

MEMORANDUM

TO: All Members of the House of Representatives

FROM: Representative Eugene DePasquale

SUBJECT: **Improving SAFETY for our most vulnerable**

DATE: January 25, 2011

In the near future, I plan to introduce a four-bill package aimed to protect our most vulnerable by making sure they and law enforcement have the tools they need to keep them safe from convicted criminals and abusers. Two of the bills are being reintroduced and two are new legislation.

Soon, I will be re-introducing a two bill package which will allow victims of abuse to file a "Peace Order," giving them protections similar to those of a Protection From Abuse (PFA) Order and enable judges to require that certain abusers wear global position satellite (GPS) units to notify victims and law enforcement that the abuser is close. This legislation has the potential to save countless lives while allowing victims to feel safe in their own homes, schools and places of employment.

The first bill, **previously HB 1957**, in this package would allow those who cannot file a PFA order to file a Peace Order. Currently, in Pennsylvania, victims can only seek protection from those who terrorize, harm or abuse them under the Protection From Abuse Act if the victim and abuser are family members, live in the same household or were intimate partners. This legislation would remedy this inequity by allowing victims of certain enumerated offenses, including, but not limited to, rape, assault and stalking, whose abuser does not meet the required relationship nexus, to enjoy the same protections afforded to those whose abusers meet the relationship requirements necessary to obtain a PFA order.

The second bill, **previously HB 1958**, will grant judges the authority to order that an individual against whom a Peace Order or PFA has been entered wear a GPS unit. This unit would immediately notify the victim and law enforcement officials that the abuser has breached the boundaries of the prohibited zone surrounding the victim. On January 9, 2007, in Mount Pleasant, Michigan, Mary Lynn Anderson Babb was fatally shot by her estranged husband, leaving her four year old son without a mother. Ms. Babb was granted a personal protection order against him and was in the process of filing for divorce. On January 20, 2000, Sandy Berfield was murdered when a man, whom had been stalking her since she had politely declined to date two years earlier, placed a package bomb at her Massachusetts home. Ms. Berfield was unable to get a protection order against her stalker because they did not share an intimate relationship and were not members of the same family or household. Both of these woman, and countless others like them, may have been alive today if legislation like this were enacted when they were killed, as it is today in states like Colorado, Florida, Illinois, Michigan, Minnesota, New Hampshire, Utah and Washington.

Additionally, the third bill, which is **new legislation**, will bring Pennsylvania into compliance with the provisions in the Sex Offender Registration and Notification Act (SORNA) enacted by Congress in 2006. SORNA, Title I of the Adam Walsh Child Protection Safety Act, provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. It aims to close

potential gaps and loopholes that existed under prior law. Several states including Delaware, New York, and Ohio have enacted similar legislation in order to meet federal standards. A provision within the Adam Walsh Act requires implementation with a penalty of a 10% reduction in funding for failure to comply. My bill will bring Pennsylvania into compliance by amending §9795.2 (relating to registration) of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes with the SORNA provisions. In addition, my bill establishes limited use of the internet, including accessing social networking websites, and prohibits the use of computer scrub software as conditions of parole.

The **final bill** I plan to introduce establishes penalties under Chapter 76 (Computer Offenses) of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes for registered sex offenders that utilize computer scrub software or access the internet. The first provision establishes a penalty for any registered sex offender who utilizes computer scrub software in order to remove internet activity history. In addition to penalties prescribed under 18 PA.C.S. §4915 (relating to failure to comply with registration of sexual offender requirements), an individual would be subject to a misdemeanor of the third degree.

The second offense establishes a penalty for unlawful use of the internet by a registered sex offender, which includes using the internet in order to access child pornography or social networking websites, or to communicate with other individuals or groups for the purpose of promoting sexual relations with persons under the age of 18. Under my legislation, an individual would be subject to a misdemeanor of the third degree in addition to penalties prescribed under 18 PA.C.S. §4915 (relating to failure to comply with registration of sexual offender requirements).

By enacting this legislative package, we will improve the safety of our children **and** victims of crime as we move forward in this technological age. Also, enactment of this legislation will move Pennsylvania closer to compliance with federal law and ensure our federal funding is not negatively impacted as a result of inaction by the Legislature.

Therefore, I ask you to please join me as I introduce this important crime-fighting package to help protect our most vulnerable citizens. If you would like to co-sponsor any of this legislation, please contact Cynthia Clory in my Harrisburg Office at (717) 787-7514 or via e-mail at cclory@pahouse.net.