

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 746 Session of
1999

INTRODUCED BY O'BRIEN, READSHAW, SOLOBAY, GIGLIOTTI, SEYFERT,
HARHAI, HORSEY, CLARK, ORIE, MELIO, BELFANTI, YOUNGBLOOD,
HENNESSEY, E. Z. TAYLOR, HERSHEY, CIVERA, J. TAYLOR, STABACK,
LEDERER, EGOLF, PESCI, SAYLOR, GEIST, FLICK, BATTISTO,
SERAFINI, CORRIGAN AND COY, MARCH 8, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 1999

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes,
3 providing for sexually violent predators.

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

6 Section 1. Section 9792 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a definition to read:
8 § 9792. Definitions.

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

12 * * *

13 "Sex offender code." The visible print of the letter "Y" on
14 the driver's license in order to indicate that the licensee is
15 registered as a sexually violent predator.

16 * * *

17 Section 2. Section 9795(d) of Title 42 is amended to read:

1 § 9795. Registration of offenders.

2 * * *

3 (d) Penalty.--Any offender who fails to register with the
4 Pennsylvania State Police as required in this section or who
5 refuses to surrender his driver's license to the Pennsylvania
6 State Police in accordance with section 9795.1 (relating to
7 driver's license identification of sexually violent predator)
8 commits a felony of the third degree.

9 Section 3. Title 42 is amended by adding a section to read:
10 § 9795.1. Driver's license identification of sexually violent
11 predator.

12 (a) Surrender of license.--Any person who is registered as a
13 sexually violent predator on the effective date of this section
14 or who subsequently registers as a sexually violent predator
15 pursuant to section 9795 (relating to registration of offenders)
16 shall surrender his driver's license to the Pennsylvania State
17 Police. The Pennsylvania State Police shall take possession of
18 the person's driver's license and shall tender a temporary
19 license directing that person to report to the Department of
20 Transportation for a replacement driver's license which shall
21 contain a sex offender code. The temporary license shall be
22 valid for 30 days. The person shall tender to the Department of
23 Transportation of a fee of \$5 for the replacement license.

24 (b) List.--The Pennsylvania State Police shall provide the
25 Department of Transportation with a list containing the name and
26 current address of each person who is registered as a sexually
27 violent predator and with an updated revision of the list on a
28 monthly basis which identifies the names and current addresses
29 of persons who have been added to or removed from the list of
30 registered sexually violent predators and which identifies any

1 change of address by any person registered as a sexually violent
2 predator.

3 Section 4. Section 9799 of Title 42 is amended by adding a
4 paragraph to read:

5 § 9799. Immunity for good faith conduct.

6 The following entities shall be immune from liability for
7 good faith conduct under this section:

8 * * *

9 (8) The Department of Transportation and its agents and
10 employees.

11 Section 5. Title 75 is amended by adding a section to read:

12 § 1510.1. Inclusion of status as sexually violent predator on
13 license.

14 (a) Code.--The department shall include a sex offender code
15 as defined in 42 Pa.C.S. § 9792 (relating to definitions) on the
16 driver's license of any person who is registered as a sexually
17 violent predator whenever the person applies for a driver's
18 license or any renewal thereof. Whenever a person with an
19 unexpired license is placed on the list of registered sexually
20 violent predators, the department shall cancel the license
21 within 30 days after receiving notification from the
22 Pennsylvania State Police and shall issue a replacement license
23 in accordance with 42 Pa.C.S. § 9795.1 (relating to driver's
24 license identification of sexually violent predator).

25 (b) Removal from list.--Upon a person's name being removed
26 from the list of registered sexually violent predators, the
27 department shall issue a license to the person without the sex
28 offender code printed upon the license at no charge.

29 Section 6. This act shall take effect in 60 days.