

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 286 Session of  
2007

INTRODUCED BY W. KELLER, BARRAR, BEYER, BOYD, CLYMER, COSTA,  
DALEY, DeLUCA, DePASQUALE, FREEMAN, GEIST, GRUCELA, JAMES,  
M. KELLER, KILLION, KING, KULA, MENSCH, MICOZZIE, MOUL, MURT,  
PETRARCA, ROAE, SCAVELLO, SCHRODER, SIPTROTH, STABACK,  
STURLA, WALKO AND YOUNGBLOOD, FEBRUARY 7, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing, in  
3 registration of sexual offenders, for registration procedures  
4 and applicability, for verification of residence and e-mail  
5 address, for victim notification and for other notification.

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

8 Section 1. Section 9795.2(a)(1) and (2) of Title 42 of the  
9 Pennsylvania Consolidated Statutes, amended November 24, 2004  
10 (P.L.1243, No.152) and November 29, 2006 (P.L. , No.178), are  
11 amended to read:

12 § 9795.2. Registration procedures and applicability.

13 (a) Registration.--

14 (1) Offenders and sexually violent predators shall be  
15 required to register with the Pennsylvania State Police upon  
16 release from incarceration, upon parole from a State or  
17 county correctional institution or upon the commencement of a  
18 sentence of intermediate punishment or probation. For

1 purposes of registration, offenders and sexually violent  
2 predators shall provide the Pennsylvania State Police with  
3 all current or intended residences and e-mail addresses, all  
4 information concerning current or intended employment and all  
5 information concerning current or intended enrollment as a  
6 student.

7 (2) Offenders and sexually violent predators shall  
8 inform the Pennsylvania State Police within 48 hours of:

9 (i) Any change of residence or establishment of an  
10 additional residence or residences and any change of e-  
11 mail address or establishment of an additional e-mail  
12 address or addresses.

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

17 (iii) Any change of institution or location at which  
18 the person is enrolled as a student, or termination of  
19 enrollment.

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

23 \* \* \*

24 Section 2. Section 9796 of Title 42, amended November 24,  
25 2004 (P.L.1243, No.152), is amended to read:

26 § 9796. Verification of residence and e-mail address.

27 (a) Quarterly verification by sexually violent predators.--  
28 The Pennsylvania State Police shall verify the residence, e-mail  
29 address and compliance with counseling as provided for in  
30 section 9799.4 (relating to counseling of sexually violent

predators) of sexually violent predators every 90 days through the use of a nonforwardable verification [form] or forms to the last reported residence and e-mail address. For the period of registration required by section 9795.1 (relating to registration), a sexually violent predator shall appear quarterly between January 5 and January 15, April 5 and April 15, July 5 and July 15 and October 5 and October 15 of each calendar year at an approved registration site to complete a verification form and to be photographed.

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

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

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

(b) Annual verification by offenders.--The Pennsylvania State Police shall verify the residence and e-mail addresses of offenders. For the period of registration required by section 9795.1, an offender shall appear within ten days before each annual anniversary date of the offender's initial registration

1 under section 9795.1 at an approved registration site to  
2 complete a verification form and to be photographed.

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

6 (1) sending a notice by first class United States mail  
7 to all registered offenders at their last reported residence  
8 addresses[. This notice] and an electronic notice to all  
9 registered sexually violent predators at their last reported  
10 e-mail addresses. These notices shall be sent not more than  
11 30 days nor less than 15 days prior to each offender's annual  
12 anniversary date and shall remind the offender of the annual  
13 verification requirement and provide the offender with a list  
14 of approved registration sites; and

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

17 (c) Notification of law enforcement agencies of change of  
18 residence.--A change of residence or e-mail address of an  
19 offender or sexually violent predator required to register under  
20 this subchapter reported to the Pennsylvania State Police shall  
21 be immediately reported by the Pennsylvania State Police to the  
22 appropriate law enforcement agency having jurisdiction of the  
23 offender's or the sexually violent predator's new place of  
24 residence or, in the case of change of e-mail address, the  
25 current place of residence. The Pennsylvania State Police shall,  
26 if the offender or sexually violent predator changes residence  
27 to another state, notify the law enforcement agency with which  
28 the offender or sexually violent predator must register in the  
29 new state.

30 (d) Failure to provide verification.--Where an offender or

1 sexually violent predator fails to provide verification of  
2 residence or e-mail address within the ten-day period as set  
3 forth in this section, the Pennsylvania State Police shall  
4 immediately notify the municipal police department of the  
5 offender's or the sexually violent predator's last verified  
6 residence. The local municipal police shall locate the offender  
7 or sexually violent predator and arrest him for violating this  
8 section. The Pennsylvania State Police shall assume  
9 responsibility for locating the offender or sexually violent  
10 predator and arresting him in jurisdictions where no municipal  
11 police jurisdiction exists. The Pennsylvania State Police shall  
12 assist any municipal police department requesting assistance  
13 with locating and arresting an offender or sexually violent  
14 predator who fails to verify his residence or e-mail address.

15 (e) Penalty.--An individual subject to registration under  
16 section 9795.1(a) or (b) who fails to verify his residence or e-  
17 mail address or to be photographed as required by this section  
18 may be subject to prosecution under 18 Pa.C.S. § 4915 (relating  
19 to failure to comply with registration of sexual offenders  
20 requirements).

21 (f) Effect of notice.--Neither failure on the part of the  
22 Pennsylvania State Police to send nor failure of a sexually  
23 violent predator or offender to receive any notice or  
24 information under subsection (a.1) or (b.1) shall relieve that  
25 predator or offender from the requirements of this subchapter.

26 Section 3. Section 9797(a)(1) of Title 42 is amended to  
27 read:

28 § 9797. Victim notification.

29 (a) Duty to inform victim.--

30 (1) Where the individual is determined to be a sexually

1 violent predator by a court under section 9795.4 (relating to  
2 assessments), the local municipal police department or the  
3 Pennsylvania State Police where no municipal police  
4 jurisdiction exists shall give written notice to the sexually  
5 violent predator's victim when the sexually violent predator  
6 registers initially and when he notifies the Pennsylvania  
7 State Police of any change of residence or e-mail address.  
8 This notice shall be given within 72 hours after the sexually  
9 violent predator registers or notifies the Pennsylvania State  
10 Police of a change of address or e-mail address. The notice  
11 shall contain the sexually violent predator's name and the  
12 address or addresses where he resides and any e-mail address  
13 used by him.

14 \* \* \*

15 Section 4. Section 9798(a) and (c) of Title 42, amended  
16 November 24, 2004 (P.L.1243, No.152), are amended to read:  
17 § 9798. Other notification.

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

25 (1) The notice shall contain:

26 (i) The name of the convicted sexually violent  
27 predator.

28 (ii) The address or addresses at which he resides  
29 and e-mail address or addresses that he uses.

30 (iii) The offense for which he was convicted,

1 sentenced by a court, adjudicated delinquent or court  
2 martialled.

3 (iv) A statement that he has been determined by  
4 court order to be a sexually violent predator, which  
5 determination has or has not been terminated as of a date  
6 certain.

7 (v) A photograph of the sexually violent predator,  
8 if available.

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

11 \* \* \*

12 (c) Urgency of notification.--The municipal police  
13 department's chief law enforcement officer shall provide notice  
14 within the following time frames:

15 (1) To neighbors, notice shall be provided within five  
16 days after information of the sexually violent predator's  
17 release date [and residence], residence and e-mail address  
18 has been received by the chief law enforcement officer.

19 Notwithstanding the provisions of subsections (a) and (b),  
20 verbal notification may be used if written notification would  
21 delay meeting this time requirement.

22 (2) To the persons specified in subsection (b)(2), (3),  
23 (4) and (5), notice shall be provided within seven days after  
24 the chief law enforcement officer receives information  
25 regarding the sexually violent predator's release date [and  
26 residence], residence and e-mail address.

27 \* \* \*

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