

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2527 Session of
2008

INTRODUCED BY R. TAYLOR, LENTZ, BELFANTI, BRENNAN, BOBACK,
CONKLIN, CURRY, DePASQUALE, FRANKEL, GEORGE, GIBBONS,
GOODMAN, GRUCELA, HARHAI, HARKINS, HORNAMAN, KORTZ, KOTIK,
LEACH, MAHONEY, MANN, McCALL, McILHATTAN, MELIO, MOYER, MURT,
ROCK, SAYLOR, SCAVELLO, SHAPIRO, SIPTROTH, M. SMITH, SOLOBAY,
SURRA, J. TAYLOR, WANSACZ, J. WHITE, YOUNGBLOOD, BEYER,
HENNESSEY, HERSHEY, D. O'BRIEN, GEIST AND MOUL, JUNE 11, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 11, 2008

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 electronic monitoring.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5113. Unlawful tampering with required monitoring system.

9 A person monitored by the Pennsylvania Board of Probation and
10 Parole or county probation authorities through any means of
11 electronic monitoring, including global positioning system
12 technology, who intentionally tampers with the electronic
13 monitoring commits a misdemeanor of the third degree. The term
14 "tampering," in addition to any physical act which is intended
15 to alter or interfere with the proper functioning of the
16 electronic monitoring, shall include attempting to circumvent or

1 bypass or circumventing or bypassing the electronic monitoring.

2 Section 2. Section 9798.3 of Title 42 is amended to read:

3 § 9798.3. [Global positioning system technology] Electronic
4 monitoring.

5 (a) Supervision conditions.--The Pennsylvania Board of
6 Probation and Parole and county probation authorities may impose
7 supervision conditions that include offender tracking through
8 any means of electronic monitoring, which may include global
9 positioning system technology.

10 (b) Mandatory supervisory tracking.--Except as provided
11 under subsection (d), a supervising State or county probation or
12 parole authority shall track the following for the duration of
13 their period of probation or parole through electronic
14 monitoring:

15 (1) Sexually violent predators convicted of a sexually
16 violent offense against a minor.

17 (2) Persons convicted of a sexually violent offense
18 occurring on or after first being subject to a period of
19 registration under section 9795.1 (relating to registration).

20 (c) Costs.--A person tracked through electronic monitoring
21 shall bear the associated costs unless it is determined that
22 such costs would result in undue economic hardship to the
23 person.

24 (d) Exceptions.--The Pennsylvania Board of Probation and
25 Parole and county probation authorities may, on a case-by-case
26 basis, forgo the use of electronic monitoring required under
27 subsection (b) upon a determination that its use will not assist
28 in supervision and will not provide additional public protection
29 safeguards. In every case where a determination is made to forgo
30 the use of electronic monitoring pursuant to this subsection, a

1 contemporaneous written statement shall be provided setting
2 forth the reason or reasons for the deviation from the
3 requirement under subsection (b).

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