

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1131 Session of  
2006

INTRODUCED BY O'PAKE, MELLOW, COSTA, GREENLEAF, MUSTO, ERICKSON,  
BOSCOLA, REGOLA, KITCHEN, RAFFERTY, FONTANA, WOZNIAK, BROWNE,  
WASHINGTON, STACK AND RHOADES, MARCH 17, 2006

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, APRIL 4, 2006

## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 assessments and for information made available on the  
4 Internet regarding sexual offenders.

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

7 Section 1. Section 9795.4 of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subsection to read:  
9 § 9795.4. Assessments.

10 \* \* \*

11 (d.1) Description of offense.--For the purposes of section  
12 9798.1(c) (relating to information made available on the  
13 Internet), the board shall prepare a description of the offense  
14 or offenses which trigger the application of this subchapter  
15 that is a concise narrative of the offender's conduct; the age  
16 and gender of the victim; whether the offense was committed  
17 during daylight or at nighttime; and, if applicable, that the  
18 offender was a family or household member as defined in 23

1 Pa.C.S. § 6102 (relating to definitions), the manner of weapon  
2 or physical force used or threatened, that the offense involved  
3 unauthorized entry into a room or vehicle occupied by the  
4 defendant VICTIM, that it was part of a course or pattern of <—  
5 conduct involving multiple incidents or victims, and previous  
6 instances in which the offender was determined guilty of an  
7 offense subject to this subchapter or of a crime of violence as  
8 defined in section 9714(g) (relating to sentences for second and  
9 subsequent offenses).

10 \* \* \*

11 Section 2. Section 9798.1 of Title 42, added November 24,  
12 2004 (P.L.1243, No.152), is amended to read:

13 § 9798.1. Information made available on the Internet.

14 (a) Legislative findings.--It is hereby declared to be the  
15 finding of the General Assembly that public safety will be  
16 enhanced by making information about sexually violent predators,  
17 lifetime registrants and other sex offenders available to the  
18 public through the Internet. Knowledge of whether a person is a  
19 sexually violent predator, lifetime registrant or other sex  
20 offender, details of the offense as provided for by this chapter  
21 and the frequent whereabouts of the offender could be a  
22 significant factor in protecting oneself and one's family  
23 members, or those in care of a group or community organization,  
24 from recidivist acts by sexually violent predators, lifetime  
25 registrants and other sex offenders. The technology afforded by  
26 the Internet would make this information readily accessible to  
27 parents and private entities, enabling them to undertake  
28 appropriate remedial precautions to prevent or avoid placing  
29 potential victims at risk. Public access to information about  
30 sexually violent predators, lifetime registrants and other sex

1 offenders is intended solely as a means of public protection and  
2 shall not be construed as punitive.

3 (b) Internet posting of sexually violent predators, lifetime  
4 registrants and other offenders.--The Commissioner of the  
5 Pennsylvania State Police shall, in the manner and form directed  
6 by the Governor:

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

14 (2) Ensure that the Internet website contains warnings  
15 that any person who uses the information contained therein to  
16 threaten, intimidate or harass another or who otherwise  
17 misuses that information may be criminally prosecuted.

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

27 (4) Strive to ensure the information contained on the  
28 Internet website is accurate and that the data therein is  
29 revised and updated as appropriate in a timely and efficient  
30 manner.

1 (5) Provide on the Internet website general information  
2 designed to inform and educate the public about sex offenders  
3 and sexually violent predators and the operation of this  
4 subchapter as well as pertinent and appropriate information  
5 concerning crime prevention and personal safety, with  
6 appropriate links to other relevant Internet websites  
7 operated by the Commonwealth of Pennsylvania.

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

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

14 (i) name and [any] all known aliases;

15 (ii) year of birth;

16 (iii) the street address, [city] municipality,  
17 county and zip code of all residences, including, where  
18 applicable, the name of the prison or other place of  
19 confinement;

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

23 (v) the [city] municipality, county and zip code of  
24 any employment location;

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

27 (vii) a description of the offense or offenses which  
28 triggered the application of this subchapter provided for  
29 by section 9795.4(d.1) (relating to assessments); and

30 (viii) the date of the offense [and], conviction[,]

1       and, where applicable, the release or earliest possible  
2       release from confinement, if available.

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] all known aliases;

7           (ii) year of birth;

8           (iii) the [city] municipality, county and zip code  
9       of all residences, including, where applicable, the name  
10      of the prison or other place of confinement;

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

14          (v) the [city] municipality, county and zip code of  
15      any employment location;

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

18          (vii) a description of the offense or offenses which  
19      triggered the application of this subchapter provided for  
20      by section 9795.4(d.1); and

21          (viii) the date of the offense [and], conviction[,]  
22      and, where applicable, the release or earliest possible  
23      release from confinement, if available.

24      (d) Duration of Internet posting.--

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

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

1 offender unless the offender is granted relief under section  
2 9795.5 (relating to exemption from certain notifications).

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

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