

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 71 Session of 2011

INTRODUCED BY REED, BAKER, BOBACK, BOYD, CAUSER, CONKLIN, CUTLER, DAY, DePASQUALE, ELLIS, EVERETT, FLECK, GABLER, GEIST, GOODMAN, GRELL, GROVE, HARHART, HESS, HORNAMAN, KAUFFMAN, M.K. KELLER, KULA, LONGIETTI, MAJOR, METCALFE, MILLARD, MILLER, MILNE, MURPHY, OBERLANDER, PAYNE, PYLE, READSHAW, REESE, REICHLEY, ROAE, SANTARSIERO, SCAVELLO, SCHRODER, STABACK, STEVENSON, TOEPEL, VULAKOVICH, HARKINS, KNOWLES, HUTCHINSON, GINGRICH, HARRIS, MANN, K. SMITH, KORTZ AND MARSHALL, JANUARY 19, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 19, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 sexual offender registration procedures.

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

6 Section 1. Section 9795.2(a)(4)(i) and (b)(4)(i) of Title 42
7 of the Pennsylvania Consolidated Statutes, are amended to read:

8 § 9795.2. Registration procedures and applicability.

9 (a) Registration.--

10 * * *

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

13 (i) Where the offender or sexually violent predator
14 was granted parole by the Pennsylvania Board of Probation
15 and Parole or the court or is sentenced to probation or

1 intermediate punishment, the board or county office of
2 probation and parole shall collect registration
3 information from the offender or sexually violent
4 predator and forward that registration information to the
5 Pennsylvania State Police. The Department of Corrections
6 or county correctional facility shall not release the
7 offender or sexually violent predator until it receives
8 verification from the Pennsylvania State Police that it
9 has received the registration information and has posted
10 the registration information on the Internet as required
11 under section 9798.1 (relating to information made
12 available on the Internet). Verification by the
13 Pennsylvania State Police may occur by electronic means,
14 including e-mail or facsimile transmission. Where the
15 offender or sexually violent predator is scheduled to be
16 released from a State correctional facility or county
17 correctional facility because of the expiration of the
18 maximum term of incarceration, the Department of
19 Corrections or county correctional facility shall collect
20 the information from the offender or sexually violent
21 predator no later than ten days prior to the maximum
22 expiration date. The registration information shall be
23 forwarded to the Pennsylvania State Police and shall be
24 posted on the Internet as required under section 9798.1
25 prior to the maximum expiration date.

26 * * *

27 (b) Individuals convicted or sentenced by a court or
28 adjudicated delinquent in jurisdictions outside this
29 Commonwealth or sentenced by court martial.--

30 (4) An individual who resides, is employed or is a

1 student in this Commonwealth and who has been convicted of or
2 sentenced by a court or court martial for a sexually
3 violent offense or a similar offense under the laws of the
4 United States or one of its territories or possessions,
5 another state, the District of Columbia, the Commonwealth of
6 Puerto Rico or a foreign nation, or who was required to
7 register under a sexual offender statute in the jurisdiction
8 where convicted, sentenced or court martial, shall register
9 at an approved registration site within 48 hours of the
10 individual's arrival in this Commonwealth. The provisions of
11 this subchapter shall apply to the individual as follows:

12 (i) If the individual has been classified as a
13 sexually violent predator as defined in section 9792
14 (relating to definitions) or determined under the laws of
15 the other jurisdiction or by reason of court martial to
16 be subject to active notification and lifetime
17 registration on the basis of a statutorily authorized
18 administrative or judicial decision or on the basis of a
19 statute or administrative rule requiring active
20 notification and lifetime registration based solely on
21 the offense for which the individual was convicted,
22 sentenced or court martial, the individual shall,
23 notwithstanding section 9792, be considered a sexually
24 violent predator and subject to lifetime registration
25 pursuant to section 9795.1(b) [(relating to
26 registration)]. The individual shall also be subject to
27 the provisions of this section and sections 9796
28 (relating to verification of residence), 9798 (relating
29 to other notification) and 9798.1(c)(1) [(relating to
30 information made available on the Internet)], except that

1 the individual shall not be required to receive
2 counseling unless required to do so by the other
3 jurisdiction or by reason of court martial.

4 * * *

5 Section 2. This act shall take effect in 60 days.