
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 989 Session of
2009

INTRODUCED BY SANTARSIERO, R. TAYLOR, GALLOWAY, BAKER, BELFANTI,
BOBACK, BOYLE, BRENNAN, CLYMER, CONKLIN, D. COSTA, DALLY,
DONATUCCI, FREEMAN, GEIST, GERBER, GIBBONS, GOODMAN, GRUCELA,
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MANN, MELIO, MILNE, MURPHY, PALLONE, PASHINSKI, PETRI, RAPP,
READSHAW, SIPTROTH, SOLOBAY, SONNEY, STURLA, SWANGER,
J. TAYLOR, VULAKOVICH AND YOUNGBLOOD, MARCH 18, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in registration of sexual
3 offenders, adding definitions; further providing for
4 registration procedures and applicability; providing for
5 limited Internet access for certain sex offenders; and
6 further providing for duties of Pennsylvania State Police.

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

9 Section 1. Section 9792 of Title 42 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:
11 § 9792. Definitions.

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

15 * * *

16 "Authorized Internet entity." A business, organization or
17 other entity providing or offering a service over the Internet

1 which permits persons under 18 years of age to access, meet,
2 congregate or communicate with other users for the purpose of
3 social networking. The term does not include general electronic
4 mail services.

5 * * *

6 "Internet access provider." A business, organization or
7 other entity engaged in the business of providing a computer and
8 communications facility through which a customer may obtain
9 access to the Internet, but does not include a business,
10 organization or other entity to the extent that it provides only
11 telecommunications services.

12 "Internet identifiers." Electronic mail addresses and
13 designations used for the purposes of chat, instant messaging,
14 social networking or other similar Internet communication.

15 * * *

16 Section 2. Section 9795.2(a)(1) and (2) of Title 42 are
17 amended to read:

18 § 9795.2. Registration procedures and applicability.

19 (a) Registration.--

20 (1) Offenders and sexually violent predators shall be
21 required to register with the Pennsylvania State Police upon
22 release from incarceration, upon parole from a State or
23 county correctional institution or upon the commencement of a
24 sentence of intermediate punishment or probation. For
25 purposes of registration, offenders and sexually violent
26 predators shall provide the Pennsylvania State Police with
27 all current or intended residences, all information
28 concerning current or intended employment [and], all
29 information concerning current or intended enrollment as a
30 student, all of their Internet accounts with Internet access

1 providers and all current or intended Internet identifiers.

2 (2) Offenders and sexually violent predators shall
3 inform the Pennsylvania State Police within 48 hours of:

4 (i) Any change of residence or establishment of an
5 additional residence or residences.

6 (ii) Any change of employer or employment location
7 for a period of time that will exceed 14 days or for an
8 aggregate period of time that will exceed 30 days during
9 any calendar year, or termination of employment.

10 (iii) Any change of institution or location at which
11 the person is enrolled as a student, or termination of
12 enrollment.

13 (iv) Becoming employed or enrolled as a student if
14 the person has not previously provided that information
15 to the Pennsylvania State Police.

16 (v) Any change of Internet account with an Internet
17 access provider of the person or any change of an
18 Internet identifier of the person.

19 * * *

20 Section 3. Title 42 is amended by adding a section to read:
21 § 9795.6. Limited Internet access.

22 (a) General rule.--A person subject to the registration
23 requirements of this subchapter who is found to have utilized
24 the Internet to facilitate commission of any offense referred to
25 in section 9795.1 (relating to registration) shall be prohibited
26 from using the Internet, except as set forth in this section.

27 (b) Exception.--A person subject to limited Internet access
28 under subsection (a) may be authorized, by a parole or probation
29 officer or by order of court, to access the Internet for the
30 purpose of engaging in or seeking employment or for other

1 employment-related purposes.

2 (c) Periodic inspection.--A person subject to limited
3 Internet access under subsection (a) shall be required to submit
4 to periodic, unannounced inspection and examination of all
5 computers and computer-related equipment owned or possessed by
6 the person, as directed by a parole or probation officer or by
7 order of court.

8 (d) Key logging.--A person subject to limited Internet
9 access under subsection (a) may be required to install, at the
10 person's expense, one or more key logging programs or such other
11 hardware or software designed to monitor computer usage as the
12 parole or probation officer or the court shall direct.

13 Section 4. Section 9799.1 of Title 42 is amended by adding
14 paragraphs to read:

15 § 9799.1. Duties of Pennsylvania State Police.

16 The Pennsylvania State Police shall:

17 * * *

18 (7) Create and maintain a State registry of Internet
19 identifiers of offenders.

20 (8) Work with any authorized Internet entity and release
21 to the Internet entity Internet identifiers that would enable
22 the Internet entity to prescreen or remove offenders from its
23 services or, in conformity with Federal and Commonwealth law,
24 advise law enforcement and other governmental entities of
25 potential violations of law and threats to public safety.
26 Before releasing any information, the Pennsylvania State
27 Police shall require an authorized Internet entity that
28 requests information from the registry to submit to the
29 Pennsylvania State Police the name, address and telephone
30 number of the Internet entity and the specific legal nature

1 and corporate status of the Internet entity. Except for the
2 purposes specified in this section, an authorized Internet
3 entity shall not publish or in any way disclose any
4 information provided to it by the Pennsylvania State Police
5 under this subchapter. The Pennsylvania State Police may
6 charge an authorized Internet entity a fee for access to
7 registered Internet identifiers requested by the Internet
8 entity under this subchapter. The fees shall be paid annually
9 or upon a requested update. Proceeds from the fees shall be
10 used to create and maintain the registry of Internet
11 identifiers of offenders. The Pennsylvania State Police shall
12 promulgate rules and regulations relating to procedures for
13 the release of information in the registry, including, but
14 not limited to, the disclosure of information and the
15 imposition of any fees.

16 (9) The Pennsylvania State Police may provide a seal of
17 approval to those authorized Internet entities that choose to
18 work with the Pennsylvania State Police and monitor the
19 Internet identifiers of all persons subject to registration
20 under this subchapter.

21 Section 5. The amendment or addition of 42 Pa.C.S. §§ 9792,
22 9795.2, 9795.6 and 9799.1 shall apply to all offenders whether
23 convicted before or after the effective date of this section.

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