

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 268 Session of 2009

INTRODUCED BY REED, BAKER, BARRAR, BEAR, BEYER, BOYD, BRENNAN, BROOKS, CAUSER, CIVERA, CLYMER, CONKLIN, DENLINGER, DePASQUALE, EVERETT, FLECK, GEIST, GIBBONS, GOODMAN, GRELL, GROVE, GRUCELA, HARKINS, HARPER, HESS, HICKERNELL, KAUFFMAN, M. KELLER, KILLION, KOTIK, LONGIETTI, MAJOR, MANN, MARSICO, MELIO, METCALFE, MICOZZIE, MILLARD, MILLER, MOUL, MUSTIO, O'NEILL, PAYNE, PEIFER, PETRI, PICKETT, PYLE, RAPP, READSHAW, REICHLEY, ROCK, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, SONNEY, STABACK, STERN, STEVENSON, SWANGER, TRUE, TURZAI, VULAKOVICH AND WATSON, FEBRUARY 5, 2009

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 5, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 sexual offender registration procedures.

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

6 Section 1. Section 9795.2(a)(4)(i) and (b)(4)(i) of Title 42
7 of the Pennsylvania Consolidated Statutes, are amended to read:

8 § 9795.2. Registration procedures and applicability.

9 (a) Registration.--

10 * * *

11 (4) This paragraph shall apply to all offenders and
12 sexually violent predators:

13 (i) Where the offender or sexually violent predator
14 was granted parole by the Pennsylvania Board of Probation

1 and Parole or the court or is sentenced to probation or
2 intermediate punishment, the board or county office of
3 probation and parole shall collect registration
4 information from the offender or sexually violent
5 predator and forward that registration information to the
6 Pennsylvania State Police. The Department of Corrections
7 or county correctional facility shall not release the
8 offender or sexually violent predator until it receives
9 verification from the Pennsylvania State Police that it
10 has received the registration information[.] and has
11 posted the registration information on the Internet as
12 required under section 9798.1 (relating to information
13 made available on the Internet). Verification by the
14 Pennsylvania State Police may occur by electronic means,
15 including e-mail or facsimile transmission. Where the
16 offender or sexually violent predator is scheduled to be
17 released from a State correctional facility or county
18 correctional facility because of the expiration of the
19 maximum term of incarceration, the Department of
20 Corrections or county correctional facility shall collect
21 the information from the offender or sexually violent
22 predator no later than ten days prior to the maximum
23 expiration date. The registration information shall be
24 forwarded to the Pennsylvania State Police and shall be
25 posted on the Internet as required under section 9798.1
26 prior to the maximum expiration date.

27 * * *

28 (b) Individuals convicted or sentenced by a court or
29 adjudicated delinquent in jurisdictions outside this
30 Commonwealth or sentenced by court martial.--

1 (4) An individual who resides, is employed or is a
2 student in this Commonwealth and who has been convicted of or
3 sentenced by a court or court martial for a sexually
4 violent offense or a similar offense under the laws of the
5 United States or one of its territories or possessions,
6 another state, the District of Columbia, the Commonwealth of
7 Puerto Rico or a foreign nation, or who was required to
8 register under a sexual offender statute in the jurisdiction
9 where convicted, sentenced or court martial, shall register
10 at an approved registration site within 48 hours of the
11 individual's arrival in this Commonwealth. The provisions of
12 this subchapter shall apply to the individual as follows:

13 (i) If the individual has been classified as a
14 sexually violent predator as defined in section 9792
15 (relating to definitions) or determined under the laws of
16 the other jurisdiction or by reason of court martial to
17 be subject to active notification and lifetime
18 registration on the basis of a statutorily authorized
19 administrative or judicial decision or on the basis of a
20 statute or administrative rule requiring active
21 notification and lifetime registration based solely on
22 the offense for which the individual was convicted,
23 sentenced or court martial, the individual shall,
24 notwithstanding section 9792, be considered a sexually
25 violent predator and subject to lifetime registration
26 pursuant to section 9795.1(b) [(relating to
27 registration)]. The individual shall also be subject to
28 the provisions of this section and sections 9796
29 (relating to verification of residence), 9798 (relating
30 to other notification) and 9798.1(c)(1) [(relating to

1 information made available on the Internet)], except that
2 the individual shall not be required to receive
3 counseling unless required to do so by the other
4 jurisdiction or by reason of court martial.

5 * * *

6 Section 2. This act shall take effect in 60 days.