
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 THIRD CONSIDERATION, IN SENATE, OCTOBER 13, 2010

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, IN GENERAL PRINCIPLES OF JUSTIFICATION, FURTHER ←
4 PROVIDING FOR DEFINITIONS, FOR USE OF FORCE IN SELF-
5 PROTECTION, FOR USE OF FORCE FOR THE PROTECTION OF OTHER
6 PERSONS, FOR GRADING OF THEFT OFFENSES AND FOR LICENSES TO
7 CARRY FIREARMS; PROVIDING FOR CIVIL IMMUNITY FOR USE OF
8 FORCE; AND further providing for registration of sexual
9 offenders AND FOR SENTENCE FOR FAILURE TO COMPLY WITH ←
10 REGISTRATION OF SEXUAL OFFENDERS.

11 THE GENERAL ASSEMBLY FINDS THAT: ←

12 (1) IT IS PROPER FOR LAW-ABIDING PEOPLE TO PROTECT
13 THEMSELVES, THEIR FAMILIES AND OTHERS FROM INTRUDERS AND
14 ATTACKERS WITHOUT FEAR OF PROSECUTION OR CIVIL ACTION FOR
15 ACTING IN DEFENSE OF THEMSELVES AND OTHERS.

16 (2) THE CASTLE DOCTRINE IS A COMMON LAW DOCTRINE OF
17 ANCIENT ORIGINS WHICH DECLARES THAT A HOME IS A PERSON'S
18 CASTLE.

19 (3) SECTION 21 OF ARTICLE I OF THE CONSTITUTION OF

1 PENNSYLVANIA GUARANTEES THAT THE "RIGHT OF THE CITIZENS TO
2 BEAR ARMS IN DEFENSE OF THEMSELVES AND THE STATE SHALL NOT BE
3 QUESTIONED."

4 (4) PERSONS RESIDING IN OR VISITING THIS COMMONWEALTH
5 HAVE A RIGHT TO EXPECT TO REMAIN UNMOLESTED WITHIN THEIR
6 HOMES OR VEHICLES.

7 (5) NO PERSON SHOULD BE REQUIRED TO SURRENDER HIS OR HER
8 PERSONAL SAFETY TO A CRIMINAL, NOR SHOULD A PERSON BE
9 REQUIRED TO NEEDLESSLY RETREAT IN THE FACE OF INTRUSION OR
10 ATTACK OUTSIDE THE PERSON'S HOME OR VEHICLE.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Section 4501 of Title 18 of the Pennsylvania~~ ←
14 ~~Consolidated Statutes is amended by adding definitions to read:~~

15 SECTION 1. SECTION 501 OF TITLE 18 OF THE PENNSYLVANIA ←
16 CONSOLIDATED STATUTES IS AMENDED TO READ:

17 § 501. DEFINITIONS.

18 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
19 PROVISIONS OF THIS CHAPTER WHICH ARE APPLICABLE TO SPECIFIC
20 PROVISIONS OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES,
21 WHEN USED IN THIS CHAPTER SHALL HAVE, UNLESS THE CONTEXT CLEARLY
22 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

23 "BELIEVES" OR "BELIEF." MEANS "REASONABLY BELIEVES" OR
24 "REASONABLE BELIEF."

25 "CORRECTIONAL INSTITUTION." ANY PENAL INSTITUTION,
26 PENITENTIARY, STATE FARM, REFORMATORY, PRISON, JAIL, HOUSE OF
27 CORRECTION, OR OTHER INSTITUTION FOR THE INCARCERATION OR
28 CUSTODY OF PERSONS UNDER SENTENCE FOR OFFENSES OR AWAITING TRIAL
29 OR SENTENCE FOR OFFENSES.

30 "CORRECTIONS OFFICER." A FULL-TIME EMPLOYEE ASSIGNED TO THE

1 DEPARTMENT OF CORRECTIONS WHOSE PRINCIPAL DUTY IS THE CARE,
2 CUSTODY AND CONTROL OF INMATES OF A PENAL OR CORRECTIONAL
3 INSTITUTION OPERATED BY THE DEPARTMENT OF CORRECTIONS.

4 "DEADLY FORCE." FORCE WHICH, UNDER THE CIRCUMSTANCES IN
5 WHICH IT IS USED, IS READILY CAPABLE OF CAUSING DEATH OR SERIOUS
6 BODILY INJURY.

7 "DWELLING." ANY BUILDING OR STRUCTURE, INCLUDING ANY
8 ATTACHED PORCH, DECK OR PATIO, THOUGH MOVABLE OR TEMPORARY, OR A
9 PORTION THEREOF, WHICH IS FOR THE TIME BEING THE HOME OR PLACE
10 OF LODGING OF THE ACTOR.

11 "PEACE OFFICER." ANY PERSON WHO BY VIRTUE OF HIS OFFICE OR
12 PUBLIC EMPLOYMENT IS VESTED BY LAW WITH A DUTY TO MAINTAIN
13 PUBLIC ORDER OR TO MAKE ARRESTS FOR OFFENSES, WHETHER THAT DUTY
14 EXTENDS TO ALL OFFENSES OR IS LIMITED TO SPECIFIC OFFENSES, OR
15 ANY PERSON ON ACTIVE STATE DUTY PURSUANT TO [SECTION 311 OF THE
16 ACT OF MAY 27, 1949 (P.L.1903, NO.568), KNOWN AS "THE MILITARY
17 CODE OF 1949."] 51 PA.C.S. § 508 (RELATING TO ACTIVE DUTY FOR
18 EMERGENCY). THE TERM "PEACE OFFICER" SHALL ALSO INCLUDE ANY
19 MEMBER OF ANY PARK POLICE DEPARTMENT OF ANY COUNTY OF THE THIRD
20 CLASS.

21 "RESIDENCE." A DWELLING IN WHICH A PERSON RESIDES, EITHER
22 TEMPORARILY OR PERMANENTLY, OR VISITS AS AN INVITED GUEST.

23 "UNLAWFUL FORCE." FORCE, INCLUDING CONFINEMENT, WHICH IS
24 EMPLOYED WITHOUT THE CONSENT OF THE PERSON AGAINST WHOM IT IS
25 DIRECTED AND THE EMPLOYMENT OF WHICH CONSTITUTES AN OFFENSE OR
26 ACTIONABLE TORT OR WOULD CONSTITUTE SUCH OFFENSE OR TORT EXCEPT
27 FOR A DEFENSE (SUCH AS THE ABSENCE OF INTENT, NEGLIGENCE, OR
28 MENTAL CAPACITY; DURESS; YOUTH; OR DIPLOMATIC STATUS) NOT
29 AMOUNTING TO A PRIVILEGE TO USE THE FORCE. ASSENT CONSTITUTES
30 CONSENT, WITHIN THE MEANING OF THIS SECTION, WHETHER OR NOT IT

1 OTHERWISE IS LEGALLY EFFECTIVE, EXCEPT ASSENT TO THE INFLECTION
2 OF DEATH OR SERIOUS BODILY INJURY.

3 "VEHICLE." A CONVEYANCE OF ANY KIND, WHETHER OR NOT
4 MOTORIZED, WHICH IS DESIGNED TO TRANSPORT PEOPLE OR PROPERTY.

5 SECTION 2. SECTION 505(B) OF TITLE 18 IS AMENDED AND THE
6 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

7 § 505. USE OF FORCE IN SELF-PROTECTION.

8 * * *

9 (B) LIMITATIONS ON JUSTIFYING NECESSITY FOR USE OF FORCE.--

10 (1) THE USE OF FORCE IS NOT JUSTIFIABLE UNDER THIS
11 SECTION:

12 (I) TO RESIST AN ARREST WHICH THE ACTOR KNOWS IS
13 BEING MADE BY A PEACE OFFICER, ALTHOUGH THE ARREST IS
14 UNLAWFUL; OR

15 (II) TO RESIST FORCE USED BY THE OCCUPIER OR
16 POSSESSOR OF PROPERTY OR BY ANOTHER PERSON ON HIS BEHALF,
17 WHERE THE ACTOR KNOWS THAT THE PERSON USING THE FORCE IS
18 DOING SO UNDER A CLAIM OF RIGHT TO PROTECT THE PROPERTY,
19 EXCEPT THAT THIS LIMITATION SHALL NOT APPLY IF:

20 (A) THE ACTOR IS A PUBLIC OFFICER ACTING IN THE
21 PERFORMANCE OF HIS DUTIES OR A PERSON LAWFULLY
22 ASSISTING HIM THEREIN OR A PERSON MAKING OR ASSISTING
23 IN A LAWFUL ARREST;

24 (B) THE ACTOR HAS BEEN UNLAWFULLY DISPOSSESSED
25 OF THE PROPERTY AND IS MAKING A REENTRY OR RECAPTION
26 JUSTIFIED BY SECTION 507 OF THIS TITLE (RELATING TO
27 USE OF FORCE FOR THE PROTECTION OF PROPERTY); OR

28 (C) THE ACTOR BELIEVES THAT SUCH FORCE IS
29 NECESSARY TO PROTECT HIMSELF AGAINST DEATH OR SERIOUS
30 BODILY INJURY.

1 (2) THE USE OF DEADLY FORCE IS NOT JUSTIFIABLE UNDER
2 THIS SECTION UNLESS THE ACTOR BELIEVES THAT SUCH FORCE IS
3 NECESSARY TO PROTECT HIMSELF AGAINST DEATH, SERIOUS BODILY
4 INJURY, KIDNAPPING OR SEXUAL INTERCOURSE COMPELLED BY FORCE
5 OR THREAT; NOR IS IT JUSTIFIABLE IF:

6 (I) THE ACTOR, WITH THE INTENT OF CAUSING DEATH OR
7 SERIOUS BODILY INJURY, PROVOKED THE USE OF FORCE AGAINST
8 HIMSELF IN THE SAME ENCOUNTER; OR

9 (II) THE ACTOR KNOWS THAT HE CAN AVOID THE NECESSITY
10 OF USING SUCH FORCE WITH COMPLETE SAFETY BY RETREATING
11 [OR BY SURRENDERING POSSESSION OF A THING TO A PERSON
12 ASSERTING A CLAIM OF RIGHT THERETO OR BY COMPLYING WITH A
13 DEMAND THAT HE ABSTAIN FROM ANY ACTION WHICH HE HAS NO
14 DUTY TO TAKE], EXCEPT [THAT:

15 (A)] THE ACTOR IS NOT OBLIGED TO RETREAT FROM
16 HIS DWELLING OR PLACE OF WORK, UNLESS HE WAS THE
17 INITIAL AGGRESSOR OR IS ASSAILED IN HIS PLACE OF WORK
18 BY ANOTHER PERSON WHOSE PLACE OF WORK THE ACTOR KNOWS
19 IT TO BE[; AND

20 (B) A PUBLIC OFFICER JUSTIFIED IN USING FORCE IN
21 THE PERFORMANCE OF HIS DUTIES OR A PERSON JUSTIFIED
22 IN USING FORCE IN HIS ASSISTANCE OR A PERSON
23 JUSTIFIED IN USING FORCE IN MAKING AN ARREST OR
24 PREVENTING AN ESCAPE IS NOT OBLIGED TO DESIST FROM
25 EFFORTS TO PERFORM SUCH DUTY, EFFECT SUCH ARREST OR
26 PREVENT SUCH ESCAPE BECAUSE OF RESISTANCE OR
27 THREATENED RESISTANCE BY OR ON BEHALF OF THE PERSON
28 AGAINST WHOM SUCH ACTION IS DIRECTED].

29 (2.1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2.2),
30 AN ACTOR IS PRESUMED TO HAVE A REASONABLE BELIEF THAT DEADLY

1 FORCE IS IMMEDIATELY NECESSARY TO PROTECT HIMSELF AGAINST
2 DEATH, SERIOUS BODILY INJURY, KIDNAPPING OR SEXUAL
3 INTERCOURSE COMPELLED BY FORCE OR THREAT IF BOTH OF THE
4 FOLLOWING CONDITIONS EXIST:

5 (I) THE PERSON AGAINST WHOM THE FORCE IS USED IS IN
6 THE PROCESS OF UNLAWFULLY AND FORCEFULLY ENTERING, OR HAS
7 UNLAWFULLY AND FORCEFULLY ENTERED AND IS PRESENT WITHIN,
8 A DWELLING, RESIDENCE OR OCCUPIED VEHICLE; OR THE PERSON
9 AGAINST WHOM THE FORCE IS USED IS OR IS ATTEMPTING TO
10 UNLAWFULLY AND FORCEFULLY REMOVE ANOTHER AGAINST THAT
11 OTHER'S WILL FROM THE DWELLING, RESIDENCE OR OCCUPIED
12 VEHICLE.

13 (II) THE ACTOR KNOWS OR HAS REASON TO BELIEVE THAT
14 THE UNLAWFUL AND FORCEFUL ENTRY OR ACT IS OCCURRING OR
15 HAS OCCURRED.

16 (2.2) THE PRESUMPTION SET FORTH IN PARAGRAPH (2.1) DOES
17 NOT APPLY IF:

18 (I) THE PERSON AGAINST WHOM THE FORCE IS USED HAS
19 THE RIGHT TO BE IN OR IS A LAWFUL RESIDENT OF THE
20 DWELLING, RESIDENCE OR VEHICLE, SUCH AS AN OWNER OR
21 LESSEE;

22 (II) THE PERSON SOUGHT TO BE REMOVED IS A CHILD OR
23 GRANDCHILD OR IS OTHERWISE IN THE LAWFUL CUSTODY OR UNDER
24 THE LAWFUL GUARDIANSHIP OF THE PERSON AGAINST WHOM THE
25 PROTECTIVE FORCE IS USED;

26 (III) THE ACTOR IS ENGAGED IN A CRIMINAL ACTIVITY OR
27 IS USING THE DWELLING, RESIDENCE OR OCCUPIED VEHICLE TO
28 FURTHER A CRIMINAL ACTIVITY; OR

29 (IV) THE PERSON AGAINST WHOM THE FORCE IS USED IS A
30 PEACE OFFICER ACTING IN THE PERFORMANCE OF HIS OFFICIAL

1 DUTIES AND THE ACTOR USING FORCE KNEW OR REASONABLY
2 SHOULD HAVE KNOWN THAT THE PERSON WAS A PEACE OFFICER.

3 (2.3) AN ACTOR WHO IS NOT ENGAGED IN A CRIMINAL
4 ACTIVITY, AND WHO IS ATTACKED IN ANY PLACE WHERE THE ACTOR
5 WOULD HAVE A DUTY TO RETREAT UNDER PARAGRAPH (2) (II), HAS NO
6 DUTY TO RETREAT AND HAS THE RIGHT TO STAND HIS GROUND AND USE
7 FORCE, INCLUDING DEADLY FORCE, IF:

8 (I) THE ACTOR HAS A RIGHT TO BE IN THE PLACE WHERE
9 HE WAS ATTACKED;

10 (II) THE ACTOR BELIEVES IT IS IMMEDIATELY NECESSARY
11 TO DO SO TO PROTECT HIMSELF AGAINST DEATH, SERIOUS BODILY
12 INJURY, KIDNAPPING OR SEXUAL INTERCOURSE BY FORCE OR
13 THREAT; AND

14 (III) THE PERSON AGAINST WHOM THE FORCE IS USED
15 DISPLAYS OR OTHERWISE USES:

16 (A) A FIREARM OR REPLICA OF A FIREARM AS DEFINED
17 IN 42 PA.C.S. § 9712 (RELATING TO SENTENCES FOR
18 OFFENSES COMMITTED WITH FIREARMS); OR

19 (B) ANY OTHER WEAPON READILY OR APPARENTLY
20 CAPABLE OF LETHAL USE.

21 (2.4) UNLESS ONE OF THE EXCEPTIONS UNDER PARAGRAPH (2.2)
22 APPLIES, A PERSON WHO UNLAWFULLY AND BY FORCE ENTERS OR
23 ATTEMPTS TO ENTER AN ACTOR'S DWELLING, RESIDENCE OR OCCUPIED
24 VEHICLE OR REMOVES OR ATTEMPTS TO REMOVE ANOTHER AGAINST THAT
25 OTHER'S WILL FROM THE ACTOR'S DWELLING, RESIDENCE OR OCCUPIED
26 VEHICLE IS PRESUMED TO BE DOING SO WITH THE INTENT TO COMMIT:

27 (I) AN ACT RESULTING IN DEATH OR SERIOUS BODILY
28 INJURY; OR

29 (II) KIDNAPPING OR SEXUAL INTERCOURSE BY FORCE OR
30 THREAT.

1 (2.5) A PUBLIC OFFICER JUSTIFIED IN USING FORCE IN THE
2 PERFORMANCE OF HIS DUTIES OR A PERSON JUSTIFIED IN USING
3 FORCE IN HIS ASSISTANCE OR A PERSON JUSTIFIED IN USING FORCE
4 IN MAKING AN ARREST OR PREVENTING AN ESCAPE IS NOT OBLIGED TO
5 DESIST FROM EFFORTS TO PERFORM SUCH DUTY, EFFECT SUCH ARREST
6 OR PREVENT SUCH ESCAPE BECAUSE OF RESISTANCE OR THREATENED
7 RESISTANCE BY OR ON BEHALF OF THE PERSON AGAINST WHOM SUCH
8 ACTION IS DIRECTED.

9 (3) EXCEPT AS [REQUIRED BY PARAGRAPHS (1) AND (2) OF
10 THIS SUBSECTION,] OTHERWISE REQUIRED BY THIS SUBSECTION, A
11 PERSON EMPLOYING PROTECTIVE FORCE MAY ESTIMATE THE NECESSITY
12 THEREOF UNDER THE CIRCUMSTANCES AS HE BELIEVES THEM TO BE
13 WHEN THE FORCE IS USED, WITHOUT RETREATING, SURRENDERING
14 POSSESSION, DOING ANY OTHER ACT WHICH HE HAS NO LEGAL DUTY TO
15 DO OR ABSTAINING FROM ANY LAWFUL ACTION.

16 * * *

17 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CRIMINAL
18 ACTIVITY" MEANS CONDUCT WHICH IS A MISDEMEANOR OR FELONY, IS NOT
19 JUSTIFIABLE UNDER THIS CHAPTER AND IS THE PROXIMATE CAUSE OF THE
20 CONFRONTATION BETWEEN AN ACTOR AND THE PERSON AGAINST WHOM FORCE
21 IS USED.

22 SECTION 3. SECTION 506 OF TITLE 18 IS AMENDED TO READ:

23 § 506. USE OF FORCE FOR THE PROTECTION OF OTHER PERSONS.

24 (A) GENERAL RULE.--THE USE OF FORCE UPON OR TOWARD THE
25 PERSON OF ANOTHER IS JUSTIFIABLE TO PROTECT A THIRD PERSON WHEN:

26 (1) THE ACTOR WOULD BE JUSTIFIED UNDER SECTION 505 [OF
27 THIS TITLE] (RELATING TO USE OF FORCE IN SELF-PROTECTION) IN
28 USING SUCH FORCE TO PROTECT HIMSELF AGAINST THE INJURY HE
29 BELIEVES TO BE THREATENED TO THE PERSON WHOM HE SEEKS TO
30 PROTECT;

1 (2) UNDER THE CIRCUMSTANCES AS THE ACTOR BELIEVES THEM
2 TO BE, THE PERSON WHOM HE SEEKS TO PROTECT WOULD BE JUSTIFIED
3 IN USING SUCH PROTECTIVE FORCE; AND

4 (3) THE ACTOR BELIEVES THAT HIS INTERVENTION IS
5 NECESSARY FOR THE PROTECTION OF SUCH OTHER PERSON.

6 (B) [EXCEPTIONS] EXCEPTION.--NOTWITHSTANDING SUBSECTION (A)
7 [OF THIS SECTION:

8 (1) WHEN THE ACTOR WOULD BE OBLIGED UNDER SECTION 505 OF
9 THIS TITLE TO RETREAT, TO SURRENDER THE POSSESSION OF A THING
10 OR TO COMPLY WITH A DEMAND BEFORE USING FORCE IN SELF-
11 PROTECTION, HE IS NOT OBLIGED TO DO SO BEFORE USING FORCE FOR
12 THE PROTECTION OF ANOTHER PERSON, UNLESS HE KNOWS THAT HE CAN
13 THEREBY SECURE THE COMPLETE SAFETY OF SUCH OTHER PERSON.

14 (2) WHEN THE PERSON WHOM THE ACTOR SEEKS TO PROTECT
15 WOULD BE OBLIGED UNDER SECTION 505 OF THIS TITLE TO RETREAT,
16 TO SURRENDER THE POSSESSION OF A THING OR TO COMPLY WITH A
17 DEMAND IF HE KNEW THAT HE COULD OBTAIN COMPLETE SAFETY BY SO
18 DOING, THE ACTOR IS OBLIGED TO TRY TO CAUSE HIM TO DO SO
19 BEFORE USING FORCE IN HIS PROTECTION IF THE ACTOR KNOWS THAT
20 HE CAN OBTAIN COMPLETE SAFETY IN THAT WAY.

21 (3) NEITHER THE ACTOR NOR THE PERSON WHOM HE SEEKS TO
22 PROTECT IS OBLIGED TO RETREAT WHEN IN THE DWELLING OR PLACE
23 OF WORK OF THE OTHER TO ANY GREATER EXTENT THAN IN HIS OWN.],
24 THE ACTOR IS NOT OBLIGED TO RETREAT TO ANY GREATER EXTENT
25 THAN THE PERSON WHOM HE SEEKS TO PROTECT.

26 SECTION 4. SECTION 3903(A), (A.1) AND (B) OF TITLE 18 ARE
27 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
28 READ:

29 § 3903. GRADING OF THEFT OFFENSES.

30 (A) FELONY OF THE SECOND DEGREE.--THEFT CONSTITUTES A FELONY

1 OF THE SECOND DEGREE IF:

2 (1) THE OFFENSE IS COMMITTED DURING A MANMADE DISASTER,
3 A NATURAL DISASTER OR A WAR-CAUSED DISASTER AND CONSTITUTES A
4 VIOLATION OF SECTION 3921 (RELATING TO THEFT BY UNLAWFUL
5 TAKING OR DISPOSITION), 3925 (RELATING TO RECEIVING STOLEN
6 PROPERTY), 3928 (RELATING TO UNAUTHORIZED USE OF AUTOMOBILES
7 AND OTHER VEHICLES) OR 3929 (RELATING TO RETAIL THEFT).

8 (2) THE PROPERTY STOLEN IS A FIREARM.

9 (3) IN THE CASE OF THEFT BY RECEIVING STOLEN PROPERTY,
10 THE PROPERTY RECEIVED, RETAINED OR DISPOSED OF IS A FIREARM
11 [AND THE RECEIVER IS IN THE BUSINESS OF BUYING OR SELLING
12 STOLEN PROPERTY].

13 (4) THE PROPERTY STOLEN IS ANY AMOUNT OF ANHYDROUS
14 AMMONIA.

15 (A.1) FELONY OF THE THIRD DEGREE.--EXCEPT AS PROVIDED IN
16 SUBSECTION (A) OR (A.2), THEFT CONSTITUTES A FELONY OF THE THIRD
17 DEGREE IF THE AMOUNT INVOLVED EXCEEDS \$2,000, OR IF THE PROPERTY
18 STOLEN IS AN AUTOMOBILE, AIRPLANE, MOTORCYCLE, MOTORBOAT OR
19 OTHER MOTOR-PROPELLED VEHICLE, OR IN THE CASE OF THEFT BY
20 RECEIVING STOLEN PROPERTY, IF THE RECEIVER IS IN THE BUSINESS OF
21 BUYING OR SELLING STOLEN PROPERTY.

22 (A.2) FELONY OF THE FIRST DEGREE.--THEFT CONSTITUTES A
23 FELONY OF THE FIRST DEGREE IF, IN THE CASE OF THEFT BY RECEIVING
24 STOLEN PROPERTY, THE PROPERTY RECEIVED, RETAINED OR DISPOSED OF
25 IS A FIREARM AND THE RECEIVER IS IN THE BUSINESS OF BUYING OR
26 SELLING STOLEN PROPERTY.

27 (B) OTHER GRADES.--THEFT NOT WITHIN SUBSECTION (A) [OR],
28 (A.1) [OF THIS SECTION] OR (A.2), CONSTITUTES A MISDEMEANOR OF
29 THE FIRST DEGREE, EXCEPT THAT IF THE PROPERTY WAS NOT TAKEN FROM
30 THE PERSON OR BY THREAT, OR IN BREACH OF FIDUCIARY OBLIGATION,

1 AND:

2 (1) THE AMOUNT INVOLVED WAS \$50 OR MORE BUT LESS THAN
3 \$200 THE OFFENSE CONSTITUTES A MISDEMEANOR OF THE SECOND
4 DEGREE; OR

5 (2) THE AMOUNT INVOLVED WAS LESS THAN \$50 THE OFFENSE
6 CONSTITUTES A MISDEMEANOR OF THE THIRD DEGREE.

7 * * *

8 SECTION 5. SECTION 4501 OF TITLE 18 IS AMENDED BY ADDING
9 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:

17 * * *

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

20 * * *

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

23 "Sex offender registration law." As defined in 42 Pa.C.S. §
24 9792 (relating to definitions).

25 Section ~~2~~ 6. Section 4915(a) introductory paragraph, (2) and ←
26 (3), (b), (c) and (e)(3)(ii) of Title 18 are amended and
27 subsections (a) and (c) are amended by adding paragraphs to
28 read:

29 § 4915. Failure to comply with registration of sexual offenders
30 requirements.

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

8 * * *

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

12 (3) provide accurate information when registering,
13 verifying or updating registration information under 42
14 Pa.C.S. § 9795.2 or [verifying an address under 42 Pa.C.S. §]
15 9796; or

16 (4) comply with any sexual offender counseling
17 conditions imposed by 42 Pa.C.S. § 9799.4 (relating to
18 counseling of sexually violent predators) as a result of
19 being designated a sexually violent predator or imposed under
20 a sex offender registration statute following conviction in
21 another jurisdiction.

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

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

30 (3) An individual subject to registration under 42

1 Pa.C.S. § 9795.1(a) or (a.1) or former 42 Pa.C.S. § 9793, and
2 required to register as an offender for a period of time less
3 than lifetime, who commits a violation of subsection (a)(1)
4 or (2) and who has previously been convicted of an offense
5 under subsection (a)(1) or (2) or a similar offense commits a
6 felony of the second degree.

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

12 (c) Grading for sexually violent predators and others with
13 lifetime registration.--

14 (2) Except as set forth in paragraph (3), an individual
15 subject to registration under 42 Pa.C.S. § [9795.1(b)(1), (2)
16 or (3)] 9795.1(b) or former 42 Pa.C.S. § 9793, and required
17 to register as a sexually violent predator or as an offender
18 for life, who commits a violation of subsection (a)(1) or (2)
19 commits a felony of the second degree.

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

27 (4) An individual subject to registration under 42
28 Pa.C.S. § [9795.1(b)(1), (2) or (3)] 9795.1(b) or former 42
29 Pa.C.S. § 9793, and required to register as a sexually
30 violent predator or as an offender for life, who violates

1 subsection (a) (3) commits a felony of the first degree.

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

6 * * *

7 (e) Arrests for violation.--

8 * * *

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

12 * * *

13 (ii) The individual must provide the Pennsylvania
14 State Police with all current or intended residences, all
15 habitual locales, all information concerning current or
16 intended employment, including all employment locations,
17 and all information concerning current or intended
18 enrollment as a student.

19 * * *

20 SECTION 7. THE DEFINITION OF "LOADED" IN SECTION 6102 OF
21 TITLE 18 IS AMENDED TO READ:



22 § 6102. DEFINITIONS.

23 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
24 PROVISIONS OF THIS SUBCHAPTER WHICH ARE APPLICABLE TO SPECIFIC
25 PROVISIONS OF THIS SUBCHAPTER, THE FOLLOWING WORDS AND PHRASES,
26 WHEN USED IN THIS SUBCHAPTER SHALL HAVE, UNLESS THE CONTEXT
27 CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS
28 SECTION:

29 * * *

30 "LOADED." A FIREARM IS LOADED IF THE FIRING CHAMBER, THE

1 NONDETACHABLE MAGAZINE OR, IN THE CASE OF A REVOLVER, ANY OF THE
2 CHAMBERS OF THE CYLINDER CONTAIN AMMUNITION CAPABLE OF BEING
3 FIRED. IN THE CASE OF A FIREARM WHICH UTILIZES A DETACHABLE
4 MAGAZINE, THE TERM SHALL MEAN A MAGAZINE SUITABLE FOR USE IN
5 SAID FIREARM WHICH MAGAZINE CONTAINS SUCH AMMUNITION AND HAS
6 BEEN INSERTED IN THE FIREARM OR IS IN THE SAME CONTAINER OR,
7 WHERE THE CONTAINER HAS MULTIPLE COMPARTMENTS, THE SAME
8 COMPARTMENT THEREOF AS THE FIREARM. IF THE MAGAZINE IS INSERTED
9 INTO A POUCH, HOLDER, HOLSTER OR OTHER PROTECTIVE DEVICE THAT
10 PROVIDES FOR A COMPLETE AND SECURE ENCLOSURE OF THE AMMUNITION,
11 THEN THE POUCH, HOLDER, HOLSTER OR OTHER PROTECTIVE DEVICE SHALL
12 BE DEEMED TO BE A SEPARATE COMPARTMENT.

13 * * *

14 SECTION 8. SECTION 6109(M.3) OF TITLE 18 IS AMENDED TO READ:
15 § 6109. LICENSES.

16 * * *

17 (M.3) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
18 CONSTRUED TO [PERMIT]:

19 (1) PERMIT THE HUNTING OR HARVESTING OF ANY WILDLIFE
20 WITH A FIREARM OR AMMUNITION NOT OTHERWISE PERMITTED BY 34
21 PA.C.S. (RELATING TO GAME).

22 (2) AUTHORIZE ANY COMMONWEALTH AGENCY TO REGULATE THE
23 POSSESSION OF FIREARMS IN ANY MANNER INCONSISTENT WITH THE
24 PROVISIONS OF THIS TITLE.

25 * * *

26 SECTION 9. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
27 § 8340.2. CIVIL IMMUNITY FOR USE OF FORCE.

28 (A) GENERAL RULE.--AN ACTOR WHO USES FORCE:

29 (1) IN SELF-PROTECTION AS PROVIDED IN 18 PA.C.S. § 505
30 (RELATING TO USE OF FORCE IN SELF-PROTECTION);

1 (2) IN THE PROTECTION OF OTHER PERSONS AS PROVIDED IN 18
2 PA.C.S. § 506 (RELATING TO USE OF FORCE FOR THE PROTECTION OF
3 OTHER PERSONS);

4 (3) FOR THE PROTECTION OF PROPERTY AS PROVIDED IN 18
5 PA.C.S. § 507 (RELATING TO USE OF FORCE FOR THE PROTECTION OF
6 PROPERTY);

7 (4) IN LAW ENFORCEMENT AS PROVIDED IN 18 PA.C.S. § 508
8 (RELATING TO USE OF FORCE IN LAW ENFORCEMENT); OR

9 (5) CONSISTENT WITH THE ACTOR'S SPECIAL RESPONSIBILITY
10 FOR CARE, DISCIPLINE OR SAFETY OF OTHERS AS PROVIDED IN 18
11 PA.C.S. § 509 (RELATING TO USE OF FORCE BY PERSONS WITH
12 SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE OR SAFETY OF
13 OTHERS)

14 IS JUSTIFIED IN USING SUCH FORCE AND SHALL BE IMMUNE FROM CIVIL
15 LIABILITY FOR PERSONAL INJURIES SUSTAINED BY A PERPETRATOR WHICH
16 WERE CAUSED BY THE ACTS OR OMISSIONS OF THE ACTOR AS A RESULT OF
17 THE USE OF FORCE.

18 (B) ATTORNEY FEES AND COSTS.--IF THE ACTOR WHO SATISFIES THE
19 REQUIREMENTS OF SUBSECTION (A) PREVAILS IN A CIVIL ACTION
20 INITIATED BY OR ON BEHALF OF A PERPETRATOR AGAINST THE ACTOR,
21 THE COURT SHALL AWARD REASONABLE EXPENSES TO THE ACTOR.
22 REASONABLE EXPENSES SHALL INCLUDE, BUT NOT BE LIMITED TO,
23 ATTORNEY FEES, EXPERT WITNESS FEES, COURT COSTS AND COMPENSATION
24 FOR LOSS OF INCOME.

25 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM
26 "PERPETRATOR" SHALL MEAN A PERSON AGAINST WHOM AN ACTOR IS
27 JUSTIFIED IN USING FORCE AS PROVIDED BY 18 PA.C.S. § 505, 506,
28 507, 508 OR 509.

29 SECTION ~~2-1~~ 10. SECTION 9718.3(A) OF TITLE 42 IS AMENDED TO
30 READ:



1 § 9718.3. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF
2 SEXUAL OFFENDERS.

3 (A) MANDATORY SENTENCE.--MANDATORY SENTENCING SHALL BE AS
4 FOLLOWS:

5 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL
6 BE AS FOLLOWS:

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

8 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
9 9795.1(A) OR (A.1) (RELATING TO REGISTRATION), FORMER
10 SECTION 9793 (RELATING TO REGISTRATION OF CERTAIN
11 OFFENDERS FOR TEN YEARS) OR A SIMILAR PROVISION FROM
12 ANOTHER JURISDICTION; AND

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

16 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
17 WHO:

18 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
19 9795.1(A) OR (A.1), FORMER SECTION 9793 OR A SIMILAR
20 PROVISION FROM ANOTHER JURISDICTION; AND

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

22 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
23 WHO:

24 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
25 9795.1(B) OR A SIMILAR PROVISION FROM ANOTHER
26 JURISDICTION; AND

27 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) [OR] (2)
28 OR (4).

29 (IV) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

30 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION

1 9795.1(B) OR A SIMILAR PROVISION FROM ANOTHER
2 JURISDICTION; AND

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

4 (2) SENTENCING UPON CONVICTION FOR A SECOND OR
5 SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:

6 (I) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

7 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
8 9795.1, FORMER SECTION 9793 OR A SIMILAR PROVISION
9 FROM ANOTHER JURISDICTION; AND

10 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) [OR] (2)
11 OR (4).

12 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL
13 WHO:

14 (A) WAS SUBJECT TO REGISTRATION UNDER SECTION
15 9795.1, FORMER SECTION 9793 OR A SIMILAR PROVISION
16 FROM ANOTHER JURISDICTION; AND

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

18 * * *

19 Section 3 11. The definitions of "active notification," ←
20 "approved registration site," "employed," "offender," "passive
21 notification," "residence" and "sexually violent predator" in
22 section 9792 of Title 42 are amended and the section is amended
23 by adding definitions to read:

24 § 9792. Definitions.

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

28 * * *

29 "Active notification." Notification pursuant to section 9798
30 (relating to other notification) or any process whereby law

1 enforcement, pursuant to the laws of the United States or one of
2 its territories or possessions, another state, the District of
3 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
4 notifies persons in the community in which the individual
5 resides or has a habitual locale, including any person
6 identified in section 9798(b), of the residence, habitual
7 locale, employment or school location of the individual.

8 "Approved registration site" A site in this Commonwealth
9 approved by the Pennsylvania State Police as required by section
10 9799.1(2) (relating to [duties of] Pennsylvania State Police):

11 (1) at which individuals subject to this subchapter may
12 register, verify information or be fingerprinted or
13 photographed as required by this subchapter;

14 (2) which is capable of submitting fingerprints
15 utilizing the Integrated Automated Fingerprint Identification
16 System or in another manner and in such form as the
17 Pennsylvania State Police shall require; and

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

22 * * *

23 "Employed." Includes a vocation or employment that is full-
24 time or part-time for a period of time exceeding [14] four days
25 during a seven-day period or for an aggregate period of time
26 exceeding [30] 14 days during any calendar year, whether
27 financially compensated, volunteered, pursuant to a contract or
28 for the purpose of government or educational benefit.

29 "Habitual locale." A place where a transient can be located.
30 The term includes locations a transient frequents during the day

1 and night, such as parks, public buildings, restaurants and
2 libraries.

3 * * *

4 "Offender." An individual required to register under section
5 9795.1(a), (a.1), (b)(1) or (2) (relating to registration) or
6 under former section 9793 (relating to registration of certain
7 offenders for ten years). The term includes an individual
8 considered to be an offender under section 9795.2(b) (relating
9 to registration procedures and applicability).

10 "Passive notification." Notification pursuant to section
11 9798.1 (relating to information made available on the Internet
12 AND ELECTRONIC NOTIFICATION) or any process whereby persons,
13 pursuant to the laws of the United States or one of its
14 territories or possessions, another state, the District of
15 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
16 are able to access information pertaining to an individual [as a
17 result of the individual having been convicted or sentenced by a
18 court for an offense similar to an offense listed in section
19 9795.1 (relating to registration)] under a sex offender
20 registration law in that jurisdiction. The term includes a
21 situation in which an individual is required to register under a
22 sex offender registration law in the jurisdiction where
23 convicted, sentenced, court martialled or adjudicated as a
24 juvenile and where access to that registration information is
25 limited to law enforcement only.

26 * * *

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

30 "Residence." A location where an individual resides or is

1 domiciled or intends to be domiciled for 30 [consecutive]
2 cumulative days or more during a calendar year.

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

4 (1) This subchapter.

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

8 * * *

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

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

21 (2) an individual considered to be a sexually violent
22 predator under section 9795.2(b) (relating to registration
23 procedures and applicability).

24 * * *

25 "Transient." An individual subject to registration under
26 this subchapter who does not have a residence and is present in
27 this Commonwealth for seven or more consecutive days. The term
28 includes an individual considered to be a transient under
29 section 9795.2(a)(1) (relating to registration procedures and
30 applicability).

1 Section 4 12. Section 9795.1(a) introductory paragraph of
2 Title 42 is amended, subsection (b) is amended by adding a
3 paragraph and the section is amended by adding subsections to
4 read:

5 § 9795.1. Registration.

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

10 * * *

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

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

19 * * *

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

23 * * *

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

28 Section 5 13. Section 9795.2(a) (1), (2) introductory
29 paragraph, (i), (ii) and (iv), (2.1), (3) and (4) (i), (b) (4)
30 introductory paragraph and (5) introductory paragraph, (c), (d)

1 and (e) of Title 42 are amended, subsection (a) is amended by
2 adding a paragraph and subsection (a) (2) is amended by adding
3 subparagraphs to read:

4 § 9795.2. Registration procedures and applicability.

5 (a) Registration.--

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

28 (1.1) If an offender or sexually violent predator is
29 required under this subchapter to register, update or verify
30 a residence, an offender or sexually violent predator who is

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

18 (2) For purposes of this paragraph, offenders and
19 sexually violent predators shall appear at an approved
20 registration site to complete the form designated by the
21 Pennsylvania State Police to be used for purposes of
22 complying with this subchapter. In the case of an offender
23 entering or being released or transferred from a residential
24 reentry or correctional facility, the administrator of the
25 facility or his designee shall assist in completing the forms
26 designated by the Pennsylvania State Police to be used for
27 purposes of complying with this subchapter and, immediately
28 upon collection, forward all the forms to the Pennsylvania
29 State Police. Offenders and sexually violent predators shall
30 inform the Pennsylvania State Police within 48 hours of:

1 (i) Any establishment or change of residence or
2 establishment of an additional residence or residences.

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

9 * * *

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

13 (v) Becoming a transient.

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

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

22 (2.1) Registration with a new law enforcement agency
23 shall occur no later than 48 hours after establishing
24 residence in another state or after moving to another state
25 but not establishing a residence there.

26 (3) The [ten-year] registration period required in
27 section 9795.1(a) and (a.1) (relating to registration) shall
28 be tolled when an offender is [recommitted for a parole
29 violation or sentenced to an additional term of imprisonment]
30 incarcerated, and all time spent in incarceration shall not

1 be counted toward an offender's registration period. In such
2 cases, the [Department of Corrections or] Federal, State,
3 county, municipal or private correctional facility shall
4 notify the Pennsylvania State Police of the admission,
5 release and transfer of the offender.

6 (4) This paragraph shall apply to all offenders and
7 sexually violent predators:

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

1 Corrections or county] correctional facility shall
2 collect the information from the offender or sexually
3 violent predator no later than ten days prior to the
4 maximum expiration date. The registration information
5 shall, immediately upon collection, be forwarded to the
6 Pennsylvania State Police.

7 * * *

8 (b) Individuals convicted or sentenced by a court or
9 adjudicated delinquent in jurisdictions outside this
10 Commonwealth or sentenced by court martial.--

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

26 * * *

27 (5) Notwithstanding the provisions of Chapter 63
28 (relating to juvenile matters) and except as provided in
29 paragraph (4), an individual who [resides, is employed or is
30 a student] is employed, intends to be employed, is a student,

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

12 * * *

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

14 (1) The Pennsylvania State Police shall provide the
15 information obtained under this section and sections [9795.3]
16 9795.3(a) (relating to sentencing court information) and 9796
17 (relating to verification of [residence] registration
18 information) to the chief law enforcement officers of the
19 police departments of the municipalities in which the
20 individual will reside, be employed or enrolled as a student.
21 In addition, the Pennsylvania State Police shall provide this
22 officer with the address at which the individual will reside,
23 be employed or enrolled as a student following his release
24 from incarceration, parole or probation.

25 (2) The Pennsylvania State Police shall provide notice
26 to the chief law enforcement officers of the police
27 departments of the municipalities notified pursuant to
28 paragraph (1) when an individual fails to comply with the
29 registration requirements of this section or section 9796 and
30 request, as appropriate, that these police departments assist

1 in locating and apprehending the individual.

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

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

17 (e) Registration sites.--An individual subject to [section
18 9795.1] this subchapter shall register and submit to
19 fingerprinting and photographing as required by this subchapter
20 at approved registration sites.

21 Section ~~6~~ 14. Sections 9795.3 and 9796 heading, (a), (b), ←
22 (c) and (e), 9797(a)(1), ~~AND~~ 9798(a)(1), (b) and (c), ~~9798.1(e)~~ ←
23 ~~(1)(v) and 9799(1)~~ of Title 42 are amended to read:

24 § 9795.3. Sentencing court information.

25 (a) Duty of sentencing court.--The sentencing court shall
26 inform offenders and sexually violent predators at the time of
27 sentencing of the provisions of this subchapter. The court
28 shall:

29 (1) Specifically inform the offender or sexually violent
30 predator of the duty to register and provide the information

1 required for each registration, including verification as
2 required in section 9796(a) (relating to verification of
3 [residence]) registration information.

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

16 (2.1) Specifically inform the offender or sexually
17 violent predator of the duty to inform the Pennsylvania State
18 Police within [ten days] 48 hours of becoming employed or
19 enrolled as a student if the [person] offender or sexually
20 violent predator has not previously provided that information
21 to the Pennsylvania State Police.

22 (2.2) Specifically inform the offender or sexually
23 violent predator of the duty to inform the Pennsylvania State
24 Police that he is a transient if the offender or sexually
25 violent predator does not have or fails to maintain a
26 residence.

27 (3) Specifically inform the offender or sexually violent
28 predator of the duty to register with a new law enforcement
29 agency if the offender or sexually violent predator moves to
30 another state no later than [ten days] 48 hours after

1 establishing residence in another state.

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

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

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

19 (b) Failure to provide.--Failure on the part of the court to
20 provide a sexually violent predator or offender with information
21 under this section shall not relieve that predator or offender
22 from the requirements of this subchapter.

23 § 9796. Verification of [residence] registration information.

24 (a) Quarterly verification by sexually violent predators.--
25 The Pennsylvania State Police shall verify the [residence]
26 registration information and compliance with counseling as
27 provided for in section 9799.4 (relating to counseling of
28 sexually violent predators) of sexually violent predators every
29 90 days through the use of a nonforwardable verification form to
30 the last reported residence. For the period of registration

1 required by section 9795.1 (relating to registration), a
2 sexually violent predator shall appear quarterly between January
3 5 and January 15, April 5 and April 15, July 5 and July 15 and
4 October 5 and October 15 of each calendar year at an approved
5 registration site to complete a verification form and to be
6 photographed.

7 * * *

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

17 * * *

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

30 * * *

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

7 * * *

8 § 9797. Victim notification.

9 (a) Duty to inform victim.--

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

24 * * *

25 § 9798. Other notification.

26 (a) Notice by municipality's chief law enforcement
27 officer.--Notwithstanding any of the provisions of 18 Pa.C.S.
28 Ch. 91 (relating to criminal history record information), the
29 chief law enforcement officer of the full-time or part-time
30 police department of the municipality where a sexually violent

1 predator lives shall be responsible for providing written notice
2 as required under this section.

3 (1) The notice shall contain:

4 (i) The name of the convicted sexually violent
5 predator.

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

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

13 (iii) The offense for which [he] the sexually
14 violent predator was convicted, sentenced by a court,
15 adjudicated delinquent or court martialed.

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

20 (v) A photograph of the sexually violent predator,
21 if available.

22 * * *

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

26 (1) Neighbors of the sexually violent predator. As used
27 in this paragraph, where the sexually violent predator lives
28 in a common interest community, the term "neighbor" includes
29 the unit owners' association and residents of the common
30 interest community. As used in this paragraph, where the

1 sexually violent predator is a transient, the term "neighbor"
2 shall mean the community, and the chief law enforcement
3 officer shall determine the appropriate method for providing
4 written notice.

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

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

16 (3.1) The superintendent of each school district and the
17 equivalent official for each private and parochial school
18 located within a one-mile radius of where the sexually
19 violent predator resides.

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

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

29 (c) Urgency of notification.--The municipal police
30 department's chief law enforcement officer shall provide notice

1 within the following time frames:

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

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

15 * * *

16 SECTION ~~6.1~~ 15. SECTION 9798.1 HEADING, (A) AND (C) (1) (V) ←
17 AND (VI) OF TITLE 42 ARE AMENDED, SUBSECTION (C) IS AMENDED BY
18 ADDING A PARAGRAPH AND THE SECTION IS AMENDED BY ADDING A
19 SUBSECTION TO READ:

20 § 9798.1. Information made available on the Internet AND ←
21 ELECTRONIC NOTIFICATION.

22 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DECLARED TO BE THE ←
23 FINDING OF THE GENERAL ASSEMBLY THAT PUBLIC SAFETY WILL BE
24 ENHANCED BY MAKING INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS,
25 LIFETIME REGISTRANTS AND OTHER SEX OFFENDERS AVAILABLE TO THE
26 PUBLIC THROUGH THE INTERNET AND ELECTRONIC NOTIFICATION.
27 KNOWLEDGE OF WHETHER A PERSON IS A SEXUALLY VIOLENT PREDATOR,
28 LIFETIME REGISTRANT OR OTHER SEX OFFENDER COULD BE A SIGNIFICANT
29 FACTOR IN PROTECTING ONESELF AND ONE'S FAMILY MEMBERS, OR THOSE
30 IN CARE OF A GROUP OR COMMUNITY ORGANIZATION, FROM RECIDIVIST

1 ACTS BY SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND
2 OTHER SEX OFFENDERS. THE TECHNOLOGY AFFORDED BY THE INTERNET AND
3 OTHER ELECTRONIC NOTIFICATION WOULD MAKE THIS INFORMATION
4 READILY ACCESSIBLE TO PARENTS AND PRIVATE ENTITIES, ENABLING
5 THEM TO UNDERTAKE APPROPRIATE REMEDIAL PRECAUTIONS TO PREVENT OR
6 AVOID PLACING POTENTIAL VICTIMS AT RISK. PUBLIC ACCESS TO
7 INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS, LIFETIME
8 REGISTRANTS AND OTHER SEX OFFENDERS IS INTENDED SOLELY AS A
9 MEANS OF PUBLIC PROTECTION AND SHALL NOT BE CONSTRUED AS
10 PUNITIVE.

11 * * *

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

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

18 * * *

19 (v) the municipality, county and zip code of any
20 employment location and, in the case of a transient, of
21 any habitual locale;

22 * * *

23 (VI) [A PHOTOGRAPH] MULTIPLE FRONTAL VIEW COLOR
24 PHOTOGRAPHS OF THE OFFENDER, WHICH SHALL BE UPDATED NOT
25 LESS THAN ANNUALLY, THE SPECIFIC DATE EACH PHOTOGRAPH WAS
26 TAKEN AND, FOR COMPARATIVE PURPOSES, THE MOST CURRENT AND
27 THE MOST RECENT PREVIOUSLY POSTED FRONTAL PHOTOGRAPHS
28 TAKEN OF THE OFFENDER;

29 * * *

30 (3) IF AN OFFENDER FAILS TO APPEAR FOR HIS REQUIRED

1 ANNUAL REGISTRATION INFORMATION VERIFICATION OR A SEXUALLY
2 VIOLENT PREDATOR FAILS TO APPEAR FOR HIS REQUIRED QUARTERLY
3 REGISTRATION INFORMATION VERIFICATION, THE INTERNET WEBSITE
4 SHALL INCLUDE:

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

10 (II) IF APPLICABLE, A PROMINENT NOTICE INDICATING
11 THAT THE OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS
12 ABSCONDED.

13 * * *

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

20 SECTION ~~6.2~~ 16. SECTION 9799(1) OF TITLE 42 IS AMENDED TO
21 READ:

22 § 9799. Immunity for good faith conduct.

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

25 (1) The Pennsylvania State Police [and], local law
26 enforcement agencies, and agents and employees of the
27 Pennsylvania State Police and local law enforcement agencies.

28 * * *

29 Section ~~7~~ 17. Section 9799.1 heading, (2) and (4) of Title
30 42 are amended and the section is amended by adding paragraphs

1 to read:

2 § 9799.1. [Duties of] Pennsylvania State Police.

3 The Pennsylvania State Police shall:

4 * * *

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

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

8 * * *

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

20 * * *

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

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

29 (ii) A proceeding to modify a court order concerning
30 the terms of an individual's registration under former

1 section 9793 or section 9795.1.

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

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

21 Section § 18. Sections 9799.4 and 9799.9 of Title 42 are
22 amended to read:

23 § 9799.4. Counseling of sexually violent predators.

24 (a) Attendance required.--For the period of registration
25 required by section 9795.1(b) (relating to registration), a
26 sexually violent predator shall be required to attend at least
27 monthly counseling sessions in a program approved by the board
28 and be financially responsible for all fees assessed from such
29 counseling sessions. The board shall monitor the compliance of
30 the sexually violent predator.



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

15 § 9799.9. Photographs and fingerprinting.

16 An individual subject to former section 9793 (relating to
17 registration of certain offenders for ten years) or section
18 9795.1 (relating to registration) shall submit to fingerprinting
19 and photographing as required by this subchapter at approved
20 registration sites. Fingerprinting as required by this
21 subchapter shall, at a minimum, require submission of a full set
22 of fingerprints. Photographing as required by this subchapter
23 shall, at a minimum, require submission to photographs of the
24 face and any scars, marks, tattoos or other unique features of
25 the individual. Fingerprints and photographs obtained under this
26 subchapter may be maintained for use under this subchapter and
27 for general law enforcement purposes.

28 Section 9 19. This act shall apply to the following: ←

29 (1) All individuals required to register under 42
30 Pa.C.S. Ch. 97 Subch. H on or after the effective date of

1 this section.

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

6 Section ~~13~~ 20. This act shall take effect as follows: ←

7 (1) The amendment or addition of 18 Pa.C.S. §§ 501, ←
8 505(B) AND (D), 506, 3903(A), (A.1), (A.2) AND (B), 4501 and, ←
9 4915(a) introductory paragraph, (2), (3) and (4), (b) (2), (3)
10 and (4) and (c) (2), (3), (4) and (5), 6102 AND 6109(M.3) AND ←
11 42 PA.C.S. § 8340.2 shall take effect in 60 days.

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

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

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

19 ~~(3)~~ (5) The remainder of this act shall take effect ←
20 immediately.