
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2698 Session of 2004

INTRODUCED BY MACKERETH, WEBER, R. MILLER, GILLESPIE, SAYLOR,
BASTIAN, BELFANTI, BLAUM, BROWNE, CAPPELLI, CAUSER, CRAHALLA,
DeLUCA, EGOLF, FLICK, GINGRICH, GOODMAN, GRUCELA, HARPER,
HERMAN, HORSEY, MAITLAND, McNAUGHTON, MILLARD, PAYNE,
REICHLEY, SCAVELLO, SCHRODER, SOLOBAY, E. Z. TAYLOR, TIGUE,
TRUE AND YOUNGBLOOD, JUNE 14, 2004

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 14, 2004

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for electronic
3 monitoring of sexually violent offenders or predators.

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

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

8 § 9799.8. Electronic monitoring.

9 (a) General rule.--

10 (1) Any person sentenced to a period of probation in
11 excess of 24 months for a sexually violent offense may be
12 required, as part of the sentence, to submit to being tracked
13 by an electronic monitoring device during the entire period
14 of probation.

15 (2) Any person sentenced to a period of incarceration
16 for a sexually violent offense may be required, as part of

1 the sentence, to submit to being tracked by an electronic
2 monitoring device during the entire period of any release
3 from incarceration.

4 (b) Sexually violent predators.--Any person classified as a
5 sexually violent predator shall be required, as part of the
6 sentence to probation in excess of 24 months or incarceration
7 for a sexually violent offense, to submit to being tracked by an
8 electronic monitoring device during the entire period of
9 probation or during the entire period of any release from
10 incarceration.

11 (c) Independent authority.--The failure of a court to order
12 a defendant to be tracked by an electronic monitoring device
13 shall not prevent the board from independently mandating that
14 the defendant be tracked by an electronic monitoring device.

15 (d) Costs.--Unless a court finds that undue hardship would
16 result, any person tracked by an electronic monitoring device
17 pursuant to this section shall be required to reimburse the
18 board for the costs of the electronic monitoring device at a
19 rate of \$10 per day, which shall be in addition to any other
20 costs imposed pursuant to statutory authority.

21 (e) Other violations.--Nothing in this section shall
22 prohibit a court from requiring any person sentenced for a
23 violation of any other State law to submit to tracking by an
24 electronic monitoring device.

25 (f) Intentional tampering, removal or vandalism of
26 electronic monitoring device.--Any person required to be tracked
27 by an electronic monitoring device pursuant to this section who
28 intentionally tampers, removes or vandalizes an electronic
29 monitoring device or permits another person to tamper, remove or
30 vandalize an electronic monitoring device in order to avoid

1 tracking commits a misdemeanor of the third degree and shall,
2 upon conviction, be sentenced to pay a fine of not less than
3 \$300 nor more than \$1,000 and to undergo imprisonment for not
4 more than 90 days.

5 (g) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection:

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

9 "Electronic monitoring device." An automated device which
10 provides all of the following:

11 (1) Time-correlated and continuous tracking of the
12 geographic location of a monitored person using a Global
13 Positioning System based on satellite and other location
14 tracking technology.

15 (2) Reporting of a person's violations of prescriptive
16 and proscriptive schedule or location requirements.

17 (3) Local and State law enforcement agencies with an
18 electronic alert when a comparison of the geographic
19 positions of monitored persons with reported crime incidents
20 reveals that the person was at or near the reported crime
21 incidents.

22 "Release from incarceration." Any release, parole, furlough,
23 work release, prerelease or release in any other manner from a
24 prison, jail, juvenile detention facility or any other place of
25 confinement where a person remains under the supervision of the
26 Commonwealth.

27 Section 2. The addition of 42 Pa.C.S. § 9799.8 shall apply
28 to all persons:

29 (1) Convicted of an offense on or after the effective
30 date of this act.

1 (2) Sentenced to probation after the effective date of
2 this act.

3 (3) Released from incarceration after the effective date
4 of this act.

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