
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 111

Special Session No. 1 of
1995

INTRODUCED BY VEON, M. COHEN, BELARDI, HERMAN, WASHINGTON,
GEIST, STURLA, STABACK, ROONEY, READSHAW, MELIO, TRELLO,
JOSEPHS, LAUGHLIN, PETRARCA, YOUNGBLOOD, PRESTON AND WOZNIAK,
MAY 1, 1995

REFERRED TO COMMITTEE ON JUDICIARY, MAY 1, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for sex
3 offenders.

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

6 Section 1. Chapter 97 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER H

9 TREATMENT OF SEX OFFENDERS

10 Sec.

11 9791. Definitions.

12 9792. Incarceration.

13 9793. Assessment of sex offenders.

14 9794. Sex offender treatment program.

15 9795. Probation and parole requirement.

16 9796. Duties of Pennsylvania Board of Probation and Parole.

17 9797. Report to General Assembly.

1 9798. Sex Offender Treatment Fund.

2 § 9791. Definitions.

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

6 "Board." The Pennsylvania Board of Probation and Parole.

7 "Fund." The Sex Offender Treatment Fund established under
8 section 9798.

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

14 "Sex offender." A person who has been convicted of a sex
15 offense or convicted of an offense where the facts of the crime
16 could have resulted in a conviction of a sex offense.

17 "Sex offense." Any offense in violation of 18 Pa.C.S. Ch. 31
18 (relating to sexual offenses), section 3301(a)(c) or (d)
19 (relating to arson and related offenses) or section 4302
20 (relating to incest).

21 "Treatment program." A sex offender treatment program which
22 includes group counseling sessions under the supervision of an
23 attending licensed psychologist or program therapist.

24 § 9792. Incarceration.

25 Sex offenders shall be incarcerated only in facilities having
26 access to a treatment program consistent with the standards
27 established under section 9794 (relating to sex offender
28 treatment program).

29 § 9793. Assessment of sex offenders.

30 (a) Order for assessment.--Upon eligibility for probation or

1 parole a sex offender shall be assessed by a board-approved
2 licensed psychologist or program therapist trained in the
3 evaluation of sex offenders.

4 (b) Assessment.--The assessment shall include, but not be
5 limited to:

6 (1) A clinical psychological assessment of the
7 offender's mental abnormality or personality disorder.

8 (2) The offender's victim preference.

9 (3) The risk of recidivism.

10 (4) The level of denial or minimalization by the
11 offender.

12 (5) The offender's empathy level for the victim.

13 (6) Amenability to treatment.

14 (7) Any other pertinent information.

15 § 9794. Sex offender treatment program.

16 (a) General rule.--All treatment programs shall follow
17 nationally recognized treatment modalities recommended by the
18 National Association for Treatment of Sexual Abusers.

19 (b) District parole office.--Each district parole office
20 shall establish a treatment program and shall have available at
21 least one attending licensed psychologist or program therapist
22 who has training in the evaluation of sex offenders and has been
23 approved by the board. The psychologist or program therapist
24 shall administer the treatment program in each district.

25 (c) County probation and parole offices.--Each county
26 probation and parole office may establish a treatment program.
27 All county-level treatment programs shall annually demonstrate
28 to the board compliance with board treatment program standards.
29 Nothing in this section shall prohibit counties from
30 establishing a joint treatment program.

1 (d) Treatment program coordination.--For counties with no
2 treatment program under subsection (c), the district parole
3 office shall provide access to the district parole office
4 treatment program to all individuals on probation or parole at
5 the county level. Each district parole office shall coordinate
6 and facilitate all efforts to ensure access to the district
7 parole office treatment program.

8 § 9795. Probation and parole requirement.

9 (a) Parole consideration.--A sex offender shall be required
10 to participate constructively in a sex offender treatment
11 program while incarcerated in a State correctional or local
12 facility to be eligible for parole. The offender shall undergo
13 an assessment under section 9793 (relating to assessment of sex
14 offenders) and the report shall be considered in making any
15 determination for parole approval.

16 (b) Condition of supervision.--A sex offender shall, as a
17 condition of supervision, attend and participate constructively
18 in a sex offender treatment program while on probation or
19 parole.

20 § 9796. Duties of Pennsylvania Board of Probation and Parole.

21 The board shall promulgate necessary rules and regulations to
22 implement this subchapter. The board shall periodically, as
23 necessary, advise the appropriate courts of the approval status
24 of treatment programs.

25 § 9797. Report to General Assembly.

26 (a) Conference.--Within two years of the effective date of
27 this subchapter and every five years thereafter, the board shall
28 convene a conference of judges, prosecutors, defense attorneys,
29 State parole officers and officials, county parole and probation
30 officers, corrections officials, program therapists and court

1 administrators. The conference shall review this subchapter and
2 evaluate the effectiveness and efficiency of the implementation
3 of this subchapter. The conference shall make recommendations to
4 the General Assembly concerning ways to improve and enhance the
5 implementation of this subchapter.

6 (b) Cooperation required.--The persons listed under
7 subsection (a) shall cooperate in the evaluation of this
8 subchapter.

9 (c) Confidential information.--All information compiled
10 under this section shall be deemed public information. However,
11 any information which clearly identifies an offender by name or
12 otherwise shall be confidential and shall not be disclosed
13 except as authorized by law.

14 § 9798. Sex Offender Treatment Fund.

15 (a) Fund establishment.--There is hereby established the Sex
16 Offender Treatment Fund as a restricted receipts account within
17 the General Fund. Moneys from this fund shall be used
18 exclusively for the purposes described in this section.

19 (b) Cost imposed.--Any person who accepts Accelerated
20 Rehabilitative Disposition or pleads guilty or nolo contendere
21 to or is convicted of a felony or misdemeanor shall, in addition
22 to any other court costs imposed under the laws of this
23 Commonwealth, be sentenced to pay additional costs of \$10. Costs
24 collected by the clerk of courts or district justice shall be
25 paid into the fund. Moneys in the fund shall be used to offset
26 or pay for treatment of sex offenders. Disbursement and
27 allocation of fund moneys shall be at the discretion of the
28 board.

29 (c) Financing of sex offender treatment program.--Sex
30 offenders shall be required to finance the sex offender

1 treatment program, based on the offender's ability to pay.

2 Section 2. This act shall take effect in 180 days.