

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1926 Session of 2009

INTRODUCED BY R. TAYLOR, SAYLOR, BELFANTI, BRADFORD, BRENNAN, BRIGGS, BROOKS, CARROLL, EVERETT, GIBBONS, HARHAI, HESS, HORNAMAN, HOUGHTON, KORTZ, LONGIETTI, MAHONEY, MANN, McILVAINE SMITH, MELIO, MENSCH, MOUL, MURT, O'NEILL, PALLONE, READSHAW, ROAE, ROCK, SANTARSIERO, SCAVELLO, SIPTROTH, SWANGER, VULAKOVICH AND YOUNGBLOOD, AUGUST 12, 2009

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 12, 2009

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 failure to comply with  
 4 registration of sexual offenders requirements, for  
 5 registration procedures, for verification of residence and  
 6 for victim notification.

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

9 Section 1. Section 4915(a) of Title 18 of the Pennsylvania  
 10 Consolidated Statutes is amended to read:

11 § 4915. Failure to comply with registration of sexual offenders  
 12 requirements.

13 (a) Offense defined.--An individual who is subject to  
 14 registration under 42 Pa.C.S. [§ 9795.1(a) (relating to  
 15 registration) or an individual who is subject to registration  
 16 under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3)] § 9795.1 (relating  
 17 to registration) or 9795.2 (relating to registration procedures  
 18 and applicability) commits an offense if he knowingly fails to:

1 (1) register with the Pennsylvania State Police as  
2 required under 42 Pa.C.S. § 9795.2 (relating to registration  
3 procedures and applicability);

4 (2) verify his address or be photographed as required  
5 under 42 Pa.C.S. § 9796 (relating to verification of  
6 residence); or

7 (3) provide accurate information when registering under  
8 42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S.  
9 § 9796.

10 \* \* \*

11 Section 2. Section 9795.2(a)(2) of Title 42 is amended by  
12 adding a subparagraph and the subsection is amended by adding  
13 paragraphs to read:

14 § 9795.2. Registration procedures and applicability.

15 (a) Registration.--

16 \* \* \*

17 (1.1) Offenders and sexually violent predators lacking a  
18 residence shall register with the Pennsylvania State Police  
19 at an approved registration site within the jurisdiction of  
20 the area where the person may be found.

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

23 \* \* \*

24 (v) Ceasing to have a residence.

25 \* \* \*

26 (5) Offenders or sexually violent predators subject to  
27 this subchapter who lack a residence or intended residence or  
28 who cease to have a residence shall register, update and  
29 verify their habitual locale or locations during the day and  
30 night, including parks, public buildings, restaurants and

1 libraries they frequent. Offenders and sexually violent  
2 predators shall register, update and verify employment and  
3 school enrollment as required under this subchapter. The  
4 following shall apply:

5 (i) Registration shall be in accordance with this  
6 section except that in lieu of registering a residence an  
7 offender or sexually violent predator subject to this  
8 paragraph may register a specific description of the  
9 place or places where the offender or sexually violent  
10 predator may be found and any place or places where  
11 communication with the offender or sexually violent  
12 predator can be had. An offender or sexually violent  
13 predator who ceases to have a residence following initial  
14 registration shall within 48 hours register with the  
15 Pennsylvania State Police at an approved registration  
16 site within the jurisdiction of the area where the  
17 offender or sexually violent predator may be found.

18 (ii) In order to verify and update the information  
19 provided under subparagraph (i), offenders and sexually  
20 violent predators shall report to the Pennsylvania State  
21 Police at an approved registration site within the  
22 jurisdiction of the area where they may be found. The  
23 following shall apply:

24 (A) For sexually violent predators, reports  
25 shall be made in person every seven days from the  
26 time of registration until the time a residence is  
27 established and reported.

28 (B) For offenders, reports shall be made in  
29 person every 30 days from the time of registration  
30 until the time a residence is established and

1           reported.

2           (C) Reporting shall occur during normal business  
3           hours. The registration site may require the offender  
4           or sexually violent predator to list the locations  
5           where the offender or sexually violent predator would  
6           have been found during the last seven days. If the  
7           Pennsylvania State Police determines that it is  
8           impractical to report as provided under this  
9           paragraph due to the unique circumstances of an  
10           offender or a sexually violent predator lacking a  
11           residence, the Pennsylvania State Police may  
12           authorize the offender or sexually violent predator  
13           to follow an alternative reporting procedure. If the  
14           offender or sexually violent predator is under  
15           probation or parole supervision, the Pennsylvania  
16           State Police shall consult with the supervising  
17           authority in establishing the specific criteria of  
18           the alternative procedure. If the Pennsylvania State  
19           Police determines that it would be more practical and  
20           would further public safety to permit an offender or  
21           sexually violent predator to report to another law  
22           enforcement agency within the jurisdiction where the  
23           offender or sexually violent predator would be found,  
24           it may, after consulting with the other law  
25           enforcement agency, include this requirement in the  
26           alternative reporting process. In approving an  
27           alternative reporting process, the Pennsylvania State  
28           Police shall do all of the following:

29                   (I) Document, in the registration record,  
30                   the specific reasons why the in-person reporting

1 process would be impractical for the offender or  
2 sexually violent predator to follow.

3 (II) Document how the authorized alternative  
4 reporting procedure furthers the public safety  
5 objectives of this subchapter.

6 (III) Require compliance with the in-person  
7 reporting process if the offender or sexually  
8 violent predator moves or relocates to a new area  
9 where this process would be practical.

10 (iii) The following notification shall be in  
11 accordance with this subchapter:

12 (A) Notification to local police and crime  
13 victims.

14 (B) Passive notification.

15 Section 3. Sections 9796 and 9797(a) of Title 42 are amended  
16 to read:

17 § 9796. Verification of residence, habitual locale or  
18 locations.

19 (a) Quarterly verification by sexually violent predators.--  
20 The Pennsylvania State Police shall verify the residence or, in  
21 the case of a sexually violent predator without a residence, the  
22 habitual locale or locations and compliance with counseling as  
23 provided for in section 9799.4 (relating to counseling of  
24 sexually violent predators) of sexually violent predators every  
25 90 days through the use of a nonforwardable verification form to  
26 the last reported residence, habitual locale, location or  
27 mailing address. For the period of registration required by  
28 section 9795.1 (relating to registration), a sexually violent  
29 predator shall appear quarterly between January 5 and January  
30 15, April 5 and April 15, July 5 and July 15 and October 5 and

1 October 15 of each calendar year at an approved registration  
2 site to complete a verification form and to be photographed.

3 (a.1) Facilitation of quarterly verification.--The  
4 Pennsylvania State Police shall facilitate and administer the  
5 verification process required by subsection (a) by:

6 (1) sending a notice by first class United States mail  
7 to all registered sexually violent predators at their last  
8 reported residence addresses or, in the case of a sexually  
9 violent predator without a residence, to the last reported  
10 habitual locale, location or mailing address. This notice  
11 shall be sent not more than 30 days nor less than 15 days  
12 prior to each of the quarterly verification periods set forth  
13 in subsection (a) and shall remind sexually violent predators  
14 of their quarterly verification requirement and provide them  
15 with a list of approved registration sites; and

16 (2) providing verification and compliance forms as  
17 necessary to each approved registration site not less than  
18 ten days before each of the quarterly verification periods.

19 (b) Annual verification by offenders.--The Pennsylvania  
20 State Police shall verify the residence or, in the case of an  
21 offender without a residence, the habitual locale or locations  
22 of offenders. For the period of registration required by section  
23 9795.1, an offender shall appear within ten days before each  
24 annual anniversary date of the offender's initial registration  
25 under section 9795.1 at an approved registration site to  
26 complete a verification form and to be photographed.

27 (b.1) Facilitation of annual verification.--The Pennsylvania  
28 State Police shall facilitate and administer the verification  
29 process required by subsection (b) by:

30 (1) sending a notice by first class United States mail

1 to all registered offenders at their last reported residence  
2 addresses or, in the case of an offender without a residence,  
3 to the offender's last reported habitual locale, location or  
4 mailing address. This notice shall be sent not more than 30  
5 days nor less than 15 days prior to each offender's annual  
6 anniversary date and shall remind the offender of the annual  
7 verification requirement and provide the offender with a list  
8 of approved registration sites; and

9 (2) providing verification and compliance forms as  
10 necessary to each approved registration site.

11 (c) Notification of law enforcement agencies of change of  
12 residence, habitual locale or locations.--A change of residence  
13 or, in the case of an offender or sexually violent predator  
14 without a residence, a change in the habitual locale or  
15 locations of an offender or sexually violent predator required  
16 to register under this subchapter reported to the Pennsylvania  
17 State Police shall be immediately reported by the Pennsylvania  
18 State Police to the appropriate law enforcement agency having  
19 jurisdiction of the offender's or the sexually violent  
20 predator's new place of residence, habitual locale or locations.  
21 The Pennsylvania State Police shall, if the offender or sexually  
22 violent predator changes residence, habitual locale or locations  
23 to another state, notify the law enforcement agency with which  
24 the offender or sexually violent predator must register in the  
25 new state.

26 (d) Failure to provide verification.--Where an offender or  
27 sexually violent predator fails to provide verification of  
28 residence or, in the case of an offender or sexually violent  
29 predator without a residence, the habitual locale or locations  
30 within the ten-day period as set forth in this section, the

1 Pennsylvania State Police shall immediately notify the municipal  
2 police department of the offender's or the sexually violent  
3 predator's last verified residence, habitual locale and  
4 locations. The local municipal police shall locate the offender  
5 or sexually violent predator and arrest him for violating this  
6 section. The Pennsylvania State Police shall assume  
7 responsibility for locating the offender or sexually violent  
8 predator and arresting him in jurisdictions where no municipal  
9 police jurisdiction exists. The Pennsylvania State Police shall  
10 assist any municipal police department requesting assistance  
11 with locating and arresting an offender or sexually violent  
12 predator who fails to verify his residence.

13 (e) Penalty.--An individual subject to registration under  
14 section 9795.1(a) or (b) who fails to verify his residence or,  
15 in the case of an offender or sexually violent predator who is  
16 without a residence, the habitual locale or locations or to be  
17 photographed as required by this section may be subject to  
18 prosecution under 18 Pa.C.S. § 4915 (relating to failure to  
19 comply with registration of sexual offenders requirements).

20 (f) Effect of notice.--Neither failure on the part of the  
21 Pennsylvania State Police to send nor failure of a sexually  
22 violent predator or offender to receive any notice or  
23 information under subsection (a.1) or (b.1) shall relieve that  
24 predator or offender from the requirements of this subchapter.  
25 § 9797. Victim notification.

26 (a) Duty to inform victim.--

27 (1) Where the individual is determined to be a sexually  
28 violent predator by a court under section 9795.4 (relating to  
29 assessments), the local municipal police department or the  
30 Pennsylvania State Police where no municipal police



1 jurisdiction exists shall give written notice to the sexually  
2 violent predator's victim when the sexually violent predator  
3 registers initially and when he notifies the Pennsylvania  
4 State Police of any change of residence or, in the case of a  
5 sexually violent predator without a residence, any change in  
6 habitual locale or locations. This notice shall be given  
7 within 72 hours after the sexually violent predator registers  
8 or notifies the Pennsylvania State Police of a change of  
9 [address] residence, habitual locale, or locations. The  
10 notice shall contain the sexually violent predator's name and  
11 the address or addresses where he resides or, in the case of  
12 a sexually violent predator without a residence, the sexually  
13 violent predator's habitual locale or locations.

14 (2) A victim may terminate the duty to inform set forth  
15 in paragraph (1) by providing the local municipal police  
16 department or the Pennsylvania State Police where no local  
17 municipal police department exists with a written statement  
18 releasing that agency from the duty to comply with this  
19 section as it pertains to that victim.

20 \* \* \*

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