealth or is a  
27 transient;

28           (ii) is employed within this Commonwealth; or

29           (iii) is a student within this Commonwealth.

30          (7.2) An individual who, on or after the effective date

1 of this paragraph, is convicted of a sexually violent offense  
2 in another jurisdiction or foreign country, or is  
3 incarcerated or under supervision as a result of a conviction  
4 for a sexually violent offense in another jurisdiction or  
5 foreign country and:

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

8 (ii) is employed within this Commonwealth; or

9 (iii) is a student within this Commonwealth.

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

14 (i) has a residence within this Commonwealth;

15 (ii) is employed within this Commonwealth; or

16 (iii) is a student within this Commonwealth.

17 (8.1) An individual who is a juvenile offender who is  
18 adjudicated delinquent in this Commonwealth on or after the  
19 effective date of this paragraph but who does not have a  
20 residence within this Commonwealth, is not a transient, is  
21 not employed in this Commonwealth or is not a student within  
22 this Commonwealth must register with the Pennsylvania State  
23 Police in accordance with section 9799.19 prior to leaving  
24 this Commonwealth.

25 (9) An individual who, on or after the effective date of  
26 this section, is a sexually violent delinquent child who is  
27 committed for involuntary treatment or, on the effective date  
28 of this section, is under commitment receiving involuntary  
29 treatment in the State-owned facility or unit as set forth in  
30 Chapter 64 (relating to court-ordered involuntary treatment

of certain sexually violent persons).

(b) Residency restrictions for certain offenders.--

(1) No person who is subject to registration under subsection (a) and who was convicted of an offense against a child under 18 years of age shall establish a residence or maintain a residence or other living accommodation as prohibited under this subsection. No such person who is subject to any order of parole, probation or supervision may be placed by any governmental authority in any residential setting that does not comply with the following:

(i) For a sexually violent predator or a Tier III sex offender the person may not reside within 1,500 feet of the real property on which is located any public, private or parochial school, licensed preschool program, certified day-care center, registered family day-care home, recreation center or playground.

(ii) For a Tier I or Tier II sex offender the court may include in any sentencing order and any order issued under this subchapter a residency restriction up to 1,500 feet of the real property on which is located any public, private or parochial school, licensed preschool program, certified day-care center, registered family day-care home, recreation center or playground.

(2) This subsection shall not apply to any person who resides in any of the following on a temporary or permanent basis:

(i) A hospital licensed by the Commonwealth.

(ii) A nursing home or similar entity licensed by the Commonwealth.

(iii) Except as provided in paragraph (1), any place

1 where the person is incarcerated due to a criminal charge  
2 or conviction.

3 (iv) Any location where a person is voluntarily or  
4 involuntarily committed for treatment pursuant to the act  
5 of July 9, 1976 (P.L.817, No.143), known as the Mental  
6 Health Procedures Act.

7 (v) A temporary lodging for consideration for a term  
8 that is less than 30 consecutive days.

9 (3) Nothing in this subsection shall be construed to:

10 (i) Require any person subject to the provisions of  
11 this section or section 9795.1 (relating to registration)  
12 to sell or otherwise dispose of any real estate, home or  
13 other real property or to cancel any lease of real  
14 property that was acquired or entered prior to the  
15 effective date of this subsection.

16 (ii) Prohibit such person from maintaining a  
17 residence at a location as provided in this subsection.  
18 In order for a person to comply with the exemption  
19 provided in this paragraph, the person must provide  
20 evidence to the court in which the sentencing occurred  
21 and to the Pennsylvania State Police at the time of  
22 registration pursuant to section 9795.1 and verification  
23 pursuant to section 9796 (relating to verification of  
24 residence). The evidence shall consist of:

25 (A) For real property, a copy of a deed,  
26 security interest or mortgage to which the person is  
27 a signatory.

28 (B) For a leasehold, a copy of the applicable  
29 lease agreement to which the person is a signatory.

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