

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 380 Session of
1999

INTRODUCED BY GREENLEAF, O'PAKE, LEMMOND, BOSCOLA, COSTA, HART,
WAGNER, MELLOW, ARMSTRONG, HOLL, KASUNIC, MUSTO, RHOADES,
ROBBINS, SALVATORE, THOMPSON, TOMLINSON AND WAUGH,
FEBRUARY 11, 1999

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, SEPTEMBER 28, 1999

AN ACT

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

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

6 ~~Section 1. The definition of "board" in section 9792 of~~ <—
7 ~~Title 42 of the Pennsylvania Consolidated Statutes is amended~~
8 ~~and the section is amended by adding a definition to read:~~
9 ~~§ 9792. Definitions.~~

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

13 ~~"Board." The State [Board to Assess Sexually Violent~~
14 ~~Predators] Sexual Offenders Assessment Board.~~

15 ~~* * *~~

16 ~~"Minor." As used in section 9793(b)(1) (relating to~~
17 ~~registration of certain offenders for ten years), is any~~

~~individual under the age of 18 unless the age of the victim who
is considered a minor is otherwise defined in 18 Pa.C.S. §
9793(b)(1).~~

~~* * *~~

~~Section 2. Sections 9793, 9794, 9795, 9796, 9798, 9799,
9799.3 and 9799.6 of Title 42 are amended to read:~~

~~§ 9793. Registration of certain offenders for ten years.~~

~~(a) Registration.—~~

~~(1) A person convicted of any of the offenses set forth
in subsection (b) shall be required to register a current
address with the Pennsylvania State Police upon release from
incarceration, upon parole from a State or county
correctional institution, upon the commencement of a sentence
of intermediate punishment or probation or where the offender
is under the supervision of the Pennsylvania Board of
Probation and Parole or a county office of probation and
parole at the time of enactment of this section, within 30
days of the date of enactment of this section.~~

~~(2) The offender shall inform the Pennsylvania State
Police within ten days if the offender changes residence. The
offender shall register with a new law enforcement agency no
later than ten days after establishing residence in another
state.~~

~~(3) The period of registration shall be ten years from
the date of registration with the Pennsylvania State Police
prior to the expiration of the maximum term of incarceration.
If within the ten year period the offender is subsequently
sentenced to a term of imprisonment for an offense not listed
in subsection (b), during the service of the sentence the
ten year registration period shall be tolled until the~~

~~offender is released.~~

~~(4) This section shall apply to all offenders:~~

~~(i) Where the offender [has been] was granted parole by the Pennsylvania Board of Probation and Parole or a county office of probation and parole at the time of enactment of this section or will be granted parole by the Pennsylvania Board of Probation and Parole or a county office of probation and parole, the board or county office shall collect registration information from the offender and forward that registration information to the Pennsylvania State Police. The Department of Corrections shall not release the offender until it receives verification from the Pennsylvania State Police that it has received the registration information. Where the offender is scheduled to be released from a State correctional facility due to the expiration of the maximum term of incarceration, the Department of Corrections or county correctional facility shall collect the information from the offender no later than ten days prior to the maximum expiration date. The Department of Corrections shall forward the registration information to the Pennsylvania State Police.~~

~~(ii) Where the offender scheduled to be released from a State correctional facility or county correctional facility due to the maximum expiration date refuses to provide the registration information, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police of the failure to provide registration information and of the expected date, time and location of the release of the offender. The chief~~

1 ~~county probation and parole official in cooperation with~~
2 ~~a county correctional facility shall, in accordance with~~
3 ~~established guidelines, obtain the required information~~
4 ~~contained in section 9799.2(2) (relating to duties of~~
5 ~~Pennsylvania Board of Probation and Parole) regarding~~
6 ~~offenders released from a county sentence and submit the~~
7 ~~information to the Pennsylvania Board of Probation and~~
8 ~~Parole and the Pennsylvania State Police. The offender in~~
9 ~~a county correctional facility shall not be released from~~
10 ~~incarceration or released to a sentence of probation or~~
11 ~~intermediate punishment until the information has been~~
12 ~~obtained and submitted as required. [The offender shall~~
13 ~~inform the Pennsylvania State Police within ten days if~~
14 ~~the offender changes residence. The offender shall~~
15 ~~register with a new law enforcement agency no later than~~
16 ~~ten days after establishing residence in another state.~~
17 ~~The period of registration shall be ten years.]~~

18 ~~(b) Persons required to register.—~~

19 ~~(1) Persons convicted of any of the following offenses~~
20 ~~that are classified as a felony and involve a victim who is a~~
21 ~~minor:~~

22 ~~18 Pa.C.S. § 2901 (relating to kidnapping) except by~~
23 ~~a parent.~~

24 ~~18 Pa.C.S. § 3121 (relating to rape).~~

25 ~~18 Pa.C.S. § 3123 (relating to involuntary deviate~~
26 ~~sexual intercourse).~~

27 ~~18 Pa.C.S. § 3125 (relating to aggravated indecent~~
28 ~~assault).~~

29 ~~18 Pa.C.S. § 5902(b) (relating to prostitution and~~
30 ~~related offenses).~~

~~18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
obscene and other sexual materials and performances).~~

~~(2) Persons convicted of any of the following offenses
regardless of the age of the victim:~~

~~18 Pa.C.S. § 3121.~~

~~18 Pa.C.S. § 3123.~~

~~18 Pa.C.S. § 3125.~~

~~18 Pa.C.S. § 3128(a) and (b) (relating to spousal
sexual assault).~~

~~(3) Persons convicted of 18 Pa.C.S. § 3126 (relating to
indecent assault) when the offense is a misdemeanor of the
first degree.~~

~~(c) Registration information. The Pennsylvania State Police
shall provide the information obtained under this section and
sections 9795 (relating to registration of [offenders] sexually
violent predators and out of State offenders) and 9796 (relating
to verification of residence) to the chief law enforcement
officer of the police department of the municipality in which
the offender will reside. In addition, the Pennsylvania State
Police shall provide this officer with the address at which the
offender will reside following his release from incarceration,
parole or probation.~~

~~(d) Out of State offenders.—~~

~~(1) A person who is convicted of an offense equivalent
to any of the offenses listed in subsection (b) in any other
state or territory or the District of Columbia, or in any
Federal court or a person convicted of a sexual offense in
any other state or territory or the District of Columbia or
in any Federal court who was required to register under a
sexual offender "Megan's law" statute in the jurisdiction~~

~~where that person was convicted, and who, within ten years of his release or parole from incarceration, makes his residence in Pennsylvania shall be required to register a current address with the Pennsylvania State Police and shall be subject to the other provisions of this subchapter relating to registration.~~

~~(2) The period of registration shall be for ten years from the offender's [release or parole from incarceration.] date of registration with the Pennsylvania State Police.~~

~~(c) Penalty. Any offender who fails to register with the Pennsylvania State Police as required in this section commits a felony of the third degree.~~

~~§ 9794. Designation of sexually violent predators.~~

~~(a) Order for assessment. After conviction, but before sentencing, a court shall order a person convicted of a sexually violent offense specified in section 9793(b) (relating to registration of certain offenders for ten years) to be assessed by the board. The order for an assessment shall be sent to the administrative officer of the board within ten days of the date of conviction.~~

~~(b) Presumption. An offender convicted of any offense set forth in section 9793(b) shall be presumed by the board and the court to be a sexually violent predator. This presumption may be rebutted by the offender by clear and convincing evidence at a hearing held in accordance with subsection (c).~~

~~(c) Assessment. Upon receipt from the court of an order for an assessment, two members of the board as designated by the administrative officer of the board shall conduct an assessment of the offender to determine if the offender is a sexually violent predator. Such an assessment shall include, but not be~~

~~limited to, such factors as:~~

~~(1) Age of the offender.~~

~~(2) Offender's prior criminal record, sexual offenses as well as other offenses.~~

~~(3) Age of the victim.~~

~~(4) Whether the offense involved multiple victims.~~

~~(5) Use of illegal drugs by the offender.~~

~~(6) Whether the offender completed any prior sentence and whether the offender participated in available programs for sexual offenders.~~

~~(7) Any mental illness or mental disability of the offender.~~

~~(8) The nature of the sexual contact with the victim and whether the sexual contact was part of a demonstrated pattern of abuse.~~

~~(9) Whether the offense included a display of unusual cruelty by the offender during the commission of the crime.~~

~~(10) Any behavioral characteristics that contribute to the offender's conduct.~~

~~All State, county and local agencies shall cooperate in providing the necessary information as requested by the board in connection with the required assessment.~~

~~(d) Submission of report by board. The board shall submit a written report containing its assessment to the court no later than [60] 90 days from the date of conviction of the defendant.~~

~~Where the board members disagree on the assessment of the offender, both members shall submit a written report to the court.~~

~~(e) Court review of findings. Upon receipt of the board's report, the court shall determine if the offender is a sexually~~

1 ~~violent predator. This determination shall be made based on~~
2 ~~evidence presented at a hearing held prior to sentencing and~~
3 ~~before the trial judge. The offender and district attorney shall~~
4 ~~be given notice of the hearing and an opportunity to be heard,~~
5 ~~the right to call witnesses, the right to call expert witnesses~~
6 ~~and the right to cross examine witnesses. In addition, the~~
7 ~~offender shall have the right to counsel and to have a lawyer~~
8 ~~appointed to represent him if he cannot afford one. After a~~
9 ~~review of all evidence presented at this hearing, the court may~~
10 ~~determine whether the presumption arising under subsection (b)~~
11 ~~has been rebutted and shall set forth this determination on the~~
12 ~~sentencing order. A copy of the sentencing order containing the~~
13 ~~determination shall be submitted to the Pennsylvania Board of~~
14 ~~Probation and Parole [and], the Department of Corrections and~~
15 ~~the board.~~

16 ~~(f) Subsequent board review. No sooner than one year prior~~
17 ~~to release from a State or county correctional institution, or~~
18 ~~in five year intervals thereafter, an offender designated as a~~
19 ~~sexually violent predator may petition the court with original~~
20 ~~jurisdiction in the matter for reconsideration of the~~
21 ~~determination. The court may review the determination and~~
22 ~~request a new report by the board. The court may enter an order~~
23 ~~terminating the designation in which case the court shall notify~~
24 ~~the Pennsylvania State Police.~~

25 ~~§ 9795. Registration of [offenders] sexually violent predators~~
26 ~~and out of State offenders.~~

27 ~~(a) Registration of sexually violent predators.—~~

28 ~~(1) A sexually violent predator shall be required to~~
29 ~~register all current addresses with the Pennsylvania State~~
30 ~~Police upon release from incarceration, upon parole from a~~

1 ~~State or county correctional institution or upon the~~
2 ~~commencement of a sentence of intermediate punishment or~~
3 ~~probation.~~

4 ~~[The offender] (2) The sexually violent predator shall~~
5 ~~inform the Pennsylvania State Police within ten days if the~~
6 ~~[offender] sexually violent predator changes residence. The~~
7 ~~[offender] sexually violent predator shall register with a~~
8 ~~new law enforcement agency no later than ten days after~~
9 ~~establishing residence in another state.~~

10 ~~(3) The registration shall continue unless the court~~
11 ~~determines the person is no longer a sexually violent~~
12 ~~predator as provided in section 9794(f) (relating to~~
13 ~~designation of sexually violent predators).~~

14 ~~(4) Sexually violent predators shall register as~~
15 ~~follows:~~

16 ~~(i) Where the [offender] sexually violent predator~~
17 ~~has been granted parole by the Pennsylvania Board of~~
18 ~~Probation and Parole or is sentenced to probation or to~~
19 ~~the county office of probation and parole, the board or~~
20 ~~office shall collect registration information from the~~
21 ~~[offender] sexually violent predator and forward that~~
22 ~~registration information to the Pennsylvania State~~
23 ~~Police. The Department of Corrections or county~~
24 ~~correctional facility shall not release the [offender]~~
25 ~~sexually violent predator until it receives verification~~
26 ~~from the Pennsylvania State Police that it has received~~
27 ~~the registration information. The chief county probation~~
28 ~~and parole official in cooperation with a county~~
29 ~~correctional facility shall, in accordance with~~
30 ~~established guidelines, obtain the required information~~

~~contained in section 9799.2(2) (relating to duties of Pennsylvania Board of Probation and Parole) regarding sexually violent predators released from a county sentence and submit the information to the Pennsylvania Board of Probation and Parole and the Pennsylvania State Police. The sexually violent predator in a county correctional facility shall not be released to a sentence of probation or intermediate punishment until the information has been obtained and submitted as required.~~

~~(ii) Where the [offender] sexually violent predator is scheduled to be released from a State correctional facility or county correctional facility due to the expiration of the maximum term of incarceration, the Department of Corrections or county correctional facility shall collect the information from the [offender] sexually violent predator no sooner than 45 days before the maximum expiration date and no later than ten days prior to the maximum expiration date. The Department of Corrections or county correctional facility shall forward the registration information to the Pennsylvania State Police. [Where] If the [offender] sexually violent predator scheduled to be released due to the maximum expiration date refuses to provide the registration information, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police prior to the expiration of the maximum term of incarceration of the failure to provide registration information and of the expected date, time and location of the release of the [offender] sexually violent predator. [The chief county probation and parole official~~

1 in cooperation with a county correctional facility shall,
2 in accordance with established guidelines, obtain the
3 required information contained in section 9799.2(2)
4 (relating to duties of Pennsylvania Board of Probation
5 and Parole) regarding offenders released from a county
6 sentence and submit the information to the Pennsylvania
7 Board of Probation and Parole and the Pennsylvania State
8 Police.] The [offender] sexually violent predator in a
9 county correctional facility shall not be released from
10 incarceration [or released to a sentence of probation or
11 intermediate punishment] until the information has been
12 obtained and submitted as required.

13 (b) ~~Court information for all offenders. The sentencing~~
14 ~~court shall inform offenders designated in section 9793~~
15 ~~(relating to registration of certain offenders for ten years)~~
16 ~~and sexually violent predators designated in subsection (a) at~~
17 ~~the time of sentencing of the provisions of this subchapter. The~~
18 ~~court shall:~~

19 (1) ~~Specifically inform the offender or sexually violent~~
20 ~~predator of the duty to register and [obtain] provide the~~
21 ~~information required for each registration.~~

22 (2) ~~Specifically inform the offender or sexually violent~~
23 ~~predator of the duty to inform the Pennsylvania State Police~~
24 ~~within ten days if the offender or sexually violent predator~~
25 ~~changes residence.~~

26 (3) ~~Specifically inform the offender or sexually violent~~
27 ~~predator of the duty to register with a new law enforcement~~
28 ~~agency if the offender or sexually violent predator moves to~~
29 ~~another state no later than ten days after establishing~~
30 ~~residence in another state.~~

1 ~~(4) Order the fingerprints and photograph of the person~~
2 ~~to be provided to the Pennsylvania State Police upon~~
3 ~~sentencing.~~

4 ~~(5) Require the offender or sexually violent predator to~~
5 ~~read and sign a form stating that the duty to register under~~
6 ~~this subchapter has been explained. Where the offender or~~
7 ~~sexually violent predator is incapable of reading, the court~~
8 ~~shall certify the duty to register was explained to the~~
9 ~~offender or sexually violent predator and the offender or~~
10 ~~sexually violent predator indicated an understanding of the~~
11 ~~duty.~~

12 ~~(c) Offenders from other states. As a condition of~~
13 ~~obtaining residency in Pennsylvania under the interstate compact~~
14 ~~for the supervision of parolees and probationers, sexual~~
15 ~~offenders from other states shall be required to register and~~
16 ~~abide by the requirements of this subchapter and, where the~~
17 ~~Pennsylvania Board of Probation and Parole determines it is~~
18 ~~necessary to protect the public, shall submit to public~~
19 ~~notification as provided in section 9798 (relating to other~~
20 ~~notification). Offenders or sexually violent predators from~~
21 ~~other states shall register with the Pennsylvania State Police~~
22 ~~as set forth in section 9793(d) (relating to registration of~~
23 ~~certain offenders for ten years).~~

24 ~~(d) Penalty. Any offender or sexually violent predator who~~
25 ~~fails to register with the Pennsylvania State Police as required~~
26 ~~in this section commits a felony of the third degree.~~

27 ~~§ 9796. Verification of residence.~~

28 ~~(a) Quarterly verification. The Pennsylvania State Police~~
29 ~~shall verify the residence of sexually violent predators every~~
30 ~~90 days through the use of a nonforwardable verification form to~~

~~the last reported address. The [form shall be returned by the offender within ten days.] sexually violent predator shall appear within ten days of receipt of the form at a Pennsylvania State Police station to complete the verification form and to be photographed.~~

~~(b) Annual verification. The Pennsylvania State Police shall verify the residence of offenders designated in section 9793 (relating to registration of certain offenders for ten years) annually through the use of a residence verification form. The [form shall be returned by the offender within ten days.] offender shall annually appear at a Pennsylvania State Police station to complete the verification form and to be photographed.~~

~~(c) Notification of law enforcement agencies of change in address. A change of address of an offender required to register under this subchapter reported to the Pennsylvania State Police shall be immediately reported by the Pennsylvania State Police to the appropriate law enforcement agency having jurisdiction of the offender's new place of residence. The Pennsylvania State Police shall, if the offender changes residence to another state, notify the law enforcement agency with which the offender must register in the new state.~~

~~(d) Failure to provide verification. Where any offender fails to provide verification of residence within the ten day period as set forth in this section, the Pennsylvania State Police shall immediately notify the municipal police department of the offender's last verified residence. The local municipal police shall locate the offender and arrest him for violating this section. The Pennsylvania State Police shall assume responsibility for locating the offender and arresting him in~~

~~jurisdictions where no municipal police jurisdiction exists. The Pennsylvania State Police shall assist any municipal police department requesting assistance with locating and arresting an offender who fails to verify his residence.~~

~~(c) Penalty. Any offender or sexually violent predator who fails to verify his residence or be photographed as required in this section commits a felony of the third degree.~~

~~§ 9798. Other notification.~~

~~(a) By municipality's chief law enforcement officer. Notwithstanding any of the provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the chief law enforcement officer of the full time or part time police department of the municipality where a sexually violent predator lives shall be responsible for providing written notice as required under this section.~~

~~(1) The notice shall contain:~~

~~(i) The name of the convicted sexually violent predator or out of State offender.~~

~~(ii) The address or addresses at which he resides.~~

~~(iii) The offense for which he was convicted.~~

~~(iv) A statement that he has been designated by court order as a sexually violent predator, which designation has or has not been terminated as of a date certain.~~

~~(v) A photograph of the sexually violent predator or out of State offender, if available.~~

~~(2) The notice shall not include any information that might reveal the victim's name, identity and residence.~~

~~(b) To whom written notice is provided. The chief law enforcement officer shall provide written notice, under~~

1 ~~subsection (a), to the following persons:~~

2 ~~(1) Neighbors of the sexually violent predator or out~~
3 ~~of State offender.~~

4 ~~(2) The director of the county children and youth~~
5 ~~service agency of the county where the sexually violent~~
6 ~~predator or out of State offender resides.~~

7 ~~(3) The superintendent of each school district and the~~
8 ~~equivalent official for private and parochial schools~~
9 ~~enrolling students up through grade 12 in the municipality.~~

10 ~~(4) The director of each licensed day care center and~~
11 ~~licensed preschool program in the municipality.~~

12 ~~(5) The president of each college, university and~~
13 ~~community college located within 1,000 feet of a sexually~~
14 ~~violent predator's or out of State offender's address.~~

15 ~~(c) Urgency of notification. The municipal police~~
16 ~~department's chief law enforcement officer shall provide notice~~
17 ~~within the following time frames:~~

18 ~~(1) To neighbors, notice shall be provided within 72~~
19 ~~hours after information of the sexually violent predator's~~
20 ~~release date and address has been received by the chief law~~
21 ~~enforcement officer. Notwithstanding the provisions of~~
22 ~~subsections (a) and (b), verbal notification may be used if~~
23 ~~written notification would delay meeting this time~~
24 ~~requirement.~~

25 ~~(2) To the persons specified in subsection (b)(2), (3),~~
26 ~~(4) and (5), notice shall be provided within seven days after~~
27 ~~the chief law enforcement officer receives information~~
28 ~~regarding the sexually violent predator's or out of State~~
29 ~~offender's release date and address.~~

30 ~~(d) Public notice. All information provided in accordance~~

1 with subsection (a) shall be available, upon request, to the
2 general public. The information may be provided by electronic
3 means.

4 ~~§ 9799. Immunity for good faith conduct.~~

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

7 ~~(1) The Pennsylvania State Police and local law~~
8 ~~enforcement agencies and employees of law enforcement~~
9 ~~agencies.~~

10 ~~(2) District attorneys and their agents and employees.~~

11 ~~(3) Superintendents, administrators, teachers, employees~~
12 ~~and volunteers engaged in the supervision of children of any~~
13 ~~public, private or parochial school.~~

14 ~~(4) Directors and employees of county children and youth~~
15 ~~agencies.~~

16 ~~(5) Presidents or similar officers of universities and~~
17 ~~colleges, including community colleges.~~

18 ~~(6) The Pennsylvania Board of Probation and Parole and~~
19 ~~its agents and employees.~~

20 ~~(7) County probation and parole offices and their agents~~
21 ~~and employees.~~

22 ~~[(7)] (8) Directors of licensed day care centers and~~
23 ~~directors of licensed preschool programs.~~

24 ~~(9) The Pennsylvania Department of Corrections and its~~
25 ~~agents and employees.~~

26 ~~(10) County correctional facilities and their agents and~~
27 ~~employees.~~

28 ~~(11) Members of the Sexual Offenders Assessment Board~~
29 ~~and its agents and employees.~~

30 ~~§ 9799.3. Board.~~

1 ~~(a) Composition. The State Sexual Offenders Assessment~~
2 ~~Board [to Assess Sexually Violent Predators] shall be composed~~
3 ~~of psychiatrists, psychologists and criminal justice experts,~~
4 ~~each of whom is an expert in the field of the behavior and~~
5 ~~treatment of sexual offenders.~~

6 ~~(b) Appointment. The Governor shall appoint the board~~
7 ~~members.~~

8 ~~(c) Term of office. Members of the board shall serve four~~
9 ~~year terms.~~

10 ~~(d) Compensation. The members of the board shall be~~
11 ~~compensated at a rate of [\$200] \$350 per assessment and receive~~
12 ~~reimbursement for their actual and necessary expenses while~~
13 ~~performing the business of the board. The chairman shall receive~~
14 ~~\$500 additional compensation per annum.~~

15 ~~(e) Staff. Support staff for the board shall be provided by~~
16 ~~the Pennsylvania Board of Probation and Parole.~~

17 ~~§ 9799.6. Applicability.~~

18 ~~(a) In State offender. The provisions of Subchapter H~~
19 ~~(relating to registration of sexual offenders) shall apply to~~
20 ~~any individual convicted in this Commonwealth of an offense set~~
21 ~~forth in section 9793(b) (relating to registration of certain~~
22 ~~offenders for ten years) or an equivalent offense and who is:~~

23 ~~(1) convicted and sentenced to intermediate punishment~~
24 ~~or probation;~~

25 ~~(2) under the supervision of the Pennsylvania Board of~~
26 ~~Probation and Parole or a county office of probation and~~
27 ~~parole; or~~

28 ~~(3) incarcerated on the effective date of this act.~~

29 ~~(b) Out of State offender. The provisions of section~~
30 ~~9793(d) [(relating to registration of certain offenders for ten~~

years)] shall apply to [all offenders];

~~(1) any out of State offender convicted of an offense equivalent to an offense set forth in section 9793(b);~~

~~(2) any person convicted of a sexual offense who was required to register under a sexual offender "Megan's law" statute in the jurisdiction where that person was convicted before the effective date of this section [who remain];~~

~~(3) any person who remains incarcerated or on parole on the effective date of this section[. In addition, the provisions of section 9793(d) shall apply to all offenders];~~
~~and~~

~~(4) any offender convicted of an offense equivalent to an offense set forth in section 9793(b) or a person convicted of a sexual offense who was required to register under a sexual offender "Megan's law" statute in the jurisdiction where that person was convicted on or after the effective date of this section.~~

~~(c) Registration. The provisions of section 9793(d) shall apply to any offender who committed an offense set forth in section 9793(b) or an equivalent offense before the effective date of this subsection but were convicted after the effective date of this subsection.~~

~~Section 3. This act shall take effect in 60 days.~~

SECTION 1. SUBCHAPTER H OF CHAPTER 97 OF TITLE 42 OF THE
PENNSYLVANIA CONSOLIDATED STATUTES IS REENACTED AND AMENDED TO
READ:

§ 9791. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY.

(A) LEGISLATIVE FINDINGS.--IT IS HEREBY DETERMINED AND
DECLARED AS A MATTER OF LEGISLATIVE FINDING:

(1) IF THE PUBLIC IS PROVIDED ADEQUATE NOTICE AND

1 INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AND CERTAIN
2 OTHER OFFENDERS, THE COMMUNITY CAN DEVELOP CONSTRUCTIVE PLANS
3 TO PREPARE THEMSELVES AND THEIR CHILDREN FOR THE OFFENDER'S
4 RELEASE. THIS ALLOWS COMMUNITIES TO MEET WITH LAW ENFORCEMENT
5 TO PREPARE AND OBTAIN INFORMATION ABOUT THE RIGHTS AND
6 RESPONSIBILITIES OF THE COMMUNITY AND TO PROVIDE EDUCATION
7 AND COUNSELING TO THEIR CHILDREN.

8 (2) THESE SEXUALLY VIOLENT PREDATORS POSE A HIGH RISK OF
9 ENGAGING IN FURTHER OFFENSES EVEN AFTER BEING RELEASED FROM
10 INCARCERATION OR COMMITMENTS AND THAT PROTECTION OF THE
11 PUBLIC FROM THIS TYPE OF OFFENDER IS A PARAMOUNT GOVERNMENTAL
12 INTEREST.

13 (3) THE PENAL AND MENTAL HEALTH COMPONENTS OF OUR
14 JUSTICE SYSTEM ARE LARGELY HIDDEN FROM PUBLIC VIEW AND LACK
15 OF INFORMATION FROM EITHER MAY RESULT IN FAILURE OF BOTH
16 SYSTEMS TO MEET THIS PARAMOUNT CONCERN OF PUBLIC SAFETY.

17 (4) OVERLY RESTRICTIVE CONFIDENTIALITY AND LIABILITY
18 LAWS GOVERNING THE RELEASE OF INFORMATION ABOUT SEXUALLY
19 VIOLENT PREDATORS HAVE REDUCED THE WILLINGNESS TO RELEASE
20 INFORMATION THAT COULD BE APPROPRIATELY RELEASED UNDER THE
21 PUBLIC DISCLOSURE LAWS AND HAVE INCREASED RISKS TO PUBLIC
22 SAFETY.

23 (5) PERSONS FOUND TO HAVE COMMITTED SUCH AN OFFENSE HAVE
24 A REDUCED EXPECTATION OF PRIVACY BECAUSE OF THE PUBLIC'S
25 INTEREST IN PUBLIC SAFETY AND IN THE EFFECTIVE OPERATION OF
26 GOVERNMENT.

27 (6) RELEASE OF INFORMATION ABOUT SEXUALLY VIOLENT
28 PREDATORS TO PUBLIC AGENCIES AND THE GENERAL PUBLIC WILL
29 FURTHER THE GOVERNMENTAL INTERESTS OF PUBLIC SAFETY AND
30 PUBLIC SCRUTINY OF THE CRIMINAL AND MENTAL HEALTH SYSTEMS SO

1 LONG AS THE INFORMATION RELEASED IS RATIONALLY RELATED TO THE
2 FURTHERANCE OF THOSE GOALS.

3 (B) DECLARATION OF POLICY.--IT IS HEREBY DECLARED TO BE THE
4 INTENTION OF THE GENERAL ASSEMBLY TO PROTECT THE SAFETY AND
5 GENERAL WELFARE OF THE PEOPLE OF THIS COMMONWEALTH BY PROVIDING
6 FOR REGISTRATION AND COMMUNITY NOTIFICATION REGARDING SEXUALLY
7 VIOLENT PREDATORS WHO ARE ABOUT TO BE RELEASED FROM CUSTODY AND
8 WILL LIVE IN OR NEAR THEIR NEIGHBORHOOD. IT IS FURTHER DECLARED
9 TO BE THE POLICY OF THIS COMMONWEALTH TO REQUIRE THE EXCHANGE OF
10 RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AMONG
11 PUBLIC AGENCIES AND OFFICIALS AND TO AUTHORIZE THE RELEASE OF
12 NECESSARY AND RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT
13 PREDATORS TO MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF
14 ASSURING PUBLIC PROTECTION AND SHALL NOT BE CONSTRUED AS
15 PUNITIVE.

16 § 9792. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "BOARD." THE STATE [BOARD TO ASSESS SEXUALLY VIOLENT
21 PREDATORS.] SEXUAL OFFENDERS ASSESSMENT BOARD.

22 "EMPLOYED, CARRIES ON A VOCATION." INCLUDES EMPLOYMENT THAT
23 IS FULL-TIME OR PART-TIME FOR A PERIOD OF TIME EXCEEDING 14 DAYS
24 OR FOR AN AGGREGATE PERIOD OF TIME EXCEEDING 14 DAYS OR FOR AN
25 AGGREGATE PERIOD OF TIME EXCEEDING 30 DAYS DURING ANY CALENDAR
26 YEAR, WHETHER FINANCIALLY COMPENSATED, VOLUNTEERED OR FOR THE
27 PURPOSE OF GOVERNMENT OR EDUCATIONAL BENEFIT.

28 "MENTAL ABNORMALITY." A CONGENITAL OR ACQUIRED CONDITION OF
29 A PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF
30 THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE

COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE
PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

"MINOR." AS USED IN SECTION 9793(B)(1) (RELATING TO
REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS), IS ANY
INDIVIDUAL UNDER THE AGE OF 18 UNLESS THE AGE OF THE VICTIM WHO
IS CONSIDERED A MINOR IS OTHERWISE DEFINED IN 18 PA.C.S. §
9793(B)(1).

"MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN OR
TOWNSHIP.

"OFFENDER." AN INDIVIDUAL WHO IS:

(1) DESIGNATED A SEXUALLY VIOLENT PREDATOR UNDER THE
PROVISIONS OF THIS SUBCHAPTER; OR

(2) REQUIRED TO REGISTER UNDER SECTION 9793(B) (RELATING
TO REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR
9794(A) (RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR
LIFE).

"PENETRATION." INCLUDES ANY PENETRATION, HOWEVER SLIGHT, OF
THE GENITALS OR ANUS, OR MOUTH OF ANOTHER PERSON WITH A PART OF
THE PERSON'S BODY OR A FOREIGN OBJECT FOR ANY PURPOSE OTHER THAN
FAITH, MEDICAL, HYGIENIC OR LAW ENFORCEMENT PROCEDURES.

"PREDATORY." AN ACT DIRECTED AT A STRANGER OR AT A PERSON
WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR
THE PRIMARY PURPOSE OF VICTIMIZATION.

"SEXUALLY VIOLENT OFFENSE." ANY CRIMINAL OFFENSE SPECIFIED
IN SECTION 9793(B) (RELATING TO REGISTRATION OF CERTAIN
OFFENDERS FOR TEN YEARS) OR 9794(A) (RELATING TO REGISTRATION OF
CERTAIN OFFENDERS FOR LIFE).

"SEXUALLY VIOLENT PREDATOR." A PERSON WHO HAS BEEN CONVICTED
OF A SEXUALLY VIOLENT OFFENSE AS SET FORTH IN SECTION 9793(B)
(RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR

1 9794(A) (RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR LIFE)
2 AND WHO IS DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER
3 SECTION [9794(E) (RELATING TO DESIGNATION OF SEXUALLY VIOLENT
4 PREDATORS)] 9795.1 (RELATING TO ASSESSMENTS) DUE TO A MENTAL
5 ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY
6 TO ENGAGE IN PREDATORY SEXUALLY VIOLENT OFFENSES.

7 "STUDENT." A PERSON WHO IS ENROLLED ON A FULL-TIME OR PART-
8 TIME BASIS, IN ANY PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION,
9 INCLUDING ANY SECONDARY SCHOOL, TRADE OR PROFESSIONAL
10 INSTITUTION, OR INSTITUTION OF HIGHER EDUCATION.

11 § 9793. REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS.

12 (A) REGISTRATION.--

13 (1) A PERSON CONVICTED OF ANY OF THE OFFENSES SET FORTH
14 IN SUBSECTION (B) SHALL BE REQUIRED TO REGISTER A CURRENT
15 ADDRESS WITH THE PENNSYLVANIA STATE POLICE UPON RELEASE FROM
16 INCARCERATION, UPON PAROLE FROM A STATE OR COUNTY
17 CORRECTIONAL INSTITUTION, UPON THE COMMENCEMENT OF A SENTENCE
18 OF INTERMEDIATE PUNISHMENT OR PROBATION OR WHERE THE OFFENDER
19 IS UNDER THE SUPERVISION OF THE PENNSYLVANIA BOARD OF
20 PROBATION AND PAROLE OR A COUNTY OFFICE OF PROBATION AND
21 PAROLE AT THE TIME OF ENACTMENT OF THIS SECTION, WITHIN 30
22 DAYS OF THE DATE OF ENACTMENT OF THIS SECTION.

23 (2) THE OFFENDER SHALL INFORM THE PENNSYLVANIA STATE
24 POLICE WITHIN TEN DAYS IF THE OFFENDER CHANGES RESIDENCE. THE
25 OFFENDER SHALL REGISTER WITH A NEW LAW ENFORCEMENT AGENCY NO
26 LATER THAN TEN DAYS AFTER ESTABLISHING RESIDENCE IN ANOTHER
27 STATE.

28 (3) THE PERIOD OF REGISTRATION SHALL BE TEN YEARS FROM
29 THE DATE OF REGISTRATION WITH THE PENNSYLVANIA STATE POLICE.
30 IF WITHIN THE TEN-YEAR PERIOD THE OFFENDER IS SUBSEQUENTLY

1 SENTENCED TO A TERM OF IMPRISONMENT FOR AN OFFENSE NOT LISTED
2 IN SUBSECTION (B), DURING THE SERVICE OF THE SENTENCE THE
3 TEN-YEAR REGISTRATION PERIOD SHALL BE TOLLED UNTIL THE
4 OFFENDER IS RELEASED.

5 (4) THIS SECTION SHALL APPLY TO ALL OFFENDERS:

6 (I) WHERE THE OFFENDER [HAS BEEN] WAS GRANTED PAROLE
7 BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR THE
8 COURT, THE BOARD OR COUNTY OFFICE OF PROBATION AND PAROLE
9 SHALL COLLECT REGISTRATION INFORMATION FROM THE OFFENDER
10 AND FORWARD THAT REGISTRATION INFORMATION TO THE
11 PENNSYLVANIA STATE POLICE. THE DEPARTMENT OF CORRECTIONS
12 SHALL NOT RELEASE THE OFFENDER UNTIL IT RECEIVES
13 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT IT
14 HAS RECEIVED THE REGISTRATION INFORMATION. WHERE THE
15 OFFENDER IS SCHEDULED TO BE RELEASED FROM A STATE
16 CORRECTIONAL FACILITY OR COUNTY CORRECTIONAL FACILITY DUE
17 TO THE EXPIRATION OF THE MAXIMUM TERM OF INCARCERATION,
18 THE DEPARTMENT OF CORRECTIONS OR COUNTY CORRECTIONAL
19 FACILITY SHALL COLLECT THE INFORMATION FROM THE OFFENDER
20 NO LATER THAN TEN DAYS PRIOR TO THE MAXIMUM EXPIRATION
21 DATE. THE DEPARTMENT OF CORRECTIONS SHALL FORWARD THE
22 REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE
23 POLICE.

24 (II) WHERE THE OFFENDER SCHEDULED TO BE RELEASED
25 FROM A STATE CORRECTIONAL FACILITY OR COUNTY CORRECTIONAL
26 FACILITY DUE TO THE MAXIMUM EXPIRATION DATE REFUSES TO
27 PROVIDE THE REGISTRATION INFORMATION, THE DEPARTMENT OF
28 CORRECTIONS OR COUNTY CORRECTIONAL FACILITY SHALL NOTIFY
29 THE PENNSYLVANIA STATE POLICE OF THE FAILURE TO PROVIDE
30 REGISTRATION INFORMATION AND OF THE EXPECTED DATE, TIME

1 AND LOCATION OF THE RELEASE OF THE OFFENDER. THE CHIEF
2 COUNTY PROBATION AND PAROLE OFFICIAL IN COOPERATION WITH
3 A COUNTY CORRECTIONAL FACILITY SHALL, IN ACCORDANCE WITH
4 ESTABLISHED GUIDELINES, OBTAIN THE REQUIRED INFORMATION
5 CONTAINED IN SECTION 9799.2(2) (RELATING TO DUTIES OF
6 PENNSYLVANIA BOARD OF PROBATION AND PAROLE) REGARDING
7 OFFENDERS RELEASED FROM A COUNTY SENTENCE AND SUBMIT THE
8 INFORMATION TO THE PENNSYLVANIA BOARD OF PROBATION AND
9 PAROLE AND THE PENNSYLVANIA STATE POLICE. THE OFFENDER IN
10 A COUNTY CORRECTIONAL FACILITY SHALL NOT BE RELEASED FROM
11 INCARCERATION OR RELEASED TO A SENTENCE OF PROBATION OR
12 INTERMEDIATE PUNISHMENT UNTIL THE INFORMATION HAS BEEN
13 OBTAINED AND SUBMITTED AS REQUIRED. [THE OFFENDER SHALL
14 INFORM THE PENNSYLVANIA STATE POLICE WITHIN TEN DAYS IF
15 THE OFFENDER CHANGES RESIDENCE. THE OFFENDER SHALL
16 REGISTER WITH A NEW LAW ENFORCEMENT AGENCY NO LATER THAN
17 TEN DAYS AFTER ESTABLISHING RESIDENCE IN ANOTHER STATE.
18 THE PERIOD OF REGISTRATION SHALL BE TEN YEARS.]

19 (B) PERSONS REQUIRED TO REGISTER.--

20 [(1)] PERSONS CONVICTED OF ANY OF THE FOLLOWING OFFENSES,
21 OR CONVICTED OF ATTEMPT TO COMMIT ANY OF THE FOLLOWING
22 OFFENSES, THAT ARE CLASSIFIED AS A FELONY AND INVOLVE A
23 VICTIM WHO IS A MINOR:

24 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING) EXCEPT BY
25 A PARENT.

26 [18 PA.C.S. § 3121 (RELATING TO RAPE).

27 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
28 SEXUAL INTERCOURSE).

29 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
30 ASSAULT).]

1 18 PA.C.S. § 5902(B) (RELATING TO PROSTITUTION AND
2 RELATED OFFENSES).

3 18 PA.C.S. § 5903(A)(3), (4), (5) OR (6) (RELATING TO
4 OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES).

5 [(2) PERSONS CONVICTED OF ANY OF THE FOLLOWING OFFENSES
6 REGARDLESS OF THE AGE OF THE VICTIM:

7 18 PA.C.S. § 3121.

8 18 PA.C.S. § 3123.

9 18 PA.C.S. § 3125.

10 18 PA.C.S. § 3128(A) AND (B) (RELATING TO SPOUSAL
11 SEXUAL ASSAULT).

12 (3) PERSONS CONVICTED OF 18 PA.C.S. § 3126 (RELATING TO
13 INDECENT ASSAULT) WHEN THE OFFENSE IS A MISDEMEANOR OF THE
14 FIRST DEGREE.]

15 (C) REGISTRATION INFORMATION.--THE PENNSYLVANIA STATE POLICE
16 SHALL PROVIDE THE INFORMATION OBTAINED UNDER THIS SECTION AND
17 SECTIONS 9795 (RELATING TO [REGISTRATION OF OFFENDERS]
18 DESIGNATION AND REGISTRATION OF SEXUALLY VIOLENT PREDATORS AND
19 OUT-OF-STATE OFFENDERS) AND 9796 (RELATING TO VERIFICATION OF
20 RESIDENCE) TO THE CHIEF LAW ENFORCEMENT OFFICER OF THE POLICE
21 DEPARTMENT OF THE MUNICIPALITY IN WHICH THE OFFENDER WILL
22 RESIDE. IN ADDITION, THE PENNSYLVANIA STATE POLICE SHALL PROVIDE
23 THIS OFFICER WITH THE ADDRESS AT WHICH THE OFFENDER WILL RESIDE
24 FOLLOWING HIS RELEASE FROM INCARCERATION, PAROLE OR PROBATION.

25 (D) OUT-OF-STATE OFFENDERS.--

26 (1) A PERSON WHO IS CONVICTED OF AN OFFENSE EQUIVALENT
27 TO ANY OF THE OFFENSES LISTED IN SUBSECTION (B) IN ANY OTHER
28 STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA, OR IN ANY
29 FEDERAL COURT OR A PERSON CONVICTED OF A SEXUAL OFFENSE IN
30 ANY OTHER STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA OR

1 IN ANY FEDERAL COURT OR SENTENCED BY COURT MARTIAL WHO WAS
2 REQUIRED TO REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE
3 JURISDICTION WHERE THAT PERSON WAS CONVICTED, AND WHO, WITHIN
4 TEN YEARS OF HIS RELEASE OR PAROLE FROM INCARCERATION, MAKES
5 HIS RESIDENCE IN PENNSYLVANIA SHALL BE REQUIRED TO REGISTER
6 WITHIN TEN DAYS OF ARRIVAL TO PENNSYLVANIA A CURRENT ADDRESS
7 WITH THE PENNSYLVANIA STATE POLICE AND SHALL BE SUBJECT TO
8 THE OTHER PROVISIONS OF THIS SUBCHAPTER RELATING TO
9 REGISTRATION[.] AND NOTIFICATION IN ADDITION TO REQUIREMENTS
10 SET FORTH IN SECTION 32 OF THE ACT OF AUGUST 6, 1941
11 (P.L.861, NO.323), REFERRED TO AS THE PENNSYLVANIA BOARD OF
12 PROBATION AND PAROLE LAW.

13 (2) A PERSON WHO IS CONVICTED OF AN OFFENSE EQUIVALENT
14 TO ANY OF THE OFFENSES LISTED IN SUBSECTION (B) OR
15 NONRESIDENT OFFENDERS WHO HAVE CROSSED INTO PENNSYLVANIA IN
16 ORDER TO WORK OR ATTEND SCHOOL AND WHO, WITHIN TEN YEARS OF
17 RELEASE OR PAROLE FROM INCARCERATION, MAKES RESIDENCE IN
18 PENNSYLVANIA SHALL BE REQUIRED TO REGISTER WITHIN TEN DAYS OF
19 ARRIVAL TO PENNSYLVANIA A CURRENT ADDRESS WITH THE
20 PENNSYLVANIA STATE POLICE AND SHALL BE SUBJECT TO THE OTHER
21 PROVISIONS OF THIS SUBCHAPTER RELATING TO REGISTRATION AND
22 NOTIFICATION.

23 (3) THE PERIOD OF REGISTRATION SHALL BE FOR TEN YEARS
24 FROM THE OFFENDER'S [RELEASE OR PAROLE FROM INCARCERATION.]
25 DATE OF REGISTRATION WITH THE PENNSYLVANIA STATE POLICE.

26 (E) PENALTY.--ANY OFFENDER WHO FAILS TO REGISTER WITH THE
27 PENNSYLVANIA STATE POLICE AS REQUIRED IN THIS SECTION COMMITS A
28 FELONY OF THE THIRD DEGREE.

29 § 9794. [DESIGNATION OF SEXUALLY VIOLENT PREDATORS]

30 REGISTRATION OF CERTAIN OFFENDERS FOR LIFE.

1 [(A) ORDER FOR ASSESSMENT.--AFTER CONVICTION, BUT BEFORE
2 SENTENCING, A COURT SHALL ORDER A PERSON CONVICTED OF A SEXUALLY
3 VIOLENT OFFENSE SPECIFIED IN SECTION 9793(B) (RELATING TO
4 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) TO BE ASSESSED
5 BY THE BOARD. THE ORDER FOR AN ASSESSMENT SHALL BE SENT TO THE
6 ADMINISTRATIVE OFFICER OF THE BOARD WITHIN TEN DAYS OF THE DATE
7 OF CONVICTION.

8 (B) PRESUMPTION.--AN OFFENDER CONVICTED OF ANY OFFENSE SET
9 FORTH IN SECTION 9793(B) SHALL BE PRESUMED BY THE BOARD AND THE
10 COURT TO BE A SEXUALLY VIOLENT PREDATOR. THIS PRESUMPTION MAY BE
11 REBUTTED BY THE OFFENDER BY CLEAR AND CONVINCING EVIDENCE AT A
12 HEARING HELD IN ACCORDANCE WITH SUBSECTION (E).

13 (C) ASSESSMENT.--UPON RECEIPT FROM THE COURT OF AN ORDER FOR
14 AN ASSESSMENT, TWO MEMBERS OF THE BOARD AS DESIGNATED BY THE
15 ADMINISTRATIVE OFFICER OF THE BOARD SHALL CONDUCT AN ASSESSMENT
16 OF THE OFFENDER TO DETERMINE IF THE OFFENDER IS A SEXUALLY
17 VIOLENT PREDATOR. SUCH AN ASSESSMENT SHALL INCLUDE, BUT NOT BE
18 LIMITED TO, SUCH FACTORS AS:

19 (1) AGE OF THE OFFENDER.

20 (2) OFFENDER'S PRIOR CRIMINAL RECORD, SEXUAL OFFENSES AS
21 WELL AS OTHER OFFENSES.

22 (3) AGE OF THE VICTIM.

23 (4) WHETHER THE OFFENSE INVOLVED MULTIPLE VICTIMS.

24 (5) USE OF ILLEGAL DRUGS BY THE OFFENDER.

25 (6) WHETHER THE OFFENDER COMPLETED ANY PRIOR SENTENCE
26 AND WHETHER THE OFFENDER PARTICIPATED IN AVAILABLE PROGRAMS
27 FOR SEXUAL OFFENDERS.

28 (7) ANY MENTAL ILLNESS OR MENTAL DISABILITY OF THE
29 OFFENDER.

30 (8) THE NATURE OF THE SEXUAL CONTACT WITH THE VICTIM AND

1 WHETHER THE SEXUAL CONTACT WAS PART OF A DEMONSTRATED PATTERN
2 OF ABUSE.

3 (9) WHETHER THE OFFENSE INCLUDED A DISPLAY OF UNUSUAL
4 CRUELTY BY THE OFFENDER DURING THE COMMISSION OF THE CRIME.

5 (10) ANY BEHAVIORAL CHARACTERISTICS THAT CONTRIBUTE TO
6 THE OFFENDER'S CONDUCT.

7 ALL STATE, COUNTY AND LOCAL AGENCIES SHALL COOPERATE IN
8 PROVIDING THE NECESSARY INFORMATION AS REQUESTED BY THE BOARD IN
9 CONNECTION WITH THE REQUIRED ASSESSMENT.

10 (D) SUBMISSION OF REPORT BY BOARD.--THE BOARD SHALL SUBMIT A
11 WRITTEN REPORT CONTAINING ITS ASSESSMENT TO THE COURT NO LATER
12 THAN 60 DAYS FROM THE DATE OF CONVICTION OF THE DEFENDANT. WHERE
13 THE BOARD MEMBERS DISAGREE ON THE ASSESSMENT OF THE OFFENDER,
14 BOTH MEMBERS SHALL SUBMIT A WRITTEN REPORT TO THE COURT.

15 (E) COURT REVIEW OF FINDINGS.--UPON RECEIPT OF THE BOARD'S
16 REPORT, THE COURT SHALL DETERMINE IF THE OFFENDER IS A SEXUALLY
17 VIOLENT PREDATOR. THIS DETERMINATION SHALL BE MADE BASED ON
18 EVIDENCE PRESENTED AT A HEARING HELD PRIOR TO SENTENCING AND
19 BEFORE THE TRIAL JUDGE. THE OFFENDER AND DISTRICT ATTORNEY SHALL
20 BE GIVEN NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD,
21 THE RIGHT TO CALL WITNESSES, THE RIGHT TO CALL EXPERT WITNESSES
22 AND THE RIGHT TO CROSS-EXAMINE WITNESSES. IN ADDITION, THE
23 OFFENDER SHALL HAVE THE RIGHT TO COUNSEL AND TO HAVE A LAWYER
24 APPOINTED TO REPRESENT HIM IF HE CANNOT AFFORD ONE. AFTER A
25 REVIEW OF ALL EVIDENCE PRESENTED AT THIS HEARING, THE COURT MAY
26 DETERMINE WHETHER THE PRESUMPTION ARISING UNDER SUBSECTION (B)
27 HAS BEEN REBUTTED AND SHALL SET FORTH THIS DETERMINATION ON THE
28 SENTENCING ORDER. A COPY OF THE SENTENCING ORDER CONTAINING THE
29 DETERMINATION SHALL BE SUBMITTED TO THE PENNSYLVANIA BOARD OF
30 PROBATION AND PAROLE AND THE DEPARTMENT OF CORRECTIONS.

(F) SUBSEQUENT BOARD REVIEW.--NO SOONER THAN ONE YEAR PRIOR TO RELEASE FROM A STATE OR COUNTY CORRECTIONAL INSTITUTION, OR IN FIVE-YEAR INTERVALS THEREAFTER, AN OFFENDER DESIGNATED AS A SEXUALLY VIOLENT PREDATOR MAY PETITION THE COURT WITH ORIGINAL JURISDICTION IN THE MATTER FOR RECONSIDERATION OF THE DETERMINATION. THE COURT MAY REVIEW THE DETERMINATION AND REQUEST A NEW REPORT BY THE BOARD. THE COURT MAY ENTER AN ORDER TERMINATING THE DESIGNATION IN WHICH CASE THE COURT SHALL NOTIFY THE PENNSYLVANIA STATE POLICE.]

(A) REGISTRATION.--A PERSON WITH TWO OR MORE CONVICTIONS OF ANY OF THE OFFENSES SET FORTH IN SECTION 9793(B) (RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR BEING CONVICTED OF THE FOLLOWING OFFENSES SHALL BE REQUIRED TO REGISTER FOR LIFE:

18 PA.C.S. § 3121 (RELATING TO RAPE).

18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE).

18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT).

18 PA.C.S. § 4302 (RELATING TO INCEST) WHEN THE VICTIM IS UNDER 12 YEARS OF AGE.

(B) REGISTRATION INFORMATION AND PENALTY.--REGISTRATION INFORMATION AND PENALTY FOR VIOLATION SHALL BE THE SAME AS PROVIDED IN SECTION 9793.

§ 9795. [REGISTRATION OF OFFENDERS] DESIGNATION AND REGISTRATION OF SEXUALLY VIOLENT PREDATORS AND OUT-OF-STATE OFFENDERS.

(A) REGISTRATION OF SEXUALLY VIOLENT PREDATORS.--

(1) A SEXUALLY VIOLENT PREDATOR SHALL BE REQUIRED TO

1 REGISTER ALL CURRENT ADDRESSES WITH THE PENNSYLVANIA STATE
2 POLICE UPON RELEASE FROM INCARCERATION, UPON PAROLE FROM A
3 STATE OR COUNTY CORRECTIONAL INSTITUTION OR UPON THE
4 COMMENCEMENT OF A SENTENCE OF INTERMEDIATE PUNISHMENT OR
5 PROBATION.

6 [THE OFFENDER] (2) THE SEXUALLY VIOLENT PREDATOR SHALL
7 INFORM THE PENNSYLVANIA STATE POLICE WITHIN TEN DAYS IF THE
8 [OFFENDER] SEXUALLY VIOLENT PREDATOR CHANGES RESIDENCE. THE
9 [OFFENDER] SEXUALLY VIOLENT PREDATOR SHALL REGISTER WITH A
10 NEW LAW ENFORCEMENT AGENCY NO LATER THAN TEN DAYS AFTER
11 ESTABLISHING RESIDENCE IN ANOTHER STATE. [THE REGISTRATION
12 SHALL CONTINUE UNLESS THE COURT DETERMINES THE PERSON IS NO
13 LONGER A SEXUALLY VIOLENT PREDATOR AS PROVIDED IN SECTION
14 9794(F) (RELATING TO DESIGNATION OF SEXUALLY VIOLENT
15 PREDATORS.)]

16 (3) SEXUALLY VIOLENT PREDATORS SHALL REGISTER AS
17 FOLLOWS:

18 (I) WHERE THE [OFFENDER] SEXUALLY VIOLENT PREDATOR
19 HAS BEEN GRANTED PAROLE BY THE PENNSYLVANIA BOARD OF
20 PROBATION AND PAROLE OR THE COURT OR IS SENTENCED TO
21 PROBATION, THE BOARD OR COUNTY OFFICE OF PROBATION AND
22 PAROLE SHALL COLLECT REGISTRATION INFORMATION FROM THE
23 [OFFENDER] SEXUALLY VIOLENT PREDATOR AND FORWARD THAT
24 REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE
25 POLICE. THE DEPARTMENT OF CORRECTIONS OR COUNTY
26 CORRECTIONAL FACILITY SHALL NOT RELEASE THE [OFFENDER]
27 SEXUALLY VIOLENT PREDATOR UNTIL IT RECEIVES VERIFICATION
28 FROM THE PENNSYLVANIA STATE POLICE THAT IT HAS RECEIVED
29 THE REGISTRATION INFORMATION. THE CHIEF COUNTY PROBATION
30 AND PAROLE OFFICIAL IN COOPERATION WITH A COUNTY

1 CORRECTIONAL FACILITY SHALL, IN ACCORDANCE WITH
2 GUIDELINES, OBTAIN THE REQUIRED INFORMATION CONTAINED IN
3 SECTION 9799.2(2) (RELATING TO DUTIES OF PENNSYLVANIA
4 BOARD OF PROBATION AND PAROLE) REGARDING SEXUALLY VIOLENT
5 PREDATORS RELEASED FROM A COUNTY SENTENCE AND SUBMIT THE
6 INFORMATION TO THE PENNSYLVANIA BOARD OF PROBATION AND
7 PAROLE AND THE PENNSYLVANIA STATE POLICE.

8 (II) WHERE THE [OFFENDER] SEXUALLY VIOLENT PREDATOR
9 IS SCHEDULED TO BE RELEASED FROM A STATE CORRECTIONAL
10 FACILITY OR COUNTY CORRECTIONAL FACILITY DUE TO THE
11 EXPIRATION OF THE MAXIMUM TERM OF INCARCERATION, THE
12 DEPARTMENT OF CORRECTIONS OR COUNTY CORRECTIONAL FACILITY
13 SHALL COLLECT THE INFORMATION FROM THE [OFFENDER]
14 SEXUALLY VIOLENT PREDATOR NO SOONER THAN 45 DAYS BEFORE
15 THE MAXIMUM EXPIRATION DATE AND NO LATER THAN TEN DAYS
16 PRIOR TO THE MAXIMUM EXPIRATION DATE. THE DEPARTMENT OF
17 CORRECTIONS OR COUNTY CORRECTIONAL FACILITY SHALL FORWARD
18 THE REGISTRATION INFORMATION TO THE PENNSYLVANIA STATE
19 POLICE. [WHERE] IF THE [OFFENDER] SEXUALLY VIOLENT
20 PREDATOR SCHEDULED TO BE RELEASED DUE TO THE MAXIMUM
21 EXPIRATION DATE REFUSES TO PROVIDE THE REGISTRATION
22 INFORMATION, THE DEPARTMENT OF CORRECTIONS OR COUNTY
23 CORRECTIONAL FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE
24 POLICE PRIOR TO THE EXPIRATION OF THE MAXIMUM TERM OF
25 INCARCERATION OF THE FAILURE TO PROVIDE REGISTRATION
26 INFORMATION AND OF THE EXPECTED DATE, TIME AND LOCATION
27 OF THE RELEASE OF THE [OFFENDER] SEXUALLY VIOLENT
28 PREDATOR. [THE CHIEF COUNTY PROBATION AND PAROLE OFFICIAL
29 IN COOPERATION WITH A COUNTY CORRECTIONAL FACILITY SHALL,
30 IN ACCORDANCE WITH ESTABLISHED GUIDELINES, OBTAIN THE

1 REQUIRED INFORMATION CONTAINED IN SECTION 9799.2(2)
2 (RELATING TO DUTIES OF PENNSYLVANIA BOARD OF PROBATION
3 AND PAROLE) REGARDING OFFENDERS RELEASED FROM A COUNTY
4 SENTENCE AND SUBMIT THE INFORMATION TO THE PENNSYLVANIA
5 BOARD OF PROBATION AND PAROLE AND THE PENNSYLVANIA STATE
6 POLICE.] THE [OFFENDER] SEXUALLY VIOLENT PREDATOR IN A
7 COUNTY CORRECTIONAL FACILITY SHALL NOT BE RELEASED FROM
8 INCARCERATION [OR RELEASED TO A SENTENCE OF PROBATION OR
9 INTERMEDIATE PUNISHMENT] UNTIL THE INFORMATION HAS BEEN
10 OBTAINED AND SUBMITTED AS REQUIRED.

11 (B) COURT INFORMATION FOR ALL OFFENDERS.--THE SENTENCING
12 COURT SHALL INFORM OFFENDERS DESIGNATED IN SECTION 9793
13 (RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR
14 9794 (RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR LIFE)
15 [AND] OR SEXUALLY VIOLENT PREDATORS DESIGNATED IN SUBSECTION (A)
16 AT THE TIME OF SENTENCING OF THE PROVISIONS OF THIS SUBCHAPTER.
17 THE COURT SHALL:

18 (1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
19 PREDATOR OF THE DUTY TO REGISTER AND [OBTAIN] PROVIDE THE
20 INFORMATION REQUIRED FOR EACH REGISTRATION.

21 (2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
22 PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE POLICE
23 WITHIN TEN DAYS IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR
24 CHANGES RESIDENCE.

25 (3) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
26 PREDATOR OF THE DUTY TO REGISTER WITH A NEW LAW ENFORCEMENT
27 AGENCY IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR MOVES TO
28 ANOTHER STATE NO LATER THAN TEN DAYS AFTER ESTABLISHING
29 RESIDENCE IN ANOTHER STATE.

30 (4) ORDER THE FINGERPRINTS AND PHOTOGRAPH OF THE PERSON

1 TO BE PROVIDED TO THE PENNSYLVANIA STATE POLICE UPON
2 SENTENCING.

3 (5) SPECIFICALLY INFORM THE OFFENDER OF THE DUTY TO
4 REGISTER WITH THE APPROPRIATE AUTHORITIES IN ANY STATE IN
5 WHICH THE OFFENDER IS EMPLOYED, CARRIES ON A VOCATION, OR IS
6 A STUDENT, IF THE STATE REQUIRES SUCH REGISTRATION.

7 [(5)] (6) REQUIRE THE OFFENDER OR SEXUALLY VIOLENT
8 PREDATOR TO READ AND SIGN A FORM STATING THAT THE DUTY TO
9 REGISTER UNDER THIS SUBCHAPTER HAS BEEN EXPLAINED. WHERE THE
10 OFFENDER OR SEXUALLY VIOLENT PREDATOR IS INCAPABLE OF
11 READING, THE COURT SHALL CERTIFY THE DUTY TO REGISTER WAS
12 EXPLAINED TO THE OFFENDER OR SEXUALLY VIOLENT PREDATOR AND
13 THE OFFENDER OR SEXUALLY VIOLENT PREDATOR INDICATED AN
14 UNDERSTANDING OF THE DUTY.

15 (C) OFFENDERS FROM OTHER STATES.--AS A CONDITION OF
16 OBTAINING RESIDENCY IN PENNSYLVANIA UNDER THE INTERSTATE COMPACT
17 FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS, SEXUAL
18 OFFENDERS FROM OTHER STATES SHALL BE REQUIRED TO REGISTER AND
19 ABIDE BY THE REQUIREMENTS OF THIS SUBCHAPTER AND, WHERE THE
20 PENNSYLVANIA BOARD OF PROBATION AND PAROLE DETERMINES IT IS
21 NECESSARY TO PROTECT THE PUBLIC, SHALL SUBMIT TO PUBLIC
22 NOTIFICATION AS PROVIDED IN SECTION 9798 (RELATING TO OTHER
23 NOTIFICATION). OFFENDERS OR SEXUALLY VIOLENT PREDATORS FROM
24 OTHER STATES SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE
25 AS SET FORTH IN SECTION 9793(D) (RELATING TO REGISTRATION OF
26 CERTAIN OFFENDERS FOR TEN YEARS).

27 (D) PENALTY.--ANY OFFENDER OR SEXUALLY VIOLENT PREDATOR WHO
28 FAILS TO REGISTER WITH THE PENNSYLVANIA STATE POLICE AS REQUIRED
29 IN THIS SECTION COMMITS A FELONY OF THE THIRD DEGREE.

30 § 9795.1. ASSESSMENTS.

1 (A) ORDER FOR ASSESSMENT.--AFTER CONVICTION, BUT BEFORE
2 SENTENCING, A COURT SHALL ORDER A PERSON CONVICTED OF A SEXUALLY
3 VIOLENT OFFENSE SPECIFIED IN SECTION 9793(B) (RELATING TO
4 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR 9794(A)
5 (RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR LIFE) TO BE
6 ASSESSED BY THE BOARD. THE ORDER FOR AN ASSESSMENT SHALL BE SENT
7 TO THE ADMINISTRATIVE OFFICER OF THE BOARD WITHIN TEN DAYS OF
8 THE DATE OF CONVICTION.

9 (B) ASSESSMENT.--UPON RECEIPT FROM THE COURT OF AN ORDER FOR
10 AN ASSESSMENT, TWO MEMBERS OF THE BOARD AS DESIGNATED BY THE
11 ADMINISTRATIVE OFFICER OF THE BOARD SHALL INDEPENDENTLY CONDUCT
12 AN ASSESSMENT OF THE OFFENDER TO DETERMINE IF THE OFFENDER
13 SHOULD BE CLASSIFIED AS A SEXUALLY VIOLENT PREDATOR. THE BOARD
14 SHALL ESTABLISH STANDARDS FOR EVALUATIONS AND EVALUATORS
15 CONDUCTING THE ASSESSMENTS. SUCH AN ASSESSMENT SHALL INCLUDE,
16 BUT NOT BE LIMITED TO, AN EXAMINATION OF THE FOLLOWING:

17 (1) ELEMENTS OF THE CURRENT OFFENSE, INCLUDING:

18 (I) WHETHER THE OFFENSE INVOLVED MULTIPLE VICTIMS.

19 (II) WHETHER THE OFFENDER EXCEEDED THE MEANS
20 NECESSARY TO ACHIEVE THE OFFENSE.

21 (III) THE NATURE OF THE SEXUAL CONTACT WITH THE
22 VICTIM.

23 (IV) RELATIONSHIP OF THE OFFENDER TO THE VICTIM.

24 (V) AGE OF THE VICTIM.

25 (VI) WHETHER THE OFFENSE INCLUDED A DISPLAY OF
26 UNUSUAL CRUELTY BY THE OFFENDER DURING THE COMMISSION OF
27 THE CRIME.

28 (2) PRIOR OFFENSE HISTORY, INCLUDING:

29 (I) OFFENDER'S PRIOR CRIMINAL RECORD.

30 (II) WHETHER OFFENDER COMPLETED ANY PRIOR SENTENCES.

1 (III) WHETHER THE OFFENDER PARTICIPATED IN AVAILABLE
2 PROGRAMS FOR SEXUAL OFFENDERS.

3 (3) CHARACTERISTICS OF THE OFFENDER, INCLUDING:

4 (I) AGE OF THE OFFENDER.

5 (II) USE OF ILLEGAL DRUGS BY THE OFFENDER.

6 (III) ANY MENTAL ILLNESS, MENTAL DISABILITY, OR
7 MENTAL ABNORMALITY.

8 (IV) BEHAVIORAL CHARACTERISTICS THAT CONTRIBUTE TO
9 THE OFFENDER'S CONDUCT.

10 (4) FACTORS THAT ARE SUPPORTED IN THE SEXUAL OFFENDER
11 ASSESSMENT FILED AS CRITERIA REASONABLY RELATED TO THE RISK
12 OF REOFFENSE.

13 (C) RELEASE OF INFORMATION.--ALL STATE, COUNTY AND LOCAL
14 AGENCIES, OFFICES OR ENTITIES IN THIS COMMONWEALTH, SHALL
15 COOPERATE BY PROVIDING COPIES OF RECORDS AND INFORMATION AS
16 REQUESTED BY THE BOARD IN CONNECTION WITH THE COURT ORDERED
17 ASSESSMENT.

18 (D) SUBMISSION OF REPORT BY BOARD.--THE BOARD SHALL SUBMIT A
19 WRITTEN REPORT CONTAINING ITS ASSESSMENT TO THE DISTRICT
20 ATTORNEY NO LATER THAN 90 DAYS FROM THE DATE OF CONVICTION OF
21 THE DEFENDANT. WHERE THE BOARD MEMBERS DISAGREE ON THE
22 ASSESSMENT OF THE OFFENDER, BOTH MEMBERS SHALL SUBMIT A WRITTEN
23 REPORT TO THE DISTRICT ATTORNEY.

24 (E) BURDEN OF PROOF.--THE COMMONWEALTH MUST PROVE BY CLEAR
25 AND CONVINCING EVIDENCE THAT THE OFFENDER IS A SEXUALLY VIOLENT
26 PREDATOR.

27 (F) HEARING.--FOLLOWING A HEARING, PRIOR TO SENTENCING, THE
28 COURT SHALL DETERMINE WHETHER THE COMMONWEALTH HAS SUSTAINED ITS
29 BURDEN OF PROVING WHETHER THE DEFENDANT IS A SEXUALLY VIOLENT
30 PREDATOR. THE HEARING SHALL BE SCHEDULED UPON PRAECIPE FILED BY

1 THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY, UPON FILING THE
2 PRAECIPE SHALL SERVE A COPY OF SAME UPON DEFENSE COUNSEL
3 TOGETHER WITH A COPY OF THE REPORT BY THE BOARD. THE DEFENDANT
4 AND DISTRICT ATTORNEY SHALL BE GIVEN NOTICE OF THE HEARING AND
5 AN OPPORTUNITY TO BE HEARD, THE RIGHT TO CALL WITNESSES, THE
6 RIGHT TO CALL EXPERT WITNESSES AND THE RIGHT TO CROSS-EXAMINE
7 WITNESSES. IN ADDITION, THE DEFENDANT SHALL HAVE THE RIGHT TO
8 COUNSEL AND TO HAVE A LAWYER APPOINTED TO REPRESENT HIM IF HE
9 CANNOT AFFORD ONE. IF THE DEFENDANT REQUESTS ANOTHER EXPERT
10 ASSESSMENT, THE DEFENDANT SHALL PROVIDE A COPY OF THE EXPERT
11 ASSESSMENT TO THE DISTRICT ATTORNEY PRIOR TO THE HEARING. A COPY
12 OF THE SENTENCING ORDER CONTAINING THE DETERMINATION SHALL BE
13 SUBMITTED TO THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE
14 DEPARTMENT OF CORRECTIONS AND THE BOARD.

15 (G) PRESENTENCE INVESTIGATION.--IN ALL CASES WHERE THE BOARD
16 HAS PERFORMED AN ASSESSMENT PURSUANT TO THIS SECTION, COPIES OF
17 THE REPORT SHALL BE PROVIDED TO THE AGENCY PREPARING THE
18 PRESENTENCE INVESTIGATION.

19 § 9796. VERIFICATION OF RESIDENCE.

20 (A) QUARTERLY VERIFICATION.--THE PENNSYLVANIA STATE POLICE
21 SHALL VERIFY THE RESIDENCE OF SEXUALLY VIOLENT PREDATORS EVERY
22 90 DAYS THROUGH THE USE OF A NONFORWARDABLE VERIFICATION FORM TO
23 THE LAST REPORTED ADDRESS. THE [FORM SHALL BE RETURNED BY THE
24 OFFENDER WITHIN TEN DAYS.] SEXUALLY VIOLENT PREDATOR SHALL
25 APPEAR WITHIN TEN DAYS OF RECEIPT OF THE FORM AT A PENNSYLVANIA
26 STATE POLICE STATION TO COMPLETE THE VERIFICATION FORM AND TO BE
27 PHOTOGRAPHED.

28 (B) ANNUAL VERIFICATION.--THE PENNSYLVANIA STATE POLICE
29 SHALL VERIFY THE RESIDENCE OF OFFENDERS DESIGNATED IN [SECTION]
30 SECTIONS 9793 (RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR

1 TEN YEARS) AND 9794 (RELATING TO REGISTRATION OF CERTAIN
2 OFFENDERS FOR LIFE) THROUGH THE USE OF A RESIDENCE VERIFICATION
3 FORM. THE [FORM SHALL BE RETURNED BY THE OFFENDER WITHIN TEN
4 DAYS.] OFFENDER SHALL ANNUALLY APPEAR AT A PENNSYLVANIA STATE
5 POLICE STATION TO COMPLETE THE VERIFICATION FORM AND TO BE
6 PHOTOGRAPHED.

7 (C) NOTIFICATION OF LAW ENFORCEMENT AGENCIES OF CHANGE IN
8 ADDRESS.--A CHANGE OF ADDRESS OF AN OFFENDER REQUIRED TO
9 REGISTER UNDER THIS SUBCHAPTER REPORTED TO THE PENNSYLVANIA
10 STATE POLICE SHALL BE IMMEDIATELY REPORTED BY THE PENNSYLVANIA
11 STATE POLICE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY HAVING
12 JURISDICTION OF THE OFFENDER'S NEW PLACE OF RESIDENCE. THE
13 PENNSYLVANIA STATE POLICE SHALL, IF THE OFFENDER CHANGES
14 RESIDENCE TO ANOTHER STATE, NOTIFY THE LAW ENFORCEMENT AGENCY
15 WITH WHICH THE OFFENDER MUST REGISTER IN THE NEW STATE.

16 (D) FAILURE TO PROVIDE VERIFICATION.--WHERE ANY OFFENDER
17 FAILS TO PROVIDE VERIFICATION OF RESIDENCE WITHIN THE TEN-DAY
18 PERIOD AS SET FORTH IN THIS SECTION, THE PENNSYLVANIA STATE
19 POLICE SHALL IMMEDIATELY NOTIFY THE MUNICIPAL POLICE DEPARTMENT
20 OF THE OFFENDER'S LAST VERIFIED RESIDENCE. THE LOCAL MUNICIPAL
21 POLICE SHALL LOCATE THE OFFENDER AND ARREST HIM FOR VIOLATING
22 THIS SECTION. THE PENNSYLVANIA STATE POLICE SHALL ASSUME
23 RESPONSIBILITY FOR LOCATING THE OFFENDER AND ARRESTING HIM IN
24 JURISDICTIONS WHERE NO MUNICIPAL POLICE JURISDICTION EXISTS. THE
25 PENNSYLVANIA STATE POLICE SHALL ASSIST ANY MUNICIPAL POLICE
26 DEPARTMENT REQUESTING ASSISTANCE WITH LOCATING AND ARRESTING AN
27 OFFENDER WHO FAILS TO VERIFY HIS RESIDENCE.

28 (E) PENALTY.--ANY OFFENDER OR SEXUALLY VIOLENT PREDATOR WHO
29 FAILS TO VERIFY HIS RESIDENCE OR BE PHOTOGRAPHED AS REQUIRED IN
30 THIS SECTION COMMITS A FELONY OF THE THIRD DEGREE.

1 § 9797. VICTIM NOTIFICATION.

2 (A) DUTY TO INFORM VICTIM.--

3 (1) WHERE THE OFFENDER IS DETERMINED TO BE A SEXUALLY
4 VIOLENT PREDATOR BY A COURT UNDER SECTION [9794(E)] 9795.1
5 (RELATING TO [DESIGNATION OF SEXUALLY VIOLENT PREDATORS]
6 ASSESSMENTS), THE LOCAL MUNICIPAL POLICE DEPARTMENT OR THE
7 PENNSYLVANIA STATE POLICE WHERE NO MUNICIPAL POLICE
8 JURISDICTION EXISTS SHALL GIVE WRITTEN NOTICE TO THE
9 OFFENDER'S VICTIM WHEN THE OFFENDER REGISTERS INITIALLY AND
10 WHEN HE NOTIFIES THE PENNSYLVANIA STATE POLICE OF A CHANGE OF
11 ADDRESS. THIS NOTICE SHALL BE GIVEN WITHIN 72 HOURS AFTER THE
12 OFFENDER REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE
13 OF A CHANGE OF ADDRESS. THE NOTICE SHALL CONTAIN THE
14 OFFENDER'S NAME AND THE ADDRESS OR ADDRESSES WHERE HE
15 RESIDES.

16 (2) A VICTIM MAY TERMINATE THE DUTY TO INFORM SET FORTH
17 IN PARAGRAPH (1) BY PROVIDING THE LOCAL MUNICIPAL POLICE
18 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE WHERE NO LOCAL
19 MUNICIPAL POLICE DEPARTMENT EXISTS WITH A WRITTEN STATEMENT
20 RELEASING THAT AGENCY FROM THE DUTY TO COMPLY WITH THIS
21 SECTION AS IT PERTAINS TO THAT VICTIM.

22 (B) WHERE AN OFFENDER IS NOT DESIGNATED AS A SEXUALLY
23 VIOLENT PREDATOR.--WHERE THE OFFENDER IS NOT DETERMINED TO BE A
24 SEXUALLY VIOLENT PREDATOR BY A COURT UNDER SECTION 9794(E), THE
25 OFFENDER'S VICTIM SHALL BE NOTIFIED IN ACCORDANCE WITH SECTION
26 479.3 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS
27 THE ADMINISTRATIVE CODE OF 1929.

28 § 9798. OTHER NOTIFICATION.

29 (A) BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT OFFICER.--
30 NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S. CH. 91

(RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE AS REQUIRED UNDER THIS SECTION.

(1) THE NOTICE SHALL CONTAIN:

(I) THE NAME OF THE CONVICTED SEXUALLY VIOLENT PREDATOR OR OUT-OF-STATE OFFENDER.

(II) THE ADDRESS OR ADDRESSES AT WHICH HE RESIDES.

(III) THE OFFENSE FOR WHICH HE WAS CONVICTED.

(IV) A STATEMENT THAT HE HAS BEEN DESIGNATED BY COURT ORDER AS A SEXUALLY VIOLENT PREDATOR, WHICH DESIGNATION HAS OR HAS NOT BEEN TERMINATED AS OF A DATE CERTAIN.

(V) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR OR OUT-OF-STATE OFFENDER, IF AVAILABLE.

(2) THE NOTICE SHALL NOT INCLUDE ANY INFORMATION THAT MIGHT REVEAL THE VICTIM'S NAME, IDENTITY AND RESIDENCE.

(B) TO WHOM WRITTEN NOTICE IS PROVIDED.--THE CHIEF LAW ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE, UNDER SUBSECTION (A), TO THE FOLLOWING PERSONS:

(1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR OR OUT-OF-STATE OFFENDER.

(2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH SERVICE AGENCY OF THE COUNTY WHERE THE SEXUALLY VIOLENT PREDATOR OR OUT-OF-STATE OFFENDER RESIDES.

(3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE EQUIVALENT OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY.

(4) THE DIRECTOR OF EACH LICENSED DAY CARE CENTER AND

1 LICENSED PRESCHOOL PROGRAM IN THE MUNICIPALITY.

2 (5) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND
3 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF A SEXUALLY
4 VIOLENT PREDATOR'S OR OUT-OF-STATE OFFENDER'S ADDRESS.

5 (C) URGENCY OF NOTIFICATION.--THE MUNICIPAL POLICE
6 DEPARTMENT'S CHIEF LAW ENFORCEMENT OFFICER SHALL PROVIDE NOTICE
7 WITHIN THE FOLLOWING TIME FRAMES:

8 (1) TO NEIGHBORS, NOTICE SHALL BE PROVIDED WITHIN 72
9 HOURS AFTER INFORMATION OF THE SEXUALLY VIOLENT PREDATOR'S
10 RELEASE DATE AND ADDRESS HAS BEEN RECEIVED BY THE CHIEF LAW
11 ENFORCEMENT OFFICER. NOTWITHSTANDING THE PROVISIONS OF
12 SUBSECTIONS (A) AND (B), VERBAL NOTIFICATION MAY BE USED IF
13 WRITTEN NOTIFICATION WOULD DELAY MEETING THIS TIME
14 REQUIREMENT.

15 (2) TO THE PERSONS SPECIFIED IN SUBSECTION (B)(2), (3),
16 (4) AND (5), NOTICE SHALL BE PROVIDED WITHIN SEVEN DAYS AFTER
17 THE CHIEF LAW ENFORCEMENT OFFICER RECEIVES INFORMATION
18 REGARDING THE SEXUALLY VIOLENT PREDATOR'S OR OUT-OF-STATE
19 OFFENDER'S RELEASE DATE AND ADDRESS.

20 (D) PUBLIC NOTICE.--ALL INFORMATION PROVIDED IN ACCORDANCE
21 WITH SUBSECTION (A) SHALL BE AVAILABLE, UPON REQUEST, TO THE
22 GENERAL PUBLIC. THE INFORMATION MAY BE PROVIDED BY ELECTRONIC
23 MEANS.

24 § 9799. IMMUNITY FOR GOOD FAITH CONDUCT.

25 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
26 GOOD FAITH CONDUCT UNDER THIS [SECTION] SUBCHAPTER:

27 (1) THE PENNSYLVANIA STATE POLICE AND LOCAL LAW
28 ENFORCEMENT AGENCIES AND EMPLOYEES OF LAW ENFORCEMENT
29 AGENCIES.

30 (2) DISTRICT ATTORNEYS AND THEIR AGENTS AND EMPLOYEES.

1 (3) SUPERINTENDENTS, ADMINISTRATORS, TEACHERS, EMPLOYEES
2 AND VOLUNTEERS ENGAGED IN THE SUPERVISION OF CHILDREN OF ANY
3 PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.

4 (4) DIRECTORS AND EMPLOYEES OF COUNTY CHILDREN AND YOUTH
5 AGENCIES.

6 (5) PRESIDENTS OR SIMILAR OFFICERS OF UNIVERSITIES AND
7 COLLEGES, INCLUDING COMMUNITY COLLEGES.

8 (6) THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND
9 ITS AGENTS AND EMPLOYEES.

10 (7) COUNTY PROBATION AND PAROLE OFFICES AND THEIR AGENTS
11 AND EMPLOYEES.

12 [(7)] (8) DIRECTORS OF LICENSED DAY CARE CENTERS AND
13 DIRECTORS OF LICENSED PRESCHOOL PROGRAMS.

14 (9) THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS AND ITS
15 AGENTS AND EMPLOYEES.

16 (10) COUNTY CORRECTIONAL FACILITIES AND THEIR AGENTS AND
17 EMPLOYEES.

18 (11) MEMBERS OF THE SEXUAL OFFENDERS ASSESSMENT BOARD
19 AND ITS AGENTS AND EMPLOYEES.

20 § 9799.1. DUTIES OF PENNSYLVANIA STATE POLICE.

21 THE PENNSYLVANIA STATE POLICE SHALL:

22 (1) CREATE AND MAINTAIN A STATE REGISTRY OF OFFENDERS
23 PURSUANT TO [SECTION] SECTIONS 9793 (RELATING TO REGISTRATION
24 OF CERTAIN OFFENDERS FOR TEN YEARS) AND 9794 (RELATING TO
25 REGISTRATION OF CERTAIN OFFENDERS FOR LIFE).

26 (2) IN CONSULTATION WITH THE OFFICE OF ATTORNEY GENERAL
27 AND THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
28 PROMULGATE GUIDELINES NECESSARY FOR THE GENERAL
29 ADMINISTRATION OF THIS SUBCHAPTER.

30 (3) WRITE REGULATIONS REGARDING NEIGHBOR NOTIFICATION OF

1 THE CURRENT ADDRESS OF SEXUALLY VIOLENT PREDATORS.

2 (4) NOTIFY, WITHIN 72 HOURS OF RECEIVING THE OFFENDER'S
3 REGISTRATION, THE CHIEF LAW ENFORCEMENT OFFICER OF THE POLICE
4 DEPARTMENT HAVING PRIMARY JURISDICTION OF THE MUNICIPALITY IN
5 WHICH AN OFFENDER RESIDES OF THE FACT THAT THE OFFENDER HAS
6 BEEN REGISTERED WITH THE PENNSYLVANIA STATE POLICE PURSUANT
7 TO SECTIONS 9795 (RELATING TO [REGISTRATION OF OFFENDERS]
8 DESIGNATION AND REGISTRATION OF SEXUALLY VIOLENT PREDATORS
9 AND OUT-OF-STATE OFFENDERS) AND 9796 (RELATING TO
10 VERIFICATION OF RESIDENCE).

11 (5) IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION AND
12 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, PROMULGATE
13 GUIDELINES DIRECTING LICENSED DAY-CARE CENTERS, LICENSED
14 PRESCHOOL PROGRAMS, SCHOOLS, UNIVERSITIES AND COLLEGES,
15 INCLUDING COMMUNITY COLLEGES, ON THE PROPER USE AND
16 ADMINISTRATION OF INFORMATION RECEIVED UNDER SECTION 9798
17 (RELATING TO OTHER NOTIFICATION).

18 (6) IMMEDIATELY TRANSFER THE INFORMATION RECEIVED FROM
19 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE UNDER SECTION
20 9799.2(2) AND (3) (RELATING TO DUTIES OF PENNSYLVANIA BOARD
21 OF PROBATION AND PAROLE) AND THE FINGERPRINTS OF THE SEXUALLY
22 VIOLENT PREDATOR TO THE FEDERAL BUREAU OF INVESTIGATION.

23 ALL GUIDELINES AND REGULATIONS PROMULGATED UNDER THIS SECTION
24 SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN NO LATER THAN
25 JANUARY 1, 1996.

26 § 9799.2. DUTIES OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

27 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL:

28 (1) CREATE A NOTIFICATION FORM WHICH WILL INFORM STATE
29 AND COUNTY PRISON AND PROBATION AND PAROLE PERSONNEL HOW TO
30 INFORM OFFENDERS REQUIRED TO REGISTER UNDER THIS SUBCHAPTER

1 OF THEIR DUTY UNDER THE LAW.

2 (2) IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS
3 AND OTHER COMMONWEALTH AGENCIES, OBTAIN THE FOLLOWING
4 INFORMATION REGARDING OFFENDERS:

5 (I) NAME, INCLUDING ANY ALIASES.

6 (II) IDENTIFYING FACTORS.

7 (III) ANTICIPATED FUTURE RESIDENCE.

8 (IV) OFFENSE HISTORY.

9 (V) DOCUMENTATION OF ANY TREATMENT RECEIVED FOR THE
10 MENTAL ABNORMALITY OR PERSONALITY DISORDER.

11 (VI) PHOTOGRAPH OF THE OFFENDER.

12 (3) IMMEDIATELY TRANSMIT THE INFORMATION IN PARAGRAPH
13 (2) TO THE PENNSYLVANIA STATE POLICE FOR IMMEDIATE ENTRY INTO
14 THE STATE REGISTRY OF SEXUAL OFFENDERS AND THE CRIMINAL
15 HISTORY RECORD OF THE OFFENDER AS PROVIDED IN 18 PA.C.S. CH.
16 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION).

17 § 9799.3. BOARD.

18 (A) COMPOSITION.--THE STATE SEXUAL OFFENDERS ASSESSMENT
19 BOARD [TO ASSESS SEXUALLY VIOLENT PREDATORS] SHALL BE COMPOSED
20 OF PSYCHIATRISTS, PSYCHOLOGISTS AND CRIMINAL JUSTICE EXPERTS,
21 EACH OF WHOM IS AN EXPERT IN THE FIELD OF THE BEHAVIOR AND
22 TREATMENT OF SEXUAL OFFENDERS.

23 (B) APPOINTMENT.--THE GOVERNOR SHALL APPOINT THE BOARD
24 MEMBERS.

25 (C) TERM OF OFFICE.--MEMBERS OF THE BOARD SHALL SERVE FOUR-
26 YEAR TERMS.

27 (D) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL BE
28 COMPENSATED AT A RATE OF [\$200] \$350 PER ASSESSMENT AND RECEIVE
29 REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE
30 PERFORMING THE BUSINESS OF THE BOARD. THE CHAIRMAN SHALL RECEIVE

1 \$500 ADDITIONAL COMPENSATION PER ANNUM.

2 (E) STAFF.--SUPPORT STAFF FOR THE BOARD SHALL BE PROVIDED BY
3 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

4 § 9799.4. SEXUALLY VIOLENT PREDATORS.

5 (A) INCREASED MANDATORY MAXIMUM SENTENCE.--UPON THE COURT'S
6 FINDING THAT THE OFFENDER IS A SEXUALLY VIOLENT PREDATOR, THE
7 OFFENDER'S MAXIMUM TERM OF CONFINEMENT FOR ANY OFFENSE OR
8 CONVICTION SPECIFIED IN SECTION 9793(B) (RELATING TO
9 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR 9794(A)
10 (RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR LIFE) SHALL
11 BE INCREASED TO THE OFFENDER'S LIFETIME NOTWITHSTANDING LESSER
12 STATUTORY MAXIMUM PENALTIES FOR THESE OFFENSES.

13 (B) COUNSELING.--THE SEXUALLY VIOLENT PREDATOR SHALL BE
14 REQUIRED TO ATTEND AT LEAST MONTHLY COUNSELING SESSIONS IN A
15 PROGRAM APPROVED BY THE BOARD AND BE FINANCIALLY RESPONSIBLE FOR
16 ALL FEES ASSESSED FROM SUCH COUNSELING SESSIONS. IF THE SEXUALLY
17 VIOLENT PREDATOR CAN PROVE TO THE SATISFACTION OF THE COURT THAT
18 THE PERSON CANNOT AFFORD TO PAY FOR THE COUNSELING SESSIONS,
19 THAT PERSON SHALL STILL ATTEND THE COUNSELING SESSIONS AND THE
20 PAROLE OFFICE SHALL PAY THE REQUISITE FEES.

21 (C) MANDATORY SENTENCE.--NOTWITHSTANDING ANY OTHER PROVISION
22 OF LAW TO THE CONTRARY, WHEN A PERSON WHO HAS BEEN DESIGNATED AS
23 A SEXUALLY VIOLENT PREDATOR IS CONVICTED OF A SUBSEQUENT
24 SEXUALLY VIOLENT OFFENSE, THE MANDATORY SENTENCE SHALL BE LIFE
25 IMPRISONMENT. SHOULD A PREVIOUS CONVICTION BE VACATED AND AN
26 ACQUITTAL OR FINAL DISCHARGE ENTERED SUBSEQUENT TO IMPOSITION OF
27 SENTENCE UNDER THIS SECTION, THE OFFENDER SHALL HAVE THE RIGHT
28 TO PETITION THE SENTENCING COURT FOR RECONSIDERATION OF SENTENCE
29 IF THIS SECTION WOULD NOT HAVE BEEN APPLICABLE EXCEPT FOR THE
30 CONVICTION WHICH WAS VACATED.

1 (D) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO
2 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS
3 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN
4 SUBSECTION (C), TO PLACE SUCH OFFENDER ON PROBATION OR TO
5 SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE
6 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT
7 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY
8 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
9 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

10 (E) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES
11 TO APPLY THIS SECTION WHEN IT IS APPLICABLE, THE COMMONWEALTH
12 SHALL HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE
13 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE
14 AND REMAND THE CASE TO THE SENTENCING COURT FOR THE IMPOSITION
15 OF A SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT
16 THE SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

17 § 9799.5. EXEMPTION FROM NOTIFICATION.

18 NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED AS IMPOSING A
19 DUTY UPON A PERSON LICENSED UNDER THE ACT OF FEBRUARY 19, 1980
20 (P.L.15, NO.9), KNOWN AS THE REAL ESTATE LICENSING AND
21 REGISTRATION ACT, OR AN EMPLOYEE THEREOF TO DISCLOSE ANY
22 INFORMATION REGARDING AN OFFENDER REQUIRED TO REGISTER UNDER
23 THIS [ACT] SUBCHAPTER.

24 § 9799.6. APPLICABILITY.

25 (A) IN-STATE OFFENDER.--THE PROVISIONS OF SUBCHAPTER H
26 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS) SHALL APPLY TO
27 ANY INDIVIDUAL CONVICTED IN THIS COMMONWEALTH OF AN OFFENSE SET
28 FORTH IN SECTION 9793(B) (RELATING TO REGISTRATION OF CERTAIN
29 OFFENDERS FOR TEN YEARS) OR 9794(A) (RELATING TO REGISTRATION OF
30 CERTAIN OFFENDERS FOR LIFE) OR AN EQUIVALENT OFFENSE AND WHO IS:

1 (1) CONVICTED AND SENTENCED TO INTERMEDIATE PUNISHMENT
2 OR PROBATION;

3 (2) UNDER THE SUPERVISION OF THE PENNSYLVANIA BOARD OF
4 PROBATION AND PAROLE OR A COUNTY OFFICE OF PROBATION AND
5 PAROLE; OR

6 (3) INCARCERATED ON THE EFFECTIVE DATE OF THIS ACT.

7 (B) OUT-OF-STATE OFFENDER.--THE PROVISIONS OF SECTION
8 9793(D) [(RELATING TO REGISTRATION OF CERTAIN OFFENDERS FOR TEN
9 YEARS)] SHALL APPLY TO [ALL OFFENDERS]:

10 (1) ANY OUT-OF-STATE OFFENDER CONVICTED OF AN OFFENSE
11 EQUIVALENT TO AN OFFENSE SET FORTH IN SECTION 9793(B) OR
12 9794(A);

13 (2) ANY PERSON CONVICTED OF A SEXUAL OFFENSE WHO WAS
14 REQUIRED TO REGISTER UNDER A SEXUAL OFFENDER "MEGAN'S LAW"
15 STATUTE IN THE JURISDICTION WHERE THAT PERSON WAS CONVICTED
16 BEFORE THE EFFECTIVE DATE OF THIS SECTION [WHO REMAIN];

17 (3) ANY PERSON WHO REMAINS INCARCERATED OR ON PAROLE ON
18 THE EFFECTIVE DATE OF THIS SECTION[. IN ADDITION, THE
19 PROVISIONS OF SECTION 9793(D) SHALL APPLY TO ALL OFFENDERS];
20 AND

21 (4) ANY OFFENDER CONVICTED OF AN OFFENSE EQUIVALENT TO
22 AN OFFENSE SET FORTH IN SECTION 9793(B) OR 9794(A) OR A
23 PERSON CONVICTED OF A SEXUAL OFFENSE WHO WAS REQUIRED TO
24 REGISTER UNDER A SEXUAL OFFENDER "MEGAN'S LAW" STATUTE IN THE
25 JURISDICTION WHERE THAT PERSON WAS CONVICTED ON OR AFTER THE
26 EFFECTIVE DATE OF THIS SECTION.

27 (C) REGISTRATION.--THE PROVISIONS OF SECTION 9793(D) SHALL
28 APPLY TO ANY OFFENDER WHO COMMITTED AN OFFENSE SET FORTH IN
29 SECTION 9793(B) OR 9794(A) OR AN EQUIVALENT OFFENSE BEFORE THE
30 EFFECTIVE DATE OF THIS SUBSECTION BUT WERE CONVICTED AFTER THE

1 EFFECTIVE DATE OF THIS SUBSECTION.

2 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

3 (1) THE ADDITION OF 42 PA.C.S. § 9795.1 SHALL TAKE
4 EFFECT IMMEDIATELY.

5 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

6 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
7 DAYS.