

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2173 Session of
2005

INTRODUCED BY PAYNE, GEIST, BOYD, CALTAGIRONE, CAPPELLI,
GILLESPIE, GINGRICH, GOOD, GOODMAN, HERMAN, KAUFFMAN, KOTIK,
LEH, MANN, McILHATTAN, MUNDY, PYLE, R. STEVENSON, TRUE,
WATSON, WILT AND YOUNGBLOOD, NOVEMBER 1, 2005

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 1, 2005

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for rape and for involuntary
4 deviate sexual intercourse; providing for loss of property
5 rights by certain offenders and for conduct relating to sex
6 offenders; further providing for failure to comply with
7 sexual offender registration requirements; defining "GPS" and
8 "GPS tracking device"; further providing for registration and
9 for registration procedures and applicability; providing for
10 GPS tracking, for restricted travel, for alert system and for
11 child protective zones; and further providing for
12 verification of residence and for information made available
13 on the Internet.

14 The General Assembly hereby declares its intention to enact
15 versions of Jessica's Law and Megan's Law in this Commonwealth.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Sections 3121(e) and 3123(d) of Title 18 of the
19 Pennsylvania Consolidated Statutes are amended and the sections
20 are amended by adding subsections to read:

21 § 3121. Rape.

22 * * *

(e) Sentences.--Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), except as set forth in subsection (f), a person convicted of an offense under:

(1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not less than 25 years nor more than [40] 75 years.

(2) Subsection (d) shall be sentenced [up] to a minimum term of 50 years and a maximum term of life imprisonment with no possibility of parole.

(f) Multiple victims.--A consecutive term of imprisonment shall be imposed for each victim of an offense under subsection (c) or (d).

§ 3123. Involuntary deviate sexual intercourse.

* * *

(d) Sentences.--Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), except as set forth in subsection (d.1), a person convicted of an offense under:

(1) Subsection (b) shall be sentenced to a term of imprisonment which shall be fixed by the court at not less than 25 years nor more than [40] 75 years.

(2) Subsection (c) shall be sentenced [up] to a minimum term of 50 years and to a maximum term of life imprisonment with no possibility of parole.

(d.1) Multiple victims.--A consecutive term of imprisonment shall be imposed for each victim of an offense under subsection (b) or (c).

Section 2. Title 18 is amended by adding a section to read:

§ 3130. Conduct relating to sex offenders.

1 A person who has knowledge that a sexual predator or sex
2 offender is not complying with or has not complied with the
3 requirements of his or her probation and parole, imposed by
4 statute or court order, including, but not limited to,
5 therapeutic or rehabilitative programs, travel restrictions and
6 real-time satellite monitoring of his or her physical location,
7 commits a felony of the third degree if the person knowingly:

8 (1) withholds information concerning, or does not notify
9 the law enforcement agent or agency about, the sexual
10 predator's or sex offender's noncompliance with the
11 requirements of his or her parole or the whereabouts of the
12 sexual predator or sex offender;

13 (2) harbors or attempts to harbor or assists another
14 person in harboring or attempting to harbor the sexual
15 predator or sex offender;

16 (3) conceals or attempts to conceal, or assists another
17 person in concealing or attempting to conceal, the sexual
18 predator or sex offender; or

19 (4) provides information to the law enforcement agent or
20 agency regarding the sexual predator or sex offender which
21 the person knows to be false.

22 Section 3. Chapter 31 of Title 18 is amended by adding a
23 subchapter to read:

24 SUBCHAPTER C

25 LOSS OF PROPERTY RIGHTS

26 Sec.

27 3141. General rule.

28 3142. Process and seizure.

29 3143. Custody of property.

30 3144. Disposal of property.

1 § 3141. General rule.

2 A person:

3 (1) convicted under section 3121 (relating to rape),
4 3122.1 (relating to statutory sexual assault), 3123 (relating
5 to involuntary deviate sexual intercourse), 3124.1 (relating
6 to sexual assault), 3125 (relating to aggravated indecent
7 assault) or 3126 (relating to indecent assault); or

8 (2) required to register with the Pennsylvania State
9 Police under 42 Pa.C.S. § 9795.2 (relating to registration
10 procedures and applicability);

11 may be required to forfeit property rights in any property or
12 assets used to implement or facilitate commission of the crime
13 or crimes of which the person has been convicted. Such property
14 may include, but is not limited to, a computer or computers,
15 telephone equipment, firearms, licit or illicit prescription
16 drugs or controlled substances, a motor vehicle or such other
17 property or assets as determined by the court of common pleas to
18 have facilitated the person's criminal misconduct.

19 § 3142. Process and seizure.

20 (a) Seizure.--Property subject to forfeiture under this
21 section may be seized by law enforcement authority upon process
22 issued by the court of common pleas having jurisdiction over the
23 person or property.

24 (b) Seizure without process.--Seizure without process may be
25 made if the seizure is incident to an arrest or a search under a
26 search warrant and there is probable cause to believe that
27 the property was or is material to the charges for which the
28 arrest or search warrant was issued. In seizures without
29 process, proceedings for the issuance thereof shall be
30 instituted immediately.

1 (c) Return of property.--Property belonging to someone other
2 than the convicted sex offender or registrant shall be returned
3 if the offense was committed without the knowledge or consent of
4 the owner.

5 § 3143. Custody of property.

6 Property taken or detained under this section is deemed to be
7 the property of the law enforcement authority having custody
8 thereof and is subject only to the court of common pleas having
9 jurisdiction over the criminal or forfeiture proceedings, the
10 district attorney in the matter or the Attorney General.

11 § 3144. Disposal of property.

12 Property taken or detained pursuant to the provisions of this
13 subchapter shall be sold in the manner of property forfeited
14 under 42 Pa.C.S. Ch. 68 (relating to controlled substances
15 forfeitures). The net proceeds, as determined by the law
16 enforcement authority having custody thereof, shall be utilized
17 for investigation or prosecution of sexual offenses or donated
18 to nonprofit charitable institutions which provide counseling
19 and other assistance to victims of sexual offenses.

20 Section 4. Section 4915 of Title 18 is amended to read:

21 § 4915. Failure to comply with registration of sexual offenders
22 requirements.

23 (a) Offense defined.--An individual who is subject to
24 registration under 42 Pa.C.S. § 9795.1(a) (relating to
25 registration) or an individual who is subject to registration
26 under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) commits an offense
27 if he knowingly fails to:

28 (1) register with the Pennsylvania State Police as
29 required under 42 Pa.C.S. § 9795.2 (relating to registration
30 procedures and applicability);

1 (2) verify his address or be photographed as required
2 under 42 Pa.C.S. § 9796 (relating to verification of
3 residence); or

4 (3) provide accurate information when registering under
5 42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S.
6 § 9796.

7 (a.1) Harboring offenders.--A person commits a felony of the
8 third degree if the person knowingly or intentionally assists an
9 individual subject to registration under 42 Pa.C.S. § 9795.1 in
10 evading the requirements of 42 Pa.C.S. § 9795.2.

11 (b) Grading for offenders who must register for ten years.--

12 (1) Except as provided in paragraph (2), an individual
13 subject to registration under 42 Pa.C.S. § 9795.1(a) who
14 violates subsection (a)(1) [or], (2) or (3) commits a
15 [misdemeanor] felony of the third degree.

16 (2) An individual subject to registration under 42
17 Pa.C.S. § 9795.1(a) who commits a violation of subsection
18 (a)(1) [or], (2) or (3) and who has previously been convicted
19 of an offense under subsection (a)(1) or (2) or a similar
20 offense commits a [misdemeanor] felony of the second degree.

21 (3) An individual subject to registration under 42
22 Pa.C.S. § 9795.1(a) who commits a violation of subsection
23 (a)(1) [or], (2) or (3) and who has previously been convicted
24 of two or more offenses under subsection (a)(1) or (2) or a
25 similar offense commits a felony of the [third] first degree.

26 (4) An individual subject to registration under 42
27 Pa.C.S. § 9795.1(a) who violates subsection (a)(3) commits a
28 felony of the [third] first degree.

29 (c) Grading for sexually violent predators and others with
30 lifetime registration.--

(1) Except as provided in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(1) or (2) commits a [misdemeanor of the second] felony of the third degree.

(2) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a [misdemeanor of the first] felony of the third degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of two or more offenses under subsection (a)(1) or (2) or a similar offense commits a felony of the [third] second degree.

(4) An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(3) commits a felony of the [third] second degree.

(d) Effect of notice.--Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive any notice or information pursuant to 42 Pa.C.S. § 9796(a.1) [or (b.1)] (a.2), (b.1) or (b.2) shall be a defense to a prosecution commenced against an individual arising from a violation of this section. The provisions of 42 Pa.C.S. § 9796(a.1) [and (b.1)] (a.2), (b.1) and (b.2) are not an element of an offense under this section.

(e) Arrests for violation.--

(1) A police officer shall have the same right of arrest

1 without a warrant as in a felony whenever the police officer
2 has probable cause to believe an individual has committed a
3 violation of this section regardless of whether the violation
4 occurred in the presence of the police officer.

5 (2) An individual arrested for a violation of this
6 section shall be afforded a preliminary arraignment by the
7 proper issuing authority without unnecessary delay. In no
8 case may the individual be released from custody without
9 first having appeared before the issuing authority.

10 (3) Prior to admitting an individual arrested for a
11 violation of this section to bail, the issuing authority
12 shall require all of the following:

13 (i) The individual must be fingerprinted and
14 photographed in the manner required by 42 Pa.C.S. Ch. 97
15 Subch. H (relating to registration of sexual offenders).

16 (ii) The individual must provide the Pennsylvania
17 State Police with all current or intended residences, all
18 information concerning current or intended employment,
19 including all employment locations, and all information
20 concerning current or intended enrollment as a student.

21 (iii) Law enforcement must make reasonable attempts
22 to verify the information provided by the individual.

23 (f) Definition.--As used in this section, the term "a
24 similar offense" means an offense similar to an offense under
25 either subsection (a)(1) or (2) under the laws of this
26 Commonwealth, the United States or one of its territories or
27 possessions, another state, the District of Columbia, the
28 Commonwealth of Puerto Rico or a foreign nation.

29 Section 5. Section 9792 of Title 42 is amended by adding
30 definitions to read:

1 § 9792. Definitions.

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

5 * * *

6 "GPS." A global positioning system operated by the United
7 States Department of Defense which provides specially coded
8 satellite signals that can be processed by a receiver to compute
9 location.

10 "GPS tracking device." A device which enables the location
11 of the offender to be monitored through use of GPS and related
12 technology and which is designed so that it:

13 (1) actively and continuously monitors, identifies and
14 reports location data within a 100-mile radius;

15 (2) permits the Pennsylvania State Police and any local
16 police department to receive location data, record it
17 securely and confidentially and retain it indefinitely;

18 (3) can be worn around the wrist or ankle; and

19 (4) cannot be removed without:

20 (i) employing specialized equipment specifically
21 designed for that purpose; and

22 (ii) alerting the Pennsylvania State Police and each
23 local police department that it has been removed.

24 * * *

25 Section 6. Section 9795.1 of Title 42, amended November 24,
26 2004 (P.L.1243, No.152), is amended to read:

27 § 9795.1. Registration.

28 (a) Ten-year registration.--The following individuals shall
29 be required to register with the Pennsylvania State Police for a
30 period of ten years:

1 (1) Individuals convicted of any of the following
2 offenses:

3 18 Pa.C.S. § 2901 (relating to kidnapping) where the
4 victim is a minor.

5 18 Pa.C.S. § 2910 (relating to luring a child into a
6 motor vehicle).

7 18 Pa.C.S. § 3124.2 (relating to institutional sexual
8 assault).

9 18 Pa.C.S. § 3126 (relating to indecent assault)
10 where the offense is a misdemeanor of the first degree.

11 18 Pa.C.S. § 4302 (relating to incest) where the
12 victim is 12 years of age or older but under 18 years of
13 age.

14 18 Pa.C.S. § 5902(b) (relating to prostitution and
15 related offenses) where the actor promotes the
16 prostitution of a minor.

17 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
18 obscene and other sexual materials and performances)
19 where the victim is a minor.

20 18 Pa.C.S. § 6312 (relating to sexual abuse of
21 children).

22 18 Pa.C.S. § 6318 (relating to unlawful contact with
23 minor).

24 18 Pa.C.S. § 6320 (relating to sexual exploitation of
25 children).

26 (2) Individuals convicted of an attempt to commit any of
27 the offenses under paragraph (1) or subsection (b)(2).

28 (3) Individuals currently residing in this Commonwealth
29 who have been convicted of offenses similar to the crimes
30 cited in paragraphs (1) and (2) under the laws of the United

States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(b) Lifetime registration.--The following individuals shall be subject to lifetime registration:

(1) An individual with two or more convictions of any of the offenses set forth in subsection (a).

(2) Individuals convicted of any of the following offenses:

18 Pa.C.S. § 3121 (relating to rape).

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

18 Pa.C.S. § 3124.1 (relating to sexual assault).

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

18 Pa.C.S. § 4302 (relating to incest) when the victim is under 12 years of age.

(3) Sexually violent predators.

(4) Individuals currently residing in this Commonwealth who have been convicted of offenses similar to the crimes cited in paragraph (2) under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(c) Natural disaster.--The occurrence of a natural disaster or other event requiring evacuation of residences shall not relieve an individual of the duty to register or any other duty imposed by this chapter.

Section 7. Section 9795.2 heading, (a) and (d) of Title 42, amended November 24, 2004 (P.L.1243, No.152), are amended and

1 the section is amended by adding subsections to read:

2 § 9795.2. Registration procedures [and]; applicability;
3 probationary supervision; alert system; child
4 protective zone.

5 (a) Registration.--

6 (1) Offenders and sexually violent predators shall be
7 required to register with the Pennsylvania State Police upon
8 release from incarceration, upon parole from a State or
9 county correctional institution or upon the commencement of a
10 sentence of intermediate punishment or probation. For
11 purposes of registration, offenders and sexually violent
12 predators shall provide the Pennsylvania State Police with
13 all current or intended residences[,]. If the offender or
14 sexually violent predator's place of residence is a motor
15 vehicle, trailer, mobile home or manufactured home, the
16 offender or sexually violent predator shall also provide the
17 vehicle identification number, the license tag number, the
18 registration number and a description, including color
19 scheme, of the motor vehicle, trailer, mobile home or
20 manufactured home. If the offender or sexually violent
21 predator's place of residence is a vessel, live-aboard vessel
22 or houseboat, the offender or sexually violent predator shall
23 also provide the hull identification number, the
24 manufacturer's serial number, the name of the vessel, live-
25 aboard vessel or houseboat, the registration number and a
26 description, including color scheme, of the vessel, live-
27 aboard vessel or houseboat. The registration process also
28 requires offenders and sexually violent predators to disclose
29 all information concerning current or intended employment and
30 all information concerning current or intended enrollment as

1 a student.

2 (2) Offenders and sexually violent predators shall
3 inform the Pennsylvania State Police within ten days of:

4 (i) Any change of residence or establishment of an
5 additional residence or residences.

6 (ii) Any change of employer or employment location
7 for a period of time that will exceed 14 days or for an
8 aggregate period of time that will exceed 30 days during
9 any calendar year, or termination of employment.

10 (iii) Any change of institution or location at which
11 the person is enrolled as a student, or termination of
12 enrollment.

13 (iv) Becoming employed or enrolled as a student if
14 the person has not previously provided that information
15 to the Pennsylvania State Police.

16 (2.1) Registration with a new law enforcement agency
17 shall occur no later than ten days after establishing
18 residence in another state.

19 (2.2) Persons required to comply with registration
20 provisions pursuant to a conviction for a sexual offense
21 under the laws of the United States or one of its territories
22 or possessions, another state, the District of Columbia, the
23 Commonwealth of Puerto Rico or a foreign nation shall
24 register with the Pennsylvania State Police no later than ten
25 days after establishing residence in this Commonwealth.

26 (3) The ten-year registration period required in section
27 9795.1(a) (relating to registration) shall be tolled when an
28 offender is recommitted for a parole violation or sentenced
29 to an additional term of imprisonment. In such cases, the
30 Department of Corrections or county correctional facility

1 shall notify the Pennsylvania State Police of the admission
2 of the offender.

3 (4) This paragraph shall apply to all offenders and
4 sexually violent predators:

5 (i) Where the offender or sexually violent predator
6 was granted parole by the Pennsylvania Board of Probation
7 and Parole or the court or is sentenced to probation or
8 intermediate punishment, the board or county office of
9 probation and parole shall collect registration
10 information from the offender or sexually violent
11 predator and forward that registration information to the
12 Pennsylvania State Police. The Department of Corrections
13 or county correctional facility shall not release the
14 offender or sexually violent predator until it receives
15 verification from the Pennsylvania State Police that it
16 has received the registration information. Verification
17 by the Pennsylvania State Police may occur by electronic
18 means, including e-mail or facsimile transmission. Where
19 the offender or sexually violent predator is scheduled to
20 be released from a State correctional facility or county
21 correctional facility because of the expiration of the
22 maximum term of incarceration, the Department of
23 Corrections or county correctional facility shall collect
24 the information from the offender or sexually violent
25 predator no later than ten days prior to the maximum
26 expiration date. The registration information shall be
27 forwarded to the Pennsylvania State Police.

28 (ii) Where the offender or sexually violent predator
29 scheduled to be released from a State correctional
30 facility or county correctional facility due to the

1 maximum expiration date refuses to provide the
2 registration information, the Department of Corrections
3 or county correctional facility shall notify the
4 Pennsylvania State Police or police department with
5 jurisdiction over the facility of the failure to provide
6 registration information and of the expected date, time
7 and location of the release of the offender or sexually
8 violent predator.

9 * * *

10 (c.1) GPS tracking device.--

11 (1) Upon classification as a sexually violent predator,
12 the sexually violent predator shall be fitted with a GPS
13 tracking device.

14 (2) The Pennsylvania State Police shall combine data
15 collected by use of GPS tracking devices and retain the data
16 in a single database which can be searched by date, time and
17 location. Information in the database is confidential and
18 shall be accessed only by authorized law enforcement
19 personnel in connection with official investigation of cases
20 in which the status of an individual fitted with a GPS
21 tracking device may be relevant to the investigation.

22 (d) Penalty.--

23 (1) An individual subject to registration under section
24 9795.1(a) or (b) who fails to register with the Pennsylvania
25 State Police as required by this section may be subject to
26 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
27 comply with registration of sexual offenders requirements).

28 (2) An individual who fails to immediately notify the
29 nearest police department that a sexually violent predator's
30 GPS tracking device has been removed commits a felony of the

1 third degree.

2 (3) A person that, without court order, removes, alters,
3 tampers with, interferes with the operation of, damages or
4 destroys a GPS tracking device commits a felony of the third
5 degree.

6 (4) A person that violates subsection (c.1)(2) commits a
7 misdemeanor of the third degree.

8 * * *

9 (f) Travel restricted.--No person subject to section 9795.1
10 who is on parole, commencing a sentence of intermediate
11 punishment or subject to probationary supervision shall be
12 permitted to travel out of the person's county of residence
13 without specific permission of the court of record.

14 (g) Alert system.--The Pennsylvania State Police shall
15 establish and maintain an alert system which provides prompt
16 notification to the general public and law enforcement
17 authorities and assists in identifying and locating persons
18 subject to GPS tracking who fail to register as required by this
19 chapter or who violate subsection (d)(3) or (h). The
20 Pennsylvania State Police shall establish such protocols and
21 procedures as are necessary for the effective operation of the
22 alert system and shall educate and inform local law enforcement
23 agencies and the public with regard to its availability. Owners,
24 licensees, operators and employees of any communication medium,
25 including, but not limited to, telephone, radio, television,
26 newspaper, digital communications network or global
27 communications network shall be immune from civil liability for
28 good faith conduct while participating in accordance with this
29 subsection.

30 (h) Child protective zone.--A person subject to the

1 registration requirements of section 9795.1 (relating to
2 registration) who intentionally or knowingly enters into an area
3 within 2,000 feet of a school, playground, park or day care
4 center commits a felony of the third degree.

5 Section 8. Sections 9796 and 9798.1 of Title 42, amended or
6 added November 24, 2004 (P.L.1243, No.152), are amended to read:
7 § 9796. Verification of residence.

8 (a) [Quarterly verification] Verification by sexually
9 violent predators.--The Pennsylvania State Police shall verify
10 the residence and compliance with counseling as provided for in
11 section 9799.4 (relating to counseling of sexually violent
12 predators) of sexually violent predators every [90] 30 days
13 through the use of a nonforwardable verification form to the
14 last reported residence. For the period of registration required
15 by section 9795.1 (relating to registration), a sexually violent
16 predator shall appear quarterly between January 5 and January
17 15, April 5 and April 15, July 5 and July 15 and October 5 and
18 October 15 of each calendar year at an approved registration
19 site to complete a verification form and to be photographed.

20 (a.1) Facilitation of [quarterly] monthly verification.--The
21 Pennsylvania State Police shall facilitate and administer the
22 verification process required by subsection (a) by:

23 (1) sending a notice by first class United States mail
24 to all registered sexually violent predators at their last
25 reported residence addresses. This notice shall be sent not
26 more than 30 days nor less than 15 days prior to each of the
27 [quarterly] monthly verification periods set forth in
28 subsection (a) and shall remind sexually violent predators of
29 their [quarterly] monthly verification requirement and
30 provide them with a list of approved registration sites; and

1 (2) providing verification and compliance forms as
2 necessary to each approved registration site not less than
3 ten days before each of the [quarterly] monthly verification
4 periods.

5 (a.2) Quarterly verification.--Sexually violent predators
6 shall appear quarterly between January 5 and January 15, April 5
7 and April 15, July 5 and July 15 and October 5 and October 15 of
8 each calendar year at an approved registration site to complete
9 a verification form and to be photographed.

10 (b) Annual verification by offenders.--The Pennsylvania
11 State Police shall verify the residence of offenders. For the
12 period of registration required by section 9795.1, an offender
13 shall appear within ten days before each annual anniversary date
14 of the offender's initial registration under section 9795.1 at
15 an approved registration site to complete a verification form
16 and to be photographed.

17 (b.1) Facilitation of annual verification.--The Pennsylvania
18 State Police shall facilitate and administer the verification
19 process required by subsection (b) by:

20 (1) sending a notice by first class United States mail
21 to all registered offenders at their last reported residence
22 addresses. This notice shall be sent not more than 30 days
23 nor less than 15 days prior to each offender's annual
24 anniversary date and shall remind the offender of the annual
25 verification requirement and provide the offender with a list
26 of approved registration sites; and

27 (2) providing verification and compliance forms as
28 necessary to each approved registration site.

29 (b.2) Quarterly verification by offenders.--The Pennsylvania
30 State Police shall verify the residence of offenders every 90

1 days through the use of a nonforwardable verification form to
2 the last reported residence.

3 (c) Notification of law enforcement agencies of change of
4 residence.--A change of residence of an offender or sexually
5 violent predator required to register under this subchapter
6 reported to the Pennsylvania State Police shall be immediately
7 reported by the Pennsylvania State Police to the appropriate law
8 enforcement agency having jurisdiction of the offender's or the
9 sexually violent predator's new place of residence. The
10 Pennsylvania State Police shall, if the offender or sexually
11 violent predator changes residence to another state, notify the
12 law enforcement agency with which the offender or sexually
13 violent predator must register in the new state.

14 (d) Failure to provide verification.--Where an offender or
15 sexually violent predator fails to provide verification of
16 residence within the ten-day period as set forth in this
17 section, the Pennsylvania State Police shall immediately notify
18 the municipal police department of the offender's or the
19 sexually violent predator's last verified residence. The local
20 municipal police shall locate the offender or sexually violent
21 predator and arrest him for violating this section. The
22 Pennsylvania State Police shall assume responsibility for
23 locating the offender or sexually violent predator and arresting
24 him in jurisdictions where no municipal police jurisdiction
25 exists. The Pennsylvania State Police shall assist any municipal
26 police department requesting assistance with locating and
27 arresting an offender or sexually violent predator who fails to
28 verify his residence.

29 (e) Penalty.--An individual subject to registration under
30 section 9795.1(a) or (b) who fails to verify his residence or to

1 be photographed as required by this section may be subject to
2 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
3 comply with registration of sexual offenders requirements).

4 (f) Effect of notice.--Neither failure on the part of the
5 Pennsylvania State Police to send nor failure of a sexually
6 violent predator or offender to receive any notice or
7 information under subsection (a.1) or (b.1) shall relieve that
8 predator or offender from the requirements of this subchapter.
9 § 9798.1. Information made available on the Internet.

10 (a) Legislative findings.--It is hereby declared to be the
11 finding of the General Assembly that public safety will be
12 enhanced by making information about sexually violent predators,
13 lifetime registrants and other sex offenders available to the
14 public through the Internet. Knowledge of whether a person is a
15 sexually violent predator, lifetime registrant or other sex
16 offender could be a significant factor in protecting oneself and
17 one's family members, or those in care of a group or community
18 organization, from recidivist acts by sexually violent
19 predators, lifetime registrants and other sex offenders. The
20 technology afforded by the Internet would make this information
21 readily accessible to parents and private entities, enabling
22 them to undertake appropriate remedial precautions to prevent or
23 avoid placing potential victims at risk. Public access to
24 information about sexually violent predators, lifetime
25 registrants and other sex offenders is intended solely as a
26 means of public protection and shall not be construed as
27 punitive.

28 (b) Internet posting of sexually violent predators, lifetime
29 registrants and other offenders.--The Commissioner of the
30 Pennsylvania State Police shall, in the manner and form directed

1 by the Governor:

2 (1) Develop and maintain a system for making the
3 information described in subsection (c) publicly available by
4 electronic means so that the public may, without limitation,
5 obtain access to the information via an Internet website to
6 view an individual record or the records of all sexually
7 violent predators, lifetime registrants and other offenders
8 who are registered with the Pennsylvania State Police.

9 (2) Ensure that the Internet website contains warnings
10 that any person who uses the information contained therein to
11 threaten, intimidate or harass another or who otherwise
12 misuses that information may be criminally prosecuted.

13 (3) Ensure that the Internet website contains an
14 explanation of its limitations, including statements advising
15 that a positive identification of a sexually violent
16 predator, lifetime registrant or other offender whose record
17 has been made available may be confirmed only by
18 fingerprints; that some information contained on the Internet
19 website may be outdated or inaccurate; and that the Internet
20 website is not a comprehensive listing of every person who
21 has ever committed a sex offense in Pennsylvania.

22 (4) Strive to ensure the information contained on the
23 Internet website is accurate and that the data therein is
24 revised and updated as appropriate in a timely and efficient
25 manner.

26 (5) Provide on the Internet website general information
27 designed to inform and educate the public about sex offenders
28 and sexually violent predators and the operation of this
29 subchapter as well as pertinent and appropriate information
30 concerning crime prevention and personal safety, with

appropriate links to other relevant Internet websites
operated by the Commonwealth of Pennsylvania.

(6) Provide current or prospective Commonwealth
residents the ability to search the database of an Internet
website by inputting a home address. This type of Internet
search shall enable current or prospective residents to input
an address and discover if persons required to register under
section 9795.1 (relating to registration) live within five
miles of their residence. This function shall allow current
or prospective Commonwealth residents the ability to view the
location of the residence of those required to register under
section 9795.1 in relation to their own by electronic map.

(c) Information [permitted] to be disclosed regarding
individuals.--Notwithstanding 18 Pa.C.S. Ch. 91 (relating to
criminal history information), the Internet website shall
contain the following information on each individual:

(1) For sexually violent predators only the following
information shall be posted on the Internet website:

(i) name and any aliases;

(ii) year of birth;

(iii) the [street address,] city, county and zip
code of all residences;

(iv) the [street address,] city, county and zip code
of any institution or location at which the person is
enrolled as a student;

(v) the city, county and zip code of any employment
location;

(vi) a photograph of the offender, which shall be
updated not less than annually;

(vii) a description of the offense or offenses which

1 triggered the application of this subchapter; [and]

2 (viii) the date of the offense and conviction, if
3 available[.]; and

4 (ix) the location of the predator's residence.

5 (2) For all other lifetime registrants and offenders
6 subject to registration only the following information shall
7 be posted on the Internet website:

8 (i) name and any aliases;

9 (ii) year of birth;

10 (iii) the city, county and zip code of all
11 residences;

12 (iv) the city, county and zip code of any
13 institution or location at which the person is enrolled
14 as a student;

15 (v) the city, county and zip code of any employment
16 location;

17 (vi) a photograph of the offender, which shall be
18 updated not less than annually;

19 (vii) a description of the offense or offenses which
20 triggered the application of this subchapter; and

21 (viii) the date of the offense and conviction, if
22 available.

23 (d) Duration of Internet posting.--

24 (1) The information listed in subsection (c) about a
25 sexually violent predator shall be made available on the
26 Internet for the lifetime of the sexually violent predator.

27 (2) The information listed in subsection (c) about an
28 offender who is subject to lifetime registration shall be
29 made available on the Internet for the lifetime of the
30 offender unless the offender is granted relief under section

1 9795.5 (relating to exemption from certain notifications).

2 (3) The information listed in subsection (c) about any
3 other offender subject to registration shall be made
4 available on the Internet for the entire period during which
5 the offender is required to register, including any extension
6 of this period pursuant to 9795.2(a)(3) (relating to
7 registration procedures and applicability).

8 (e) Use of information to commit offense.--Use of
9 information published on the Internet in accordance with this
10 section with intent to facilitate commission of a criminal
11 offense shall constitute an offense of the same grade and degree
12 as the underlying criminal offense.

13 Section 9. This act shall take effect January 1, 2006.