

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 944 Session of
2005

INTRODUCED BY ORIE, RAFFERTY, PUNT, COSTA, RHOADES, KITCHEN,
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WASHINGTON, PILEGGI, WOZNIAK, STACK, ARMSTRONG, CORMAN,
LAVALLE, SCARNATI AND KASUNIC, OCTOBER 18, 2005

REFERRED TO JUDICIARY, OCTOBER 18, 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; further providing for verification of
12 residence and for information made available on the Internet;
13 and making an appropriation.

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] 50 years.

(2) Subsection (d) shall be sentenced [up] to a minimum term of 50 years and a maximum term of life imprisonment.

(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] 50 years.

(2) Subsection (c) shall be sentenced [up] to a minimum term of 50 years and to a maximum term of life imprisonment.

(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.

A person who has knowledge that a sexual predator or sex offender is not complying with or has not complied with the

requirements of his or her probation and parole, imposed by
statute or court order, including, but not limited to,
therapeutic or rehabilitative programs, travel restrictions and
real-time satellite monitoring of his or her physical location,
commits a felony of the third degree if the person knowingly:

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

(2) harbors or attempts to harbor or assist another
person in harboring or attempting to harbor the sexual
predator or sex offender;

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

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

Section 3. Title 18 is amended by adding a subchapter to
read:

SUBCHAPTER C

LOSS OF PROPERTY RIGHTS

Sec.

3141. General rule.

3142. Process and seizure.

3143. Custody of property.

3144. Disposal of property.

§ 3141. General rule.

A person:

1 (1) convicted under section 3121 (relating to rape),
2 3122.1 (relating to statutory sexual assault), 3123 (relating
3 to involuntary deviate sexual intercourse), 3124.1 (relating
4 to sexual assault), 3125 (relating to aggravated indecent
5 assault) or 3126 (relating to indecent assault); or

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

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

17 § 3142. Process and seizure.

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

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

29 (c) Return of property.--Property belonging to someone other
30 than the convicted sex offender or registrant shall be returned

1 if the offense was committed without the knowledge or consent of
2 the owner.

3 § 3143. Custody of property.

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

9 § 3144. Disposal of property.

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

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

19 § 4915. Failure to comply with registration of sexual offenders
20 requirements.

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

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

29 (2) verify his address or be photographed as required
30 under 42 Pa.C.S. § 9796 (relating to verification of

residence); or

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

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

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

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

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

(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who commits a violation of subsection (a)(1) [or], (2) or (3) 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] first degree.

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

(c) Grading for sexually violent predators and others with 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
without a warrant as in a felony whenever the police officer
has probable cause to believe an individual has committed a

1 violation of this section regardless of whether the violation
2 occurred in the presence of the police officer.

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

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

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

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

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

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

27 Section 5. Section 9792 of Title 42 is amended by adding
28 definitions to read:

29 § 9792. Definitions.

30 The following words and phrases when used in this subchapter

shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

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

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

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

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

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

(4) cannot be removed without:

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

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

* * *

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

§ 9795.1. Registration.

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

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

1 18 Pa.C.S. § 2901 (relating to kidnapping) where the
2 victim is a minor.

3 18 Pa.C.S. § 2910 (relating to luring a child into a
4 motor vehicle).

5 18 Pa.C.S. § 3124.2 (relating to institutional sexual
6 assault).

7 18 Pa.C.S. § 3126 (relating to indecent assault)
8 where the offense is a misdemeanor of the first degree.

9 18 Pa.C.S. § 4302 (relating to incest) where the
10 victim is 12 years of age or older but under 18 years of
11 age.

12 18 Pa.C.S. § 5902(b) (relating to prostitution and
13 related offenses) where the actor promotes the
14 prostitution of a minor.

15 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
16 obscene and other sexual materials and performances)
17 where the victim is a minor.

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

20 18 Pa.C.S. § 6318 (relating to unlawful contact with
21 minor).

22 18 Pa.C.S. § 6320 (relating to sexual exploitation of
23 children).

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

26 (3) Individuals currently residing in this Commonwealth
27 who have been convicted of offenses similar to the crimes
28 cited in paragraphs (1) and (2) under the laws of the United
29 States or one of its territories or possessions, another
30 state, the District of Columbia, the Commonwealth of Puerto

1 Rico or a foreign nation.

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

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

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

8 18 Pa.C.S. § 3121 (relating to rape).

9 18 Pa.C.S. § 3123 (relating to involuntary deviate
10 sexual intercourse).

11 18 Pa.C.S. § 3124.1 (relating to sexual assault).

12 18 Pa.C.S. § 3125 (relating to aggravated indecent
13 assault).

14 18 Pa.C.S. § 4302 (relating to incest) when the
15 victim is under 12 years of age.

16 (3) Sexually violent predators.

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

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

27 Section 7. Section 9795.2 heading, (a) and (d) of Title 42,
28 amended November 24, 2004 (P.L.1243, No.152), are amended and
29 the section is amended by adding subsections to read:

30 § 9795.2. Registration procedures [and]i applicabilityi

1 probationary supervision; alert system; child
2 protective zone.

3 (a) Registration.--

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

30 (2) Offenders and sexually violent predators shall

1 inform the Pennsylvania State Police within ten days of:

2 (i) Any change of residence or establishment of an
3 additional residence or residences.

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

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

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

14 (2.1) Registration with a new law enforcement agency
15 shall occur no later than ten days after establishing
16 residence in another state.

17 (2.2) Persons required to comply with registration
18 provisions pursuant to a conviction for a sexual offense
19 under the laws of the United States or one of its territories
20 or possessions, another state, the District of Columbia, the
21 Commonwealth of Puerto Rico or a foreign nation shall
22 register with the Pennsylvania State Police no later than ten
23 days after establishing residence in this Commonwealth.

24 (3) The ten-year registration period required in section
25 9795.1(a) (relating to registration) shall be tolled when an
26 offender is recommitted for a parole violation or sentenced
27 to an additional term of imprisonment. In such cases, the
28 Department of Corrections or county correctional facility
29 shall notify the Pennsylvania State Police of the admission
30 of the offender.

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

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

26 (ii) Where the offender or sexually violent predator
27 scheduled to be released from a State correctional
28 facility or county correctional facility due to the
29 maximum expiration date refuses to provide the
30 registration information, the Department of Corrections

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

7 * * *

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

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

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

20 (d) Penalty.--

21 (1) An individual subject to registration under section
22 9795.1(a) or (b) who fails to register with the Pennsylvania
23 State Police as required by this section may be subject to
24 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
25 comply with registration of sexual offenders requirements).

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

30 (3) A person that, without court order, removes, alters,

1 tampers with, interferes with the operation of, damages or
2 destroys a GPS tracking device commits a felony of the third
3 degree.

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

6 * * *

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

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

28 (h) Child protective zone.--A person subject to the
29 registration requirements of section 9795.1 (relating to
30 registration) who intentionally or knowingly enters into an area

1 within 2,000 feet of a school, playground, park or day care
2 center commits a felony of the third degree.

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

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

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

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

29 (2) providing verification and compliance forms as
30 necessary to each approved registration site not less than

1 ten days before each of the [quarterly] monthly verification
2 periods.

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

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

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

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

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

27 (b.2) Quarterly verification by offenders.--The Pennsylvania
28 State Police shall verify the residence of offenders every 90
29 days through the use of a nonforwardable verification form to
30 the last reported residence.

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

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

27 (e) Penalty.--An individual subject to registration under
28 section 9795.1(a) or (b) who fails to verify his residence or to
29 be photographed as required by this section may be subject to
30 prosecution under 18 Pa.C.S. § 4915 (relating to failure to

1 comply with registration of sexual offenders requirements).

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

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

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

30 (1) Develop and maintain a system for making the

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

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

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

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

24 (5) Provide on the Internet website general information
25 designed to inform and educate the public about sex offenders
26 and sexually violent predators and the operation of this
27 subchapter as well as pertinent and appropriate information
28 concerning crime prevention and personal safety, with
29 appropriate links to other relevant Internet websites
30 operated by the Commonwealth of Pennsylvania.

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

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

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

17 (i) name and any aliases;

18 (ii) year of birth;

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

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

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

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

28 (vii) a description of the offense or offenses which
29 triggered the application of this subchapter; [and]

30 (viii) the date of the offense and conviction, if

1 available[.]; and

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

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

6 (i) name and any aliases;

7 (ii) year of birth;

8 (iii) the city, county and zip code of all
9 residences;

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

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

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

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

19 (viii) the date of the offense and conviction, if
20 available.

21 (d) Duration of Internet posting.--

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

25 (2) The information listed in subsection (c) about an
26 offender who is subject to lifetime registration shall be
27 made available on the Internet for the lifetime of the
28 offender unless the offender is granted relief under section
29 9795.5 (relating to exemption from certain notifications).

30 (3) The information listed in subsection (c) about any

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

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

11 Section 9. The sum of , or as much thereof as may be
12 necessary, is hereby appropriated to the Pennsylvania State
13 Police for implementation of this act.

14 Section 10. This act shall take effect January 1, 2006.