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**CO-SPONSORSHIP MEMO # 32**

**TO:** All Senators

**FROM:** Senator Jane C. Orie 

**SUBJECT:** Senate Bill 1183 - Adopting requirements for compliance with the federal Sex Offender Registration and Notification Act (SORNA), "Adam Walsh Child Protection and Safety Act of 2006"

**DATE:** June 28, 2011

Today I, along with Senators Stewart Greenleaf and John Rafferty introduced legislation, Senate Bill 1183, that will rewrite Pennsylvania's Megan's Law in order to bring Pennsylvania into compliance with the federal Sex Offender Registration and Notification Act (SORNA), Title 1 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). Pennsylvania must bring its law into "substantial compliance" with SORNA or suffer a 10% reduction in its Byrne Justice Assistance Grant funding. This proposal is a more comprehensive proposal than what Senator Rafferty and I have introduced in the past and includes proposals that Senator Greenleaf has introduced to address several court decisions. In the last several months Governor Corbett's administration has made a strenuous effort to get this together and has taken some suggestions in preparation of this draft and is to be commended.

In order to comply with SORNA, this proposal makes the following changes to Pennsylvania's Megan's Law: (1) groups offenders into multiple classifications, depending on the severity of the offense; (2) increases the amount of information collected from each offender; (3) extends the registration requirement to juvenile offenders who commit rape, involuntary deviate sexual intercourse, aggravated indecent assault, or an attempt or conspiracy to commit these offenses; (4) expands the list of sexually violent offenses subject to the law; (5) recaptures back into Megan's Law offenders with prior convictions for sexual offenses but not currently subject to registration, if the offender re-enters the criminal justice system because of a conviction of a crime punishable by a term of imprisonment of more than one year; (6) requires notification to the federal government if the offender intends to travel abroad; (7) increases the frequency with which an offender is required to verify his registration information; (8) requires that Pennsylvania include more information about offenders on its Internet website; (9) mandates that the Pennsylvania State Police communicate registration information with federal, state, and local police departments more quickly than is currently required; and (10) requires transient



sexual offenders to register and update their registration information, which will also solve the problem identified in *Commonwealth v. Wilgus*, 975 A.2d 1183 (Pa. 2009) (appeal granted), in which the Superior Court held that homeless offenders are not subject to Megan's Law.

This proposal makes the following additional changes to state law that are not strictly required by SORNA: (1) alters the registration process to require registration information to be collected by local authorities at the front end (i.e. time of sentencing) rather than at the back end (i.e. release from incarceration); (2) extends 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements) to out-of-state offenders in response to the Superior Court's holding in *Commonwealth v. Arroyo*, 991 A.2d 951 (Pa.Super. 2010); (3) applies the registration and community notification requirements to both Pennsylvania and out-of-state offenders more uniformly than under existing law; and (4) further protects society by classifying the most dangerous juvenile sex offenders -- those classified as "sexually violent delinquent child[ren]" and civilly committed pursuant to 42 Pa.C.S. Ch. 64 (relating to court-ordered involuntary treatment of certain sexually violent predators) -- as sexually violent predators subject to community notification. However, in respect for the distinction between juvenile and adult offenders, other juveniles subject to registration under the law will not be subject to Internet posting or community notification under this proposal.

Finally, in an effort to save as much of Pennsylvania's current law as possible, the proposal preserves the following provisions, even though they are not required by SORNA: (1) the role of the State Sexual Offender Assessment Board in conducting evaluations of sexual offenders; (2) the category of sexual violent predator; (3) traditional (i.e. door-to-door) community notification for sexually violent predators, not just Internet community notification; and (4) traditional written notice to victims of sexually violent predators, unless the victim chooses an electronic notification option under development by the Pennsylvania State Police.

If you have any questions about this legislation, please do not hesitate to contact my office. Should you wish to co-sponsor this legislation please send a memo to Secretary Corrigan's office requesting your name be added as a co-sponsor of Senate Bill 1183.