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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 756 Session of  
2009

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INTRODUCED BY BOSCOLA, BROWNE, WONDERLING, FONTANA, WOZNIAK AND  
LOGAN, APRIL 3, 2009

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REFERRED TO JUDICIARY, APRIL 3, 2009

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for  
3 registration of domestic violence predators; establishing the  
4 Domestic Violence Predator Assessment Board; and imposing  
5 powers and duties on the Pennsylvania State Police and on the  
6 Pennsylvania Board of Probation and Parole.

7 It is the intention of the General Assembly that this act be  
8 known as Robin's Law.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Title 42 of the Pennsylvania Consolidated  
12 Statutes is amended by adding a chapter to read:

13 CHAPTER 96

14 REGISTRATION OF DOMESTIC VIOLENCE PREDATORS

15 Sec.

16 9601. Scope of chapter.

17 9602. Definitions.

18 9603. Registration of certain offenders for ten years.

19 9604. Designation of domestic violence predators.

20 9605. Other registration requirements.

1 9606. Verification of residence.

2 9607. Victim notification.

3 9608. Immunity for good faith conduct.

4 9609. Duties of Pennsylvania State Police.

5 9610. Duties of Pennsylvania Board of Probation and Parole.

6 9611. Board.

7 9612. Domestic violence predators.

8 9613. Exemption from notification.

9 § 9601. Scope of chapter.

10 This chapter relates to registration of domestic violence  
11 criminal offenders.

12 § 9602. Definitions.

13 The following words and phrases when used in this chapter  
14 shall have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Board." The Domestic Violence Predator Assessment Board  
17 established in section 9611 (relating to board).

18 "Conviction." An adjudication of guilt by a court of  
19 competent jurisdiction whether upon a verdict or plea of guilty  
20 or plea of nolo contendere, notwithstanding a pending appeal or  
21 habeas corpus proceeding arising from the adjudication.

22 "Domestic violence offense." An offense, under the laws of  
23 this Commonwealth or any other jurisdiction:

24 (1) an element of which is the use or attempted use of  
25 physical force;

26 (2) which is punishable by a term of imprisonment  
27 exceeding two years; and

28 (3) which was committed by:

29 (i) the current or former spouse, parent or guardian  
30 of the victim;

1           (ii) an individual with whom the victim shares a  
2           child in common;

3           (iii) an individual who cohabits with or has  
4           cohabited with the victim as a spouse, parent or  
5           guardian; or

6           (iv) an individual similarly situated to a spouse,  
7           parent or guardian of the victim.

8           The relationship specified in this paragraph need not be an  
9           element of the offense to meet the requirements of this  
10          definition.

11          The term includes an attempt, a solicitation or a conspiracy to  
12          commit the offense.

13          "Domestic violence predator." An individual who:

14           (1) has been convicted of a domestic violence offense;  
15          and

16           (2) is determined to be a domestic violence predator  
17          under section 9604 (relating to designation of domestic  
18          violence predators) due to a mental abnormality or  
19          personality disorder which makes the individual likely to  
20          engage in predatory domestic violence offenses.

21          "Mental abnormality." A congenital or acquired condition of  
22          an individual which affects the emotional or volitional capacity  
23          of the individual in a manner as to predispose the individual to  
24          commit violent criminal offenses to a degree which makes the  
25          individual a menace to the health and safety of other persons.

26          "Municipality." A city, borough, incorporated town or  
27          township.

28          "Personality disorder." A personality disorder as defined in  
29          the fourth edition of the Diagnostic and Statistical Manual of  
30          Mental Disorders adopted by the American Psychiatric

1 Association.

2 "Predatory." Directed at an individual with whom a  
3 relationship has been established or promoted for the primary  
4 purpose of victimization.

5 § 9603. Registration of certain offenders for ten years.

6 (a) Requirement.--Except as set forth in subsection (b):

7 (1) An individual convicted of a domestic violence  
8 offense shall register a current address with the  
9 Pennsylvania State Police upon:

10 (i) release from incarceration;

11 (ii) parole from a State or county correctional  
12 facility; or

13 (iii) commencement of a sentence of intermediate  
14 punishment or probation.

15 (2) The period of registration shall be ten years.

16 (b) Exceptions.--

17 (1) Subsection (a) does not apply to an individual  
18 incarcerated in a maximum or medium correctional facility of  
19 the Department of Corrections, a private correctional  
20 facility or a correctional facility of another jurisdiction.  
21 This exception ends upon release.

22 (2) Subsection (a) does not apply to an individual  
23 required to register under Subchapter H of Chapter 97  
24 (relating to registration of sexual offenders).

25 (c) Registration information.--The Pennsylvania State Police  
26 shall provide the information obtained under sections 9605  
27 (relating to other registration requirements) and 9606 (relating  
28 to verification of residence) and this section and the address  
29 at which the offender will reside after release from  
30 incarceration, parole or probation to the chief law enforcement

1 officer of the police department of the municipality in which  
2 the offender will reside.

3 § 9604. Designation of domestic violence predators.

4 (a) Order for assessment.--Before sentencing, the court  
5 shall order a person convicted of a domestic violence offense to  
6 be assessed by the board.

7 (b) Presumption.--There shall be a presumption that an  
8 offender convicted of a domestic violence offense shall be  
9 presumed by the board to be a domestic violence predator. The  
10 presumption may be rebutted by clear and convincing evidence at  
11 a hearing held under subsection (e).

12 (c) Assessment.--The board shall conduct an assessment of  
13 the offender to determine if the offender is a domestic violence  
14 predator. Such an assessment shall include, but not be limited  
15 to, the following:

16 (1) Age of the offender.

17 (2) Offender's prior criminal record and domestic  
18 violence offenses as well as any other offenses.

19 (3) Age of the victim.

20 (4) Whether the domestic violence offense involved  
21 multiple victims.

22 (5) Use of illegal drugs by the offender.

23 (6) Whether the offender completed any prior sentence  
24 and participated in a program for violent offenders.

25 (7) Mental illness or mental disability of the offender.

26 (8) The nature of the violent contact with the victim  
27 and whether the contact was part of a demonstrated pattern of  
28 abuse.

29 (9) Whether the domestic violence offense included a  
30 display of unusual cruelty by the offender during commission

1 of the crime.

2 (10) Behavioral characteristics that contribute to the  
3 offender's conduct.

4 (d) Submission of report by board.--The board shall submit a  
5 written report containing its assessment to the court no later  
6 than 30 days after the assessment was ordered.

7 (e) Court review of findings.--Upon receipt of the board's  
8 report, the court shall determine if the offender is a domestic  
9 violence predator. The determination shall be based on evidence  
10 presented at a hearing held prior to sentencing and before the  
11 trial judge. The offender and district attorney shall be given  
12 notice of the hearing and an opportunity to be heard, the right  
13 to call witnesses, including expert witnesses, and the right to  
14 conduct cross-examination. The offender shall have the right to  
15 counsel and to have an attorney appointed to represent him if he  
16 cannot afford one.

17 (f) Subsequent review.--No sooner than one year prior to  
18 release from a State or county correctional facility and in  
19 five-year intervals thereafter, an offender designated a  
20 domestic violence predator may petition a court having original  
21 jurisdiction in the matter for reconsideration. The court may  
22 request a new report by the board and enter an order terminating  
23 the designation, in which case the court shall notify the  
24 Pennsylvania State Police.

25 § 9605. Other registration requirements.

26 (a) Registration of domestic violence predators.--A domestic  
27 violence predator shall be required to register all current  
28 addresses with the Pennsylvania State Police upon release from  
29 incarceration, upon parole from a State or county correctional  
30 facility or upon commencing a sentence of intermediate

1 punishment. Registration shall continue unless a court  
2 terminates designation under section 9604(f) (relating to  
3 designation of domestic violence predators).

4 (b) Court information for all offenders.--At the time of  
5 sentencing, the court shall inform offenders designated in  
6 section 9603 (relating to registration of certain offenders for  
7 ten years) and domestic violence predators designated in  
8 subsection (a) of the provisions of this chapter. The court  
9 shall:

10 (1) Specifically inform the offender of the duty to  
11 register and obtain the information required for each  
12 registration.

13 (2) Specifically inform the offender of the duty to  
14 inform the Pennsylvania State Police within ten days if the  
15 offender changes residence.

16 (3) Specifically inform the offender of the duty to  
17 register with a new law enforcement agency if the offender  
18 moves to another state no later than ten days after  
19 establishing residence in another state.

20 (4) Order the fingerprints and photograph of the person  
21 to be provided to the Pennsylvania State Police upon  
22 sentencing.

23 (5) Require the offender to read and sign a form stating  
24 that the duty to register under this chapter has been  
25 explained. If the offender is unable to read, the court shall  
26 certify that the duty to register was explained to the  
27 offender and the offender indicated an understanding of the  
28 duty.

29 (c) Correctional facilities and parole authorities.--When an  
30 offender is about to be released from incarceration or paroled

1 from a State or county correctional facility, the prison  
2 official of the State or county correctional facility, no later  
3 than ten days prior to the release or parole of the offender,  
4 shall again provide the offender with notice of the duty to  
5 register with the Pennsylvania State Police under this chapter.

6 (d) Penalty.--An offender who fails to register as required  
7 in this section commits a felony of the third degree.

8 § 9606. Verification of residence.

9 (a) Quarterly verification.--The Pennsylvania State Police  
10 shall verify the residence of domestic violence predators every  
11 90 days through use of a nonforwardable verification form to the  
12 last reported address. The form shall be returned by the  
13 offender within ten days.

14 (b) Annual verification.--The Pennsylvania State Police  
15 shall verify the residence of offenders designated in section  
16 9603 (relating to registration of certain offenders for ten  
17 years), annually through the use of a residence verification  
18 form. The form shall be returned by the offender within ten  
19 days.

20 (c) Notification of address change.--A change of address of  
21 an offender required to register under this chapter reported to  
22 the Pennsylvania State Police shall be immediately reported by  
23 the Pennsylvania State Police to the appropriate law enforcement  
24 agency having jurisdiction over the offender's new place of  
25 residence. The Pennsylvania State Police shall, if the offender  
26 changes residence to another state, notify the law enforcement  
27 agency having jurisdiction of the offender's new place of  
28 residence.

29 (d) Failure to provide verification.--If an offender fails  
30 to provide verification of residence within the required ten-day



1 period, the Pennsylvania State Police shall immediately notify  
2 the local municipal police department of the offender's last  
3 verified residence. The local municipal police shall locate the  
4 offender and place the offender under arrest. The Pennsylvania  
5 State Police shall assume responsibility for locating the  
6 offender and making the arrest in jurisdictions where there is  
7 no local municipal police force. The Pennsylvania State Police  
8 shall assist any local municipal police department requesting  
9 assistance with locating and arresting an offender who fails to  
10 verify his residence.

11 (e) Penalty.--An offender who fails to verify his residence  
12 as required in this section commits a felony of the third  
13 degree.

14 § 9607. Victim notification.

15 (a) Duty to inform victim.--

16 (1) If an offender is determined to be a domestic  
17 violence predator by a court order under section 9604(e)  
18 (relating to designation of domestic violence predators), the  
19 local municipal police department or, if there is no local  
20 municipal police department, the Pennsylvania State Police  
21 shall give written notice to the victim of the offender  
22 within 72 hours after the offender registers initially or  
23 notifies the Pennsylvania State Police of an address change.  
24 The notice shall contain the offender's name and the address  
25 or addresses where the offender resides.

26 (2) A victim may waive the right to be informed under  
27 paragraph (1) by providing the local municipal police  
28 department or, if there is no local municipal police  
29 department, the Pennsylvania State Police with a written  
30 request.

1 (b) Public information.--Information provided under  
2 subsection (a) shall be available to the general public upon  
3 request.

4 (c) Offenders not designated as domestic violence  
5 predators.--If an offender is not determined to be a domestic  
6 violence predator, the victim shall be notified under the act of  
7 November 24, 1998 (P.L.882, No.111), known as the Crime Victims  
8 Act.

9 § 9608. Immunity for good faith conduct.

10 The following entities shall not be held liable for damages  
11 arising from a good faith discretionary release or dissemination  
12 of or good faith failure to release or disseminate information  
13 under this section:

14 (1) The Pennsylvania State Police and local law  
15 enforcement agencies and their agents and employees.

16 (2) District attorneys and their agents and employees.

17 (3) Directors and employees of county children and youth  
18 agencies.

19 (4) The Pennsylvania Board of Probation and Parole and  
20 its agents and employees.

21 § 9609. Duties of Pennsylvania State Police.

22 (a) General rule.--The Pennsylvania State Police shall:

23 (1) Create and maintain a State registry of offenders  
24 pursuant to section 9603 (relating to registration of certain  
25 offenders for ten years) which will be available on the  
26 Internet.

27 (2) In consultation with the Attorney General and the  
28 Pennsylvania Board of Probation and Parole, promulgate  
29 guidelines necessary for administration of this chapter.

30 (3) Within 72 hours of receiving a registration, notify

1 the chief law enforcement officer of the police department  
2 having primary jurisdiction of the municipality in which an  
3 offender resides that the offender is registered with the  
4 Pennsylvania State Police under this chapter.

5 (4) Immediately forward to the Federal Bureau of  
6 Investigation information received from the Pennsylvania  
7 Board of Probation and Parole under this chapter and the  
8 fingerprints of the domestic violence predator.

9 (b) Publication.--Regulations under this chapter shall be  
10 published in the Pennsylvania Bulletin no later than one year  
11 after the effective date of this section.

12 § 9610. Duties of Pennsylvania Board of Probation and Parole.

13 The Pennsylvania Board of Probation and Parole shall:

14 (1) Formulate a process to be followed by State and  
15 county prison and probation and parole personnel when  
16 informing offenders of their duties and responsibilities  
17 under this chapter.

18 (2) Obtain the following information concerning each  
19 offender to whom this chapter applies:

20 (i) Name, including any aliases.

21 (ii) Identifying factors.

22 (iii) Anticipated future residence.

23 (iv) Offense history.

24 (v) Documentation of treatment received for mental  
25 abnormalities and personality disorders.

26 (3) Transmit the information in paragraph (2) to the  
27 Pennsylvania State Police without delay for immediate entry  
28 into the State registry of domestic violence offenders and  
29 the criminal history record of the offender as provided in 18  
30 Pa.C.S. Ch. 91 (relating to criminal history record

1 information).

2 § 9611. Board.

3 (a) Establishment.--The Domestic Violence Predator  
4 Assessment Board is hereby established and shall be composed of  
5 three persons, including a psychiatrist, a psychologist and a  
6 criminal justice expert, each of whom shall have a minimum of  
7 ten years of experience and specialized training in the behavior  
8 and treatment of violent offenders.

9 (b) Appointment.--The Governor shall appoint the  
10 psychiatrist and psychologist board members, and the Attorney  
11 General shall appoint the criminal justice expert. All  
12 appointments shall be made within 30 days of the effective date  
13 of this section.

14 (c) Term of office.--Members of the board shall serve four-  
15 year terms.

16 (d) Compensation.--Members of the board shall be compensated  
17 at a rate of \$125 per day and receive reimbursement for their  
18 actual and necessary expenses while performing the business of  
19 the board. The chairman shall receive \$500 additional  
20 compensation per year.

21 (e) Staff.--Support staff for the board shall be provided by  
22 the Pennsylvania Board of Probation and Parole.

23 § 9612. Domestic violence predators.

24 (a) Lifetime parole; counseling.--Notwithstanding any other  
25 provision of law, a person designated as a domestic violence  
26 predator under this chapter shall remain on lifetime parole when  
27 released from a State or county correctional facility unless the  
28 court terminates the designation under section 9604(f) (relating  
29 to designation of domestic violence predators). The offender  
30 shall be required to attend at least monthly counseling sessions

1 in a program approved by the board and be financially  
2 responsible for all fees assessed from such counseling sessions.  
3 If the offender can establish to the satisfaction of the court  
4 inability to pay for counseling sessions, the offender shall  
5 attend the sessions and the parole office shall pay the  
6 requisite fees.

7 (b) Lifetime registration.--

8 (1) Notwithstanding any other provision of law, an  
9 offender designated as a domestic violence predator under  
10 this chapter shall register for life if the offender:

11 (i) is convicted of a subsequent domestic violence  
12 offense requiring registration; or

13 (ii) enters this Commonwealth after the effective  
14 date of this chapter and has a conviction in another  
15 jurisdiction that would have required registration if  
16 committed in Pennsylvania.

17 (2) If a conviction is vacated and an acquittal or final  
18 discharge is entered after it has been determined that this  
19 section applies, the offender shall have the right to  
20 petition the sentencing court for reconsideration if this  
21 section would not have applied except for the conviction  
22 which was vacated.

23 (c) Authority of court in sentencing.--There shall be no  
24 authority in any court to impose on an offender to which this  
25 section is applicable any lesser sentence than provided for in  
26 subsection (b), to place such offender on probation or to  
27 suspend sentence. Nothing in this section shall prevent the  
28 sentencing court from imposing a sentence greater than that  
29 provided in this section. Sentencing guidelines promulgated by  
30 the Pennsylvania Commission on Sentencing shall not supersede

1 the mandatory sentence provided in this section.

2 (d) Appeal by Commonwealth.--If a sentencing court refuses  
3 to apply this section when applicable, the Commonwealth shall  
4 have a right to appellate review. The appellate court shall  
5 vacate the sentence and remand the case to the sentencing court  
6 for the imposition of a sentence in accordance with this section  
7 if it finds that the sentence was imposed in violation of this  
8 section.

9 § 9613. Exemption from notification.

10 Nothing in this chapter shall be construed to impose a duty  
11 on a person licensed under the act of February 19, 1980 (P.L.15,  
12 No.9), known as the Real Estate Licensing and Registration Act,  
13 or an employee of the person, to disclose information regarding  
14 an offender required to register under this chapter.

15 Section 2. This act shall take effect in six months.