

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2780

Session of
1994

INTRODUCED BY RUDY, PISTELLA, BELARDI, J. TAYLOR, KASUNIC,
GERLACH, KENNEY, HERMAN, CESSAR, FARMER, TIGUE, WILLIAMS,
HARLEY, MARKOSEK, MELIO, DeLUCA, TRUE, ROONEY, KELLER, PITTS,
GEIST, McCALL, STABACK, HESS, ULIANA, E. Z. TAYLOR, KING,
COY, FAJT, MUNDY, BUNT, CLARK, M. N. WRIGHT AND JAMES,
MAY 18, 1994

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 28, 1994

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, requiring the registration of sexual
3 offenders and providing for the procedure thereof; providing
4 for additional duties of the ~~Office of Attorney General~~ <—
5 PENNSYLVANIA STATE POLICE; and providing penalties. <—

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

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

CHAPTER 93

REGISTRATION OF SEXUAL OFFENDERS

12 Sec.

13 ~~9301. Registration.~~ <—

14 ~~9302. Offenses enumerated.~~

15 ~~9303. Notice of duty to register.~~

16 ~~9304. Probationers and other persons.~~

17 ~~9305. Persons on work release.~~

1 ~~9306. Maintenance of records.~~

2 ~~9307. Change of address.~~

3 ~~9308. Penalties.~~

4 ~~9309. Parole revocation.~~

5 ~~9310. Rules and regulations.~~

6 9301. DEFINITIONS. <—

7 9302. REGISTRATION.

8 9303. OFFENSES ENUMERATED.

9 9304. NOTICE OF DUTY TO REGISTER.

10 9305. PROBATIONERS AND OTHER OFFENDERS.

11 9306. OFFENDERS ON WORK RELEASE.

12 9307. MAINTENANCE OF RECORDS.

13 9308. CHANGE OF ADDRESS.

14 9309. COMMUNITY NOTIFICATION.

15 9310. PENALTIES.

16 9311. PAROLE REVOCATION.

17 9312. RULES AND REGULATIONS.

18 § 9301. DEFINITIONS. <—

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "LOCAL LAW ENFORCEMENT AGENCY." INCLUDES THE MUNICIPAL
23 POLICE DEPARTMENT HAVING JURISDICTION IN A MUNICIPALITY, OR, IF
24 THERE BE NO POLICE DEPARTMENT, THE PENNSYLVANIA STATE POLICE
25 BARRACKS HAVING JURISDICTION.

26 "STATE POLICE." THE PENNSYLVANIA STATE POLICE.

27 § ~~9301~~ 9302. Registration. <—

28 Anyone who has pleaded nolo contendere, guilty or has been
29 found guilty in this or any state of violating any of the
30 offenses enumerated in section ~~9302~~ 9303 (relating to offenses <—

1 enumerated) shall, within 30 days after the effective date of
2 this chapter or within 14 days of moving from another state into
3 any municipality in this Commonwealth, register with the Office <—
4 of ~~Attorney General~~ CENTRAL OFFICE OF THE STATE POLICE as a <—
5 sexual offender and shall also register with the chief of police
6 office of that municipality or the Pennsylvania State Police
7 barracks of that jurisdiction if the municipality has no police
8 department.

9 § ~~9302~~ 9303. Offenses enumerated. <—

10 (a) General rule.--The offenses referred to in section ~~9301~~ <—
11 9302 (relating to registration) are as follows:

12 Section 3121 (relating to rape).

13 Section 3122 (relating to statutory rape).

14 ~~Section 3124 (relating to voluntary deviate sexual <—~~
15 ~~intercourse).~~

16 Section 3125 (relating to aggravated indecent assault).

17 Section 3126 (relating to indecent assault).

18 Section 3127 (relating to indecent exposure).

19 Section 3128 (relating to spousal sexual assault).

20 Section 4302 (relating to incest).

21 SECTION 6301 (RELATING TO CORRUPTION OF MINORS). <—

22 Section 6312 (relating to abuse of children).

23 (b) Attempts.--An offense under this section shall include
24 the attempt to commit any of the offenses set forth in
25 subsection (a).

26 (c) Other states.--An offense under this section shall
27 include a conviction in any other state of any offense which, if
28 committed or attempted in this Commonwealth, would have been
29 punishable as one or more of the offenses set forth in
30 subsection (a).

1 (D) ACQUITTALS DUE TO MENTAL ILLNESS.--THIS CHAPTER APPLIES <—
2 TO PERSONS CHARGED AND TRIED FOR AN OFFENSE UNDER SUBSECTION
3 (A), BUT ACQUITTED DUE TO MENTAL ILLNESS.

4 (E) TIME LIMIT.--THE REQUIREMENT TO REGISTER UNDER THIS
5 SECTION SHALL CONTINUE FOR A PERIOD OF 20 YEARS FROM THE DATE OF
6 THE LAST CONVICTION OF AN OFFENSE UNDER SUBSECTION (A).

7 § ~~9303~~ 9304. Notice of duty to register. <—

8 (a) General rule.--Any ~~person~~ OFFENDER who is discharged or <—
9 paroled from a jail, prison, correctional institution, school,
10 work camp, detention center, youth development center or other
11 institution for adults or juveniles where he was confined
12 because of the commission or attempt to commit one of the
13 offenses described in section ~~9302~~ 9303 (relating to offenses <—
14 enumerated) shall, prior to discharge, parole or release, be
15 informed of his duty to register under this chapter by the
16 official in charge of the place of confinement.

17 (b) Form.--

18 (1) The official shall require the ~~person~~ OFFENDER to <—
19 read and sign a form as may be required by the ~~Attorney~~ <—
20 ~~General~~ STATE POLICE stating that the duty of the ~~person~~ <—
21 OFFENDER to register under this section has been explained to <—
22 the ~~person~~ OFFENDER. <—

23 (2) In case the ~~person~~ OFFENDER is a juvenile, the <—
24 official shall also require the parent or guardian or other
25 adult that the court releases the youth into custody to read
26 and sign a form as may be required by the ~~Office of Attorney~~ <—
27 ~~General~~ STATE POLICE stating that the duty of the ~~person~~ <—
28 OFFENDER to register under this section has been explained to <—
29 the ~~person~~ OFFENDER and to the parent, guardian or other <—
30 adult.

1 ~~(c) Residence address. The official in charge of the place~~ <—
2 (C) RESIDENCE ADDRESS.-- <—
3 (1) THE OFFICIAL IN CHARGE OF THE PLACE of confinement
4 shall obtain the address where the ~~person~~ OFFENDER expects to <—
5 reside upon discharge, parole or release and shall report the
6 address to the ~~Office of Attorney General and to the chief of~~ <—
7 ~~police with~~ CENTRAL OFFICE OF THE STATE POLICE AND TO THE <—
8 LOCAL LAW ENFORCEMENT AGENCY HAVING jurisdiction over that
9 municipality.
10 (2) WHEN THE OFFENDER IS TO BE PAROLED FROM A STATE <—
11 CORRECTIONAL FACILITY, THE ADDRESS WHERE THE OFFENDER EXPECTS
12 TO RESIDE UPON PAROLE SHALL BE PROVIDED BY THE PENNSYLVANIA
13 BOARD OF PROBATION AND PAROLE TO THE STATE POLICE. WHEN THE
14 OFFENDER IS BEING CONFINED IN A COUNTY CORRECTIONAL FACILITY
15 AND IS SERVING A STATE SENTENCE, THE BOARD SHALL ALSO BE
16 RESPONSIBLE FOR PROVIDING THE ADDRESS OF THE OFFENDER TO THE
17 STATE POLICE.
18 (d) Procedure.--The official in charge of the place of
19 confinement shall give one copy of the form to the ~~person~~ <—
20 OFFENDER and shall send one copy to the ~~Office of Attorney~~ <—
21 ~~General~~ CENTRAL OFFICE OF THE STATE POLICE and one copy to the <—
22 ~~appropriate~~ LOCAL law enforcement agency ~~or agencies~~ having <—
23 jurisdiction over the place the ~~person~~ OFFENDER states that he <—
24 will reside upon discharge, parole or release. If the ~~person~~ <—
25 OFFENDER had been convicted of a felony charge of the offenses <—
26 described in section ~~9302~~ 9303, then the official in charge of <—
27 confinement shall send, at least 30 days prior to that ~~person's~~ <—
28 OFFENDER'S scheduled release, a copy of the form, signed by the <—
29 offender, to the ~~Office of Attorney General~~ CENTRAL OFFICE OF <—
30 THE STATE POLICE and to the LOCAL law enforcement agency with <—

1 jurisdiction over where the ~~person~~ OFFENDER will reside. <—

2 (E) NOTICE IN CERTAIN MOTOR VEHICLE MAILINGS.--THE <—

3 DEPARTMENT OF TRANSPORTATION SHALL INCLUDE WITH EACH NEW OR

4 RENEWAL APPLICATION FOR A DRIVER'S LICENSE OR MOTOR VEHICLE

5 REGISTRATION A NOTICE THAT SEXUAL OFFENDERS MUST REGISTER UNDER

6 THIS CHAPTER.

7 § ~~9304~~ 9305. Probationers and other ~~persons~~ OFFENDERS. <—

8 (a) Duty to register.--Any ~~person~~ OFFENDER who is found <—

9 guilty or pleads guilty or nolo contendere of the commission of

10 any of the offenses described in section ~~9302~~ 9303 (relating to <—

11 offenses enumerated) and who is released on probation or

12 discharged upon payment of a fine shall, prior to release or

13 discharge, be informed of the duty to register under this

14 section by the court in which the ~~person~~ OFFENDER has been <—

15 convicted. The court shall require the ~~person~~ OFFENDER to read <—

16 and sign a form as may be required by the ~~Attorney General~~ STATE <—

17 POLICE, stating the duty of the ~~person~~ OFFENDER to register <—

18 under this section has been explained to him.

19 (b) Procedure.--The court shall obtain the address where the

20 ~~person~~ OFFENDER expects to reside upon release or discharge. It <—

21 then shall report within 72 hours the address to the ~~Office of~~ <—

22 ~~Attorney General and the~~ CENTRAL OFFICE OF THE STATE POLICE AND <—

23 TO THE LOCAL law enforcement agency with jurisdiction over the

24 municipality in which the residence is located. The court shall

25 give one copy of the form to the ~~person~~ OFFENDER and shall send <—

26 one copy to the ~~Office of Attorney General~~ CENTRAL OFFICE OF THE <—

27 STATE POLICE. It shall forward one copy to the ~~appropriate~~ LOCAL <—

28 law enforcement agency ~~or agencies~~ with jurisdiction over the <—

29 municipality in which the ~~person~~ OFFENDER expects to reside upon <—

30 discharge, parole or release.

1 § ~~9305. Persons~~ 9306. OFFENDERS on work release.

2 Anyone convicted of any of the offenses described in section
3 ~~9302~~ 9303 (relating to offenses enumerated) who may qualify for
4 work release outside of his confinement must have the fact that
5 he is participating in work release in that municipality filed
6 on the listing kept by the local law enforcement agency with
7 jurisdiction in that municipality and with the ~~Office of~~
8 ~~Attorney General~~ CENTRAL OFFICE OF THE STATE POLICE. The warden
9 of each county prison is required to complete this notification
10 in writing in a form approved by the ~~Attorney General~~ STATE
11 POLICE.

12 ~~§ 9306~~ 9307. Maintenance of records.

13 (a) Master list.--~~The Office of Attorney General~~ STATE
14 POLICE shall keep a master list on computer records and on paper
15 of the names and current known addresses of all those convicted
16 in this Commonwealth of the offenses described in section ~~9302~~
17 9303 (relating to offenses enumerated).

18 (b) ~~Limit on availability.~~ The Attorney General
19 AVAILABILITY.-- THE STATE POLICE shall make the list available
20 ~~only~~ to officers of law enforcement, probation, parole or the
21 court.

(c) Right of victim.--~~The Office of Attorney General~~ STATE
POLICE shall develop a form to be used by a victim of any
offense described in section ~~9302~~ 9303 to request the address of
the ~~person~~ OFFENDER convicted of the offense.

(d) ~~Municipal~~ LOCAL law enforcement agencies.--Additionally, each LOCAL law enforcement agency with jurisdiction within a municipality shall keep a master list of the names and addresses of offenders who have lived or currently are living in the area. The list shall include the current known address, no matter if

1 the offender lives in the municipality or has moved to another
2 municipality or state. The ~~Office of Attorney General~~ STATE <—
3 POLICE shall notify the LOCAL law enforcement agency with <—
4 jurisdiction within a municipality any time that a convicted
5 offender moves into that municipality or moves to another
6 community.

7 § ~~9307~~ 9308. Change of address. <—

8 If any ~~person~~ OFFENDER required to register under this <—
9 chapter changes his residence address, he shall give written
10 notification to the ~~Office of Attorney General and the~~ CENTRAL <—
11 OFFICE OF THE STATE POLICE AND THE LOCAL law enforcement agency
12 ~~or agencies~~ with whom he was last registered no later than ten <—
13 days after changing his address. The ~~person~~ OFFENDER shall also <—
14 within ten days notify in writing the LOCAL law enforcement <—
15 agency ~~or agencies~~ with jurisdiction over the municipality in <—
16 which that residence is located of the change of address. Within
17 five working days after receiving written notification of a
18 change of address, the law enforcement agencies shall notify in
19 writing the ~~Office of Attorney General~~ CENTRAL OFFICE OF THE <—
20 STATE POLICE of the change. The ~~Office of Attorney General~~ STATE <—
21 POLICE also shall confirm any change of address notifications
22 that it receives with the LOCAL law enforcement agency ~~or~~ <—
23 ~~agencies that have~~ THAT HAS jurisdiction over the residence <—
24 where the ~~person~~ OFFENDER formerly lived and the LOCAL law <—
25 enforcement agency ~~or agencies that have~~ THAT HAS jurisdiction <—
26 over the ~~person's~~ OFFENDER'S new residence. <—

27 § 9309. COMMUNITY NOTIFICATION. <—

28 (A) GENERAL RULE.--

29 (1) THE EXECUTIVE OFFICER OF A LOCAL LAW ENFORCEMENT
30 AGENCY MAY NOTIFY BY MAIL EACH PERSON ENUMERATED BY THIS

1 PARAGRAPH OF THE NAME AND ADDRESS OF EACH CONVICTED OFFENDER
2 ON THE MASTER LIST MAINTAINED FOR THAT JURISDICTION. IN
3 ADDITION, THE EXECUTIVE OFFICER OF THE AGENCY SHALL INFORM
4 EACH PERSON NOTIFIED OF THE SEX OFFENSE COMMITTED BY THE
5 OFFENDER AS ENUMERATED BY SECTION 9303 (RELATING TO OFFENSES
6 ENUMERATED). THE FOLLOWING PERSONS MAY RECEIVE NOTIFICATION
7 UNDER THIS SECTION:

8 (I) ANY PERSON WHO LIVES WITHIN A ONE-MILE-SQUARE
9 RADIUS OF THE OFFENDER'S RESIDENCE IN A RURAL AREA.

10 (II) ANY PERSON WHO LIVES WITHIN A THREE-SQUARE-
11 BLOCK AREA OF THE OFFENDER'S RESIDENCE IN AN URBAN OR
12 SUBURBAN AREA.

13 (2) NOTWITHSTANDING PARAGRAPH (1), THE SUPERINTENDENT OF
14 THE SCHOOL DISTRICT WHERE THE OFFENDER RESIDES SHALL RECEIVE
15 NOTIFICATION UNDER THIS SUBSECTION.

16 (B) MASTER LIST.--IN ADDITION, THE EXECUTIVE OFFICER OF EACH
17 LOCAL LAW ENFORCEMENT AGENCY SHALL MAKE A MASTER LIST AVAILABLE
18 FOR PUBLIC INSPECTION AT THE AGENCY'S HEADQUARTERS.

19 (C) IMMUNITY FROM CIVIL LIABILITY.--ANY PUBLIC OFFICIAL OR
20 EMPLOYEE, PUBLIC AGENCY OR CRIMINAL JUSTICE AGENCY SHALL BE
21 IMMUNE FROM CIVIL LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY OR
22 MANDATORY DECISION TO RELEASE THE INFORMATION ABOUT A CONVICTED
23 OFFENDER AS PROVIDED FOR IN THIS SECTION, UNLESS IT IS SHOWN
24 THAT THE PUBLIC OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS
25 NEGLIGENCE OR IN BAD FAITH. THE IMMUNITY PROVIDED FOR IN THIS
26 SUBSECTION APPLIES TO THE RELEASE OF INFORMATION PROVIDED FOR BY
27 THIS SECTION TO OTHER OFFICIALS OR EMPLOYEES OR TO THE GENERAL
28 PUBLIC.

29 § ~~9308~~ 9310. Penalties.

30 (a) First offense.--A violation of this chapter by any

1 ~~person~~ OFFENDER required to register hereunder constitutes a <—
2 misdemeanor of the ~~third~~ SECOND degree punishable by a mandatory <—
3 minimum sentence of ~~ten days' imprisonment and a maximum~~ \$1,000 <—
4 AND IMPRISONMENT of one year.

5 (b) Subsequent offenses.--Subsequent offenses are punishable
6 by a term of imprisonment from six months to two years.

7 § ~~9309~~ 9311. Parole revocation. <—

8 Any ~~person~~ OFFENDER released on parole or probation who is <—
9 required to register under this chapter and has been duly
10 informed of that requirement but fails to do so within the time
11 prescribed may have his probation or parole revoked by action of
12 the court or by order of the Board of Probation and Parole and
13 be ordered to complete his maximum sentence or to serve other
14 prison time as provided in this chapter.

15 § ~~9310~~ 9312. Rules and regulations. <—

16 The ~~Office of Attorney General~~ STATE POLICE shall promulgate <—
17 rules and regulations to carry out this chapter.

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