

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2612 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 State Police through  
10 any means of electronic monitoring, including global positioning  
11 system technology, who intentionally tampers with the electronic  
12 monitoring commits a misdemeanor of the third degree. The term  
13 "tampering," in addition to any physical act which is intended  
14 to alter or interfere with the proper functioning of the  
15 electronic monitoring, shall include attempting to circumvent or  
16 bypass or circumventing or bypassing the electronic monitoring.

1 Section 2. Sections 9791(b) and 9798.3 of Title 42 are  
2 amended to read:

3 § 9791. Legislative findings and declaration of policy.

4 \* \* \*

5 (b) Declaration of policy.--It is hereby declared to be the  
6 intention of the General Assembly to protect the safety and  
7 general welfare of the people of this Commonwealth by providing  
8 for registration and community notification regarding sexually  
9 violent predators who are about to be released from custody and  
10 will live in or near their neighborhood. It is further declared  
11 to be the policy of this Commonwealth to require the exchange of  
12 relevant information about sexually violent predators among  
13 public agencies and officials and to authorize the release of  
14 necessary and relevant information about sexually violent  
15 predators to members of the general public as a means of  
16 assuring public protection and shall not be construed as  
17 punitive. It is further declared to be the policy of this  
18 Commonwealth to provide for public safety by granting the  
19 Pennsylvania State Police certain civil supervisory authority  
20 over offenders, sexually violent predators and other persons  
21 convicted of sexually violent offenses that are additional,  
22 separate and distinct from the traditional law enforcement  
23 authority possessed by the Pennsylvania State Police.

24 § 9798.3. [Global positioning system technology] Electronic  
25 monitoring.

26 (a) Supervision conditions.--The Pennsylvania Board of  
27 Probation and Parole and county probation authorities may impose  
28 supervision conditions that include offender tracking through  
29 any means of electronic monitoring, which may include global  
30 positioning system technology.

1       (b) Civil tracking.--Except as provided under subsection  
2 (d), the Pennsylvania State Police shall track through  
3 electronic monitoring the following persons who are not subject  
4 to probation or parole:

5           (1) Offenders who are without a residence.

6           (2) Sexually violent predators convicted of a sexually  
7 violent offense against a minor.

8           (3) Persons convicted of a sexually violent offense  
9 occurring on or after first being subject to a period of  
10 registration under section 9795.1 (relating to registration).

11       (c) Costs.--A person tracked through electronic monitoring  
12 shall bear the associated costs unless it is determined that  
13 such costs would result in undue economic hardship to the  
14 person.

15       (d) Exceptions.--The Pennsylvania State Police may, on a  
16 case-by-case basis, forgo the use of electronic monitoring  
17 required under subsection (b) upon a determination that its use  
18 will not assist in supervision and will not provide additional  
19 public protection safeguards. In every case where a  
20 determination is made to forgo the use of electronic monitoring  
21 pursuant to this subsection, a contemporaneous written statement  
22 shall be provided setting forth the reason or reasons for the  
23 deviation from the requirement under subsection (b).

24       Section 3. Section 9799.1 of Title 42 is amended by adding a  
25 paragraph to read:

26 § 9799.1. Duties of Pennsylvania State Police.

27       The Pennsylvania State Police shall:

28           \* \* \*

29           (7) Conduct civil monitoring of offenders, sexually  
30 violent predators and other persons convicted of sexually

1 violent offenses as required under section 9796 and section  
2 9798.3 (relating to electronic monitoring).  
3 Section 4. This act shall take effect in 60 days.