

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 893 Session of 2007

INTRODUCED BY EVERETT, ADOLPH, ARGALL, BAKER, BEAR, BELFANTI, BENNINGHOFF, BOYD, CAPPELLI, CAUSER, CIVERA, CLYMER, COX, CUTLER, DALLY, ELLIS, FLECK, GEIST, GILLESPIE, GINGRICH, GOODMAN, GRELL, HARHART, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, M. KELLER, KENNEY, KILLION, KIRKLAND, KORTZ, KULA, MAHER, MAJOR, MANN, MARSICO, MENSCH, MOUL, MUSTIO, O'NEILL, PEIFER, PHILLIPS, PICKETT, PYLE, RAPP, READSHAW, REED, REICHLEY, ROAE, ROCK, SAYLOR, SCAVELLO, SHIMKUS, SOLOBAY, SONNEY, STERN, R. STEVENSON, TRUE, VULAKOVICH, WATSON, MURT, BASTIAN, K. SMITH, SCHRODER, BEYER, HARPER AND SIPTROTH, MARCH 22, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing FOR SEX <—
3 OFFENDER REGISTRATION PROCEDURES, for sentencing court
4 information AND FOR OFFENDER INFORMATION MADE AVAILABLE ON <—
5 THE INTERNET.

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

8 ~~Section 1. Section 9795.3 of Title 42 of the Pennsylvania <—
9 Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTION 9795.2(A)(1) AND (2) OF TITLE 42 OF THE <—
11 PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED NOVEMBER 24, 2004
12 (P.L.1243, NO.152) AND NOVEMBER 29, 2006 (P.L.1567, NO.178), ARE
13 AMENDED TO READ:

14 § 9795.2. REGISTRATION PROCEDURES AND APPLICABILITY.

1 (A) REGISTRATION.--

2 (1) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL BE  
3 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE UPON  
4 RELEASE FROM INCARCERATION, UPON PAROLE FROM A STATE OR  
5 COUNTY CORRECTIONAL INSTITUTION OR UPON THE COMMENCEMENT OF A  
6 SENTENCE OF INTERMEDIATE PUNISHMENT OR PROBATION. FOR  
7 PURPOSES OF REGISTRATION, OFFENDERS AND SEXUALLY VIOLENT  
8 PREDATORS SHALL PROVIDE THE PENNSYLVANIA STATE POLICE WITH  
9 [ALL]:

10 (I) ALL CURRENT OR INTENDED RESIDENCES[, ALL].

11 (II) ALL INFORMATION CONCERNING CURRENT OR INTENDED  
12 EMPLOYMENT [AND ALL].

13 (III) ALL INFORMATION CONCERNING CURRENT OR INTENDED  
14 ENROLLMENT AS A STUDENT.

15 (IV) THE MAKE, MODEL, YEAR, COLOR AND REGISTRATION  
16 PLATE NUMBER OF ANY MOTOR VEHICLE OWNED BY OR REGISTERED  
17 TO THE OFFENDER OR SEXUALLY VIOLENT PREDATOR.

18 (2) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL  
19 INFORM THE PENNSYLVANIA STATE POLICE WITHIN 48 HOURS OF:

20 (I) ANY CHANGE OF RESIDENCE OR ESTABLISHMENT OF AN  
21 ADDITIONAL RESIDENCE OR RESIDENCES.

22 (II) ANY CHANGE OF EMPLOYER OR EMPLOYMENT LOCATION  
23 FOR A PERIOD OF TIME THAT WILL EXCEED 14 DAYS OR FOR AN  
24 AGGREGATE PERIOD OF TIME THAT WILL EXCEED 30 DAYS DURING  
25 ANY CALENDAR YEAR, OR TERMINATION OF EMPLOYMENT.

26 (III) ANY CHANGE OF INSTITUTION OR LOCATION AT WHICH  
27 THE PERSON IS ENROLLED AS A STUDENT, OR TERMINATION OF  
28 ENROLLMENT.

29 (IV) BECOMING EMPLOYED OR ENROLLED AS A STUDENT IF  
30 THE PERSON HAS NOT PREVIOUSLY PROVIDED THAT INFORMATION

1 TO THE PENNSYLVANIA STATE POLICE.

2 (V) ANY CHANGE OF MOTOR VEHICLE OWNERSHIP OR  
3 REGISTRATION.

4 \* \* \*

5 SECTION 2. SECTION 9795.3 OF TITLE 42 IS AMENDED TO READ:

6 § 9795.3. Sentencing court information.

7 The sentencing court shall inform offenders and sexually  
8 violent predators at the time of sentencing of the provisions of  
9 this subchapter. The court shall:

10 (1) Specifically inform the offender or sexually violent  
11 predator of the duty to register and provide the information  
12 required for each registration, including verification as  
13 required in section 9796(a) (relating to verification of  
14 residence).

15 (2) Specifically inform the offender or sexually violent  
16 predator of the duty to inform the Pennsylvania State Police  
17 within [ten days] 48 hours if the offender or sexually  
18 violent predator changes residence or establishes an  
19 additional residence or residences, changes employer or  
20 employment location for a period of time that will exceed 14  
21 days or for an aggregate period of time that will exceed 30  
22 days during any calendar year or terminates employment or  
23 changes institution or location at which the person is  
24 enrolled as a student or terminates enrollment.

25 (2.1) Specifically inform the offender or sexually  
26 violent predator of the duty to inform the Pennsylvania State  
27 Police within [ten days] 48 hours of becoming employed or  
28 enrolled as a student if the person has not previously  
29 provided that information to the Pennsylvania State Police.

30 (3) Specifically inform the offender or sexually violent

1 predator of the duty to register with a new law enforcement  
2 agency if the offender or sexually violent predator moves to  
3 another state no later than [ten days] 48 hours after  
4 establishing residence in another state.

5 (4) Order the fingerprints and photograph of the  
6 offender or sexually violent predator to be provided to the  
7 Pennsylvania State Police upon sentencing.

8 (5) Specifically inform the offender or sexually violent  
9 predator of the duty to register with the appropriate  
10 authorities in any state in which the offender or sexually  
11 violent predator is employed, carries on a vocation or is a  
12 student if the state requires such registration.

13 (6) Require the offender or sexually violent predator to  
14 read and sign a form stating that the duty to register under  
15 this subchapter has been explained. Where the offender or  
16 sexually violent predator is incapable of reading, the court  
17 shall certify the duty to register was explained to the  
18 offender or sexually violent predator and the offender or  
19 sexually violent predator indicated an understanding of the  
20 duty.

21 SECTION 3. SECTION 9798.1(C) OF TITLE 42, AMENDED NOVEMBER <—  
22 29, 2006 (P.L.1581, NO.179), IS AMENDED TO READ:

23 § 9798.1. INFORMATION MADE AVAILABLE ON THE INTERNET.

24 \* \* \*

25 (C) INFORMATION PERMITTED TO BE DISCLOSED REGARDING  
26 INDIVIDUALS.--NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO  
27 CRIMINAL HISTORY RECORD INFORMATION), THE INTERNET WEBSITE SHALL  
28 CONTAIN THE FOLLOWING INFORMATION ON EACH INDIVIDUAL:

29 (1) FOR SEXUALLY VIOLENT PREDATORS, THE FOLLOWING  
30 INFORMATION SHALL BE POSTED ON THE INTERNET WEBSITE:

- 1 (I) NAME AND ALL KNOWN ALIASES;
- 2 (II) YEAR OF BIRTH;
- 3 (III) THE STREET ADDRESS, MUNICIPALITY, COUNTY AND  
4 ZIP CODE OF ALL RESIDENCES, INCLUDING, WHERE APPLICABLE,  
5 THE NAME OF THE PRISON OR OTHER PLACE OF CONFINEMENT;
- 6 (IV) THE STREET ADDRESS, MUNICIPALITY, COUNTY, ZIP  
7 CODE AND NAME OF ANY INSTITUTION OR LOCATION AT WHICH THE  
8 PERSON IS ENROLLED AS A STUDENT;
- 9 (V) THE MUNICIPALITY, COUNTY AND ZIP CODE OF ANY  
10 EMPLOYMENT LOCATION;
- 11 (VI) A PHOTOGRAPH OF THE OFFENDER, WHICH SHALL BE  
12 UPDATED NOT LESS THAN ANNUALLY;
- 13 (VII) A PHYSICAL DESCRIPTION OF THE OFFENDER,  
14 INCLUDING SEX, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR AND  
15 RACE;
- 16 (VIII) ANY IDENTIFYING MARKS, INCLUDING SCARS,  
17 BIRTHMARKS AND TATTOOS;
- 18 (IX) THE [LICENSE PLATE NUMBER AND DESCRIPTION OF  
19 ANY VEHICLE OWNED] MAKE, MODEL, YEAR, COLOR AND  
20 REGISTRATION PLATE NUMBER OF ANY MOTOR VEHICLE OWNED BY  
21 OR REGISTERED TO THE OFFENDER;
- 22 (X) WHETHER THE OFFENDER IS CURRENTLY COMPLIANT WITH  
23 REGISTRATION REQUIREMENTS;
- 24 (XI) WHETHER THE VICTIM IS A MINOR;
- 25 (XII) A DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH  
26 TRIGGERED THE APPLICATION OF THIS SUBCHAPTER; AND
- 27 (XIII) THE DATE OF THE OFFENSE AND CONVICTION, IF  
28 AVAILABLE.

29 (2) FOR ALL OTHER LIFETIME REGISTRANTS AND OFFENDERS  
30 SUBJECT TO REGISTRATION, THE INFORMATION SET FORTH IN

1 PARAGRAPH (1) SHALL BE POSTED ON THE INTERNET WEBSITE.

2 \* \* \*

3 Section ~~2~~ 4. This act shall take effect immediately.

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