

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 25, 2010

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~~

1 ~~and applicability) commits an offense if he knowingly fails to:~~

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

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

8 ~~(3) provide accurate information when registering under~~
9 ~~42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S.~~
10 ~~§ 9796.~~

11 * * *

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

15 ~~§ 9795.2. Registration procedures and applicability.~~

16 ~~(a) Registration.—~~

17 * * *

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

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

24 * * *

25 ~~(v) Ceasing to have a residence.~~

26 * * *

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

1 ~~night, including parks, public buildings, restaurants and~~
2 ~~libraries they frequent. Offenders and sexually violent~~
3 ~~predators shall register, update and verify employment and~~
4 ~~school enrollment as required under this subchapter. The~~
5 ~~following shall apply:~~

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

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

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

29 ~~(B) For offenders, reports shall be made in~~
30 ~~person every 30 days from the time of registration~~

1 ~~until the time a residence is established and~~
2 ~~reported.~~

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

30 ~~(I) Document, in the registration record,~~

1 ~~the specific reasons why the in person reporting~~
2 ~~process would be impractical for the offender or~~
3 ~~sexually violent predator to follow.~~

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

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

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

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

15 ~~(B) Passive notification.~~

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

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

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

1 ~~15, April 5 and April 15, July 5 and July 15 and October 5 and~~
2 ~~October 15 of each calendar year at an approved registration~~
3 ~~site to complete a verification form and to be photographed.~~

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

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

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

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

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

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

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

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

27 ~~(d) Failure to provide verification. Where an offender or~~
28 ~~sexually violent predator fails to provide verification of~~
29 ~~residence or, in the case of an offender or sexually violent~~
30 ~~predator without a residence, the habitual locale or locations~~

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

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

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

26 ~~§ 9797. Victim notification.~~

27 ~~(a) Duty to inform victim.~~

28 ~~(1) Where the individual is determined to be a sexually~~
29 ~~violent predator by a court under section 9795.4 (relating to~~
30 ~~assessments), the local municipal police department or the~~

1 ~~Pennsylvania State Police where no municipal police~~
2 ~~jurisdiction exists shall give written notice to the sexually~~
3 ~~violent predator's victim when the sexually violent predator~~
4 ~~registers initially and when he notifies the Pennsylvania~~
5 ~~State Police of any change of residence or, in the case of a~~
6 ~~sexually violent predator without a residence, any change in~~
7 ~~habitual locale or locations. This notice shall be given~~
8 ~~within 72 hours after the sexually violent predator registers~~
9 ~~or notifies the Pennsylvania State Police of a change of~~
10 ~~{address} residence, habitual locale, or locations. The~~
11 ~~notice shall contain the sexually violent predator's name and~~
12 ~~the address or addresses where he resides or, in the case of~~
13 ~~a sexually violent predator without a residence, the sexually~~
14 ~~violent predator's habitual locale or locations.~~

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

21 ~~* * *~~

22 ~~Section 4. This act shall take effect in 60 days.~~

23 SECTION 1. SECTION 4501 OF TITLE 18 OF THE PENNSYLVANIA
24 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
25 § 4501. DEFINITIONS.

26 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
27 PROVISIONS OF THIS ARTICLE WHICH ARE APPLICABLE TO SPECIFIC
28 CHAPTERS OR OTHER PROVISIONS OF THIS ARTICLE, THE FOLLOWING
29 WORDS AND PHRASES, WHEN USED IN THIS ARTICLE SHALL HAVE, UNLESS
30 THE CONTEXT CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO



1 THEM IN THIS SECTION:

2 * * *

3 "HABITUAL LOCALE." AS DEFINED IN 42 PA.C.S. § 9792 (RELATING
4 TO DEFINITIONS).

5 * * *

6 "REGISTRATION INFORMATION." AS DEFINED IN 42 PA.C.S. § 9792
7 (RELATING TO DEFINITIONS).

8 "SEX OFFENDER REGISTRATION LAW." AS DEFINED IN 42 PA.C.S. §
9 9792 (RELATING TO DEFINITIONS).

10 SECTION 2. SECTION 4915(A) INTRODUCTORY PARAGRAPH, (2) AND
11 (3), (B), (C) AND (E) (3) (II) OF TITLE 18 ARE AMENDED AND
12 SUBSECTIONS (A) AND (C) ARE AMENDED BY ADDING PARAGRAPHS TO
13 READ:

14 § 4915. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS
15 REQUIREMENTS.

16 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO
17 REGISTRATION UNDER 42 PA.C.S. § [9795.1(A)] 9795.1 (RELATING TO
18 REGISTRATION) OR [AN INDIVIDUAL WHO IS SUBJECT TO REGISTRATION
19 UNDER 42 PA.C.S. § 9795.1(B) (1), (2) OR (3)] WHO WAS SUBJECT TO
20 REGISTRATION UNDER FORMER 42 PA.C.S § 9793 (RELATING TO
21 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) COMMITS AN
22 OFFENSE IF HE KNOWINGLY FAILS TO:

23 * * *

24 (2) VERIFY HIS [ADDRESS] REGISTRATION INFORMATION OR BE
25 PHOTOGRAPHED AS REQUIRED UNDER 42 PA.C.S. § 9796 (RELATING TO
26 VERIFICATION OF [RESIDENCE] REGISTRATION INFORMATION); [OR]

27 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING,
28 VERIFYING OR UPDATING REGISTRATION INFORMATION UNDER 42
29 PA.C.S. § 9795.2 OR [VERIFYING AN ADDRESS UNDER 42 PA.C.S. §]
30 9796; OR

1 (4) COMPLY WITH ANY SEXUAL OFFENDER COUNSELING
2 CONDITIONS IMPOSED BY 42 PA.C.S. § 9799.4 (RELATING TO
3 COUNSELING OF SEXUALLY VIOLENT PREDATORS) AS A RESULT OF
4 BEING DESIGNATED A SEXUALLY VIOLENT PREDATOR OR IMPOSED UNDER
5 A SEX OFFENDER REGISTRATION STATUTE FOLLOWING CONVICTION IN
6 ANOTHER JURISDICTION.

7 (B) GRADING FOR OFFENDERS [WHO MUST REGISTER FOR TEN YEARS]
8 WITHOUT LIFETIME REGISTRATION.--

9 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
10 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) OR (A.1)
11 OR FORMER 42 PA.C.S. § 9793, AND REQUIRED TO REGISTER AS AN
12 OFFENDER FOR A PERIOD OF TIME LESS THAN LIFETIME, WHO COMMITS
13 A VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A FELONY OF
14 THE THIRD DEGREE.

15 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
16 PA.C.S. § 9795.1(A) OR (A.1) OR FORMER 42 PA.C.S. § 9793, AND
17 REQUIRED TO REGISTER AS AN OFFENDER FOR A PERIOD OF TIME LESS
18 THAN LIFETIME, WHO COMMITS A VIOLATION OF SUBSECTION (A) (1)
19 OR (2) AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE
20 UNDER SUBSECTION (A) (1) OR (2) OR A SIMILAR OFFENSE COMMITS A
21 FELONY OF THE SECOND DEGREE.

22 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
23 PA.C.S. § 9795.1(A) OR (A.1) OR FORMER 42 PA.C.S. § 9793, AND
24 REQUIRED TO REGISTER AS AN OFFENDER FOR A PERIOD OF TIME LESS
25 THAN LIFETIME, WHO VIOLATES SUBSECTION (A) (3) COMMITS A
26 FELONY OF THE SECOND DEGREE.

27 (C) GRADING FOR SEXUALLY VIOLENT PREDATORS AND OTHERS WITH
28 LIFETIME REGISTRATION.--

29 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
30 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § [9795.1(B) (1), (2)

1 OR (3)] 9795.1(B) OR FORMER 42 PA.C.S. § 9793, AND REQUIRED
2 TO REGISTER AS A SEXUALLY VIOLENT PREDATOR OR AS AN OFFENDER
3 FOR LIFE, WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR (2)
4 COMMITS A FELONY OF THE SECOND DEGREE.

5 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
6 PA.C.S. § [9795.1(B) (1), (2) OR (3)] 9795.1(B) OR FORMER 42
7 PA.C.S. § 9793, AND REQUIRED TO REGISTER AS A SEXUALLY
8 VIOLENT PREDATOR OR AS AN OFFENDER FOR LIFE, WHO COMMITS A
9 VIOLATION OF SUBSECTION (A) (1) OR (2) AND WHO HAS PREVIOUSLY
10 BEEN CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (1) OR (2)
11 OR A SIMILAR OFFENSE COMMITS A FELONY OF THE FIRST DEGREE.

12 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
13 PA.C.S. § [9795.1(B) (1), (2) OR (3)] 9795.1(B) OR FORMER 42
14 PA.C.S. § 9793, AND REQUIRED TO REGISTER AS A SEXUALLY
15 VIOLENT PREDATOR OR AS AN OFFENDER FOR LIFE, WHO VIOLATES
16 SUBSECTION (A) (3) COMMITS A FELONY OF THE FIRST DEGREE.

17 (5) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
18 PA.C.S. § 9795.1(B) AND REQUIRED TO REGISTER AS A SEXUALLY
19 VIOLENT PREDATOR WHO VIOLATES SUBSECTION (A) (4) COMMITS A
20 FELONY OF THE THIRD DEGREE.

21 * * *

22 (E) ARRESTS FOR VIOLATION.--

23 * * *

24 (3) PRIOR TO ADMITTING AN INDIVIDUAL ARRESTED FOR A
25 VIOLATION OF THIS SECTION TO BAIL, THE ISSUING AUTHORITY
26 SHALL REQUIRE ALL OF THE FOLLOWING:

27 * * *

28 (II) THE INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA
29 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL
30 HABITUAL LOCALES, ALL INFORMATION CONCERNING CURRENT OR

1 INTENDED EMPLOYMENT, INCLUDING ALL EMPLOYMENT LOCATIONS,
2 AND ALL INFORMATION CONCERNING CURRENT OR INTENDED
3 ENROLLMENT AS A STUDENT.

4 * * *

5 SECTION 3. THE DEFINITIONS OF "ACTIVE NOTIFICATION,"
6 "APPROVED REGISTRATION SITE," "EMPLOYED," "OFFENDER," "PASSIVE
7 NOTIFICATION," "RESIDENCE" AND "SEXUALLY VIOLENT PREDATOR" IN
8 SECTION 9792 OF TITLE 42 ARE AMENDED AND THE SECTION IS AMENDED
9 BY ADDING DEFINITIONS TO READ:

10 § 9792. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 * * *

15 "ACTIVE NOTIFICATION." NOTIFICATION PURSUANT TO SECTION 9798
16 (RELATING TO OTHER NOTIFICATION) OR ANY PROCESS WHEREBY LAW
17 ENFORCEMENT, PURSUANT TO THE LAWS OF THE UNITED STATES OR ONE OF
18 ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
19 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION,
20 NOTIFIES PERSONS IN THE COMMUNITY IN WHICH THE INDIVIDUAL
21 RESIDES OR HAS A HABITUAL LOCALE, INCLUDING ANY PERSON
22 IDENTIFIED IN SECTION 9798(B), OF THE RESIDENCE, HABITUAL
23 LOCALE, EMPLOYMENT OR SCHOOL LOCATION OF THE INDIVIDUAL.

24 "APPROVED REGISTRATION SITE" A SITE IN THIS COMMONWEALTH
25 APPROVED BY THE PENNSYLVANIA STATE POLICE AS REQUIRED BY SECTION
26 9799.1(2) (RELATING TO [DUTIES OF] PENNSYLVANIA STATE POLICE):

27 (1) AT WHICH INDIVIDUALS SUBJECT TO THIS SUBCHAPTER MAY
28 REGISTER, VERIFY INFORMATION OR BE FINGERPRINTED OR
29 PHOTOGRAPHED AS REQUIRED BY THIS SUBCHAPTER;

30 (2) WHICH IS CAPABLE OF SUBMITTING FINGERPRINTS

1 UTILIZING THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION
2 SYSTEM OR IN ANOTHER MANNER AND IN SUCH FORM AS THE
3 PENNSYLVANIA STATE POLICE SHALL REQUIRE; AND

4 (3) WHICH IS CAPABLE OF SUBMITTING PHOTOGRAPHS UTILIZING
5 THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN ANOTHER MANNER
6 AND IN SUCH FORM AS THE PENNSYLVANIA STATE POLICE SHALL
7 REQUIRE.

8 * * *

9 "EMPLOYED." INCLUDES A VOCATION OR EMPLOYMENT THAT IS FULL-
10 TIME OR PART-TIME FOR A PERIOD OF TIME EXCEEDING [14] FOUR DAYS
11 DURING A SEVEN-DAY PERIOD OR FOR AN AGGREGATE PERIOD OF TIME
12 EXCEEDING [30] 14 DAYS DURING ANY CALENDAR YEAR, WHETHER
13 FINANCIALLY COMPENSATED, VOLUNTEERED, PURSUANT TO A CONTRACT OR
14 FOR THE PURPOSE OF GOVERNMENT OR EDUCATIONAL BENEFIT.

15 "HABITUAL LOCALE." A PLACE WHERE A TRANSIENT CAN BE LOCATED.
16 THE TERM INCLUDES LOCATIONS A TRANSIENT FREQUENTS DURING THE DAY
17 AND NIGHT, SUCH AS PARKS, PUBLIC BUILDINGS, RESTAURANTS AND
18 LIBRARIES.

19 * * *

20 "OFFENDER." AN INDIVIDUAL REQUIRED TO REGISTER UNDER SECTION
21 9795.1(A), (A.1), (B) (1) OR (2) (RELATING TO REGISTRATION) OR
22 UNDER FORMER SECTION 9793 (RELATING TO REGISTRATION OF CERTAIN
23 OFFENDERS FOR TEN YEARS). THE TERM INCLUDES AN INDIVIDUAL
24 CONSIDERED TO BE AN OFFENDER UNDER SECTION 9795.2(B) (RELATING
25 TO REGISTRATION PROCEDURES AND APPLICABILITY).

26 "PASSIVE NOTIFICATION." NOTIFICATION PURSUANT TO SECTION
27 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON THE INTERNET)
28 OR ANY PROCESS WHEREBY PERSONS, PURSUANT TO THE LAWS OF THE
29 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER
30 STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO

1 OR A FOREIGN NATION, ARE ABLE TO ACCESS INFORMATION PERTAINING
2 TO AN INDIVIDUAL [AS A RESULT OF THE INDIVIDUAL HAVING BEEN
3 CONVICTED OR SENTENCED BY A COURT FOR AN OFFENSE SIMILAR TO AN
4 OFFENSE LISTED IN SECTION 9795.1 (RELATING TO REGISTRATION)]
5 UNDER A SEX OFFENDER REGISTRATION LAW IN THAT JURISDICTION. THE
6 TERM INCLUDES A SITUATION IN WHICH AN INDIVIDUAL IS REQUIRED TO
7 REGISTER UNDER A SEX OFFENDER REGISTRATION LAW IN THE
8 JURISDICTION WHERE CONVICTED, SENTENCED, COURT MARTIALED OR
9 ADJUDICATED AS A JUVENILE AND WHERE ACCESS TO THAT REGISTRATION
10 INFORMATION IS LIMITED TO LAW ENFORCEMENT ONLY.

11 * * *

12 "REGISTRATION INFORMATION." INFORMATION REQUIRED UNDER THIS
13 SUBCHAPTER TO BE PROVIDED TO THE PENNSYLVANIA STATE POLICE BY AN
14 OFFENDER OR A SEXUALLY VIOLENT PREDATOR.

15 "RESIDENCE." A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
16 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 [CONSECUTIVE]
17 CUMULATIVE DAYS OR MORE DURING A CALENDAR YEAR.

18 "SEX OFFENDER REGISTRATION LAW." ANY OF THE FOLLOWING:

19 (1) THIS SUBCHAPTER.

20 (2) A LAW IN ANOTHER JURISDICTION WHICH REQUIRES AN
21 INDIVIDUAL TO REGISTER WITH A SEX OFFENDER REGISTRY FOLLOWING
22 CONVICTION OR ADJUDICATION.

23 * * *

24 "SEXUALLY VIOLENT PREDATOR." A PERSON WHO HAS BEEN CONVICTED
25 OF A SEXUALLY VIOLENT OFFENSE AS SET FORTH IN SECTION 9795.1
26 (RELATING TO REGISTRATION) AND WHO IS DETERMINED TO BE A
27 SEXUALLY VIOLENT PREDATOR UNDER SECTION 9795.4 (RELATING TO
28 ASSESSMENTS) DUE TO A MENTAL ABNORMALITY OR PERSONALITY DISORDER
29 THAT MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY SEXUALLY
30 VIOLENT OFFENSES. THE TERM INCLUDES:

1 (1) AN INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT
2 PREDATOR WHERE THE DETERMINATION OCCURRED IN THE UNITED
3 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER
4 STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO
5 RICO, A FOREIGN NATION OR BY COURT MARTIAL; AND

6 (2) AN INDIVIDUAL CONSIDERED TO BE A SEXUALLY VIOLENT
7 PREDATOR UNDER SECTION 9795.2(B) (RELATING TO REGISTRATION
8 PROCEDURES AND APPLICABILITY).

9 * * *

10 "TRANSIENT." AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER
11 THIS SUBCHAPTER WHO DOES NOT HAVE A RESIDENCE AND IS PRESENT IN
12 THIS COMMONWEALTH FOR SEVEN OR MORE CONSECUTIVE DAYS. THE TERM
13 INCLUDES AN INDIVIDUAL CONSIDERED TO BE A TRANSIENT UNDER
14 SECTION 9795.2(A)(1) (RELATING TO REGISTRATION PROCEDURES AND
15 APPLICABILITY).

16 SECTION 4. SECTION 9795.1(A) INTRODUCTORY PARAGRAPH OF TITLE
17 42 IS AMENDED, SUBSECTION (B) IS AMENDED BY ADDING A PARAGRAPH
18 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:
19 § 9795.1. REGISTRATION.

20 (A) TEN-YEAR REGISTRATION.--[THE] EXCEPT AS SET FORTH IN
21 SUBSECTION (A.1) OR (B), THE FOLLOWING INDIVIDUALS SHALL BE
22 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE FOR A
23 PERIOD OF TEN YEARS:

24 * * *

25 (A.1) EXCEPTION TO TEN-YEAR REGISTRATION.--EXCEPT AS
26 PROVIDED UNDER SUBSECTION (B), AN INDIVIDUAL CONSIDERED TO BE AN
27 OFFENDER PURSUANT TO SECTION 9795.2(B) (RELATING TO REGISTRATION
28 PROCEDURES AND APPLICABILITY) SHALL BE REQUIRED TO REGISTER WITH
29 THE PENNSYLVANIA STATE POLICE FOR A PERIOD LESS THAN LIFE, THE
30 DURATION OF WHICH IS TO BE DETERMINED UNDER SECTION 9795.2(B).

1 (B) LIFETIME REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL
2 BE SUBJECT TO LIFETIME REGISTRATION:

3 * * *

4 (5) AN INDIVIDUAL WHO IS CONSIDERED TO BE A SEXUALLY
5 VIOLENT PREDATOR UNDER SECTION 9795.2(B) OR WHO IS OTHERWISE
6 REQUIRED TO REGISTER FOR LIFE UNDER SECTION 9795.2(B).

7 * * *

8 (D) FAILURE TO MAINTAIN A RESIDENCE.--THE FACT THAT AN
9 INDIVIDUAL REQUIRED TO REGISTER UNDER THIS SUBCHAPTER DOES NOT
10 HAVE A RESIDENCE SHALL NOT RELIEVE THE INDIVIDUAL FROM THE DUTY
11 TO REGISTER OR ANY OTHER DUTY IMPOSED BY THIS SUBCHAPTER.

12 SECTION 5. SECTION 9795.2(A)(1), (2) INTRODUCTORY PARAGRAPH,
13 (I), (II) AND (IV), (2.1), (3) AND (4)(I), (B)(4) INTRODUCTORY
14 PARAGRAPH AND (5) INTRODUCTORY PARAGRAPH, (C), (D) AND (E) OF
15 TITLE 42 ARE AMENDED, SUBSECTION (A) IS AMENDED BY ADDING A
16 PARAGRAPH AND SUBSECTION (A)(2) IS AMENDED BY ADDING
17 SUBPARAGRAPHS 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 FEDERAL, STATE
23 [OR], COUNTY, MUNICIPAL OR PRIVATE CORRECTIONAL [INSTITUTION]
24 FACILITY OR UPON THE COMMENCEMENT OF A SENTENCE OF
25 INTERMEDIATE PUNISHMENT OR PROBATION OR ANY OTHER SENTENCE OF
26 NONCONFINEMENT. FOR PURPOSES OF REGISTRATION, OFFENDERS AND
27 SEXUALLY VIOLENT PREDATORS SHALL PROVIDE THE PENNSYLVANIA
28 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES[,]; ALL
29 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT [AND];
30 ALL INFORMATION CONCERNING CURRENT OR INTENDED ENROLLMENT AS

1 A STUDENT[.]; AND ALL INFORMATION CONCERNING VEHICLES OWNED
2 BY, OR REGISTERED TO, THE OFFENDER OR SEXUALLY VIOLENT
3 PREDATOR. AN OFFENDER OR SEXUALLY VIOLENT PREDATOR WHO DOES
4 NOT HAVE A CURRENT OR INTENDED RESIDENCE SHALL BE CONSIDERED
5 A TRANSIENT. AN OFFENDER OR SEXUALLY VIOLENT PREDATOR WHO
6 PROVIDES AN INTENDED RESIDENCE SHALL BE CONSIDERED A
7 TRANSIENT IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR IS NOT
8 LIVING AT THE REGISTERED INTENDED RESIDENCE WITHIN SEVEN DAYS
9 FOLLOWING THE DATE OF RELEASE, PAROLE OR COMMENCEMENT OF
10 INTERMEDIATE PUNISHMENT, PROBATION OR NONCONFINEMENT
11 SENTENCE.

12 (1.1) IF AN OFFENDER OR SEXUALLY VIOLENT PREDATOR IS
13 REQUIRED UNDER THIS SUBCHAPTER TO REGISTER, UPDATE OR VERIFY
14 A RESIDENCE, AN OFFENDER OR SEXUALLY VIOLENT PREDATOR WHO IS
15 A TRANSIENT SHALL BE REQUIRED TO REGISTER, UPDATE OR VERIFY
16 HIS HABITUAL LOCALES. WITH RESPECT TO EACH HABITUAL LOCALE, A
17 TRANSIENT SHALL BE REQUIRED TO PROVIDE AN ADDRESS UNLESS THE
18 HABITUAL LOCALE HAS NO ADDRESS, IN WHICH CASE A TRANSIENT
19 SHALL BE REQUIRED TO PROVIDE A SPECIFIC DESCRIPTION OF THE
20 PLACE. A TRANSIENT SHALL ALSO PROVIDE A PLACE WHERE THE
21 TRANSIENT IS ABLE TO RECEIVE DELIVERY OF MAIL, INCLUDING A
22 POST OFFICE BOX OR GENERAL DELIVERY POST OFFICE LOCATION. IN
23 ADDITION TO ANY OTHER DUTY IMPOSED UNDER THIS SUBCHAPTER,
24 INCLUDING REPORTING REQUIREMENTS UNDER SECTION 9796 (RELATING
25 TO VERIFICATION OF RESIDENCE), A TRANSIENT SHALL APPEAR EVERY
26 30 DAYS AT AN APPROVED REGISTRATION SITE TO COMPLETE THE
27 FORMS DESIGNATED BY THE PENNSYLVANIA STATE POLICE TO BE USED
28 FOR THE PURPOSES OF COMPLYING WITH THIS SUBCHAPTER, TO UPDATE
29 OR VERIFY REGISTRATION INFORMATION AND STATUS AS A TRANSIENT
30 AND, AT THE DISCRETION OF THE APPROVED REGISTRATION SITE, TO

1 BE PHOTOGRAPHED.

2 (2) FOR PURPOSES OF THIS PARAGRAPH, OFFENDERS AND
3 SEXUALLY VIOLENT PREDATORS SHALL APPEAR AT AN APPROVED
4 REGISTRATION SITE TO COMPLETE THE FORM DESIGNATED BY THE
5 PENNSYLVANIA STATE POLICE TO BE USED FOR PURPOSES OF
6 COMPLYING WITH THIS SUBCHAPTER. IN THE CASE OF AN OFFENDER
7 ENTERING OR BEING RELEASED OR TRANSFERRED FROM A RESIDENTIAL
8 REENTRY OR CORRECTIONAL FACILITY, THE ADMINISTRATOR OF THE
9 FACILITY OR HIS DESIGNEE SHALL ASSIST IN COMPLETING THE FORMS
10 DESIGNATED BY THE PENNSYLVANIA STATE POLICE TO BE USED FOR
11 PURPOSES OF COMPLYING WITH THIS SUBCHAPTER AND, IMMEDIATELY
12 UPON COLLECTION, FORWARD ALL THE FORMS TO THE PENNSYLVANIA
13 STATE POLICE. OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL
14 INFORM THE PENNSYLVANIA STATE POLICE WITHIN 48 HOURS OF:

15 (I) ANY ESTABLISHMENT OR CHANGE OF RESIDENCE OR
16 ESTABLISHMENT OF AN ADDITIONAL RESIDENCE OR RESIDENCES.

17 (II) [ANY] BECOMING EMPLOYED OR ANY CHANGE OF
18 EMPLOYER OR EMPLOYMENT LOCATION FOR A PERIOD OF TIME THAT
19 WILL EXCEED [14] FOUR DAYS DURING A SEVEN-DAY PERIOD OR
20 FOR AN AGGREGATE PERIOD OF TIME THAT WILL EXCEED [30] 14
21 DAYS DURING ANY CALENDAR YEAR, OR TERMINATION OF
22 EMPLOYMENT.

23 * * *

24 (IV) BECOMING [EMPLOYED OR] ENROLLED AS A STUDENT IF
25 THE PERSON HAS NOT PREVIOUSLY PROVIDED THAT INFORMATION
26 TO THE PENNSYLVANIA STATE POLICE.

27 (V) BECOMING A TRANSIENT.

28 (VI) ENTERING, BEING RELEASED OR TRANSFERRED FROM A
29 FEDERAL, STATE, COUNTY, MUNICIPAL OR PRIVATE CORRECTIONAL
30 FACILITY, INCLUDING A RESIDENTIAL REENTRY FACILITY, DUE

1 TO ARREST, DETAINER, PAROLE VIOLATION, PROBATION
2 VIOLATION OR SENTENCE OF INCARCERATION, IF THE PERSON'S
3 STAY EXCEEDS 48 HOURS.

4 (VII) NO LONGER RESIDING, BEING DOMICILED, EMPLOYED
5 OR BEING ENROLLED AS A STUDENT IN THIS COMMONWEALTH.

6 (2.1) REGISTRATION WITH A NEW LAW ENFORCEMENT AGENCY
7 SHALL OCCUR NO LATER THAN 48 HOURS AFTER ESTABLISHING
8 RESIDENCE IN ANOTHER STATE OR AFTER MOVING TO ANOTHER STATE
9 BUT NOT ESTABLISHING A RESIDENCE THERE.

10 (3) THE [TEN-YEAR] REGISTRATION PERIOD REQUIRED IN
11 SECTION 9795.1(A) AND (A.1) (RELATING TO REGISTRATION) SHALL
12 BE TOLLED WHEN AN OFFENDER IS [RECOMMITTED FOR A PAROLE
13 VIOLATION OR SENTENCED TO AN ADDITIONAL TERM OF IMPRISONMENT]
14 INCARCERATED, AND ALL TIME SPENT IN INCARCERATION SHALL NOT
15 BE COUNTED TOWARD AN OFFENDER'S REGISTRATION PERIOD. IN SUCH
16 CASES, THE [DEPARTMENT OF CORRECTIONS OR] FEDERAL, STATE,
17 COUNTY, MUNICIPAL OR PRIVATE CORRECTIONAL FACILITY SHALL
18 NOTIFY THE PENNSYLVANIA STATE POLICE OF THE ADMISSION,
19 RELEASE AND TRANSFER OF THE OFFENDER.

20 (4) THIS PARAGRAPH SHALL APPLY TO ALL OFFENDERS AND
21 SEXUALLY VIOLENT PREDATORS:

22 (I) WHERE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR
23 WAS GRANTED PAROLE BY THE PENNSYLVANIA BOARD OF PROBATION
24 AND PAROLE OR THE COURT OR IS SENTENCED TO PROBATION
25 [OR] INTERMEDIATE PUNISHMENT OR A PUNISHMENT NOT
26 INVOLVING CONFINEMENT, THE BOARD OR COUNTY OFFICE OF
27 PROBATION AND PAROLE SHALL COLLECT REGISTRATION
28 INFORMATION FROM THE OFFENDER OR SEXUALLY VIOLENT
29 PREDATOR AND FORWARD THAT REGISTRATION INFORMATION TO THE
30 PENNSYLVANIA STATE POLICE. [THE DEPARTMENT OF CORRECTIONS

1 OR COUNTY] IF AN OFFENDER OR A SEXUALLY VIOLENT PREDATOR
2 IS INCARCERATED IN A FEDERAL, STATE, COUNTY, MUNICIPAL OR
3 PRIVATE CORRECTIONAL FACILITY, INCLUDING A RESIDENTIAL
4 REENTRY FACILITY, THE CORRECTIONAL FACILITY SHALL NOT
5 RELEASE NOR TRANSFER THE OFFENDER OR SEXUALLY VIOLENT
6 PREDATOR UNTIL IT RECEIVES VERIFICATION FROM THE
7 PENNSYLVANIA STATE POLICE THAT [IT HAS RECEIVED] THE
8 REGISTRATION INFORMATION HAS BEEN RECEIVED. VERIFICATION
9 BY THE PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC
10 MEANS, INCLUDING E-MAIL OR FACSIMILE TRANSMISSION. WHERE
11 THE OFFENDER OR SEXUALLY VIOLENT PREDATOR IS SCHEDULED TO
12 BE RELEASED FROM A [STATE CORRECTIONAL FACILITY OR
13 COUNTY] CORRECTIONAL FACILITY BECAUSE OF THE EXPIRATION
14 OF THE MAXIMUM TERM OF INCARCERATION, THE [DEPARTMENT OF
15 CORRECTIONS OR COUNTY] CORRECTIONAL FACILITY SHALL
16 COLLECT THE INFORMATION FROM THE OFFENDER OR SEXUALLY
17 VIOLENT PREDATOR NO LATER THAN TEN DAYS PRIOR TO THE
18 MAXIMUM EXPIRATION DATE. THE REGISTRATION INFORMATION
19 SHALL, IMMEDIATELY UPON COLLECTION, BE FORWARDED TO THE
20 PENNSYLVANIA STATE POLICE.

21 * * *

22 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR
23 ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS
24 COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

25 (4) AN INDIVIDUAL WHO [RESIDES, IS EMPLOYED OR IS A
26 STUDENT] IS EMPLOYED, INTENDS TO BE EMPLOYED, IS A STUDENT,
27 INTENDS TO BE A STUDENT, RESIDES, ENTERS THIS COMMONWEALTH
28 WITH THE PURPOSE OF ESTABLISHING A RESIDENCE OR IS A
29 TRANSIENT IN THIS COMMONWEALTH AND WHO HAS BEEN CONVICTED OF
30 OR SENTENCED BY A COURT OR COURT MARTIALED FOR A SEXUALLY

1 VIOLENT OFFENSE OR A SIMILAR OFFENSE UNDER THE LAWS OF THE
2 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
3 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
4 PUERTO RICO OR A FOREIGN NATION, OR WHO WAS REQUIRED TO
5 REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE JURISDICTION
6 WHERE CONVICTED, SENTENCED OR COURT MARTIALED, SHALL REGISTER
7 AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS OF THE
8 INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE PROVISIONS OF
9 THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL AS FOLLOWS:

10 * * *

11 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
12 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN
13 PARAGRAPH (4), AN INDIVIDUAL WHO [RESIDES, IS EMPLOYED OR IS
14 A STUDENT] IS EMPLOYED, INTENDS TO BE EMPLOYED, IS A STUDENT,
15 INTENDS TO BE A STUDENT, RESIDES, ENTERS THIS COMMONWEALTH
16 WITH THE PURPOSE OF ESTABLISHING A RESIDENCE OR IS A
17 TRANSIENT IN THIS COMMONWEALTH AND WHO IS REQUIRED TO
18 REGISTER AS A SEX OFFENDER UNDER THE LAWS OF THE UNITED
19 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER
20 STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO
21 RICO OR A FOREIGN NATION AS A RESULT OF A JUVENILE
22 ADJUDICATION SHALL REGISTER AT AN APPROVED REGISTRATION SITE
23 WITHIN 48 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS
24 COMMONWEALTH. THE PROVISIONS OF THIS SUBCHAPTER SHALL APPLY
25 TO THE INDIVIDUAL AS FOLLOWS:

26 * * *

27 (C) REGISTRATION INFORMATION TO LOCAL POLICE.--

28 (1) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THE
29 INFORMATION OBTAINED UNDER THIS SECTION AND SECTIONS [9795.3]
30 9795.3(A) (RELATING TO SENTENCING COURT INFORMATION) AND 9796

1 (RELATING TO VERIFICATION OF [RESIDENCE] REGISTRATION
2 INFORMATION) TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE
3 POLICE DEPARTMENTS OF THE MUNICIPALITIES IN WHICH THE
4 INDIVIDUAL WILL RESIDE, BE EMPLOYED OR ENROLLED AS A STUDENT.
5 IN ADDITION, THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THIS
6 OFFICER WITH THE ADDRESS AT WHICH THE INDIVIDUAL WILL RESIDE,
7 BE EMPLOYED OR ENROLLED AS A STUDENT FOLLOWING HIS RELEASE
8 FROM INCARCERATION, PAROLE OR PROBATION.

9 (2) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE
10 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
11 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED PURSUANT TO
12 PARAGRAPH (1) WHEN AN INDIVIDUAL FAILS TO COMPLY WITH THE
13 REGISTRATION REQUIREMENTS OF THIS SECTION OR SECTION 9796
14 AND REQUEST, AS APPROPRIATE, THAT THESE POLICE DEPARTMENTS
15 ASSIST IN LOCATING AND APPREHENDING THE INDIVIDUAL.

16 (3) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE
17 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
18 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED PURSUANT TO
19 PARAGRAPH (1) WHEN THEY ARE IN RECEIPT OF INFORMATION
20 INDICATING THAT THE INDIVIDUAL IS NO LONGER A TRANSIENT OR
21 WILL NO LONGER RESIDE, BE TRANSIENT, BE EMPLOYED OR BE
22 ENROLLED AS A STUDENT IN THE MUNICIPALITY.

23 (D) PENALTY.--AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER
24 FORMER SECTION 9793 (RELATING TO REGISTRATION OF CERTAIN
25 OFFENDERS FOR TEN YEARS) OR SECTION [9795.1(A) OR (B)] 9795.1
26 WHO FAILS TO REGISTER OR VERIFY OR UPDATE REGISTRATION
27 INFORMATION WITH THE PENNSYLVANIA STATE POLICE AS REQUIRED BY
28 THIS SECTION MAY BE SUBJECT TO PROSECUTION UNDER 18 PA.C.S. §
29 4915 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
30 OFFENDERS REQUIREMENTS).

1 (E) REGISTRATION SITES.--AN INDIVIDUAL SUBJECT TO [SECTION
2 9795.1] THIS SUBCHAPTER SHALL REGISTER AND SUBMIT TO
3 FINGERPRINTING AND PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER
4 AT APPROVED REGISTRATION SITES.

5 SECTION 6. SECTIONS 9795.3 AND 9796 HEADING, (A), (B), (C)
6 AND (E), 9797(A)(1), 9798(A)(1), (B) AND (C), 9798.1(C)(1)(V)
7 AND 9799(1) OF TITLE 42 ARE AMENDED TO READ:

8 § 9795.3. SENTENCING COURT INFORMATION.

9 (A) DUTY OF SENTENCING COURT.--THE SENTENCING COURT SHALL
10 INFORM OFFENDERS AND SEXUALLY VIOLENT PREDATORS AT THE TIME OF
11 SENTENCING OF THE PROVISIONS OF THIS SUBCHAPTER. THE COURT
12 SHALL:

13 (1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
14 PREDATOR OF THE DUTY TO REGISTER AND PROVIDE THE INFORMATION
15 REQUIRED FOR EACH REGISTRATION, INCLUDING VERIFICATION AS
16 REQUIRED IN SECTION 9796(A) (RELATING TO VERIFICATION OF
17 [RESIDENCE]) REGISTRATION INFORMATION).

18 (2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
19 PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE POLICE
20 WITHIN [TEN DAYS] 48 HOURS IF THE OFFENDER OR SEXUALLY
21 VIOLENT PREDATOR CHANGES OR ESTABLISHES A RESIDENCE OR
22 ESTABLISHES AN ADDITIONAL RESIDENCE OR RESIDENCES, BECOMES A
23 TRANSIENT, CHANGES EMPLOYER OR EMPLOYMENT LOCATION FOR A
24 PERIOD OF TIME THAT WILL EXCEED [14 DAYS] FOUR DAYS DURING
25 ANY SEVEN-DAY PERIOD OR FOR AN AGGREGATE PERIOD OF TIME THAT
26 WILL EXCEED [30] 14 DAYS DURING ANY CALENDAR YEAR OR
27 TERMINATES EMPLOYMENT OR CHANGES INSTITUTION OR LOCATION AT
28 WHICH THE PERSON IS ENROLLED AS A STUDENT OR TERMINATES
29 ENROLLMENT.

30 (2.1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY

1 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
2 POLICE WITHIN [TEN DAYS] 48 HOURS OF BECOMING EMPLOYED OR
3 ENROLLED AS A STUDENT IF THE [PERSON] OFFENDER OR SEXUALLY
4 VIOLENT PREDATOR HAS NOT PREVIOUSLY PROVIDED THAT INFORMATION
5 TO THE PENNSYLVANIA STATE POLICE.

6 (2.2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
7 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
8 POLICE THAT HE IS A TRANSIENT IF THE OFFENDER OR SEXUALLY
9 VIOLENT PREDATOR DOES NOT HAVE OR FAILS TO MAINTAIN A
10 RESIDENCE.

11 (3) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
12 PREDATOR OF THE DUTY TO REGISTER WITH A NEW LAW ENFORCEMENT
13 AGENCY IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR MOVES TO
14 ANOTHER STATE NO LATER THAN [TEN DAYS] 48 HOURS AFTER
15 ESTABLISHING RESIDENCE IN ANOTHER STATE.

16 (4) ORDER THE FINGERPRINTS AND PHOTOGRAPH OF THE
17 OFFENDER OR SEXUALLY VIOLENT PREDATOR TO BE PROVIDED TO THE
18 PENNSYLVANIA STATE POLICE UPON SENTENCING.

19 (5) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
20 PREDATOR OF THE DUTY TO REGISTER WITH THE APPROPRIATE
21 AUTHORITIES IN ANY STATE IN WHICH THE OFFENDER OR SEXUALLY
22 VIOLENT PREDATOR IS A TRANSIENT, IS EMPLOYED, CARRIES ON A
23 VOCATION OR IS A STUDENT IF THE STATE REQUIRES SUCH
24 REGISTRATION.

25 (6) REQUIRE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR TO
26 READ AND SIGN A FORM STATING THAT THE DUTY TO REGISTER UNDER
27 THIS SUBCHAPTER HAS BEEN EXPLAINED. WHERE THE OFFENDER OR
28 SEXUALLY VIOLENT PREDATOR IS INCAPABLE OF READING, THE COURT
29 SHALL CERTIFY THE DUTY TO REGISTER WAS EXPLAINED TO THE
30 OFFENDER OR SEXUALLY VIOLENT PREDATOR AND THE OFFENDER OR

1 SEXUALLY VIOLENT PREDATOR INDICATED AN UNDERSTANDING OF THE
2 DUTY.

3 (B) FAILURE TO PROVIDE.--FAILURE ON THE PART OF THE COURT TO
4 PROVIDE A SEXUALLY VIOLENT PREDATOR OR OFFENDER WITH INFORMATION
5 UNDER THIS SECTION SHALL NOT RELIEVE THAT PREDATOR OR OFFENDER
6 FROM THE REQUIREMENTS OF THIS SUBCHAPTER.

7 § 9796. VERIFICATION OF [RESIDENCE] REGISTRATION INFORMATION.

8 (A) QUARTERLY VERIFICATION BY SEXUALLY VIOLENT PREDATORS.--
9 THE PENNSYLVANIA STATE POLICE SHALL VERIFY THE [RESIDENCE]
10 REGISTRATION INFORMATION AND COMPLIANCE WITH COUNSELING AS
11 PROVIDED FOR IN SECTION 9799.4 (RELATING TO COUNSELING OF
12 SEXUALLY VIOLENT PREDATORS) OF SEXUALLY VIOLENT PREDATORS EVERY
13 90 DAYS THROUGH THE USE OF A NONFORWARDABLE VERIFICATION FORM TO
14 THE LAST REPORTED RESIDENCE. FOR THE PERIOD OF REGISTRATION
15 REQUIRED BY SECTION 9795.1 (RELATING TO REGISTRATION), A
16 SEXUALLY VIOLENT PREDATOR SHALL APPEAR QUARTERLY BETWEEN JANUARY
17 5 AND JANUARY 15, APRIL 5 AND APRIL 15, JULY 5 AND JULY 15 AND
18 OCTOBER 5 AND OCTOBER 15 OF EACH CALENDAR YEAR AT AN APPROVED
19 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE
20 PHOTOGRAPHED.

21 * * *

22 (B) ANNUAL VERIFICATION BY OFFENDERS.--THE PENNSYLVANIA
23 STATE POLICE SHALL VERIFY THE [RESIDENCE] REGISTRATION
24 INFORMATION OF OFFENDERS. FOR THE PERIOD OF REGISTRATION
25 REQUIRED BY SECTION 9795.1, AN OFFENDER SHALL APPEAR WITHIN TEN
26 DAYS BEFORE EACH ANNUAL ANNIVERSARY DATE OF THE OFFENDER'S
27 INITIAL REGISTRATION UNDER FORMER SECTION 9793 (RELATING TO
28 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR SECTION
29 9795.1 AT AN APPROVED REGISTRATION SITE TO COMPLETE A
30 VERIFICATION FORM AND TO BE PHOTOGRAPHED.

1 * * *

2 (C) NOTIFICATION OF LAW ENFORCEMENT AGENCIES OF CHANGE OF
3 RESIDENCE OR HABITUAL LOCALE.--A CHANGE OF RESIDENCE OR HABITUAL
4 LOCALE OF AN OFFENDER OR SEXUALLY VIOLENT PREDATOR REQUIRED TO
5 REGISTER UNDER THIS SUBCHAPTER REPORTED TO THE PENNSYLVANIA
6 STATE POLICE SHALL BE IMMEDIATELY REPORTED BY THE PENNSYLVANIA
7 STATE POLICE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY HAVING
8 JURISDICTION OF THE OFFENDER'S OR THE SEXUALLY VIOLENT
9 PREDATOR'S NEW PLACE OF RESIDENCE OR HABITUAL LOCALE. THE
10 PENNSYLVANIA STATE POLICE SHALL, IF THE OFFENDER OR SEXUALLY
11 VIOLENT PREDATOR CHANGES RESIDENCE OR HABITUAL LOCALE TO ANOTHER
12 STATE, NOTIFY THE LAW ENFORCEMENT AGENCY WITH WHICH THE OFFENDER
13 OR SEXUALLY VIOLENT PREDATOR MUST REGISTER IN THE NEW STATE.

14 * * *

15 (E) PENALTY.--AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER
16 FORMER SECTION 9793 OR SECTION 9795.1(A) OR (B) WHO FAILS TO
17 VERIFY HIS [RESIDENCE] REGISTRATION INFORMATION OR TO BE
18 PHOTOGRAPHED AS REQUIRED BY THIS SECTION MAY BE SUBJECT TO
19 PROSECUTION UNDER 18 PA.C.S. § 4915 (RELATING TO FAILURE TO
20 COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS REQUIREMENTS).

21 * * *

22 § 9797. VICTIM NOTIFICATION.

23 (A) DUTY TO INFORM VICTIM.--

24 (1) WHERE THE INDIVIDUAL IS DETERMINED TO BE A SEXUALLY
25 VIOLENT PREDATOR BY A COURT UNDER SECTION 9795.4 (RELATING TO
26 ASSESSMENTS), THE LOCAL MUNICIPAL POLICE DEPARTMENT OR THE
27 PENNSYLVANIA STATE POLICE WHERE NO MUNICIPAL POLICE
28 JURISDICTION EXISTS SHALL GIVE WRITTEN NOTICE TO THE SEXUALLY
29 VIOLENT PREDATOR'S VICTIM WHEN THE SEXUALLY VIOLENT PREDATOR
30 REGISTERS INITIALLY AND WHEN HE NOTIFIES THE PENNSYLVANIA

1 STATE POLICE OF ANY CHANGE OF RESIDENCE OR HABITUAL LOCALE.
2 THIS NOTICE SHALL BE GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY
3 VIOLENT PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE
4 POLICE OF A CHANGE OF ADDRESS OR HABITUAL LOCALE. THE NOTICE
5 SHALL CONTAIN THE SEXUALLY VIOLENT PREDATOR'S NAME AND THE
6 ADDRESS [OR], ADDRESSES OR HABITUAL LOCALES WHERE HE RESIDES
7 OR MAY BE FOUND.

8 * * *

9 § 9798. OTHER NOTIFICATION.

10 (A) NOTICE BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT
11 OFFICER.--NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S.
12 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE
13 CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME
14 POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT
15 PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE
16 AS REQUIRED UNDER THIS SECTION.

17 (1) THE NOTICE SHALL CONTAIN:

18 (I) THE NAME OF THE CONVICTED SEXUALLY VIOLENT
19 PREDATOR.

20 (II) THE ADDRESS OR ADDRESSES AT WHICH [HE] THE
21 SEXUALLY VIOLENT PREDATOR RESIDES. IF THE SEXUALLY
22 VIOLENT PREDATOR IS A TRANSIENT, WRITTEN NOTICE UNDER
23 THIS SUBPARAGRAPH SHALL INCLUDE THE MUNICIPALITY AND
24 COUNTY CONTAINING THE TRANSIENT'S HABITUAL LOCALE.

25 (II.1) THE MUNICIPALITY, COUNTY AND ZIP CODE IN
26 WHICH THE SEXUALLY VIOLENT PREDATOR IS EMPLOYED.

27 (III) THE OFFENSE FOR WHICH [HE] THE SEXUALLY
28 VIOLENT PREDATOR WAS CONVICTED, SENTENCED BY A COURT,
29 ADJUDICATED DELINQUENT OR COURT MARTIALED.

30 (IV) A STATEMENT THAT [HE] THE SEXUALLY VIOLENT

1 PREDATOR HAS BEEN DETERMINED BY COURT ORDER TO BE A
2 SEXUALLY VIOLENT PREDATOR, WHICH DETERMINATION HAS OR HAS
3 NOT BEEN TERMINATED AS OF A DATE CERTAIN.

4 (V) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR,
5 IF AVAILABLE.

6 * * *

7 (B) TO WHOM WRITTEN NOTICE IS PROVIDED.--THE CHIEF LAW
8 ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE, UNDER
9 SUBSECTION (A), TO THE FOLLOWING PERSONS:

10 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR. AS USED
11 IN THIS PARAGRAPH, WHERE THE SEXUALLY VIOLENT PREDATOR LIVES
12 IN A COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES
13 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON
14 INTEREST COMMUNITY. AS USED IN THIS PARAGRAPH, WHERE THE
15 SEXUALLY VIOLENT PREDATOR IS A TRANSIENT, THE TERM "NEIGHBOR"
16 SHALL MEAN THE COMMUNITY, AND THE CHIEF LAW ENFORCEMENT
17 OFFICER SHALL DETERMINE THE APPROPRIATE METHOD FOR PROVIDING
18 WRITTEN NOTICE.

19 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH
20 SERVICE AGENCY OF THE COUNTY WHERE THE SEXUALLY VIOLENT
21 PREDATOR RESIDES OR, IF THE SEXUALLY VIOLENT PREDATOR IS A
22 TRANSIENT, EACH COUNTY CONTAINING THE TRANSIENT'S HABITUAL
23 LOCALE.

24 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
25 EQUIVALENT OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS
26 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY
27 WHERE THE SEXUALLY VIOLENT PREDATOR RESIDES OR, IF THE
28 SEXUALLY VIOLENT PREDATOR IS A TRANSIENT, EACH MUNICIPALITY
29 CONTAINING THE TRANSIENT'S HABITUAL LOCALE.

30 (3.1) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE

1 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
2 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
3 VIOLENT PREDATOR RESIDES.

4 (4) THE LICENSEE OF EACH CERTIFIED DAY CARE CENTER AND
5 LICENSED PRESCHOOL PROGRAM AND OWNER/OPERATOR OF EACH
6 REGISTERED FAMILY DAY CARE HOME IN THE MUNICIPALITY WHERE THE
7 SEXUALLY VIOLENT PREDATOR RESIDES OR, IF THE SEXUALLY VIOLENT
8 PREDATOR IS A TRANSIENT, EACH MUNICIPALITY CONTAINING THE
9 TRANSIENT'S HABITUAL LOCALE.

10 (5) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND
11 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF A SEXUALLY
12 VIOLENT PREDATOR'S RESIDENCE.

13 (C) URGENCY OF NOTIFICATION.--THE MUNICIPAL POLICE
14 DEPARTMENT'S CHIEF LAW ENFORCEMENT OFFICER SHALL PROVIDE NOTICE
15 WITHIN THE FOLLOWING TIME FRAMES:

16 (1) TO NEIGHBORS SPECIFIED UNDER SUBSECTION (B) (1),
17 NOTICE SHALL BE PROVIDED WITHIN FIVE DAYS AFTER INFORMATION
18 OF THE SEXUALLY VIOLENT PREDATOR'S RELEASE DATE AND RESIDENCE
19 OR HABITUAL LOCALE HAS BEEN RECEIVED BY THE CHIEF LAW
20 ENFORCEMENT OFFICER. NOTWITHSTANDING THE PROVISIONS OF
21 SUBSECTIONS (A) AND (B), VERBAL NOTIFICATION MAY BE USED IF
22 WRITTEN NOTIFICATION WOULD DELAY MEETING THIS TIME
23 REQUIREMENT.

24 (2) TO THE PERSONS SPECIFIED IN SUBSECTION (B) (2), (3),
25 (4) AND (5), NOTICE SHALL BE PROVIDED WITHIN SEVEN DAYS AFTER
26 THE CHIEF LAW ENFORCEMENT OFFICER RECEIVES INFORMATION
27 REGARDING THE SEXUALLY VIOLENT PREDATOR'S RELEASE DATE AND
28 RESIDENCE OR HABITUAL LOCALE.

29 * * *

30 § 9798.1. INFORMATION MADE AVAILABLE ON THE INTERNET.

1 * * *

2 (C) INFORMATION PERMITTED TO BE DISCLOSED REGARDING
3 INDIVIDUALS.--NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO
4 CRIMINAL HISTORY RECORD INFORMATION), THE INTERNET WEBSITE SHALL
5 CONTAIN THE FOLLOWING INFORMATION ON EACH INDIVIDUAL:

6 (1) FOR SEXUALLY VIOLENT PREDATORS, THE FOLLOWING
7 INFORMATION SHALL BE POSTED ON THE INTERNET WEBSITE:

8 * * *

9 (V) THE MUNICIPALITY, COUNTY AND ZIP CODE OF ANY
10 EMPLOYMENT LOCATION AND OF ANY HABITUAL LOCALE;

11 * * *

12 § 9799. IMMUNITY FOR GOOD FAITH CONDUCT.

13 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
14 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

15 (1) THE PENNSYLVANIA STATE POLICE [AND] LOCAL LAW
16 ENFORCEMENT AGENCIES, AND AGENTS AND EMPLOYEES OF THE
17 PENNSYLVANIA STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES.

18 * * *

19 SECTION 7. SECTION 9799.1 HEADING, (2) AND (4) OF TITLE 42
20 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING PARAGRAPHS TO
21 READ:

22 § 9799.1. [DUTIES OF] PENNSYLVANIA STATE POLICE.

23 THE PENNSYLVANIA STATE POLICE SHALL:

24 * * *

25 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,
26 THE OFFICE OF ATTORNEY GENERAL, THE PENNSYLVANIA BOARD OF
27 PROBATION AND PAROLE AND THE CHAIRMAN AND THE MINORITY
28 CHAIRMAN OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
29 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE
30 OF THE HOUSE OF REPRESENTATIVES, PROMULGATE GUIDELINES

1 NECESSARY FOR THE GENERAL ADMINISTRATION OF THIS SUBCHAPTER.
2 THESE GUIDELINES SHALL ESTABLISH PROCEDURES TO ALLOW AN
3 INDIVIDUAL SUBJECT TO THE REQUIREMENTS OF SECTIONS 9795.1
4 (RELATING TO REGISTRATION) [AND], 9796 (RELATING TO
5 VERIFICATION OF [RESIDENCE] REGISTRATION INFORMATION) TO
6 FULFILL THESE REQUIREMENTS AT APPROVED REGISTRATION SITES
7 THROUGHOUT THIS COMMONWEALTH. THE PENNSYLVANIA STATE POLICE
8 SHALL PUBLISH A LIST OF APPROVED REGISTRATION SITES IN THE
9 PENNSYLVANIA BULLETIN AND PROVIDE A LIST OF APPROVED
10 REGISTRATION SITES IN ANY NOTICES SENT TO INDIVIDUALS
11 REQUIRED TO REGISTER UNDER SECTION 9795.1. AN APPROVED
12 REGISTRATION SITE SHALL BE CAPABLE OF SUBMITTING
13 FINGERPRINTS, PHOTOGRAPHS AND ANY OTHER INFORMATION REQUIRED
14 ELECTRONICALLY TO THE PENNSYLVANIA STATE POLICE. THE
15 PENNSYLVANIA STATE POLICE SHALL REQUIRE THAT APPROVED
16 REGISTRATION SITES SUBMIT FINGERPRINTS UTILIZING THE
17 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR IN
18 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
19 POLICE SHALL REQUIRE. THE PENNSYLVANIA STATE POLICE SHALL
20 REQUIRE THAT APPROVED REGISTRATION SITES SUBMIT PHOTOGRAPHS
21 UTILIZING THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN
22 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
23 POLICE SHALL REQUIRE. APPROVED REGISTRATION SITES SHALL NOT
24 BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE
25 AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT
26 AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION
27 SITES SET FORTH IN THIS PARAGRAPH.

28 * * *

29 (4) NOTIFY, WITHIN FIVE BUSINESS DAYS OF RECEIVING THE
30 OFFENDER'S OR THE SEXUALLY VIOLENT PREDATOR'S REGISTRATION,

1 THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS
2 HAVING PRIMARY JURISDICTION OF THE MUNICIPALITIES IN WHICH AN
3 OFFENDER OR SEXUALLY VIOLENT PREDATOR IS A TRANSIENT,
4 RESIDES, IS EMPLOYED OR ENROLLED AS A STUDENT OF THE FACT
5 THAT THE OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS BEEN
6 REGISTERED WITH THE PENNSYLVANIA STATE POLICE PURSUANT TO
7 SECTIONS 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
8 APPLICABILITY) AND 9796 (RELATING TO VERIFICATION OF
9 [RESIDENCE] REGISTRATION INFORMATION).

10 * * *

11 (7) THE PENNSYLVANIA STATE POLICE SHALL HAVE STANDING
12 AND SHALL BE A PARTY IN ANY OF THE FOLLOWING:

13 (I) A PROCEEDING BROUGHT BY AN INDIVIDUAL REGISTERED
14 UNDER FORMER SECTION 9793 (RELATING TO REGISTRATION OF
15 CERTAIN OFFENDERS FOR TEN YEARS) OR SECTION 9795.1 TO BE
16 REMOVED FROM, OR CONTESTING THEIR INCLUSION IN, THE STATE
17 REGISTRY OF SEXUAL OFFENDERS AND SEXUALLY VIOLENT
18 PREDATORS.

19 (II) A PROCEEDING TO MODIFY A COURT ORDER CONCERNING
20 THE TERMS OF AN INDIVIDUAL'S REGISTRATION UNDER FORMER
21 SECTION 9793 OR SECTION 9795.1.

22 (8) THE PENNSYLVANIA STATE POLICE MAY CERTIFY AND SEND
23 TO AN AUTHORIZED USER, BY ELECTRONIC TRANSMISSION OR
24 OTHERWISE, A CERTIFICATION OF RECORD OR ABSTRACT OF RECORDS
25 MAINTAINED BY THE PENNSYLVANIA STATE POLICE REGARDING THE
26 REGISTRATION OF AN OFFENDER UNDER THIS SUBCHAPTER.
27 PERMISSIBLE USES SHALL INCLUDE CERTIFICATIONS OF AN OFFENDERS
28 INITIAL REGISTRATION AND VERIFICATION HISTORY AND HISTORY OF
29 NONREGISTRATION OR NONVERIFICATION. THE PENNSYLVANIA STATE
30 POLICE MAY ALSO CERTIFY ELECTRONICALLY ANY DOCUMENTS

1 CERTIFIED TO IT ELECTRONICALLY. AUTHORIZED USERS SHALL
2 INCLUDE STATE AND LOCAL POLICE, DISTRICT ATTORNEYS, AGENTS
3 AND EMPLOYEES OF THE PENNSYLVANIA STATE POLICE AND THE OFFICE
4 OF ATTORNEY GENERAL AND OTHER PERSONS OR ENTITIES DETERMINED
5 BY THE PENNSYLVANIA STATE POLICE AND LISTED BY NOTICE IN THE
6 PENNSYLVANIA BULLETIN. IN ANY PROCEEDING BEFORE THE COURTS OR
7 ADMINISTRATIVE BODIES OF THIS COMMONWEALTH, DOCUMENTS
8 CERTIFIED BY THE PENNSYLVANIA STATE POLICE UNDER THIS SECTION
9 AND OFFERED INTO EVIDENCE BY AN AUTHORIZED USER SHALL BE
10 ADMISSIBLE INTO EVIDENCE.

11 SECTION 8. SECTIONS 9799.4 AND 9799.9 OF TITLE 42 ARE
12 AMENDED TO READ:

13 § 9799.4. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

14 (A) ATTENDANCE REQUIRED.--FOR THE PERIOD OF REGISTRATION
15 REQUIRED BY SECTION 9795.1(B) (RELATING TO REGISTRATION), A
16 SEXUALLY VIOLENT PREDATOR SHALL BE REQUIRED TO ATTEND AT LEAST
17 MONTHLY COUNSELING SESSIONS IN A PROGRAM APPROVED BY THE BOARD
18 AND BE FINANCIALLY RESPONSIBLE FOR ALL FEES ASSESSED FROM SUCH
19 COUNSELING SESSIONS. THE BOARD SHALL MONITOR THE COMPLIANCE OF
20 THE SEXUALLY VIOLENT PREDATOR.

21 (B) INDIGENCE.--IF THE SEXUALLY VIOLENT PREDATOR CAN PROVE
22 TO THE SATISFACTION OF THE COURT THAT THE PERSON'S INCOME AND
23 SUPPORT IS SUCH THAT THE PERSON CANNOT AFFORD TO PAY FOR THE
24 COUNSELING SESSIONS, THAT PERSON SHALL STILL ATTEND THE
25 COUNSELING SESSIONS AND THE [PAROLE OFFICE] BOARD SHALL PAY THE
26 REQUISITE FEES. THE COURT MAY CREATE A STANDARD PETITION FOR
27 INDIGENCE FOR USE BY SEXUALLY VIOLENT PREDATORS AND THE PAROLE
28 OFFICE IN THE COURTS OF THIS COMMONWEALTH. FILING FEES FOR THE
29 DETERMINATIONS SHALL BE WAIVED. UPON REQUEST OF THE PAROLE
30 OFFICE, A SEXUALLY VIOLENT PREDATOR'S INDIGENCE STATUS SHALL BE

1 REVIEWED BY THE COURT AND A DETERMINATION SHALL BE MADE BY THE
2 COURT WHETHER THE INDIVIDUAL WILL REMAIN ELIGIBLE FOR FUNDED
3 COUNSELING SESSIONS.

4 § 9799.9. PHOTOGRAPHS AND FINGERPRINTING.

5 AN INDIVIDUAL SUBJECT TO FORMER SECTION 9793 (RELATING TO
6 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) OR SECTION
7 9795.1 (RELATING TO REGISTRATION) SHALL SUBMIT TO FINGERPRINTING
8 AND PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER AT APPROVED
9 REGISTRATION SITES. FINGERPRINTING AS REQUIRED BY THIS
10 SUBCHAPTER SHALL, AT A MINIMUM, REQUIRE SUBMISSION OF A FULL SET
11 OF FINGERPRINTS. PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER
12 SHALL, AT A MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE
13 FACE AND ANY SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF
14 THE INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS
15 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND
16 FOR GENERAL LAW ENFORCEMENT PURPOSES.

17 SECTION 9. THIS ACT SHALL APPLY TO THE FOLLOWING:

18 (1) ALL INDIVIDUALS REQUIRED TO REGISTER UNDER 42
19 PA.C.S. CH. 97 SUBCH. H ON OR AFTER THE EFFECTIVE DATE OF
20 THIS SECTION.

21 (2) ALL INDIVIDUALS REQUIRED TO REGISTER UNDER 42
22 PA.C.S. CH. 97 SUBCH. H OR FORMER 42 PA.C.S. § 9793 PRIOR TO
23 THE EFFECTIVE DATE OF THIS SECTION AND WHOSE REGISTRATION HAS
24 NOT EXPIRED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

25 (3) ALL INDIVIDUALS TAKEN INTO CUSTODY OR INCARCERATED
26 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION AND WHO, PRIOR
27 TO THE EFFECTIVE DATE OF THIS SECTION, WERE CONVICTED,
28 ADJUDICATED OR COURT MARTIALED FOR AN OFFENSE WHICH WOULD
29 HAVE SUBJECTED THE INDIVIDUAL TO REGISTER UNDER 42 PA.C.S. §
30 9795.1 IF THE CONVICTION, ADJUDICATION OR COURT MARTIAL HAD

1 OCCURRED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, BUT
2 ONLY IF THE PERIOD OF REGISTRATION WOULD NOT HAVE EXPIRED
3 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

4 SECTION 13. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

5 (1) THE AMENDMENT OR ADDITION OF 18 PA.C.S. §§ 4501 AND
6 4915(A) INTRODUCTORY PARAGRAPH, (2), (3) AND (4), (B) (2), (3)
7 AND (4) AND (C) (2), (3), (4) AND (5) SHALL TAKE EFFECT IN 60
8 DAYS.

9 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
10 IMMEDIATELY.