
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1219 Session of
2007

INTRODUCED BY BOSCOLA, BROWNE, WONDERLING, WASHINGTON, FOLMER,
MUSTO, RAFFERTY AND FONTANA, DECEMBER 20, 2007

REFERRED TO JUDICIARY, DECEMBER 20, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for
3 registration of domestic violence predators; establishing the
4 Domestic Violence Predator Assessment Board; and imposing
5 powers and duties on the Pennsylvania State Police and on the
6 Pennsylvania Board of Probation and Parole.

7 It is the intention of the General Assembly that this act be
8 known as Robin's Law.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Title 42 of the Pennsylvania Consolidated
12 Statutes is amended by adding a chapter to read:

13 CHAPTER 96

14 REGISTRATION OF DOMESTIC VIOLENCE PREDATORS

15 Sec.

16 9601. Scope of chapter.

17 9602. Definitions.

18 9603. Registration of certain offenders for ten years.

19 9604. Designation of domestic violence predators.

- 1 9605. Other registration requirements.
- 2 9606. Verification of residence.
- 3 9607. Victim notification.
- 4 9608. Immunity for good faith conduct.
- 5 9609. Duties of Pennsylvania State Police.
- 6 9610. Duties of Pennsylvania Board of Probation and Parole.
- 7 9611. Board.
- 8 9612. Domestic violence predators.
- 9 9613. Exemption from notification.

10 § 9601. Scope of chapter.

11 This chapter relates to registration of domestic violence
12 criminal offenders.

13 § 9602. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Board." The Domestic Violence Predator Assessment Board
18 established in section 9611 (relating to board).

19 "Conviction." An adjudication of guilt by a court of
20 competent jurisdiction whether upon a verdict or plea of guilty
21 or plea of nolo contendere, notwithstanding a pending appeal or
22 habeas corpus proceeding arising from the adjudication.

23 "Domestic violence offense." An offense, under the laws of
24 this Commonwealth or any other jurisdiction:

25 (1) an element of which is the use or attempted use of
26 physical force;

27 (2) which is punishable by a term of imprisonment
28 exceeding two years; and

29 (3) which was committed by:

30 (i) the current or former spouse, parent or guardian

1 of the victim;

2 (ii) an individual with whom the victim shares a
3 child in common;

4 (iii) an individual who cohabits with or has
5 cohabited with the victim as a spouse, parent or
6 guardian; or

7 (iv) an individual similarly situated to a spouse,
8 parent or guardian of the victim.

9 The relationship specified in this paragraph need not be an
10 element of the offense to meet the requirements of this
11 definition.

12 The term includes an attempt, a solicitation or a conspiracy to
13 commit the offense.

14 "Domestic violence predator." An individual who:

15 (1) has been convicted of a domestic violence offense;
16 and

17 (2) is determined to be a domestic violence predator
18 under section 9604 (relating to designation of domestic
19 violence predators) due to a mental abnormality or
20 personality disorder which makes the individual likely to
21 engage in predatory domestic violence offenses.

22 "Mental abnormality." A congenital or acquired condition of
23 an individual which affects the emotional or volitional capacity
24 of the individual in a manner as to predispose the individual to
25 commit violent criminal offenses to a degree which makes the
26 individual a menace to the health and safety of other persons.

27 "Municipality." A city, borough, incorporated town or
28 township.

29 "Personality disorder." A personality disorder as defined in
30 the fourth edition of the Diagnostic and Statistical Manual of

1 Mental Disorders adopted by the American Psychiatric
2 Association.

3 "Predatory." Directed at an individual with whom a
4 relationship has been established or promoted for the primary
5 purpose of victimization.

6 § 9603. Registration of certain offenders for ten years.

7 (a) Requirement.--Except as set forth in subsection (b):

8 (1) An individual convicted of a domestic violence
9 offense shall register a current address with the
10 Pennsylvania State Police upon:

11 (i) release from incarceration;

12 (ii) parole from a State or county correctional
13 facility; or

14 (iii) commencement of a sentence of intermediate
15 punishment or probation.

16 (2) The period of registration shall be ten years.

17 (b) Exceptions.--

18 (1) Subsection (a) does not apply to an individual
19 incarcerated in a maximum or medium correctional facility of
20 the Department of Corrections, a private correctional
21 facility or a correctional facility of another jurisdiction.
22 This exception ends upon release.

23 (2) Subsection (a) does not apply to an individual
24 required to register under Subchapter H of Chapter 97
25 (relating to registration of sexual offenders).

26 (c) Registration information.--The Pennsylvania State Police
27 shall provide the information obtained under sections 9605
28 (relating to other registration requirements) and 9606 (relating
29 to verification of residence) and this section and the address
30 at which the offender will reside after release from

1 incarceration, parole or probation to the chief law enforcement
2 officer of the police department of the municipality in which
3 the offender will reside.

4 § 9604. Designation of domestic violence predators.

5 (a) Order for assessment.--Before sentencing, the court
6 shall order a person convicted of a domestic violence offense to
7 be assessed by the board.

8 (b) Presumption.--There shall be a presumption that an
9 offender convicted of a domestic violence offense shall be
10 presumed by the board to be a domestic violence predator. The
11 presumption may be rebutted by clear and convincing evidence at
12 a hearing held under subsection (e).

13 (c) Assessment.--The board shall conduct an assessment of
14 the offender to determine if the offender is a domestic violence
15 predator. Such an assessment shall include, but not be limited
16 to, the following:

17 (1) Age of the offender.

18 (2) Offender's prior criminal record and domestic
19 violence offenses as well as any other offenses.

20 (3) Age of the victim.

21 (4) Whether the domestic violence offense involved
22 multiple victims.

23 (5) Use of illegal drugs by the offender.

24 (6) Whether the offender completed any prior sentence
25 and participated in a program for violent offenders.

26 (7) Mental illness or mental disability of the offender.

27 (8) The nature of the violent contact with the victim
28 and whether the contact was part of a demonstrated pattern of
29 abuse.

30 (9) Whether the domestic violence offense included a

1 display of unusual cruelty by the offender during commission
2 of the crime.

3 (10) Behavioral characteristics that contribute to the
4 offender's conduct.

5 (d) Submission of report by board.--The board shall submit a
6 written report containing its assessment to the court no later
7 than 30 days after the assessment was ordered.

8 (e) Court review of findings.--Upon receipt of the board's
9 report, the court shall determine if the offender is a domestic
10 violence predator. The determination shall be based on evidence
11 presented at a hearing held prior to sentencing and before the
12 trial judge. The offender and district attorney shall be given
13 notice of the hearing and an opportunity to be heard, the right
14 to call witnesses, including expert witnesses, and the right to
15 conduct cross-examination. The offender shall have the right to
16 counsel and to have an attorney appointed to represent him if he
17 cannot afford one.

18 (f) Subsequent review.--No sooner than one year prior to
19 release from a State or county correctional facility and in
20 five-year intervals thereafter, an offender designated a
21 domestic violence predator may petition a court having original
22 jurisdiction in the matter for reconsideration. The court may
23 request a new report by the board and enter an order terminating
24 the designation, in which case the court shall notify the
25 Pennsylvania State Police.

26 § 9605. Other registration requirements.

27 (a) Registration of domestic violence predators.--A domestic
28 violence predator shall be required to register all current
29 addresses with the Pennsylvania State Police upon release from
30 incarceration, upon parole from a State or county correctional

1 facility or upon commencing a sentence of intermediate
2 punishment. Registration shall continue unless a court
3 terminates designation under section 9604(f) (relating to
4 designation of domestic violence predators).

5 (b) Court information for all offenders.--At the time of
6 sentencing, the court shall inform offenders designated in
7 section 9603 (relating to registration of certain offenders for
8 ten years) and domestic violence predators designated in
9 subsection (a) of the provisions of this chapter. The court
10 shall:

11 (1) Specifically inform the offender of the duty to
12 register and obtain the information required for each
13 registration.

14 (2) Specifically inform the offender of the duty to
15 inform the Pennsylvania State Police within ten days if the
16 offender changes residence.

17 (3) Specifically inform the offender of the duty to
18 register with a new law enforcement agency if the offender
19 moves to another state no later than ten days after
20 establishing residence in another state.

21 (4) Order the fingerprints and photograph of the person
22 to be provided to the Pennsylvania State Police upon
23 sentencing.

24 (5) Require the offender to read and sign a form stating
25 that the duty to register under this chapter has been
26 explained. If the offender is unable to read, the court shall
27 certify that the duty to register was explained to the
28 offender and the offender indicated an understanding of the
29 duty.

30 (c) Correctional facilities and parole authorities.--When an

1 offender is about to be released from incarceration or paroled
2 from a State or county correctional facility, the prison
3 official of the State or county correctional facility, no later
4 than ten days prior to the release or parole of the offender,
5 shall again provide the offender with notice of the duty to
6 register with the Pennsylvania State Police under this chapter.

7 (d) Penalty.--An offender who fails to register as required
8 in this section commits a felony of the third degree.

9 § 9606. Verification of residence.

10 (a) Quarterly verification.--The Pennsylvania State Police
11 shall verify the residence of domestic violence predators every
12 90 days through use of a nonforwardable verification form to the
13 last reported address. The form shall be returned by the
14 offender within ten days.

15 (b) Annual verification.--The Pennsylvania State Police
16 shall verify the residence of offenders designated in section
17 9603 (relating to registration of certain offenders for ten
18 years), annually through the use of a residence verification
19 form. The form shall be returned by the offender within ten
20 days.

21 (c) Notification of address change.--A change of address of
22 an offender required to register under this chapter reported to
23 the Pennsylvania State Police shall be immediately reported by
24 the Pennsylvania State Police to the appropriate law enforcement
25 agency having jurisdiction over the offender's new place of
26 residence. The Pennsylvania State Police shall, if the offender
27 changes residence to another state, notify the law enforcement
28 agency having jurisdiction of the offender's new place of
29 residence.

30 (d) Failure to provide verification.--If an offender fails

1 to provide verification of residence within the required ten-day
2 period, the Pennsylvania State Police shall immediately notify
3 the local municipal police department of the offender's last
4 verified residence. The local municipal police shall locate the
5 offender and place the offender under arrest. The Pennsylvania
6 State Police shall assume responsibility for locating the
7 offender and making the arrest in jurisdictions where there is
8 no local municipal police force. The Pennsylvania State Police
9 shall assist any local municipal police department requesting
10 assistance with locating and arresting an offender who fails to
11 verify his residence.

12 (e) Penalty.--An offender who fails to verify his residence
13 as required in this section commits a felony of the third
14 degree.

15 § 9607. Victim notification.

16 (a) Duty to inform victim.--

17 (1) If an offender is determined to be a domestic
18 violence predator by a court order under section 9604(e)
19 (relating to designation of domestic violence predators), the
20 local municipal police department or, if there is no local
21 municipal police department, the Pennsylvania State Police
22 shall give written notice to the victim of the offender
23 within 72 hours after the offender registers initially or
24 notifies the Pennsylvania State Police of an address change.
25 The notice shall contain the offender's name and the address
26 or addresses where the offender resides.

27 (2) A victim may waive the right to be informed under
28 paragraph (1) by providing the local municipal police
29 department or, if there is no local municipal police
30 department, the Pennsylvania State Police with a written

1 request.

2 (b) Public information.--Information provided under
3 subsection (a) shall be available to the general public upon
4 request.

5 (c) Offenders not designated as domestic violence
6 predators.--If an offender is not determined to be a domestic
7 violence predator, the victim shall be notified under the act of
8 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
9 Act.

10 § 9608. Immunity for good faith conduct.

11 The following entities shall not be held liable for damages
12 arising from a good faith discretionary release or dissemination
13 of or good faith failure to release or disseminate information
14 under this section:

15 (1) The Pennsylvania State Police and local law
16 enforcement agencies and their agents and employees.

17 (2) District attorneys and their agents and employees.

18 (3) Directors and employees of county children and youth
19 agencies.

20 (4) The Pennsylvania Board of Probation and Parole and
21 its agents and employees.

22 § 9609. Duties of Pennsylvania State Police.

23 (a) General rule.--The Pennsylvania State Police shall:

24 (1) Create and maintain a State registry of offenders
25 pursuant to section 9603 (relating to registration of certain
26 offenders for ten years) which will be available on the
27 Internet.

28 (2) In consultation with the Attorney General and the
29 Pennsylvania Board of Probation and Parole, promulgate
30 guidelines necessary for administration of this chapter.

1 (3) Within 72 hours of receiving a registration, notify
2 the chief law enforcement officer of the police department
3 having primary jurisdiction of the municipality in which an
4 offender resides that the offender is registered with the
5 Pennsylvania State Police under this chapter.

6 (4) Immediately forward to the Federal Bureau of
7 Investigation information received from the Pennsylvania
8 Board of Probation and Parole under this chapter and the
9 fingerprints of the domestic violence predator.

10 (b) Publication.--Regulations under this chapter shall be
11 published in the Pennsylvania Bulletin no later than one year
12 after the effective date of this section.

13 § 9610. Duties of Pennsylvania Board of Probation and Parole.

14 The Pennsylvania Board of Probation and Parole shall:

15 (1) Formulate a process to be followed by State and
16 county prison and probation and parole personnel when
17 informing offenders of their duties and responsibilities
18 under this chapter.

19 (2) Obtain the following information concerning each
20 offender to whom this chapter applies:

21 (i) Name, including any aliases.

22 (ii) Identifying factors.

23 (iii) Anticipated future residence.

24 (iv) Offense history.

25 (v) Documentation of treatment received for mental
26 abnormalities and personality disorders.

27 (3) Transmit the information in paragraph (2) to the
28 Pennsylvania State Police without delay for immediate entry
29 into the State registry of domestic violence offenders and
30 the criminal history record of the offender as provided in 18

1 Pa.C.S. Ch. 91 (relating to criminal history record
2 information).

3 § 9611. Board.

4 (a) Establishment.--The Domestic Violence Predator
5 Assessment Board is hereby established and shall be composed of
6 three persons, including a psychiatrist, a psychologist and a
7 criminal justice expert, each of whom shall have a minimum of
8 ten years of experience and specialized training in the behavior
9 and treatment of violent offenders.

10 (b) Appointment.--The Governor shall appoint the
11 psychiatrist and psychologist board members, and the Attorney
12 General shall appoint the criminal justice expert. All
13 appointments shall be made within 30 days of the effective date
14 of this section.

15 (c) Term of office.--Members of the board shall serve four-
16 year terms.

17 (d) Compensation.--Members of the board shall be compensated
18 at a rate of \$125 per day and receive reimbursement for their
19 actual and necessary expenses while performing the business of
20 the board. The chairman shall receive \$500 additional
21 compensation per year.

22 (e) Staff.--Support staff for the board shall be provided by
23 the Pennsylvania Board of Probation and Parole.

24 § 9612. Domestic violence predators.

25 (a) Lifetime parole; counseling.--Notwithstanding any other
26 provision of law, a person designated as a domestic violence
27 predator under this chapter shall remain on lifetime parole when
28 released from a State or county correctional facility unless the
29 court terminates the designation under section 9604(f) (relating
30 to designation of domestic violence predators). The offender

1 shall be required to attend at least monthly counseling sessions
2 in a program approved by the board and be financially
3 responsible for all fees assessed from such counseling sessions.
4 If the offender can establish to the satisfaction of the court
5 inability to pay for counseling sessions, the offender shall
6 attend the sessions and the parole office shall pay the
7 requisite fees.

8 (b) Lifetime registration.--

9 (1) Notwithstanding any other provision of law, an
10 offender designated as a domestic violence predator under
11 this chapter shall register for life if the offender:

12 (i) is convicted of a subsequent domestic violence
13 offense requiring registration; or

14 (ii) enters this Commonwealth after the effective
15 date of this chapter and has a conviction in another
16 jurisdiction that would have required registration if
17 committed in Pennsylvania.

18 (2) If a conviction is vacated and an acquittal or final
19 discharge is entered after it has been determined that this
20 section applies, the offender shall have the right to
21 petition the sentencing court for reconsideration if this
22 section would not have applied except for the conviction
23 which was vacated.

24 (c) Authority of court in sentencing.--There shall be no
25 authority in any court to impose on an offender to which this
26 section is applicable any lesser sentence than provided for in
27 subsection (b), to place such offender on probation or to
28 suspend sentence. Nothing in this section shall prevent the
29 sentencing court from imposing a sentence greater than that
30 provided in this section. Sentencing guidelines promulgated by

1 the Pennsylvania Commission on Sentencing shall not supersede
2 the mandatory sentence provided in this section.

3 (d) Appeal by Commonwealth.--If a sentencing court refuses
4 to apply this section when applicable, the Commonwealth shall
5 have a right to appellate review. The appellate court shall
6 vacate the sentence and remand the case to the sentencing court
7 for the imposition of a sentence in accordance with this section
8 if it finds that the sentence was imposed in violation of this
9 section.

10 § 9613. Exemption from notification.

11 Nothing in this chapter shall be construed to impose a duty
12 on a person licensed under the act of February 19, 1980 (P.L.15,
13 No.9), known as the Real Estate Licensing and Registration Act,
14 or an employee of the person, to disclose information regarding
15 an offender required to register under this chapter.

16 Section 2. This act shall take effect in six months.