

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

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, SEPTEMBER 28, 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 AND FOR SENTENCE FOR FAILURE TO COMPLY WITH
5 REGISTRATION OF SEXUAL OFFENDERS.



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

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

10 § 4501. Definitions.

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

1 * * *

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

4 * * *

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

7 "Sex offender registration law." As defined in 42 Pa.C.S. §
8 9792 (relating to definitions).

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

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

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

22 * * *

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

26 (3) provide accurate information when registering,
27 verifying or updating registration information under 42
28 Pa.C.S. § 9795.2 or [verifying an address under 42 Pa.C.S. §]
29 9796; or

30 (4) comply with any sexual offender counseling

1 conditions imposed by 42 Pa.C.S. § 9799.4 (relating to
2 counseling of sexually violent predators) as a result of
3 being designated a sexually violent predator or imposed under
4 a sex offender registration statute following conviction in
5 another jurisdiction.

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

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

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

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

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

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

1 to register as a sexually violent predator or as an offender
2 for life, who commits a violation of subsection (a)(1) or (2)
3 commits a felony of the second degree.

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

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

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

20 * * *

21 (e) Arrests for violation.--

22 * * *

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

26 * * *

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

1 and all information concerning current or intended
2 enrollment as a student.

3 * * *

4 SECTION 2.1. SECTION 9718.3(A) OF TITLE 42 IS AMENDED TO
5 READ: ←

6 § 9718.3. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF
7 SEXUAL OFFENDERS.

8 (A) MANDATORY SENTENCE.--MANDATORY SENTENCING SHALL BE AS
9 FOLLOWS:

10 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL
11 BE AS FOLLOWS:

12 (I) NOT LESS THAN TWO YEARS FOR AN INDIVIDUAL WHO:

13 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
14 9795.1(A) OR (A.1) (RELATING TO REGISTRATION), FORMER
15 SECTION 9793 (RELATING TO REGISTRATION OF CERTAIN
16 OFFENDERS FOR TEN YEARS) OR A SIMILAR PROVISION FROM
17 ANOTHER JURISDICTION; AND

18 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) [OR] (2)
19 OR (4) (RELATING TO FAILURE TO COMPLY WITH
20 REGISTRATION OF SEXUAL OFFENDERS REQUIREMENTS).

21 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
22 WHO:

23 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
24 9795.1(A) OR (A.1), FORMER SECTION 9793 OR A SIMILAR
25 PROVISION FROM ANOTHER JURISDICTION; AND

26 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

27 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
28 WHO:

29 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
30 9795.1(B) OR A SIMILAR PROVISION FROM ANOTHER

1 JURISDICTION; AND
2 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) [OR] (2)
3 OR (4).
4 (IV) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:
5 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
6 9795.1(B) OR A SIMILAR PROVISION FROM ANOTHER
7 JURISDICTION; AND
8 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).
9 (2) SENTENCING UPON CONVICTION FOR A SECOND OR
10 SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:
11 (I) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:
12 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
13 9795.1, FORMER SECTION 9793 OR A SIMILAR PROVISION
14 FROM ANOTHER JURISDICTION; AND
15 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) [OR] (2)
16 OR (4).
17 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL
18 WHO:
19 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
20 9795.1, FORMER SECTION 9793 OR A SIMILAR PROVISION
21 FROM ANOTHER JURISDICTION; AND
22 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

23 * * *

24 Section 3. The definitions of "active notification,"
25 "approved registration site," "employed," "offender," "passive
26 notification," "residence" and "sexually violent predator" in
27 section 9792 of Title 42 are amended and the section is amended
28 by adding definitions to read:

29 § 9792. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Active notification." Notification pursuant to section 9798
5 (relating to other notification) or any process whereby law
6 enforcement, pursuant to the laws of the United States or one of
7 its territories or possessions, another state, the District of
8 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
9 notifies persons in the community in which the individual
10 resides or has a habitual locale, including any person
11 identified in section 9798(b), of the residence, habitual
12 locale, employment or school location of the individual.

13 "Approved registration site" A site in this Commonwealth
14 approved by the Pennsylvania State Police as required by section
15 9799.1(2) (relating to [duties of] Pennsylvania State Police):

16 (1) at which individuals subject to this subchapter may
17 register, verify information or be fingerprinted or
18 photographed as required by this subchapter;

19 (2) which is capable of submitting fingerprints
20 utilizing the Integrated Automated Fingerprint Identification
21 System or in another manner and in such form as the
22 Pennsylvania State Police shall require; and

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

27 * * *

28 "Employed." Includes a vocation or employment that is full-
29 time or part-time for a period of time exceeding [14] four days
30 during a seven-day period or for an aggregate period of time

1 exceeding [30] 14 days during any calendar year, whether
2 financially compensated, volunteered, pursuant to a contract or
3 for the purpose of government or educational benefit.

4 "Habitual locale." A place where a transient can be located.
5 The term includes locations a transient frequents during the day
6 and night, such as parks, public buildings, restaurants and
7 libraries.

8 * * *

9 "Offender." An individual required to register under section
10 9795.1(a), (a.1), (b) (1) or (2) (relating to registration) or
11 under former section 9793 (relating to registration of certain
12 offenders for ten years). The term includes an individual
13 considered to be an offender under section 9795.2(b) (relating
14 to registration procedures and applicability).

15 "Passive notification." Notification pursuant to section
16 9798.1 (relating to information made available on the Internet
17 AND ELECTRONIC NOTIFICATION) or any process whereby persons, ←
18 pursuant to the laws of the United States or one of its
19 territories or possessions, another state, the District of
20 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
21 are able to access information pertaining to an individual [as a
22 result of the individual having been convicted or sentenced by a
23 court for an offense similar to an offense listed in section
24 9795.1 (relating to registration)] under a sex offender
25 registration law in that jurisdiction. The term includes a
26 situation in which an individual is required to register under a
27 sex offender registration law in the jurisdiction where
28 convicted, sentenced, court martialled or adjudicated as a
29 juvenile and where access to that registration information is
30 limited to law enforcement only.

1 * * *

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

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

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

9 (1) This subchapter.

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

13 * * *

14 "Sexually violent predator." A person who has been convicted
15 of a sexually violent offense as set forth in section 9795.1
16 (relating to registration) and who is determined to be a
17 sexually violent predator under section 9795.4 (relating to
18 assessments) due to a mental abnormality or personality disorder
19 that makes the person likely to engage in predatory sexually
20 violent offenses. The term includes:

21 (1) an individual determined to be a sexually violent
22 predator where the determination occurred in the United
23 States or one of its territories or possessions, another
24 state, the District of Columbia, the Commonwealth of Puerto
25 Rico, a foreign nation or by court martial; and

26 (2) an individual considered to be a sexually violent
27 predator under section 9795.2(b) (relating to registration
28 procedures and applicability).

29 * * *

30 "Transient." An individual subject to registration under

1 this subchapter who does not have a residence and is present in
2 this Commonwealth for seven or more consecutive days. The term
3 includes an individual considered to be a transient under
4 section 9795.2(a)(1) (relating to registration procedures and
5 applicability).

6 Section 4. Section 9795.1(a) introductory paragraph of Title
7 42 is amended, subsection (b) is amended by adding a paragraph
8 and the section is amended by adding subsections to read:

9 § 9795.1. Registration.

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

14 * * *

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

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

23 * * *

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

27 * * *

28 (d) Failure to maintain a residence.--The fact that an
29 individual required to register under this subchapter does not
30 have a residence shall not relieve the individual from the duty

1 to register or any other duty imposed by this subchapter.

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

8 § 9795.2. Registration procedures and applicability.

9 (a) Registration.--

10 (1) Offenders and sexually violent predators shall be
11 required to register with the Pennsylvania State Police upon
12 release from incarceration, upon parole from a Federal, State
13 [or], county, municipal or private correctional [institution]
14 facility or upon the commencement of a sentence of
15 intermediate punishment or probation or any other sentence of
16 nonconfinement. For purposes of registration, offenders and
17 sexually violent predators shall provide the Pennsylvania
18 State Police with all current or intended residences[,]; all
19 information concerning current or intended employment [and];
20 all information concerning current or intended enrollment as
21 a student[.]; and all information concerning vehicles owned
22 by, or registered to, the offender or sexually violent
23 predator. An offender or sexually violent predator who does
24 not have a current or intended residence shall be considered
25 a transient. An offender or sexually violent predator who
26 provides an intended residence shall be considered a
27 transient if the offender or sexually violent predator is not
28 living at the registered intended residence within seven days
29 following the date of release, parole or commencement of
30 intermediate punishment, probation or nonconfinement

1 sentence.

2 (1.1) If an offender or sexually violent predator is
3 required under this subchapter to register, update or verify
4 a residence, an offender or sexually violent predator who is
5 a transient shall be required to register, update or verify
6 his habitual locales. With respect to each habitual locale, a
7 transient shall be required to provide an address unless the
8 habitual locale has no address, in which case a transient
9 shall be required to provide a specific description of the
10 place. A transient shall also provide a place where the
11 transient is able to receive delivery of mail, including a
12 post office box or general delivery post office location. In
13 addition to any other duty imposed under this subchapter,
14 including reporting requirements under section 9796 (relating
15 to verification of residence), a transient shall appear every
16 30 days at an approved registration site to complete the
17 forms designated by the Pennsylvania State Police to be used
18 for the purposes of complying with this subchapter, to update
19 or verify registration information and status as a transient
20 and, at the discretion of the approved registration site, to
21 be photographed.

22 (2) For purposes of this paragraph, offenders and
23 sexually violent predators shall appear at an approved
24 registration site to complete the form designated by the
25 Pennsylvania State Police to be used for purposes of
26 complying with this subchapter. In the case of an offender
27 entering or being released or transferred from a residential
28 reentry or correctional facility, the administrator of the
29 facility or his designee shall assist in completing the forms
30 designated by the Pennsylvania State Police to be used for

1 purposes of complying with this subchapter and, immediately
2 upon collection, forward all the forms to the Pennsylvania
3 State Police. Offenders and sexually violent predators shall
4 inform the Pennsylvania State Police within 48 hours of:

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

7 (ii) [Any] Becoming employed or any change of
8 employer or employment location for a period of time that
9 will exceed [14] four days during a seven-day period or
10 for an aggregate period of time that will exceed [30] 14
11 days during any calendar year, or termination of
12 employment.

13 * * *

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

17 (v) Becoming a transient.

18 (vi) Entering, being released or transferred from a
19 Federal, State, county, municipal or private correctional
20 facility, including a residential reentry facility, due
21 to arrest, detainer, parole violation, probation
22 violation or sentence of incarceration, if the person's
23 stay exceeds 48 hours.

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

26 (2.1) Registration with a new law enforcement agency
27 shall occur no later than 48 hours after establishing
28 residence in another state or after moving to another state
29 but not establishing a residence there.

30 (3) The [ten-year] registration period required in

1 section 9795.1(a) and (a.1) (relating to registration) shall
2 be tolled when an offender is [recommitted for a parole
3 violation or sentenced to an additional term of imprisonment]
4 incarcerated, and all time spent in incarceration shall not
5 be counted toward an offender's registration period. In such
6 cases, the [Department of Corrections or] Federal, State,
7 county, municipal or private correctional facility shall
8 notify the Pennsylvania State Police of the admission,
9 release and transfer of the offender.

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

12 (i) Where the offender or sexually violent predator
13 was granted parole by the Pennsylvania Board of Probation
14 and Parole or the court or is sentenced to probation
15 [or], intermediate punishment or a punishment not
16 involving confinement, the board or county office of
17 probation and parole shall collect registration
18 information from the offender or sexually violent
19 predator and forward that registration information to the
20 Pennsylvania State Police. [The Department of Corrections
21 or county] If an offender or a sexually violent predator
22 is incarcerated in a Federal, State, county, municipal or
23 private correctional facility, including a residential
24 reentry facility, the correctional facility shall not
25 release nor transfer the offender or sexually violent
26 predator until it receives verification from the
27 Pennsylvania State Police that [it has received] the
28 registration information has been received. Verification
29 by the Pennsylvania State Police may occur by electronic
30 means, including e-mail or facsimile transmission. Where

1 the offender or sexually violent predator is scheduled to
2 be released from a [State correctional facility or
3 county] correctional facility because of the expiration
4 of the maximum term of incarceration, the [Department of
5 Corrections or county] correctional facility shall
6 collect the information from the offender or sexually
7 violent predator no later than ten days prior to the
8 maximum expiration date. The registration information
9 shall, immediately upon collection, be forwarded to the
10 Pennsylvania State Police.

11 * * *

12 (b) Individuals convicted or sentenced by a court or
13 adjudicated delinquent in jurisdictions outside this
14 Commonwealth or sentenced by court martial.--

15 (4) An individual who [resides, is employed or is a
16 student] is employed, intends to be employed, is a student,
17 intends to be a student, resides, enters this Commonwealth
18 with the purpose of establishing a residence or is a
19 transient in this Commonwealth and who has been convicted of
20 or sentenced by a court or court martial for a sexually
21 violent offense or a similar offense under the laws of the
22 United States or one of its territories or possessions,
23 another state, the District of Columbia, the Commonwealth of
24 Puerto Rico or a foreign nation, or who was required to
25 register under a sexual offender statute in the jurisdiction
26 where convicted, sentenced or court martial, shall register
27 at an approved registration site within 48 hours of the
28 individual's arrival in this Commonwealth. The provisions of
29 this subchapter shall apply to the individual as follows:

30 * * *

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

16 * * *

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

18 (1) The Pennsylvania State Police shall provide the
19 information obtained under this section and sections [9795.3]
20 9795.3(a) (relating to sentencing court information) and 9796
21 (relating to verification of [residence] registration
22 information) to the chief law enforcement officers of the
23 police departments of the municipalities in which the
24 individual will reside, be employed or enrolled as a student.
25 In addition, the Pennsylvania State Police shall provide this
26 officer with the address at which the individual will reside,
27 be employed or enrolled as a student following his release
28 from incarceration, parole or probation.

29 (2) The Pennsylvania State Police shall provide notice
30 to the chief law enforcement officers of the police

1 departments of the municipalities notified pursuant to
2 paragraph (1) when an individual fails to comply with the
3 registration requirements of this section or section 9796 and
4 request, as appropriate, that these police departments assist
5 in locating and apprehending the individual.

6 (3) The Pennsylvania State Police shall provide notice
7 to the chief law enforcement officers of the police
8 departments of the municipalities notified pursuant to
9 paragraph (1) when they are in receipt of information
10 indicating that the individual is no longer a transient or
11 will no longer reside, be transient, be employed or be
12 enrolled as a student in the municipality.

13 (d) Penalty.--An individual subject to registration under
14 former section 9793 (relating to registration of certain
15 offenders for ten years) or section [9795.1(a) or (b)] 9795.1
16 who fails to register or verify or update registration
17 information with the Pennsylvania State Police as required by
18 this section may be subject to prosecution under 18 Pa.C.S. §
19 4915 (relating to failure to comply with registration of sexual
20 offenders requirements).

21 (e) Registration sites.--An individual subject to [section
22 9795.1] this subchapter shall register and submit to
23 fingerprinting and photographing as required by this subchapter
24 at approved registration sites.

25 Section 6. Sections 9795.3 and 9796 heading, (a), (b), (c)
26 and (e), 9797(a)(1), ~~7~~ AND 9798(a)(1), (b) and (c), ~~9798.1(e)(1)~~ ←
27 ~~(v) and 9799(1)~~ of Title 42 are amended to read:

28 § 9795.3. Sentencing court information.

29 (a) Duty of sentencing court.--The sentencing court shall
30 inform offenders and sexually violent predators at the time of

1 sentencing of the provisions of this subchapter. The court
2 shall:

3 (1) Specifically inform the offender or sexually violent
4 predator of the duty to register and provide the information
5 required for each registration, including verification as
6 required in section 9796(a) (relating to verification of
7 [residence]) registration information.

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

20 (2.1) Specifically inform the offender or sexually
21 violent predator of the duty to inform the Pennsylvania State
22 Police within [ten days] 48 hours of becoming employed or
23 enrolled as a student if the [person] offender or sexually
24 violent predator has not previously provided that information
25 to the Pennsylvania State Police.

26 (2.2) Specifically inform the offender or sexually
27 violent predator of the duty to inform the Pennsylvania State
28 Police that he is a transient if the offender or sexually
29 violent predator does not have or fails to maintain a
30 residence.

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

6 (4) Order the fingerprints and photograph of the
7 offender or sexually violent predator to be provided to the
8 Pennsylvania State Police upon sentencing.

9 (5) Specifically inform the offender or sexually violent
10 predator of the duty to register with the appropriate
11 authorities in any state in which the offender or sexually
12 violent predator is a transient, is employed, carries on a
13 vocation or is a student if the state requires such
14 registration.

15 (6) Require the offender or sexually violent predator to
16 read and sign a form stating that the duty to register under
17 this subchapter has been explained. Where the offender or
18 sexually violent predator is incapable of reading, the court
19 shall certify the duty to register was explained to the
20 offender or sexually violent predator and the offender or
21 sexually violent predator indicated an understanding of the
22 duty.

23 (b) Failure to provide.--Failure on the part of the court to
24 provide a sexually violent predator or offender with information
25 under this section shall not relieve that predator or offender
26 from the requirements of this subchapter.

27 § 9796. Verification of [residence] registration information.

28 (a) Quarterly verification by sexually violent predators.--
29 The Pennsylvania State Police shall verify the [residence]
30 registration information and compliance with counseling as

1 provided for in section 9799.4 (relating to counseling of
2 sexually violent predators) of sexually violent predators every
3 90 days through the use of a nonforwardable verification form to
4 the last reported residence. For the period of registration
5 required by section 9795.1 (relating to registration), a
6 sexually violent predator shall appear quarterly between January
7 5 and January 15, April 5 and April 15, July 5 and July 15 and
8 October 5 and October 15 of each calendar year at an approved
9 registration site to complete a verification form and to be
10 photographed.

11 * * *

12 (b) Annual verification by offenders.--The Pennsylvania
13 State Police shall verify the [residence] registration
14 information of offenders. For the period of registration
15 required by section 9795.1, an offender shall appear within ten
16 days before each annual anniversary date of the offender's
17 initial registration under former section 9793 (relating to
18 registration of certain offenders for ten years) or section
19 9795.1 at an approved registration site to complete a
20 verification form and to be photographed.

21 * * *

22 (c) Notification of law enforcement agencies of change of
23 residence or habitual locale.--A change of residence or habitual
24 locale of an offender or sexually violent predator required to
25 register under this subchapter reported to the Pennsylvania
26 State Police shall be immediately reported by the Pennsylvania
27 State Police to the appropriate law enforcement agency having
28 jurisdiction of the offender's or the sexually violent
29 predator's new place of residence or habitual locale. The
30 Pennsylvania State Police shall, if the offender or sexually

1 violent predator changes residence or habitual locale to another
2 state, notify the law enforcement agency with which the offender
3 or sexually violent predator must register in the new state.

4 * * *

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

11 * * *

12 § 9797. Victim notification.

13 (a) Duty to inform victim.--

14 (1) Where the individual is determined to be a sexually
15 violent predator by a court under section 9795.4 (relating to
16 assessments), the local municipal police department or the
17 Pennsylvania State Police where no municipal police
18 jurisdiction exists shall give written notice to the sexually
19 violent predator's victim when the sexually violent predator
20 registers initially and when he notifies the Pennsylvania
21 State Police of any change of residence or habitual locale.
22 This notice shall be given within 72 hours after the sexually
23 violent predator registers or notifies the Pennsylvania State
24 Police of a change of address or habitual locale. The notice
25 shall contain the sexually violent predator's name and the
26 address [or], addresses or habitual locales where he resides
27 or may be found.

28 * * *

29 § 9798. Other notification.

30 (a) Notice by municipality's chief law enforcement

1 officer.--Notwithstanding any of the provisions of 18 Pa.C.S.
2 Ch. 91 (relating to criminal history record information), the
3 chief law enforcement officer of the full-time or part-time
4 police department of the municipality where a sexually violent
5 predator lives shall be responsible for providing written notice
6 as required under this section.

7 (1) The notice shall contain:

8 (i) The name of the convicted sexually violent
9 predator.

10 (ii) The address or addresses at which [he] the
11 sexually violent predator resides. If the sexually
12 violent predator is a transient, written notice under
13 this subparagraph shall include the municipality and
14 county containing the transient's habitual locale.

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

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

20 (iv) A statement that [he] the sexually violent
21 predator has been determined by court order to be a
22 sexually violent predator, which determination has or has
23 not been terminated as of a date certain.

24 (v) A photograph of the sexually violent predator,
25 if available.

26 * * *

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

30 (1) Neighbors of the sexually violent predator. As used

1 in this paragraph, where the sexually violent predator lives
2 in a common interest community, the term "neighbor" includes
3 the unit owners' association and residents of the common
4 interest community. As used in this paragraph, where the
5 sexually violent predator is a transient, the term "neighbor"
6 shall mean the community, and the chief law enforcement
7 officer shall determine the appropriate method for providing
8 written notice.

9 (2) The director of the county children and youth
10 service agency of the county where the sexually violent
11 predator resides or, if the sexually violent predator is a
12 transient, each county containing the transient's habitual
13 locale.

14 (3) The superintendent of each school district and the
15 equivalent official for private and parochial schools
16 enrolling students up through grade 12 in the municipality
17 where the sexually violent predator resides or, if the
18 sexually violent predator is a transient, each municipality
19 containing the transient's habitual locale.

20 (3.1) The superintendent of each school district and the
21 equivalent official for each private and parochial school
22 located within a one-mile radius of where the sexually
23 violent predator resides.

24 (4) The licensee of each certified day care center and
25 licensed preschool program and owner/operator of each
26 registered family day care home in the municipality where the
27 sexually violent predator resides or, if the sexually violent
28 predator is a transient, each municipality containing the
29 transient's habitual locale.

30 (5) The president of each college, university and

1 community college located within 1,000 feet of a sexually
2 violent predator's residence.

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

6 (1) To neighbors specified under subsection (b)(1),
7 notice shall be provided within five days after information
8 of the sexually violent predator's release date and residence
9 or habitual locale has been received by the chief law
10 enforcement officer. Notwithstanding the provisions of
11 subsections (a) and (b), verbal notification may be used if
12 written notification would delay meeting this time
13 requirement.

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

19 * * *

20 SECTION 6.1. SECTION 9798.1 HEADING, (A) AND (C)(1)(V) AND ←
21 (VI) OF TITLE 42 ARE AMENDED, SUBSECTION (C) IS AMENDED BY
22 ADDING A PARAGRAPH AND THE SECTION IS AMENDED BY ADDING A
23 SUBSECTION TO READ:

24 § 9798.1. Information made available on the Internet AND ←
25 ELECTRONIC NOTIFICATION.

26 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DECLARED TO BE THE ←
27 FINDING OF THE GENERAL ASSEMBLY THAT PUBLIC SAFETY WILL BE
28 ENHANCED BY MAKING INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS,
29 LIFETIME REGISTRANTS AND OTHER SEX OFFENDERS AVAILABLE TO THE
30 PUBLIC THROUGH THE INTERNET AND ELECTRONIC NOTIFICATION.

1 KNOWLEDGE OF WHETHER A PERSON IS A SEXUALLY VIOLENT PREDATOR,
2 LIFETIME REGISTRANT OR OTHER SEX OFFENDER COULD BE A SIGNIFICANT
3 FACTOR IN PROTECTING ONESELF AND ONE'S FAMILY MEMBERS, OR THOSE
4 IN CARE OF A GROUP OR COMMUNITY ORGANIZATION, FROM RECIDIVIST
5 ACTS BY SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND
6 OTHER SEX OFFENDERS. THE TECHNOLOGY AFFORDED BY THE INTERNET AND
7 OTHER ELECTRONIC NOTIFICATION WOULD MAKE THIS INFORMATION
8 READILY ACCESSIBLE TO PARENTS AND PRIVATE ENTITIES, ENABLING
9 THEM TO UNDERTAKE APPROPRIATE REMEDIAL PRECAUTIONS TO PREVENT OR
10 AVOID PLACING POTENTIAL VICTIMS AT RISK. PUBLIC ACCESS TO
11 INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS, LIFETIME
12 REGISTRANTS AND OTHER SEX OFFENDERS IS INTENDED SOLELY AS A
13 MEANS OF PUBLIC PROTECTION AND SHALL NOT BE CONSTRUED AS
14 PUNITIVE.

15 * * *

16 (c) Information permitted to be disclosed regarding
17 individuals.--Notwithstanding 18 Pa.C.S. Ch. 91 (relating to
18 criminal history record information), the Internet website shall
19 contain the following information on each individual:

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

22 * * *

23 (v) the municipality, county and zip code of any
24 employment location and, in the case of a transient, of
25 any habitual locale;

26 * * *

27 (VI) [A PHOTOGRAPH] MULTIPLE FRONTAL VIEW COLOR
28 PHOTOGRAPHS OF THE OFFENDER, WHICH SHALL BE UPDATED NOT
29 LESS THAN ANNUALLY, THE SPECIFIC DATE EACH PHOTOGRAPH WAS
30 TAKEN AND, FOR COMPARATIVE PURPOSES, THE MOST CURRENT AND

1 THE MOST RECENT PREVIOUSLY POSTED FRONTAL PHOTOGRAPHS
2 TAKEN OF THE OFFENDER;

3 * * *

4 (3) IF AN OFFENDER FAILS TO APPEAR FOR HIS REQUIRED
5 ANNUAL REGISTRATION INFORMATION VERIFICATION OR A SEXUALLY
6 VIOLENT PREDATOR FAILS TO APPEAR FOR HIS REQUIRED QUARTERLY
7 REGISTRATION INFORMATION VERIFICATION, THE INTERNET WEBSITE
8 SHALL INCLUDE:

9 (I) A STATEMENT PROMINENTLY DISPLAYED ON THE
10 OFFENDER OR SEXUALLY VIOLENT PREDATOR'S INTERNET WEBSITE
11 LISTING INDICATING THAT THE OFFENDER OR PREDATOR IS NOT
12 CURRENT WITH THE REGISTRATION INFORMATION VERIFICATION
13 REQUIREMENTS OF THIS CHAPTER.

14 (II) IF APPLICABLE, A PROMINENT NOTICE INDICATING
15 THAT THE OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS
16 ABSCONDED.

17 * * *

18 (E) ELECTRONIC NOTIFICATION OPTION.--NOTWITHSTANDING 18
19 PA.C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD
20 INFORMATION), THE PENNSYLVANIA STATE POLICE SHALL DEVELOP AND
21 IMPLEMENT A PROCESS WHICH ALLOWS MEMBERS OF THE PUBLIC TO
22 RECEIVE ELECTRONIC NOTIFICATION WHEN ANY REGISTERED OFFENDER
23 MOVES INTO OR OUT OF A USER-DESIGNATED LOCATION.

24 SECTION 6.2. SECTION 9799(1) OF TITLE 42 IS AMENDED TO READ:

25 § 9799. Immunity for good faith conduct.

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

28 (1) The Pennsylvania State Police [and], local law
29 enforcement agencies, and agents and employees of the
30 Pennsylvania State Police and local law enforcement agencies.

1 * * *

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

5 § 9799.1. [Duties of] Pennsylvania State Police.

6 The Pennsylvania State Police shall:

7 * * *

8 (2) In consultation with the Department of Corrections,
9 the Office of Attorney General, the Pennsylvania Board of
10 Probation and Parole and the chairman and the minority
11 chairman of the Judiciary Committee of the Senate and the
12 chairman and the minority chairman of the Judiciary Committee
13 of the House of Representatives, promulgate guidelines
14 necessary for the general administration of this subchapter.
15 These guidelines shall establish procedures to allow an
16 individual subject to the requirements of sections 9795.1
17 (relating to registration) [and], 9796 (relating to
18 verification of [residence] registration information) to
19 fulfill these requirements at approved registration sites
20 throughout this Commonwealth. The Pennsylvania State Police
21 shall publish a list of approved registration sites in the
22 Pennsylvania Bulletin and provide a list of approved
23 registration sites in any notices sent to individuals
24 required to register under section 9795.1. An approved
25 registration site shall be capable of submitting
26 fingerprints, photographs and any other information required
27 electronically to the Pennsylvania State Police. The
28 Pennsylvania State Police shall require that approved
29 registration sites submit fingerprints utilizing the
30 Integrated Automated Fingerprint Identification System or in

1 another manner and in such form as the Pennsylvania State
2 Police shall require. The Pennsylvania State Police shall
3 require that approved registration sites submit photographs
4 utilizing the Commonwealth Photo Imaging Network or in
5 another manner and in such form as the Pennsylvania State
6 Police shall require. Approved registration sites shall not
7 be limited to sites managed by the Pennsylvania State Police
8 and shall include sites managed by local law enforcement
9 agencies that meet the criteria for approved registration
10 sites set forth in this paragraph.

11 * * *

12 (4) Notify, within five business days of receiving the
13 offender's or the sexually violent predator's registration,
14 the chief law enforcement officers of the police departments
15 having primary jurisdiction of the municipalities in which an
16 offender or sexually violent predator is a transient,
17 resides, is employed or enrolled as a student of the fact
18 that the offender or sexually violent predator has been
19 registered with the Pennsylvania State Police pursuant to
20 sections 9795.2 (relating to registration procedures and
21 applicability) and 9796 (relating to verification of
22 [residence] registration information).

23 * * *

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

26 (i) A proceeding brought by an individual registered
27 under former section 9793 (relating to registration of
28 certain offenders for ten years) or section 9795.1 to be
29 removed from, or contesting their inclusion in, the State
30 registry of sexual offenders and sexually violent

1 predators.

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

5 (8) The Pennsylvania State Police may certify and send
6 to an authorized user, by electronic transmission or
7 otherwise, a certification of record or abstract of records
8 maintained by the Pennsylvania State Police regarding the
9 registration of an offender under this subchapter.

10 Permissible uses shall include certifications of an offenders
11 initial registration and verification history and history of
12 nonregistration or nonverification. The Pennsylvania State
13 Police may also certify electronically any documents
14 certified to it electronically. Authorized users shall
15 include State and local police, district attorneys, agents
16 and employees of the Pennsylvania State Police and the Office
17 of Attorney General and other persons or entities determined
18 by the Pennsylvania State Police and listed by notice in the
19 Pennsylvania Bulletin. In any proceeding before the courts or
20 administrative bodies of this Commonwealth, documents
21 certified by the Pennsylvania State Police under this section
22 and offered into evidence by an authorized user shall be
23 admissible into evidence.

24 Section 8. Sections 9799.4 and 9799.9 of Title 42 are
25 amended to read:

26 § 9799.4. Counseling of sexually violent predators.

27 (a) Attendance required.--For the period of registration
28 required by section 9795.1(b) (relating to registration), a
29 sexually violent predator shall be required to attend at least
30 monthly counseling sessions in a program approved by the board

1 and be financially responsible for all fees assessed from such
2 counseling sessions. The board shall monitor the compliance of
3 the sexually violent predator.

4 (b) Indigence.--If the sexually violent predator can prove
5 to the satisfaction of the court that the person's income and
6 support is such that the person cannot afford to pay for the
7 counseling sessions, that person shall still attend the
8 counseling sessions and the [parole office] Pennsylvania Board
9 of Probation and Parole shall pay the requisite fees. The court
10 may create a standard petition for indigence for use by sexually
11 violent predators and the Pennsylvania Board of Probation and
12 Parole in the courts of this Commonwealth. Filing fees for the
13 determinations shall be waived. Upon request of the Pennsylvania
14 Board of Probation and Parole, a sexually violent predator's
15 indigence status shall be reviewed by the court and a
16 determination shall be made by the court whether the individual
17 will remain eligible for funded counseling sessions.

18 § 9799.9. Photographs and fingerprinting.

19 An individual subject to former section 9793 (relating to
20 registration of certain offenders for ten years) or section
21 9795.1 (relating to registration) shall submit to fingerprinting
22 and photographing as required by this subchapter at approved
23 registration sites. Fingerprinting as required by this
24 subchapter shall, at a minimum, require submission of a full set
25 of fingerprints. Photographing as required by this subchapter
26 shall, at a minimum, require submission to photographs of the
27 face and any scars, marks, tattoos or other unique features of
28 the individual. Fingerprints and photographs obtained under this
29 subchapter may be maintained for use under this subchapter and
30 for general law enforcement purposes.

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

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

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

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

10 (1) The amendment or addition of 18 Pa.C.S. §§ 4501 and
11 4915(a) introductory paragraph, (2), (3) and (4), (b) (2), (3)
12 and (4) and (c) (2), (3), (4) and (5) AND 42 PA.C.S. § ←
13 9798.1(C) (1) (VI) shall take effect in 60 days.

14 (2) The amendment OR ADDITION of 42 Pa.C.S. ~~§ 9798.1(e)~~ ←
15 ~~(1)(v)~~ § 9798.1 HEADING, (A), (C) (1) (V) AND (3) AND (E) shall ←
16 take effect in 180 days.

17 (3) THE AMENDMENT OF 42 PA.C.S. § 9798.1(C) (1) (VI) SHALL ←
18 TAKE EFFECT IN ONE YEAR.

19 (4) THE ADDITION OF 42 PA.C.S. § 9798.1(E) SHALL TAKE
20 EFFECT JANUARY 1, 2011.

21 ~~(3)~~ (5) The remainder of this act shall take effect ←
22 immediately.