

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 7, 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 registration of sexual
4 offenders.

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

7 Section 1. Section 4501 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:
9 § 4501. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this article which are applicable to specific
12 chapters or other provisions of this article, the following
13 words and phrases, when used in this article shall have, unless
14 the context clearly indicates otherwise, the meanings given to
15 them in this section:

16 * * *

1 "Habitual locale." As defined in 42 Pa.C.S. § 9792 (relating
2 to definitions).

3 * * *

4 "Registration information." As defined in 42 Pa.C.S. § 9792
5 (relating to definitions).

6 "Sex offender registration law." As defined in 42 Pa.C.S. §
7 9792 (relating to definitions).

8 Section 2. Section 4915(a) introductory paragraph, (2) and
9 (3), (b), (c) and (e)(3)(ii) of Title 18 are amended and
10 subsections (a) and (c) are amended by adding paragraphs to
11 read:

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

14 (a) Offense defined.--An individual who is subject to
15 registration under 42 Pa.C.S. § [9795.1(a)] 9795.1 (relating to
16 registration) or [an individual who is subject to registration
17 under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3)] who was subject to
18 registration under former 42 Pa.C.S § 9793 (relating to
19 registration of certain offenders for ten years) commits an
20 offense if he knowingly fails to:

21 * * *

22 (2) verify his [address] registration information or be
23 photographed as required under 42 Pa.C.S. § 9796 (relating to
24 verification of [residence] registration information); [or]

25 (3) provide accurate information when registering,
26 verifying or updating registration information under 42
27 Pa.C.S. § 9795.2 or [verifying an address under 42 Pa.C.S. §]
28 9796; or

29 (4) comply with any sexual offender counseling
30 conditions imposed by 42 Pa.C.S. § 9799.4 (relating to

1 counseling of sexually violent predators) as a result of
2 being designated a sexually violent predator or imposed under
3 a sex offender registration statute following conviction in
4 another jurisdiction.

5 (b) Grading for offenders [who must register for ten years]
6 without lifetime registration.--

7 (2) Except as set forth in paragraph (3), an individual
8 subject to registration under 42 Pa.C.S. § 9795.1(a) or (a.1)
9 or former 42 Pa.C.S. § 9793, and required to register as an
10 offender for a period of time less than lifetime, who commits
11 a violation of subsection (a)(1) or (2) commits a felony of
12 the third degree.

13 (3) An individual subject to registration under 42
14 Pa.C.S. § 9795.1(a) or (a.1) or former 42 Pa.C.S. § 9793, and
15 required to register as an offender for a period of time less
16 than lifetime, who commits a violation of subsection (a)(1)
17 or (2) and who has previously been convicted of an offense
18 under subsection (a)(1) or (2) or a similar offense commits a
19 felony of the second degree.

20 (4) An individual subject to registration under 42
21 Pa.C.S. § 9795.1(a) or (a.1) or former 42 Pa.C.S. § 9793, and
22 required to register as an offender for a period of time less
23 than lifetime, who violates subsection (a)(3) commits a
24 felony of the second degree.

25 (c) Grading for sexually violent predators and others with
26 lifetime registration.--

27 (2) Except as set forth in paragraph (3), an individual
28 subject to registration under 42 Pa.C.S. § [9795.1(b)(1), (2)
29 or (3)] 9795.1(b) or former 42 Pa.C.S. § 9793, and required
30 to register as a sexually violent predator or as an offender

1 for life, who commits a violation of subsection (a) (1) or (2)
2 commits a felony of the second degree.

3 (3) An individual subject to registration under 42
4 Pa.C.S. § [9795.1(b) (1), (2) or (3)] 9795.1(b) or former 42
5 Pa.C.S. § 9793, and required to register as a sexually
6 violent predator or as an offender for life, who commits a
7 violation of subsection (a) (1) or (2) and who has previously
8 been convicted of an offense under subsection (a) (1) or (2)
9 or a similar offense commits a felony of the first degree.

10 (4) An individual subject to registration under 42
11 Pa.C.S. § [9795.1(b) (1), (2) or (3)] 9795.1(b) or former 42
12 Pa.C.S. § 9793, and required to register as a sexually
13 violent predator or as an offender for life, who violates
14 subsection (a) (3) commits a felony of the first degree.

15 (5) An individual subject to registration under 42
16 Pa.C.S. § 9795.1(b) and required to register as a sexually
17 violent predator who violates subsection (a) (4) commits a
18 felony of the third degree.

19 * * *

20 (e) Arrests for violation.--

21 * * *

22 (3) Prior to admitting an individual arrested for a
23 violation of this section to bail, the issuing authority
24 shall require all of the following:

25 * * *

26 (ii) The individual must provide the Pennsylvania
27 State Police with all current or intended residences, all
28 habitual locales, all information concerning current or
29 intended employment, including all employment locations,
30 and all information concerning current or intended

1 enrollment as a student.

2 * * *

3 Section 3. The definitions of "active notification,"
4 "approved registration site," "employed," "offender," "passive
5 notification," "residence" and "sexually violent predator" in
6 section 9792 of Title 42 are amended and the section is amended
7 by adding definitions to read:

8 § 9792. Definitions.

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

12 * * *

13 "Active notification." Notification pursuant to section 9798
14 (relating to other notification) or any process whereby law
15 enforcement, pursuant to the laws of the United States or one of
16 its territories or possessions, another state, the District of
17 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
18 notifies persons in the community in which the individual
19 resides or has a habitual locale, including any person
20 identified in section 9798(b), of the residence, habitual
21 locale, employment or school location of the individual.

22 "Approved registration site" A site in this Commonwealth
23 approved by the Pennsylvania State Police as required by section
24 9799.1(2) (relating to [duties of] Pennsylvania State Police):

25 (1) at which individuals subject to this subchapter may
26 register, verify information or be fingerprinted or
27 photographed as required by this subchapter;

28 (2) which is capable of submitting fingerprints
29 utilizing the Integrated Automated Fingerprint Identification
30 System or in another manner and in such form as the

1 Pennsylvania State Police shall require; and

2 (3) which is capable of submitting photographs utilizing
3 the Commonwealth Photo Imaging Network or in another manner
4 and in such form as the Pennsylvania State Police shall
5 require.

6 * * *

7 "Employed." Includes a vocation or employment that is full-
8 time or part-time for a period of time exceeding [14] four days
9 during a seven-day period or for an aggregate period of time
10 exceeding [30] 14 days during any calendar year, whether
11 financially compensated, volunteered, pursuant to a contract or
12 for the purpose of government or educational benefit.

13 "Habitual locale." A place where a transient can be located.
14 The term includes locations a transient frequents during the day
15 and night, such as parks, public buildings, restaurants and
16 libraries.

17 * * *

18 "Offender." An individual required to register under section
19 9795.1(a), (a.1), (b) (1) or (2) (relating to registration) or
20 under former section 9793 (relating to registration of certain
21 offenders for ten years). The term includes an individual
22 considered to be an offender under section 9795.2(b) (relating
23 to registration procedures and applicability).

24 "Passive notification." Notification pursuant to section
25 9798.1 (relating to information made available on the Internet)
26 or any process whereby persons, pursuant to the laws of the
27 United States or one of its territories or possessions, another
28 state, the District of Columbia, the Commonwealth of Puerto Rico
29 or a foreign nation, are able to access information pertaining
30 to an individual [as a result of the individual having been

1 convicted or sentenced by a court for an offense similar to an
2 offense listed in section 9795.1 (relating to registration)]
3 under a sex offender registration law in that jurisdiction. The
4 term includes a situation in which an individual is required to
5 register under a sex offender registration law in the
6 jurisdiction where convicted, sentenced, court martialled or
7 adjudicated as a juvenile and where access to that registration
8 information is limited to law enforcement only.

9 * * *

10 "Registration information." Information required under this
11 subchapter to be provided to the Pennsylvania State Police by an
12 offender or a sexually violent predator.

13 "Residence." A location where an individual resides or is
14 domiciled or intends to be domiciled for 30 [consecutive]
15 cumulative days or more during a calendar year.

16 "Sex offender registration law." Any of the following:

17 (1) This subchapter.

18 (2) A law in another jurisdiction which requires an
19 individual to register with a sex offender registry following
20 conviction or adjudication.

21 * * *

22 "Sexually violent predator." A person who has been convicted
23 of a sexually violent offense as set forth in section 9795.1
24 (relating to registration) and who is determined to be a
25 sexually violent predator under section 9795.4 (relating to
26 assessments) due to a mental abnormality or personality disorder
27 that makes the person likely to engage in predatory sexually
28 violent offenses. The term includes:

29 (1) an individual determined to be a sexually violent
30 predator where the determination occurred in the United

1 States or one of its territories or possessions, another
2 state, the District of Columbia, the Commonwealth of Puerto
3 Rico, a foreign nation or by court martial; and

4 (2) an individual considered to be a sexually violent
5 predator under section 9795.2(b) (relating to registration
6 procedures and applicability).

7 * * *

8 "Transient." An individual subject to registration under
9 this subchapter who does not have a residence and is present in
10 this Commonwealth for seven or more consecutive days. The term
11 includes an individual considered to be a transient under
12 section 9795.2(a)(1) (relating to registration procedures and
13 applicability).

14 Section 4. Section 9795.1(a) introductory paragraph of Title
15 42 is amended, subsection (b) is amended by adding a paragraph
16 and the section is amended by adding subsections to read:

17 § 9795.1. Registration.

18 (a) Ten-year registration.--[The] Except as set forth in
19 subsection (a.1) or (b), the following individuals shall be
20 required to register with the Pennsylvania State Police for a
21 period of ten years:

22 * * *

23 (a.1) Exception to ten-year registration.--Except as
24 provided under subsection (b), an individual considered to be an
25 offender pursuant to section 9795.2(b) (relating to registration
26 procedures and applicability) shall be required to register with
27 the Pennsylvania State Police for a period less than life, the
28 duration of which is to be determined under section 9795.2(b).

29 (b) Lifetime registration.--The following individuals shall
30 be subject to lifetime registration:

1 * * *

2 (5) An individual who is considered to be a sexually
3 violent predator under section 9795.2(b) or who is otherwise
4 required to register for life under section 9795.2(b).

5 * * *

6 (d) Failure to maintain a residence.--The fact that an
7 individual required to register under this subchapter does not
8 have a residence shall not relieve the individual from the duty
9 to register or any other duty imposed by this subchapter.

10 Section 5. Section 9795.2(a)(1), (2) introductory paragraph,
11 (i), (ii) and (iv), (2.1), (3) and (4)(i), (b)(4) introductory
12 paragraph and (5) introductory paragraph, (c), (d) and (e) of
13 Title 42 are amended, subsection (a) is amended by adding a
14 paragraph and subsection (a)(2) is amended by adding
15 subparagraphs to read:

16 § 9795.2. Registration procedures and applicability.

17 (a) Registration.--

18 (1) Offenders and sexually violent predators shall be
19 required to register with the Pennsylvania State Police upon
20 release from incarceration, upon parole from a Federal, State
21 [or], county, municipal or private correctional [institution]
22 facility or upon the commencement of a sentence of
23 intermediate punishment or probation or any other sentence of
24 nonconfinement. For purposes of registration, offenders and
25 sexually violent predators shall provide the Pennsylvania
26 State Police with all current or intended residences[.]; all
27 information concerning current or intended employment [and];
28 all information concerning current or intended enrollment as
29 a student[.]; and all information concerning vehicles owned
30 by, or registered to, the offender or sexually violent

1 predator. An offender or sexually violent predator who does
2 not have a current or intended residence shall be considered
3 a transient. An offender or sexually violent predator who
4 provides an intended residence shall be considered a
5 transient if the offender or sexually violent predator is not
6 living at the registered intended residence within seven days
7 following the date of release, parole or commencement of
8 intermediate punishment, probation or nonconfinement
9 sentence.

10 (1.1) If an offender or sexually violent predator is
11 required under this subchapter to register, update or verify
12 a residence, an offender or sexually violent predator who is
13 a transient shall be required to register, update or verify
14 his habitual locales. With respect to each habitual locale, a
15 transient shall be required to provide an address unless the
16 habitual locale has no address, in which case a transient
17 shall be required to provide a specific description of the
18 place. A transient shall also provide a place where the
19 transient is able to receive delivery of mail, including a
20 post office box or general delivery post office location. In
21 addition to any other duty imposed under this subchapter,
22 including reporting requirements under section 9796 (relating
23 to verification of residence), a transient shall appear every
24 30 days at an approved registration site to complete the
25 forms designated by the Pennsylvania State Police to be used
26 for the purposes of complying with this subchapter, to update
27 or verify registration information and status as a transient
28 and, at the discretion of the approved registration site, to
29 be photographed.

30 (2) For purposes of this paragraph, offenders and

1 sexually violent predators shall appear at an approved
2 registration site to complete the form designated by the
3 Pennsylvania State Police to be used for purposes of
4 complying with this subchapter. In the case of an offender
5 entering or being released or transferred from a residential
6 reentry or correctional facility, the administrator of the
7 facility or his designee shall assist in completing the forms
8 designated by the Pennsylvania State Police to be used for
9 purposes of complying with this subchapter and, immediately
10 upon collection, forward all the forms to the Pennsylvania
11 State Police. Offenders and sexually violent predators shall
12 inform the Pennsylvania State Police within 48 hours of:

13 (i) Any establishment or change of residence or
14 establishment of an additional residence or residences.

15 (ii) [Any] Becoming employed or any change of
16 employer or employment location for a period of time that
17 will exceed [14] four days during a seven-day period or
18 for an aggregate period of time that will exceed [30] 14
19 days during any calendar year, or termination of
20 employment.

21 * * *

22 (iv) Becoming [employed or] enrolled as a student if
23 the person has not previously provided that information
24 to the Pennsylvania State Police.

25 (v) Becoming a transient.

26 (vi) Entering, being released or transferred from a
27 Federal, State, county, municipal or private correctional
28 facility, including a residential reentry facility, due
29 to arrest, detainer, parole violation, probation
30 violation or sentence of incarceration, if the person's

1 stay exceeds 48 hours.

2 (vii) No longer residing, being domiciled, employed
3 or being enrolled as a student in this Commonwealth.

4 (2.1) Registration with a new law enforcement agency
5 shall occur no later than 48 hours after establishing
6 residence in another state or after moving to another state
7 but not establishing a residence there.

8 (3) The [ten-year] registration period required in
9 section 9795.1(a) and (a.1) (relating to registration) shall
10 be tolled when an offender is [recommitted for a parole
11 violation or sentenced to an additional term of imprisonment]
12 incarcerated, and all time spent in incarceration shall not
13 be counted toward an offender's registration period. In such
14 cases, the [Department of Corrections or] Federal, State,
15 county, municipal or private correctional facility shall
16 notify the Pennsylvania State Police of the admission,
17 release and transfer of the offender.

18 (4) This paragraph shall apply to all offenders and
19 sexually violent predators:

20 (i) Where the offender or sexually violent predator
21 was granted parole by the Pennsylvania Board of Probation
22 and Parole or the court or is sentenced to probation
23 [or], intermediate punishment or a punishment not
24 involving confinement, the board or county office of
25 probation and parole shall collect registration
26 information from the offender or sexually violent
27 predator and forward that registration information to the
28 Pennsylvania State Police. [The Department of Corrections
29 or county] If an offender or a sexually violent predator
30 is incarcerated in a Federal, State, county, municipal or

1 private correctional facility, including a residential
2 reentry facility, the correctional facility shall not
3 release nor transfer the offender or sexually violent
4 predator until it receives verification from the
5 Pennsylvania State Police that [it has received] the
6 registration information has been received. Verification
7 by the Pennsylvania State Police may occur by electronic
8 means, including e-mail or facsimile transmission. Where
9 the offender or sexually violent predator is scheduled to
10 be released from a [State correctional facility or
11 county] correctional facility because of the expiration
12 of the maximum term of incarceration, the [Department of
13 Corrections or county] correctional facility shall
14 collect the information from the offender or sexually
15 violent predator no later than ten days prior to the
16 maximum expiration date. The registration information
17 shall, immediately upon collection, be forwarded to the
18 Pennsylvania State Police.

19 * * *

20 (b) Individuals convicted or sentenced by a court or
21 adjudicated delinquent in jurisdictions outside this
22 Commonwealth or sentenced by court martial.--

23 (4) An individual who [resides, is employed or is a
24 student] is employed, intends to be employed, is a student,
25 intends to be a student, resides, enters this Commonwealth
26 with the purpose of establishing a residence or is a
27 transient in this Commonwealth and who has been convicted of
28 or sentenced by a court or court martial for a sexually
29 violent offense or a similar offense under the laws of the
30 United States or one of its territories or possessions,

1 another state, the District of Columbia, the Commonwealth of
2 Puerto Rico or a foreign nation, or who was required to
3 register under a sexual offender statute in the jurisdiction
4 where convicted, sentenced or court martialled, shall register
5 at an approved registration site within 48 hours of the
6 individual's arrival in this Commonwealth. The provisions of
7 this subchapter shall apply to the individual as follows:

8 * * *

9 (5) Notwithstanding the provisions of Chapter 63
10 (relating to juvenile matters) and except as provided in
11 paragraph (4), an individual who [resides, is employed or is
12 a student] is employed, intends to be employed, is a student,
13 intends to be a student, resides, enters this Commonwealth
14 with the purpose of establishing a residence or is a
15 transient in this Commonwealth and who is required to
16 register as a sex offender under the laws of the United
17 States or one of its territories or possessions, another
18 state, the District of Columbia, the Commonwealth of Puerto
19 Rico or a foreign nation as a result of a juvenile
20 adjudication shall register at an approved registration site
21 within 48 hours of the individual's arrival in this
22 Commonwealth. The provisions of this subchapter shall apply
23 to the individual as follows:

24 * * *

25 (c) Registration information to local police.--

26 (1) The Pennsylvania State Police shall provide the
27 information obtained under this section and sections [9795.3]
28 9795.3(a) (relating to sentencing court information) and 9796
29 (relating to verification of [residence] registration
30 information) to the chief law enforcement officers of the

1 police departments of the municipalities in which the
2 individual will reside, be employed or enrolled as a student.
3 In addition, the Pennsylvania State Police shall provide this
4 officer with the address at which the individual will reside,
5 be employed or enrolled as a student following his release
6 from incarceration, parole or probation.

7 (2) The Pennsylvania State Police shall provide notice
8 to the chief law enforcement officers of the police
9 departments of the municipalities notified pursuant to
10 paragraph (1) when an individual fails to comply with the
11 registration requirements of this section or section 9796 and
12 request, as appropriate, that these police departments assist
13 in locating and apprehending the individual.

14 (3) The Pennsylvania State Police shall provide notice
15 to the chief law enforcement officers of the police
16 departments of the municipalities notified pursuant to
17 paragraph (1) when they are in receipt of information
18 indicating that the individual is no longer a transient or
19 will no longer reside, be transient, be employed or be
20 enrolled as a student in the municipality.

21 (d) Penalty.--An individual subject to registration under
22 former section 9793 (relating to registration of certain
23 offenders for ten years) or section [9795.1(a) or (b)] 9795.1
24 who fails to register or verify or update registration
25 information with the Pennsylvania State Police as required by
26 this section may be subject to prosecution under 18 Pa.C.S. §
27 4915 (relating to failure to comply with registration of sexual
28 offenders requirements).

29 (e) Registration sites.--An individual subject to [section
30 9795.1] this subchapter shall register and submit to

1 fingerprinting and photographing as required by this subchapter
2 at approved registration sites.

3 Section 6. Sections 9795.3 and 9796 heading, (a), (b), (c)
4 and (e), 9797(a)(1), 9798(a)(1), (b) and (c), 9798.1(c)(1)(v)
5 and 9799(1) of Title 42 are amended to read:

6 § 9795.3. Sentencing court information.

7 (a) Duty of sentencing court.--The sentencing court shall
8 inform offenders and sexually violent predators at the time of
9 sentencing of the provisions of this subchapter. The court
10 shall:

11 (1) Specifically inform the offender or sexually violent
12 predator of the duty to register and provide the information
13 required for each registration, including verification as
14 required in section 9796(a) (relating to verification of
15 [residence]) registration information.

16 (2) Specifically inform the offender or sexually violent
17 predator of the duty to inform the Pennsylvania State Police
18 within [ten days] 48 hours if the offender or sexually
19 violent predator changes or establishes a residence or
20 establishes an additional residence or residences, becomes a
21 transient, changes employer or employment location for a
22 period of time that will exceed [14 days] four days during
23 any seven-day period or for an aggregate period of time that
24 will exceed [30] 14 days during any calendar year or
25 terminates employment or changes institution or location at
26 which the person is enrolled as a student or terminates
27 enrollment.

28 (2.1) Specifically inform the offender or sexually
29 violent predator of the duty to inform the Pennsylvania State
30 Police within [ten days] 48 hours of becoming employed or

1 enrolled as a student if the [person] offender or sexually
2 violent predator has not previously provided that information
3 to the Pennsylvania State Police.

4 (2.2) Specifically inform the offender or sexually
5 violent predator of the duty to inform the Pennsylvania State
6 Police that he is a transient if the offender or sexually
7 violent predator does not have or fails to maintain a
8 residence.

9 (3) Specifically inform the offender or sexually violent
10 predator of the duty to register with a new law enforcement
11 agency if the offender or sexually violent predator moves to
12 another state no later than [ten days] 48 hours after
13 establishing residence in another state.

14 (4) Order the fingerprints and photograph of the
15 offender or sexually violent predator to be provided to the
16 Pennsylvania State Police upon sentencing.

17 (5) Specifically inform the offender or sexually violent
18 predator of the duty to register with the appropriate
19 authorities in any state in which the offender or sexually
20 violent predator is a transient, is employed, carries on a
21 vocation or is a student if the state requires such
22 registration.

23 (6) Require the offender or sexually violent predator to
24 read and sign a form stating that the duty to register under
25 this subchapter has been explained. Where the offender or
26 sexually violent predator is incapable of reading, the court
27 shall certify the duty to register was explained to the
28 offender or sexually violent predator and the offender or
29 sexually violent predator indicated an understanding of the
30 duty.

1 (b) Failure to provide.--Failure on the part of the court to
2 provide a sexually violent predator or offender with information
3 under this section shall not relieve that predator or offender
4 from the requirements of this subchapter.

5 § 9796. Verification of [residence] registration information.

6 (a) Quarterly verification by sexually violent predators.--
7 The Pennsylvania State Police shall verify the [residence]
8 registration information and compliance with counseling as
9 provided for in section 9799.4 (relating to counseling of
10 sexually violent predators) of sexually violent predators every
11 90 days through the use of a nonforwardable verification form to
12 the last reported residence. For the period of registration
13 required by section 9795.1 (relating to registration), a
14 sexually violent predator shall appear quarterly between January
15 5 and January 15, April 5 and April 15, July 5 and July 15 and
16 October 5 and October 15 of each calendar year at an approved
17 registration site to complete a verification form and to be
18 photographed.

19 * * *

20 (b) Annual verification by offenders.--The Pennsylvania
21 State Police shall verify the [residence] registration
22 information of offenders. For the period of registration
23 required by section 9795.1, an offender shall appear within ten
24 days before each annual anniversary date of the offender's
25 initial registration under former section 9793 (relating to
26 registration of certain offenders for ten years) or section
27 9795.1 at an approved registration site to complete a
28 verification form and to be photographed.

29 * * *

30 (c) Notification of law enforcement agencies of change of

1 residence or habitual locale.--A change of residence or habitual
2 locale of an offender or sexually violent predator required to
3 register under this subchapter reported to the Pennsylvania
4 State Police shall be immediately reported by the Pennsylvania
5 State Police to the appropriate law enforcement agency having
6 jurisdiction of the offender's or the sexually violent
7 predator's new place of residence or habitual locale. The
8 Pennsylvania State Police shall, if the offender or sexually
9 violent predator changes residence or habitual locale to another
10 state, notify the law enforcement agency with which the offender
11 or sexually violent predator must register in the new state.

12 * * *

13 (e) Penalty.--An individual subject to registration under
14 former section 9793 or section 9795.1(a) or (b) who fails to
15 verify his [residence] registration information or to be
16 photographed as required by this section may be subject to
17 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
18 comply with registration of sexual offenders requirements).

19 * * *

20 § 9797. Victim notification.

21 (a) Duty to inform victim.--

22 (1) Where the individual is determined to be a sexually
23 violent predator by a court under section 9795.4 (relating to
24 assessments), the local municipal police department or the
25 Pennsylvania State Police where no municipal police
26 jurisdiction exists shall give written notice to the sexually
27 violent predator's victim when the sexually violent predator
28 registers initially and when he notifies the Pennsylvania
29 State Police of any change of residence or habitual locale.

30 This notice shall be given within 72 hours after the sexually

1 violent predator registers or notifies the Pennsylvania State
2 Police of a change of address or habitual locale. The notice
3 shall contain the sexually violent predator's name and the
4 address [or], addresses or habitual locales where he resides
5 or may be found.

6 * * *

7 § 9798. Other notification.

8 (a) Notice by municipality's chief law enforcement
9 officer.--Notwithstanding any of the provisions of 18 Pa.C.S.
10 Ch. 91 (relating to criminal history record information), the
11 chief law enforcement officer of the full-time or part-time
12 police department of the municipality where a sexually violent
13 predator lives shall be responsible for providing written notice
14 as required under this section.

15 (1) The notice shall contain:

16 (i) The name of the convicted sexually violent
17 predator.

18 (ii) The address or addresses at which [he] the
19 sexually violent predator resides. If the sexually
20 violent predator is a transient, written notice under
21 this subparagraph shall include the municipality and
22 county containing the transient's habitual locale.

23 (ii.1) The municipality, county and zip code in
24 which the sexually violent predator is employed.

25 (iii) The offense for which [he] the sexually
26 violent predator was convicted, sentenced by a court,
27 adjudicated delinquent or court martialled.

28 (iv) A statement that [he] the sexually violent
29 predator has been determined by court order to be a
30 sexually violent predator, which determination has or has

1 not been terminated as of a date certain.

2 (v) A photograph of the sexually violent predator,
3 if available.

4 * * *

5 (b) To whom written notice is provided.--The chief law
6 enforcement officer shall provide written notice, under
7 subsection (a), to the following persons:

8 (1) Neighbors of the sexually violent predator. As used
9 in this paragraph, where the sexually violent predator lives
10 in a common interest community, the term "neighbor" includes
11 the unit owners' association and residents of the common
12 interest community. As used in this paragraph, where the
13 sexually violent predator is a transient, the term "neighbor"
14 shall mean the community, and the chief law enforcement
15 officer shall determine the appropriate method for providing
16 written notice.

17 (2) The director of the county children and youth
18 service agency of the county where the sexually violent
19 predator resides or, if the sexually violent predator is a
20 transient, each county containing the transient's habitual
21 locale.

22 (3) The superintendent of each school district and the
23 equivalent official for private and parochial schools
24 enrolling students up through grade 12 in the municipality
25 where the sexually violent predator resides or, if the
26 sexually violent predator is a transient, each municipality
27 containing the transient's habitual locale.

28 (3.1) The superintendent of each school district and the
29 equivalent official for each private and parochial school
30 located within a one-mile radius of where the sexually

1 violent predator resides.

2 (4) The licensee of each certified day care center and
3 licensed preschool program and owner/operator of each
4 registered family day care home in the municipality where the
5 sexually violent predator resides or, if the sexually violent
6 predator is a transient, each municipality containing the
7 transient's habitual locale.

8 (5) The president of each college, university and
9 community college located within 1,000 feet of a sexually
10 violent predator's residence.

11 (c) Urgency of notification.--The municipal police
12 department's chief law enforcement officer shall provide notice
13 within the following time frames:

14 (1) To neighbors specified under subsection (b)(1),
15 notice shall be provided within five days after information
16 of the sexually violent predator's release date and residence
17 or habitual locale has been received by the chief law
18 enforcement officer. Notwithstanding the provisions of
19 subsections (a) and (b), verbal notification may be used if
20 written notification would delay meeting this time
21 requirement.

22 (2) To the persons specified in subsection (b)(2), (3),
23 (4) and (5), notice shall be provided within seven days after
24 the chief law enforcement officer receives information
25 regarding the sexually violent predator's release date and
26 residence or habitual locale.

27 * * *

28 § 9798.1. Information made available on the Internet.

29 * * *

30 (c) Information permitted to be disclosed regarding

1 individuals.--Notwithstanding 18 Pa.C.S. Ch. 91 (relating to
2 criminal history record information), the Internet website shall
3 contain the following information on each individual:

4 (1) For sexually violent predators, the following
5 information shall be posted on the Internet website:

6 * * *

7 (v) the municipality, county and zip code of any
8 employment location and, IN THE CASE OF A TRANSIENT, of ←
9 any habitual locale;

10 * * *

11 § 9799. Immunity for good faith conduct.

12 The following entities shall be immune from liability for
13 good faith conduct under this subchapter:

14 (1) The Pennsylvania State Police [and] l local law
15 enforcement agencies, and agents and employees of the
16 Pennsylvania State Police and local law enforcement agencies.

17 * * *

18 Section 7. Section 9799.1 heading, (2) and (4) of Title 42
19 are amended and the section is amended by adding paragraphs to
20 read:

21 § 9799.1. [Duties of] Pennsylvania State Police.

22 The Pennsylvania State Police shall:

23 * * *

24 (2) In consultation with the Department of Corrections,
25 the Office of Attorney General, the Pennsylvania Board of
26 Probation and Parole and the chairman and the minority
27 chairman of the Judiciary Committee of the Senate and the
28 chairman and the minority chairman of the Judiciary Committee
29 of the House of Representatives, promulgate guidelines
30 necessary for the general administration of this subchapter.

1 These guidelines shall establish procedures to allow an
2 individual subject to the requirements of sections 9795.1
3 (relating to registration) [and], 9796 (relating to
4 verification of [residence] registration information) to
5 fulfill these requirements at approved registration sites
6 throughout this Commonwealth. The Pennsylvania State Police
7 shall publish a list of approved registration sites in the
8 Pennsylvania Bulletin and provide a list of approved
9 registration sites in any notices sent to individuals
10 required to register under section 9795.1. An approved
11 registration site shall be capable of submitting
12 fingerprints, photographs and any other information required
13 electronically to the Pennsylvania State Police. The
14 Pennsylvania State Police shall require that approved
15 registration sites submit fingerprints utilizing the
16 Integrated Automated Fingerprint Identification System or in
17 another manner and in such form as the Pennsylvania State
18 Police shall require. The Pennsylvania State Police shall
19 require that approved registration sites submit photographs
20 utilizing the Commonwealth Photo Imaging Network or in
21 another manner and in such form as the Pennsylvania State
22 Police shall require. Approved registration sites shall not
23 be limited to sites managed by the Pennsylvania State Police
24 and shall include sites managed by local law enforcement
25 agencies that meet the criteria for approved registration
26 sites set forth in this paragraph.

27 * * *

28 (4) Notify, within five business days of receiving the
29 offender's or the sexually violent predator's registration,
30 the chief law enforcement officers of the police departments

1 having primary jurisdiction of the municipalities in which an
2 offender or sexually violent predator is a transient,
3 resides, is employed or enrolled as a student of the fact
4 that the offender or sexually violent predator has been
5 registered with the Pennsylvania State Police pursuant to
6 sections 9795.2 (relating to registration procedures and
7 applicability) and 9796 (relating to verification of
8 [residence] registration information).

9 * * *

10 (7) The Pennsylvania State Police shall have standing
11 and shall be a party in any of the following:

12 (i) A proceeding brought by an individual registered
13 under former section 9793 (relating to registration of
14 certain offenders for ten years) or section 9795.1 to be
15 removed from, or contesting their inclusion in, the State
16 registry of sexual offenders and sexually violent
17 predators.

18 (ii) A proceeding to modify a court order concerning
19 the terms of an individual's registration under former
20 section 9793 or section 9795.1.

21 (8) The Pennsylvania State Police may certify and send
22 to an authorized user, by electronic transmission or
23 otherwise, a certification of record or abstract of records
24 maintained by the Pennsylvania State Police regarding the
25 registration of an offender under this subchapter.
26 Permissible uses shall include certifications of an offenders
27 initial registration and verification history and history of
28 nonregistration or nonverification. The Pennsylvania State
29 Police may also certify electronically any documents
30 certified to it electronically. Authorized users shall

1 include State and local police, district attorneys, agents
2 and employees of the Pennsylvania State Police and the Office
3 of Attorney General and other persons or entities determined
4 by the Pennsylvania State Police and listed by notice in the
5 Pennsylvania Bulletin. In any proceeding before the courts or
6 administrative bodies of this Commonwealth, documents
7 certified by the Pennsylvania State Police under this section
8 and offered into evidence by an authorized user shall be
9 admissible into evidence.

10 Section 8. Sections 9799.4 and 9799.9 of Title 42 are
11 amended to read:

12 § 9799.4. Counseling of sexually violent predators.

13 (a) Attendance required.--For the period of registration
14 required by section 9795.1(b) (relating to registration), a
15 sexually violent predator shall be required to attend at least
16 monthly counseling sessions in a program approved by the board
17 and be financially responsible for all fees assessed from such
18 counseling sessions. The board shall monitor the compliance of
19 the sexually violent predator.

20 (b) Indigence.--If the sexually violent predator can prove
21 to the satisfaction of the court that the person's income and
22 support is such that the person cannot afford to pay for the
23 counseling sessions, that person shall still attend the
24 counseling sessions and the [parole office] ~~PENNSYLVANIA board~~ ←
25 BOARD OF PROBATION AND PAROLE shall pay the requisite fees. The ←
26 court may create a standard petition for indigence for use by
27 sexually violent predators and the ~~parole office~~ PENNSYLVANIA ←
28 BOARD OF PROBATION AND PAROLE in the courts of this
29 Commonwealth. Filing fees for the determinations shall be
30 waived. Upon request of the ~~parole office~~ PENNSYLVANIA BOARD OF ←

1 PROBATION AND PAROLE, a sexually violent predator's indigence
2 status shall be reviewed by the court and a determination shall
3 be made by the court whether the individual will remain eligible
4 for funded counseling sessions.

5 § 9799.9. Photographs and fingerprinting.

6 An individual subject to former section 9793 (relating to
7 registration of certain offenders for ten years) or section
8 9795.1 (relating to registration) shall submit to fingerprinting
9 and photographing as required by this subchapter at approved
10 registration sites. Fingerprinting as required by this
11 subchapter shall, at a minimum, require submission of a full set
12 of fingerprints. Photographing as required by this subchapter
13 shall, at a minimum, require submission to photographs of the
14 face and any scars, marks, tattoos or other unique features of
15 the individual. Fingerprints and photographs obtained under this
16 subchapter may be maintained for use under this subchapter and
17 for general law enforcement purposes.

18 Section 9. This act shall apply to the following:

19 (1) All individuals required to register under 42
20 Pa.C.S. Ch. 97 Subch. H on or after the effective date of
21 this section.

22 (2) All individuals required to register under 42
23 Pa.C.S. Ch. 97 Subch. H or former 42 Pa.C.S. § 9793 prior to
24 the effective date of this section and whose registration has
25 not expired prior to the effective date of this section.

26 ~~(3) All individuals taken into custody or incarcerated~~ ←
27 ~~on or after the effective date of this section and who, prior~~
28 ~~to the effective date of this section, were convicted,~~
29 ~~adjudicated or court martialed for an offense which would~~
30 ~~have subjected the individual to register under 42 Pa.C.S. §~~

1 ~~9795.1 if the conviction, adjudication or court martial had~~
2 ~~occurred on or after the effective date of this section, but~~
3 ~~only if the period of registration would not have expired~~
4 ~~prior to the effective date of this section.~~

5 Section 13. This act shall take effect as follows:

6 (1) The amendment or addition of 18 Pa.C.S. §§ 4501 and
7 4915(a) introductory paragraph, (2), (3) and (4), (b)(2), (3)
8 and (4) and (c)(2), (3), (4) and (5) shall take effect in 60
9 days.

10 (2) THE AMENDMENT OF 42 PA.C.S. § 9798.1(C)(1)(V) SHALL ←
11 TAKE EFFECT IN 180 DAYS.

12 ~~(2)~~ (3) The remainder of this act shall take effect ←
13 immediately.