
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

 HOUSE BILL

 No. 75 Session of
2011

INTRODUCED BY MARSICO, CALTAGIRONE, BAKER, BARRAR, BOYD,
B. BOYLE, CHRISTIANA, DeLUCA, DePASQUALE, EVERETT, FABRIZIO,
GABLER, GEIST, GINGRICH, GOODMAN, GRELL, GROVE, HARRIS,
HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M. K. KELLER,
KILLION, KOTIK, LONGIETTI, MATZIE, MILLER, OBERLANDER, PAYNE,
PICKETT, PYLE, QUINN, READSHAW, SACCONI, SAYLOR, SCAVELLO,
K. SMITH, SONNEY, STEPHENS, STEVENSON, STURLA, SWANGER,
TOEPEL, VULAKOVICH, WATSON, YOUNGBLOOD, BOBACK, KORTZ,
REICHLEY, HESS, HELM, CAUSER, SANTARSIERO, CLYMER, GILLESPIE,
DAVIS, MAJOR, TOOHL, VEREB, GILLEN, KAVULICH, FARRY,
MARSHALL, BROOKS, BARBIN AND MILNE, JANUARY 19, 2011

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, JUNE 5,
2012

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ ←
2 ~~Pennsylvania Consolidated Statutes, further providing for~~
3 ~~sentence for failure to comply with registration of sexual~~
4 ~~offenders.~~
5 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 42 (JUDICIARY AND ←
6 JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED
7 STATUTES, MAKING CHANGES NECESSARY FOR THE ADMINISTRATION AND
8 IMPLEMENTATION OF THE ACT OF DECEMBER 20, 2011 (P.L.446,
9 NO.111), ENTITLED "AN ACT AMENDING TITLES 18 (CRIMES AND
10 OFFENSES), 23 (DOMESTIC RELATIONS), 42 (JUDICIARY AND
11 JUDICIAL PROCEDURE), 44 (LAW AND JUSTICE) AND 61 (PRISONS AND
12 PAROLE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES,
13 EXTENSIVELY REVISING PROVISIONS RELATING TO REGISTRATION OF
14 SEXUAL OFFENDERS PURSUANT TO FEDERAL MANDATE; AND MAKING
15 EDITORIAL CHANGES," IN THE AREAS OF PERJURY AND FALSIFICATION
16 IN OFFICIAL MATTERS, DISSEMINATION OF CRIMINAL HISTORY RECORD
17 INFORMATION, DISPOSITION OF CHILDREN GENERALLY, COURT-ORDERED
18 INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT PERSONS AND
19 REGISTRATION OF SEXUAL OFFENDERS.
20 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 9718.3(a) of Title 42 of the Pennsylvania~~ ←
3 ~~Consolidated Statutes is amended and the section is amended by~~
4 ~~adding a subsection to read:~~

5 ~~§ 9718.3. Sentence for failure to comply with registration of~~
6 ~~sexual offenders.~~

7 ~~(a) Mandatory sentence. Mandatory sentencing shall be as~~
8 ~~follows:~~

9 ~~(1) Sentencing upon conviction for a first offense shall~~
10 ~~be as follows:~~

11 ~~(i) Not less than two years for an individual who:~~

12 ~~(A) was subject to section 9795.1(a) (relating~~
13 ~~to registration) or a similar provision from another~~
14 ~~jurisdiction or former section 9793 (relating to~~
15 ~~registration of certain offenders for ten years); and~~

16 ~~(B) violated 18 Pa.C.S. § 4915(a) (1) or (2)~~
17 ~~(relating to failure to comply with registration of~~
18 ~~sexual offenders requirements).~~

19 ~~(ii) Not less than three years for an individual~~
20 ~~who:~~

21 ~~(A) was subject to section 9795.1(a) or a~~
22 ~~similar provision from another jurisdiction or former~~
23 ~~section 9793; and~~

24 ~~(B) violated 18 Pa.C.S. § 4915(a) (3).~~

25 ~~(iii) Not less than three years for an individual~~
26 ~~who:~~

27 ~~(A) was subject to section 9795.1(b) or a~~
28 ~~similar provision from another jurisdiction; and~~

29 ~~(B) violated 18 Pa.C.S. § 4915(a) (1) or (2).~~

30 ~~(iv) Not less than five years for an individual who:~~

1 ~~(A) was subject to section 9795.1(b) or a~~
2 ~~similar provision from another 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 section 9795.1 or a similar~~
8 ~~provision from another jurisdiction or former section~~
9 ~~9793; and~~

10 ~~(B) violated 18 Pa.C.S. § 4915(a)(1) or (2).~~

11 ~~(ii) Not less than seven years for an individual~~
12 ~~who:~~

13 ~~(A) was subject to section 9795.1 or a similar~~
14 ~~provision from another jurisdiction or former section~~
15 ~~9793; and~~

16 ~~(B) violated 18 Pa.C.S. § 4915(a)(3).~~

17 ~~(a.1) Transients and mandatory sentence. Mandatory~~
18 ~~sentencing shall be as follows for an individual subject to~~
19 ~~registration as a transient under section 9796.1 (relating to~~
20 ~~registration of transients):~~

21 ~~(1) Sentencing upon conviction for a first offense shall~~
22 ~~be not less than two years for an individual who:~~

23 ~~(i) was subject to section 9796.1 or a similar~~
24 ~~provision from another jurisdiction; and~~

25 ~~(ii) violated 18 Pa.C.S. § 4915(a.1).~~

26 ~~(2) Sentencing upon conviction for a second or~~
27 ~~subsequent offense shall be not less than five years for an~~
28 ~~individual who:~~

29 ~~(i) was subject to section 9796.1 or a similar~~
30 ~~provision from another jurisdiction; and~~

1 ~~(ii) violated 18 Pa.C.S. § 4915(a.1).~~

2 * * *

3 ~~Section 2. The amendment or addition of 42 Pa.C.S. §~~
4 ~~9718.3(a) and (a.1) shall apply to individuals convicted after~~
5 ~~the effective date of this section.~~

6 ~~Section 3. This act shall take effect in 60 days.~~

7 SECTION 1. SECTIONS 4915(D) AND (G) AND 4915.1(B) AND (C.1) ←
8 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED
9 OR ADDED DECEMBER 20, 2011 (P.L.446, NO.111), ARE AMENDED TO
10 READ:

11 § 4915. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS
12 REQUIREMENTS.

13 * * *

14 (D) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
15 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
16 VIOLENT PREDATOR OR OFFENDER TO RECEIVE ANY NOTICE OR
17 INFORMATION PURSUANT TO 42 PA.C.S. § 9796(A.1) [OR] (B.1) OR
18 (B.3) SHALL BE A DEFENSE TO A PROSECUTION COMMENCED AGAINST AN
19 INDIVIDUAL ARISING FROM A VIOLATION OF THIS SECTION. THE
20 PROVISIONS OF 42 PA.C.S. § 9796(A.1) [AND] (B.1) OR (B.3) ARE
21 NOT AN ELEMENT OF AN OFFENSE UNDER THIS SECTION.

22 * * *

23 (G) EXPIRATION.--THIS SECTION SHALL EXPIRE [ONE YEAR AFTER
24 THE EFFECTIVE DATE OF THIS SUBSECTION] DECEMBER 20, 2012.

25 § 4915.1. FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.

26 * * *

27 (B) GRADING FOR SEXUAL OFFENDERS WHO MUST REGISTER FOR 15
28 YEARS OR WHO ARE REQUIRED TO REGISTER IN ANOTHER JURISDICTION OR
29 FOREIGN COUNTRY BASED UPON A NONSEXUALLY VIOLENT OFFENSE.--

30 (1) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL

1 [SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.13 AND
2 REQUIRED TO REGISTER FOR A PERIOD OF 15 YEARS] WHO COMMITS A
3 VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A FELONY OF THE
4 THIRD DEGREE.

5 (2) AN INDIVIDUAL [SUBJECT TO REGISTRATION UNDER 42
6 PA.C.S. § 9799.13 AND REQUIRED TO REGISTER FOR A PERIOD OF 15
7 YEARS] WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR (2)
8 AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER
9 SUBSECTION (A) (1) OR (2) OR (A.1) (1) OR (2) OR A SIMILAR
10 OFFENSE COMMITS A FELONY OF THE SECOND DEGREE.

11 (3) AN INDIVIDUAL [SUBJECT TO REGISTRATION UNDER 42
12 PA.C.S. § 9799.13 AND REQUIRED TO REGISTER FOR A PERIOD OF 15
13 YEARS] WHO VIOLATES SUBSECTION (A) (3) COMMITS A FELONY OF THE
14 SECOND DEGREE.

15 (4) FOR THE PURPOSES OF THIS SUBSECTION, AN INDIVIDUAL
16 SHALL MEAN AN INDIVIDUAL THAT MEETS ANY OF THE FOLLOWING:

17 (I) IS SUBJECT TO REGISTRATION UNDER 42 PA.C.S. §
18 9799.13 AND IS REQUIRED TO REGISTER FOR A PERIOD OF 15
19 YEARS.

20 (II) IS SUBJECT TO REGISTRATION UNDER 42 PA.C.S. §
21 9799.13(7.1).

22 * * *

23 (C.1) GRADING FOR SEXUAL OFFENDERS WHO ARE TRANSIENTS WHO
24 MUST REGISTER FOR 15 YEARS.--

25 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2) OR (3), AN
26 INDIVIDUAL [SUBJECT TO REGISTRATION UNDER 42 PA.C.S. §
27 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR 15 YEARS]
28 COMMITS A FELONY OF THE THIRD DEGREE IF THE INDIVIDUAL
29 VIOLATES SUBSECTION (A.1) (1) OR (2).

30 (2) AN INDIVIDUAL [SUBJECT TO REGISTRATION UNDER 42

1 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR 15
2 YEARS] COMMITS A FELONY OF THE SECOND DEGREE IF THE
3 INDIVIDUAL VIOLATES SUBSECTION (A.1) (3).

4 (3) AN INDIVIDUAL [SUBJECT TO REGISTRATION UNDER 42
5 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR A
6 PERIOD OF 15 YEARS] COMMITS A FELONY OF THE SECOND DEGREE IF
7 THE INDIVIDUAL VIOLATES SUBSECTION (A.1) (1) OR (2) AND HAS
8 BEEN PREVIOUSLY CONVICTED OF AN OFFENSE UNDER SUBSECTION (A)
9 (1) OR (2) OR (A.1) (1) OR (2) OR A SIMILAR OFFENSE.

10 (4) FOR THE PURPOSES OF THIS SUBSECTION, AN INDIVIDUAL
11 SHALL MEAN AN INDIVIDUAL THAT MEETS ANY OF THE FOLLOWING:

12 (I) IS SUBJECT TO REGISTRATION UNDER 42 PA.C.S. §
13 9799.13 AND IS A TRANSIENT WHO MUST REGISTER FOR A PERIOD
14 OF 15 YEARS.

15 (II) IS SUBJECT TO REGISTRATION UNDER 42 PA.C.S. §
16 9799.13(7.1) AND IS A TRANSIENT.

17 * * *

18 SECTION 2. SECTION 9123(A) INTRODUCTORY PARAGRAPH OF TITLE
19 18 IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION
20 TO READ:

21 § 9123. JUVENILE RECORDS.

22 (A) EXPUNGEMENT OF JUVENILE RECORDS.--NOTWITHSTANDING THE
23 PROVISIONS OF SECTION 9105 (RELATING TO OTHER CRIMINAL JUSTICE
24 INFORMATION) AND EXCEPT [UPON CAUSE SHOWN] AS PROVIDED UNDER
25 SUBSECTION (A.1), EXPUNGEMENT OF RECORDS OF JUVENILE DELINQUENCY
26 CASES WHEREVER KEPT OR RETAINED SHALL OCCUR AFTER 30 DAYS'
27 NOTICE TO THE DISTRICT ATTORNEY, WHENEVER THE COURT UPON ITS
28 MOTION OR UPON THE MOTION OF A CHILD OR THE PARENTS OR GUARDIAN
29 FINDS:

30 * * *

1 (A.1) EXCEPTIONS.--SUBSECTION (A) SHALL NOT APPLY IF ANY OF
2 THE FOLLOWING APPLY:

3 (1) THE INDIVIDUAL MEETS ALL OF THE FOLLOWING:

4 (I) WAS 14 YEARS OF AGE OR OLDER AT THE TIME THE
5 INDIVIDUAL COMMITTED AN OFFENSE WHICH, IF COMMITTED BY AN
6 ADULT, WOULD BE CLASSIFIED AS:

7 (A) AN OFFENSE UNDER 18 PA.C.S. § 3121 (RELATING
8 TO RAPE), 3123 (RELATING TO INVOLUNTARY DEVIATE
9 SEXUAL INTERCOURSE) OR 3125 (RELATING TO AGGRAVATED
10 INDECENT ASSAULT).

11 (B) AN ATTEMPT, SOLICITATION OR CONSPIRACY TO
12 COMMIT AN OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR
13 3125.

14 (II) WAS ADJUDICATED DELINQUENT FOR THE OFFENSE
15 UNDER SUBPARAGRAPH (I).

16 (2) UPON CAUSE SHOWN.

17 * * *

18 SECTION 3. SECTIONS 6358(A), 6403(A)(2), 6404.2(G) AND
19 9799.10(2) AND (3) OF TITLE 42, AMENDED OR ADDED DECEMBER 20,
20 2011 (P.L.446, NO.111), ARE AMENDED TO READ:

21 § 6358. ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE SEXUAL
22 OFFENDERS ASSESSMENT BOARD.

23 (A) GENERAL RULE.--A CHILD WHO HAS BEEN FOUND TO BE
24 DELINQUENT FOR AN ACT OF SEXUAL VIOLENCE WHICH IF COMMITTED BY
25 AN ADULT WOULD BE A VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO
26 RAPE), 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
27 INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT), 3125
28 (RELATING TO AGGRAVATED INDECENT ASSAULT), 3126 (RELATING TO
29 INDECENT ASSAULT) OR 4302 (RELATING TO INCEST) WHO IS COMMITTED
30 TO AN INSTITUTION OR OTHER FACILITY PURSUANT TO SECTION 6352

1 (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND WHO REMAINS IN
2 ANY SUCH INSTITUTION OR FACILITY AS A RESULT OF THAT
3 ADJUDICATION OF DELINQUENCY UPON ATTAINING 20 YEARS OF AGE SHALL
4 BE SUBJECT TO AN ASSESSMENT BY THE BOARD.

5 * * *

6 § 6403. COURT-ORDERED INVOLUNTARY TREATMENT.

7 (A) PERSONS SUBJECT TO INVOLUNTARY TREATMENT.--A PERSON MAY
8 BE SUBJECT TO COURT-ORDERED COMMITMENT FOR INVOLUNTARY TREATMENT
9 UNDER THIS CHAPTER IF THE PERSON:

10 * * *

11 (2) HAS BEEN COMMITTED TO AN INSTITUTION OR OTHER
12 FACILITY PURSUANT TO SECTION 6352 (RELATING TO DISPOSITION OF
13 DELINQUENT CHILD) AND REMAINS IN ANY SUCH INSTITUTION OR
14 FACILITY UPON ATTAINING 20 YEARS OF AGE AS A RESULT OF HAVING
15 BEEN ADJUDICATED DELINQUENT FOR THE ACT OF SEXUAL VIOLENCE.

16 * * *

17 § 6404.2. DURATION OF OUTPATIENT COMMITMENT AND REVIEW.

18 * * *

19 (G) COUNSELING OF SEXUALLY VIOLENT DELINQUENT CHILDREN.--FOR
20 THE TIME PERIOD UNDER SECTION 9799.15 (RELATING TO PERIOD OF
21 REGISTRATION), A SEXUALLY VIOLENT DELINQUENT CHILD SHALL ATTEND
22 AT LEAST MONTHLY COUNSELING SESSIONS IN A PROGRAM APPROVED BY
23 THE BOARD AND SHALL BE FINANCIALLY RESPONSIBLE FOR ALL FEES
24 ASSESSED FROM THE COUNSELING SESSIONS. THE BOARD SHALL MONITOR
25 COMPLIANCE. IF THE SEXUALLY VIOLENT DELINQUENT CHILD CAN PROVE
26 TO THE SATISFACTION OF THE COURT INABILITY TO AFFORD TO PAY FOR
27 THE COUNSELING SESSIONS, THE SEXUALLY VIOLENT DELINQUENT CHILD
28 SHALL ATTEND THE COUNSELING SESSIONS; AND THE [PAROLE OFFICE]
29 BOARD SHALL PAY THE REQUISITE FEES.

30 § 9799.10. PURPOSES OF SUBCHAPTER.

1 THIS SUBCHAPTER SHALL BE INTERPRETED AND CONSTRUED TO
2 EFFECTUATE THE FOLLOWING PURPOSES:

3 * * *

4 (2) TO REQUIRE INDIVIDUALS CONVICTED OR ADJUDICATED
5 DELINQUENT OF CERTAIN SEXUAL OFFENSES TO REGISTER WITH THE
6 PENNSYLVANIA STATE POLICE AND TO OTHERWISE COMPLY WITH THIS
7 SUBCHAPTER IF THOSE INDIVIDUALS RESIDE WITHIN THIS
8 COMMONWEALTH, INTEND TO RESIDE WITHIN THIS COMMONWEALTH,
9 ATTEND AN EDUCATIONAL INSTITUTION WITHIN THIS COMMONWEALTH OR
10 ARE EMPLOYED OR CONDUCT VOLUNTEER WORK WITHIN THIS
11 COMMONWEALTH.

12 (3) TO REQUIRE INDIVIDUALS CONVICTED OR ADJUDICATED
13 DELINQUENT OF CERTAIN SEXUAL OFFENSES WHO FAIL TO MAINTAIN A
14 RESIDENCE AND ARE THEREFORE HOMELESS BUT CAN STILL BE FOUND
15 WITHIN THE BORDERS OF THIS COMMONWEALTH TO REGISTER WITH THE
16 PENNSYLVANIA STATE POLICE.

17 * * *

18 SECTION 4. THE DEFINITIONS OF "APPROVED REGISTRATION SITE,"
19 "CONVICTED," "JUVENILE OFFENDER" AND "SEXUALLY VIOLENT PREDATOR"
20 IN SECTION 9799.12 OF TITLE 42, ADDED DECEMBER 20, 2011
21 (P.L.446, NO.111), ARE AMENDED TO READ:

22 § 9799.12. DEFINITIONS.

23 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
24 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
25 CONTEXT CLEARLY INDICATES OTHERWISE:

26 "APPROVED REGISTRATION SITE." [A SITE IN THIS COMMONWEALTH
27 APPROVED BY THE PENNSYLVANIA STATE POLICE:

28 (1) AT WHICH INDIVIDUALS SUBJECT TO THIS SUBCHAPTER MAY
29 REGISTER, UPDATE AND VERIFY INFORMATION OR BE FINGERPRINTED
30 AND PHOTOGRAPHED AS REQUIRED BY THIS SUBCHAPTER;

1 (2) WHICH IS CAPABLE OF SUBMITTING FINGERPRINTS
2 UTILIZING THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION
3 SYSTEM OR IN ANOTHER MANNER AND IN THE FORM AS THE
4 PENNSYLVANIA STATE POLICE SHALL REQUIRE; AND

5 (3) WHICH IS CAPABLE OF SUBMITTING PHOTOGRAPHS IN THE
6 FORM AS THE PENNSYLVANIA STATE POLICE SHALL REQUIRE.] A SITE
7 IN THIS COMMONWEALTH APPROVED BY THE PENNSYLVANIA STATE
8 POLICE AT WHICH INDIVIDUALS SUBJECT TO THIS SUBCHAPTER MAY
9 COMPLY WITH THIS SUBCHAPTER.

10 * * *

11 "CONVICTED." INCLUDES CONVICTION BY ENTRY OF PLEA OF GUILTY
12 OR NOLO CONTENDERE, CONVICTION AFTER TRIAL OR COURT MARTIAL AND
13 A FINDING OF NOT GUILTY DUE TO INSANITY OR OF GUILTY BUT
14 MENTALLY ILL.

15 * * *

16 "JUVENILE OFFENDER." ONE OF THE FOLLOWING:

17 (1) AN INDIVIDUAL WHO WAS 14 YEARS OF AGE OR OLDER AT
18 THE TIME THE INDIVIDUAL COMMITTED AN OFFENSE WHICH, IF
19 COMMITTED BY AN ADULT, WOULD BE CLASSIFIED AS AN OFFENSE
20 UNDER 18 PA.C.S. § 3121 (RELATING TO RAPE), 3123 (RELATING TO
21 INVOLUNTARY DEVIATE SEXUAL INTERCOURSE) OR 3125 (RELATING TO
22 AGGRAVATED INDECENT ASSAULT) OR AN ATTEMPT, SOLICITATION OR
23 CONSPIRACY TO COMMIT AN OFFENSE UNDER 18 PA.C.S. § 3121, 3123
24 OR 3125 AND EITHER:

25 (I) IS ADJUDICATED DELINQUENT FOR SUCH OFFENSE ON OR
26 AFTER THE EFFECTIVE DATE OF THIS SECTION; OR

27 (II) HAS BEEN ADJUDICATED DELINQUENT FOR SUCH
28 OFFENSE AND ON THE EFFECTIVE DATE OF THIS SECTION IS
29 SUBJECT TO THE JURISDICTION OF THE COURT ON THE BASIS OF
30 THAT ADJUDICATION OF DELINQUENCY, INCLUDING COMMITMENT TO

1 AN INSTITUTION OR FACILITY SET FORTH IN SECTION 6352(A)

2 (3) (RELATING TO A DISPOSITION OF DELINQUENT CHILD) .

3 (2) AN INDIVIDUAL WHO WAS 14 YEARS OF AGE OR OLDER AT
4 THE TIME THE INDIVIDUAL COMMITTED AN OFFENSE SIMILAR TO AN
5 OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR 3125 OR AN ATTEMPT,
6 SOLICITATION OR CONSPIRACY TO COMMIT AN OFFENSE SIMILAR TO AN
7 OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR 3125 UNDER THE LAWS
8 OF THE UNITED STATES, ANOTHER JURISDICTION OR A FOREIGN
9 COUNTRY AND WAS ADJUDICATED DELINQUENT FOR SUCH AN OFFENSE.

10 (3) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
11 THIS PARAGRAPH, WAS REQUIRED TO REGISTER IN A SEXUAL OFFENDER
12 REGISTRY IN ANOTHER JURISDICTION OR FOREIGN COUNTRY BASED
13 UPON AN ADJUDICATION OF DELINQUENCY.

14 THE TERM DOES NOT INCLUDE A SEXUALLY VIOLENT DELINQUENT CHILD.

15 * * *

16 "SEXUALLY VIOLENT PREDATOR." AN INDIVIDUAL DETERMINED TO BE
17 A SEXUALLY VIOLENT PREDATOR UNDER SECTION 9795.4 (RELATING TO
18 ASSESSMENTS) PRIOR TO THE EFFECTIVE DATE OF THIS SUBCHAPTER, OR
19 AN INDIVIDUAL CONVICTED OF AN OFFENSE SPECIFIED IN:

20 (1) SECTION 9799.14(B) (1), (2), (3), (4), (5), (6),
21 [(7),] (8), (9) OR (10) (RELATING TO SEXUAL OFFENSES AND TIER
22 SYSTEM) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT
23 ANY OFFENSE UNDER SECTION 9799.14(B) (1), (2), (3), (4), (5),
24 (6), [(7),] (8), (9) OR (10);

25 (2) SECTION 9799.14(C) (1), (1.1), (1.2), (2), (3), (4),
26 (5) OR (6) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO
27 COMMIT AN OFFENSE UNDER SECTION 9799.14(C) (1), (1.1), (1.2),
28 (2), (3), (4), (5) OR (6); OR

29 (3) SECTION 9799.14(D) (1), (2), (3), (4), (5), (6), (7),
30 (8) OR (9) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO

1 COMMIT AN OFFENSE UNDER SECTION 9799.14(D) (1), (2), (3), (4),
2 (5), (6), (7), (8) OR (9)
3 WHO ON OR AFTER THE EFFECTIVE DATE OF THIS SUBCHAPTER IS
4 DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER SECTION
5 9799.24 (RELATING TO ASSESSMENTS) DUE TO A MENTAL ABNORMALITY OR
6 PERSONALITY DISORDER THAT MAKES THE INDIVIDUAL LIKELY TO ENGAGE
7 IN PREDATORY SEXUALLY VIOLENT OFFENSES. THE TERM INCLUDES AN
8 INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR OR
9 SIMILAR DESIGNATION WHERE THE DETERMINATION OCCURRED IN ANOTHER
10 JURISDICTION, A FOREIGN COUNTRY OR BY COURT MARTIAL FOLLOWING A
11 JUDICIAL OR ADMINISTRATIVE DETERMINATION PURSUANT TO A PROCESS
12 SIMILAR TO THAT UNDER SECTION 9799.24.

13 * * *

14 SECTION 5. SECTION 9799.13 OF TITLE 42 IS AMENDED TO READ:
15 § 9799.13. APPLICABILITY.

16 THE FOLLOWING INDIVIDUALS SHALL REGISTER WITH THE
17 PENNSYLVANIA STATE POLICE AS PROVIDED IN SECTIONS 9799.15
18 (RELATING TO PERIOD OF REGISTRATION), 9799.19 (RELATING TO
19 INITIAL REGISTRATION) AND 9799.25 (RELATING TO VERIFICATION BY
20 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE) AND OTHERWISE
21 COMPLY WITH THE PROVISIONS OF THIS SUBCHAPTER:

22 (1) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
23 THIS SECTION, [HAS BEEN] IS CONVICTED OF A SEXUALLY VIOLENT
24 OFFENSE AND WHO HAS A RESIDENCE WITHIN THIS COMMONWEALTH OR
25 IS A TRANSIENT.

26 (1.1) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
27 OF THIS SECTION, IS CONVICTED OF A SEXUALLY VIOLENT OFFENSE
28 IN THIS COMMONWEALTH AND DOES NOT HAVE A RESIDENCE IN THIS
29 COMMONWEALTH AND:

30 (I) IS EMPLOYED IN THIS COMMONWEALTH; OR

1 (II) IS A STUDENT IN THIS COMMONWEALTH.

2 [(1.1)] (1.2) AN INDIVIDUAL WHO, ON OR AFTER THE
3 EFFECTIVE DATE OF THIS SECTION, [HAS BEEN] IS CONVICTED OF A
4 SEXUALLY VIOLENT OFFENSE [IN THIS COMMONWEALTH] AND DOES NOT
5 HAVE A RESIDENCE WITHIN THIS COMMONWEALTH OR IS NOT A
6 TRANSIENT IN THIS COMMONWEALTH AND:

7 (I) IS EMPLOYED IN THIS COMMONWEALTH; OR

8 (II) IS A STUDENT IN THIS COMMONWEALTH.

9 (2) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
10 THIS SECTION, IS, AS A RESULT OF A CONVICTION FOR A SEXUALLY
11 VIOLENT OFFENSE, AN INMATE IN A STATE OR COUNTY CORRECTIONAL
12 INSTITUTION OF THIS COMMONWEALTH, INCLUDING A COMMUNITY
13 CORRECTIONS CENTER OR A COMMUNITY CONTRACT FACILITY, IS BEING
14 SUPERVISED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE
15 OR COUNTY PROBATION OR PAROLE OR IS SUBJECT TO A SENTENCE OF
16 INTERMEDIATE PUNISHMENT [AND HAS BEEN CONVICTED OF A SEXUALLY
17 VIOLENT OFFENSE].

18 (2.1) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
19 OF THIS SECTION, IS, AS A RESULT OF A CONVICTION FOR A
20 SEXUALLY VIOLENT OFFENSE, AN INMATE IN A FEDERAL CORRECTIONAL
21 INSTITUTION OR IS SUPERVISED BY FEDERAL PROBATION AUTHORITIES
22 [AND HAS COMMITTED A SEXUALLY VIOLENT OFFENSE] AND WHO:

23 (I) HAS A RESIDENCE WITHIN THIS COMMONWEALTH OR IS A
24 TRANSIENT;

25 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

26 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

27 (3) AN INDIVIDUAL WHO IS REQUIRED TO REGISTER OR WAS
28 REQUIRED TO REGISTER AND FAILED TO REGISTER WITH THE
29 PENNSYLVANIA STATE POLICE UNDER THIS SUBCHAPTER PRIOR TO THE
30 EFFECTIVE DATE OF THIS SECTION AND WHO HAS NOT FULFILLED THE

1 PERIOD OF REGISTRATION AS OF THE EFFECTIVE DATE OF THIS
2 SECTION.

3 [(4) AN INDIVIDUAL WHO WAS REQUIRED TO REGISTER WITH THE
4 PENNSYLVANIA STATE POLICE PURSUANT TO FORMER SECTION 9795.1
5 (RELATING TO REGISTRATION) AND:

6 (I) HAS FULFILLED THE PERIOD OF REGISTRATION
7 PROVIDED IN FORMER SECTION 9795.1(A) OR HAS BEEN REMOVED
8 FROM THE REGISTRY UNDER FORMER SECTION 9795.5 (RELATING
9 TO EXEMPTION FROM CERTAIN NOTIFICATIONS); AND

10 (II) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION,
11 IS CONVICTED OF A SEXUALLY VIOLENT OFFENSE OR CONVICTED
12 OF AN OFFENSE GRADED AS A FELONY.

13 (4.1) AN INDIVIDUAL WHO WAS REQUIRED TO REGISTER UNDER
14 THIS SUBCHAPTER AND HAS FULFILLED THE PERIOD OF REGISTRATION
15 PROVIDED IN THIS SUBCHAPTER AND WHO, ON OR AFTER THE
16 EFFECTIVE DATE OF THIS SECTION, IS CONVICTED OF A SEXUALLY
17 VIOLENT OFFENSE OR OF AN OFFENSE GRADED AS A FELONY.

18 (5) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
19 THIS SECTION, WAS REQUIRED TO REGISTER WITH THE PENNSYLVANIA
20 STATE POLICE PURSUANT TO THIS SUBCHAPTER AND:

21 (I) HAS FULFILLED THE PERIOD OF REGISTRATION
22 PROVIDED IN THIS SUBCHAPTER; AND

23 (II) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION,
24 IS CONVICTED OF AN OFFENSE GRADED AS A FELONY.

25 (6) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
26 THIS SECTION, WAS REQUIRED TO REGISTER WITH THE PENNSYLVANIA
27 STATE POLICE PURSUANT TO THIS SUBCHAPTER AND:

28 (I) HAS BEEN REMOVED FROM THE REGISTRY PURSUANT TO
29 SECTION 9799.17 (RELATING TO TERMINATION OF PERIOD OF
30 REGISTRATION FOR JUVENILE OFFENDERS); AND

1 (II) IS SUBSEQUENTLY CONVICTED OF AN OFFENSE GRADED
2 AS A FELONY.]

3 (7) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
4 THIS SECTION, IS REQUIRED TO REGISTER IN A SEXUAL OFFENDER
5 REGISTRY IN ANOTHER JURISDICTION OR IN A FOREIGN COUNTRY
6 BASED UPON A CONVICTION FOR A SEXUALLY VIOLENT OFFENSE OR
7 UNDER A SEXUAL OFFENDER STATUTE IN THE JURISDICTION WHERE THE
8 INDIVIDUAL IS CONVICTED AND:

9 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A
10 TRANSIENT;

11 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

12 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

13 (7.1) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
14 OF THIS SECTION, IS REQUIRED TO REGISTER IN A SEXUAL OFFENDER
15 REGISTRY IN ANOTHER JURISDICTION OR FOREIGN COUNTRY BASED
16 UPON A CONVICTION OF [A SEXUAL OFFENSE WHICH IS NOT
17 CLASSIFIED AS A SEXUALLY VIOLENT OFFENSE] AN OFFENSE SET
18 FORTH IN SECTION 9799.14(B)(23) (RELATING TO SEXUAL OFFENSES
19 AND TIER SYSTEM) AND:

20 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A
21 TRANSIENT;

22 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

23 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

24 (7.2) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
25 OF THIS PARAGRAPH, IS CONVICTED OF A SEXUALLY VIOLENT OFFENSE
26 IN ANOTHER JURISDICTION OR FOREIGN COUNTRY, OR IS
27 INCARCERATED OR UNDER SUPERVISION AS A RESULT OF A CONVICTION
28 FOR A SEXUALLY VIOLENT OFFENSE IN ANOTHER JURISDICTION OR
29 FOREIGN COUNTRY AND:

30 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A

1 TRANSIENT;

2 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

3 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

4 (8) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
5 THIS SECTION, IS A JUVENILE OFFENDER WHO WAS ADJUDICATED
6 DELINQUENT WITHIN THIS COMMONWEALTH OR WAS ADJUDICATED
7 DELINQUENT IN ANOTHER JURISDICTION OR A FOREIGN COUNTRY AND:

8 (I) HAS A RESIDENCE WITHIN THIS COMMONWEALTH;

9 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

10 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

11 (8.1) AN INDIVIDUAL WHO IS A JUVENILE OFFENDER WHO IS
12 ADJUDICATED DELINQUENT IN THIS COMMONWEALTH ON OR AFTER THE
13 EFFECTIVE DATE OF THIS PARAGRAPH, BUT WHO DOES NOT HAVE A
14 RESIDENCE WITHIN THIS COMMONWEALTH, IS NOT A TRANSIENT, IS
15 NOT EMPLOYED IN THIS COMMONWEALTH OR IS NOT A STUDENT WITHIN
16 THIS COMMONWEALTH, MUST REGISTER WITH THE PENNSYLVANIA STATE
17 POLICE IN ACCORDANCE WITH SECTION 9799.19 (RELATING TO
18 INITIAL REGISTRATION) PRIOR TO LEAVING THIS COMMONWEALTH.

19 (9) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
20 THIS SECTION, IS A SEXUALLY VIOLENT DELINQUENT CHILD WHO IS
21 COMMITTED FOR INVOLUNTARY TREATMENT OR, ON THE EFFECTIVE DATE OF
22 THIS SECTION, IS UNDER COMMITMENT RECEIVING INVOLUNTARY
23 TREATMENT IN THE STATE-OWNED FACILITY OR UNIT AS SET FORTH IN
24 CHAPTER 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF
25 CERTAIN SEXUALLY VIOLENT PERSONS).

26 SECTION 6. SECTION 9799.14(B)(12) AND (21), (C)(9), (12) AND
27 (17) AND (D)(12), (13) AND (15) OF TITLE 42, ADDED DECEMBER 20,
28 2011 (P.L.446, NO.111), ARE AMENDED AND SUBSECTION (B) IS
29 AMENDED BY ADDING A PARAGRAPH TO READ:

30 § 9799.14. SEXUAL OFFENSES AND TIER SYSTEM.

1 * * *

2 (B) TIER I SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL BE
3 CLASSIFIED AS TIER I SEXUAL OFFENSES:

4 * * *

5 (12) 18 U.S.C. § [2252] 2252(A)(4) (RELATING TO CERTAIN
6 ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL
7 EXPLOITATION OF MINORS).

8 * * *

9 (21) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
10 UNDER THE LAWS OF ANOTHER JURISDICTION OR FOREIGN COUNTRY, OR
11 UNDER A FORMER LAW OF THIS COMMONWEALTH.

12 * * *

13 (23) A CONVICTION FOR A SEXUAL OFFENSE IN ANOTHER
14 JURISDICTION OR FOREIGN COUNTRY THAT IS NOT SET FORTH IN THIS
15 SECTION, BUT NEVERTHELESS REQUIRES REGISTRATION UNDER A
16 SEXUAL OFFENDER STATUTE IN THE JURISDICTION OR FOREIGN
17 COUNTRY.

18 (C) TIER II SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL
19 BE CLASSIFIED AS TIER II SEXUAL OFFENSES:

20 * * *

21 (9) 18 U.S.C. § 2244 (RELATING TO ABUSIVE SEXUAL
22 CONTACT) WHERE THE VICTIM IS 13 YEARS OF AGE OR OLDER BUT
23 UNDER 18 YEARS OF AGE.

24 * * *

25 (12) 18 U.S.C. § [2252] 2252(A)(1), (2) OR (3).

26 * * *

27 (17) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
28 UNDER THE LAWS OF ANOTHER JURISDICTION OR FOREIGN COUNTRY, OR
29 UNDER A FORMER LAW OF THIS COMMONWEALTH.

30 * * *

1 (D) TIER III SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL
2 BE CLASSIFIED AS TIER III SEXUAL OFFENSES:

3 * * *

4 (12) 18 U.S.C. § 2244 WHERE THE VICTIM IS 13 YEARS OF
5 AGE.

6 (13) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
7 UNDER THE LAWS OF ANOTHER JURISDICTION OR COUNTRY, OR UNDER A
8 FORMER LAW OF THIS COMMONWEALTH.

9 * * *

10 (15) [AN OFFENSE LISTED AS A TIER II SEXUAL OFFENSE
11 WHERE THERE IS A SUBSEQUENT CONVICTION FOR AN OFFENSE GRADED
12 AS A FELONY.] (RESERVED).

13 * * *

14 SECTION 7. SECTION 9799.15(A)(1), (4) AND (7), (C), (F), (G)
15 AND (H) OF TITLE 42, ADDED DECEMBER 20, 2011 (P.L.446, NO.111),
16 ARE AMENDED, SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH AND
17 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:
18 § 9799.15. PERIOD OF REGISTRATION.

19 (A) PERIOD OF REGISTRATION.--SUBJECT TO SUBSECTION (C), AN
20 INDIVIDUAL SPECIFIED IN SECTION 9799.13 (RELATING TO
21 APPLICABILITY) SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE
22 AS FOLLOWS:

23 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE,
24 EXCEPT AN OFFENSE SET FORTH IN SECTION 9799.14(B)(23)
25 (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM), SHALL REGISTER
26 FOR A PERIOD OF 15 YEARS.

27 * * *

28 (4) A JUVENILE OFFENDER WHO WAS ADJUDICATED DELINQUENT
29 IN THIS COMMONWEALTH, OR WHO WAS ADJUDICATED DELINQUENT IN
30 ANOTHER JURISDICTION OR FOREIGN COUNTRY AS A CONSEQUENCE OF

1 HAVING COMMITTED AN OFFENSE SIMILAR TO AN OFFENSE WHICH WOULD
2 REQUIRE THE INDIVIDUAL TO REGISTER IF THE OFFENSE WAS
3 COMMITTED IN THIS COMMONWEALTH, SHALL REGISTER FOR THE LIFE
4 OF THE INDIVIDUAL.

5 (4.1) A JUVENILE OFFENDER WHO IS REQUIRED TO REGISTER IN
6 A SEXUAL OFFENDER REGISTRY IN ANOTHER JURISDICTION OR FOREIGN
7 COUNTRY AS A CONSEQUENCE OF HAVING BEEN ADJUDICATED
8 DELINQUENT FOR AN OFFENSE SIMILAR TO AN OFFENSE WHICH, IF
9 COMMITTED IN THIS COMMONWEALTH, WOULD NOT REQUIRE THE
10 INDIVIDUAL TO REGISTER SHALL REGISTER FOR A PERIOD OF TIME
11 EQUAL TO THAT REQUIRED OF THE INDIVIDUAL IN THE OTHER
12 JURISDICTION OR FOREIGN COUNTRY.

13 * * *

14 (7) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER SECTION
15 [9799.13] 9799.13(7.1) SHALL REGISTER FOR THE PERIOD OF TIME
16 EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO
17 REGISTER IN ANOTHER JURISDICTION OR FOREIGN COUNTRY.

18 * * *

19 (C) PERIOD OF REGISTRATION TOLLED.--THE FOLLOWING SHALL
20 APPLY:

21 (1) THE PERIOD OF REGISTRATION SET FORTH IN SUBSECTION
22 (A) SHALL BE TOLLED FOR THE PERIOD OF TIME IN WHICH THE
23 INDIVIDUAL SPECIFIED IN SECTION 9799.13 IS:

24 (I) INCARCERATED IN A FEDERAL, STATE OR COUNTY
25 CORRECTIONAL INSTITUTION, EXCLUDING A COMMUNITY CONTRACT
26 FACILITY OR COMMUNITY CORRECTIONS CENTER;

27 (II) SUBJECT TO A SENTENCE OF INTERMEDIATE
28 PUNISHMENT WHICH IS RESTRICTIVE AND WHERE THE INDIVIDUAL
29 IS SENTENCED TO A PERIOD OF INCARCERATION;

30 (III) COMMITTED TO AN INSTITUTION OR FACILITY SET

1 FORTH IN SECTION 6352(A) (3) THAT PROVIDES THE INDIVIDUAL
2 WITH 24-HOUR-PER-DAY SUPERVISION AND CARE; [OR]

3 (IV) COMMITTED TO AND RECEIVING INVOLUNTARY
4 INPATIENT TREATMENT IN THE STATE-OWNED FACILITY OR UNIT
5 SET FORTH IN CHAPTER 64 (RELATING TO COURT-ORDERED
6 INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT
7 PERSONS) [.] OR

8 (V) INCARCERATED IN A FEDERAL CORRECTIONAL
9 INSTITUTION, EXCLUDING A COMMUNITY CONTRACT FACILITY OR
10 COMMUNITY CORRECTIONS CENTER.

11 (2) THIS SUBSECTION SHALL APPLY TO AN INDIVIDUAL
12 SPECIFIED IN SECTION 9799.13 WHO IS RECOMMITTED TO A FEDERAL,
13 STATE OR COUNTY CORRECTIONAL INSTITUTION FOR A PAROLE
14 VIOLATION OR WHO HAS BEEN SENTENCED TO AN ADDITIONAL TERM OF
15 IMPRISONMENT. [IN THE CASE OF RECOMMITMENT, THE DEPARTMENT OF
16 CORRECTIONS OR THE COUNTY CORRECTIONAL FACILITY SHALL NOTIFY
17 THE PENNSYLVANIA STATE POLICE OF THE ADMISSION OF THE
18 INDIVIDUAL.] IN ADDITION, THIS SUBSECTION SHALL APPLY TO AN
19 INDIVIDUAL COMMITTED TO OR RECOMMITTED TO A FEDERAL
20 CORRECTIONAL INSTITUTION. IN THE CASE OF RECOMMITMENT TO A
21 STATE OR COUNTY CORRECTIONAL INSTITUTION, THE DEPARTMENT OF
22 CORRECTIONS OR THE COUNTY CORRECTIONAL FACILITY SHALL NOTIFY
23 THE PENNSYLVANIA STATE POLICE OF THE ADMISSION OF THE
24 INDIVIDUAL.

25 * * *

26 (F) SEXUALLY VIOLENT PREDATORS.--[AN INDIVIDUAL CONVICTED OF
27 A TIER I SEXUAL OFFENSE, A TIER II SEXUAL OFFENSE OR A TIER III
28 SEXUAL OFFENSE WHO IS DETERMINED TO BE A] A SEXUALLY VIOLENT
29 PREDATOR [UNDER SECTION 9799.24] SHALL APPEAR IN PERSON AT AN
30 APPROVED REGISTRATION SITE TO:

1 (1) PROVIDE OR VERIFY THE INFORMATION SET FORTH IN
2 SECTION 9799.16(B); [AND]

3 (2) BE PHOTOGRAPHED QUARTERLY[.]; AND

4 (3) STATE WHETHER HE IS IN COMPLIANCE WITH SECTION
5 9799.36 (RELATING TO COUNSELING OF SEXUALLY VIOLENT
6 PREDATORS).

7 (G) IN-PERSON APPEARANCE TO UPDATE INFORMATION.--IN ADDITION
8 TO THE PERIODIC IN-PERSON APPEARANCE REQUIRED IN [SUBSECTION]
9 SUBSECTIONS (E), (F) AND (H), AN INDIVIDUAL SPECIFIED IN SECTION
10 9799.13 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE
11 WITHIN THREE BUSINESS DAYS TO PROVIDE CURRENT INFORMATION
12 RELATING TO:

13 (1) A CHANGE IN NAME, INCLUDING AN ALIAS.

14 (2) A COMMENCEMENT OF RESIDENCE, CHANGE IN RESIDENCE,
15 TERMINATION OF RESIDENCE OR FAILURE TO MAINTAIN A RESIDENCE,
16 THUS MAKING THE INDIVIDUAL A TRANSIENT.

17 (3) COMMENCEMENT OF EMPLOYMENT, A CHANGE IN THE LOCATION
18 OR ENTITY IN WHICH THE INDIVIDUAL IS EMPLOYED OR A
19 TERMINATION OF EMPLOYMENT.

20 (4) INITIAL ENROLLMENT AS A STUDENT, A CHANGE IN
21 ENROLLMENT AS A STUDENT OR TERMINATION AS A STUDENT.

22 (5) AN ADDITION AND A CHANGE IN TELEPHONE NUMBER,
23 INCLUDING A CELL PHONE NUMBER, OR A TERMINATION OF TELEPHONE
24 NUMBER, INCLUDING A CELL PHONE NUMBER.

25 (6) AN ADDITION, A CHANGE IN AND TERMINATION OF A MOTOR
26 VEHICLE OWNED OR OPERATED, INCLUDING WATERCRAFT OR AIRCRAFT.
27 IN ORDER TO FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE
28 INDIVIDUAL MUST PROVIDE ANY LICENSE PLATE NUMBERS AND
29 REGISTRATION NUMBERS AND OTHER IDENTIFIERS AND AN ADDITION TO
30 OR CHANGE IN THE ADDRESS OF THE PLACE THE VEHICLE IS STORED.

1 (7) A COMMENCEMENT OF TEMPORARY LODGING, A CHANGE IN
2 TEMPORARY LODGING OR A TERMINATION OF TEMPORARY LODGING. IN
3 ORDER TO FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE
4 INDIVIDUAL MUST PROVIDE THE SPECIFIC LENGTH OF TIME AND THE
5 DATES DURING WHICH THE INDIVIDUAL WILL BE TEMPORARILY LODGED.

6 (8) [A] AN ADDITION, CHANGE IN OR TERMINATION OF E-MAIL
7 ADDRESS, INSTANT MESSAGE ADDRESS OR ANY OTHER DESIGNATIONS
8 USED IN INTERNET COMMUNICATIONS OR POSTINGS.

9 (9) AN ADDITION, CHANGE IN OR TERMINATION OF INFORMATION
10 RELATED TO OCCUPATIONAL AND PROFESSIONAL LICENSING, INCLUDING
11 TYPE OF LICENSE HELD AND LICENSE NUMBER.

12 (H) TRANSIENTS, JUVENILE OFFENDERS AND SEXUALLY VIOLENT
13 DELINQUENT CHILDREN.--IF THE INDIVIDUAL SPECIFIED IN SECTION
14 9799.13 IS A TRANSIENT, A JUVENILE OFFENDER OR A SEXUALLY
15 VIOLENT DELINQUENT CHILD, THE FOLLOWING APPLY:

16 (1) IF THE INDIVIDUAL IS A TRANSIENT, THE INDIVIDUAL
17 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE TO
18 PROVIDE OR TO VERIFY THE INFORMATION SET FORTH IN SECTION
19 9799.16(B) AND TO BE PHOTOGRAPHED MONTHLY. THE DUTY TO APPEAR
20 IN PERSON MONTHLY AND TO BE PHOTOGRAPHED SHALL APPLY UNTIL A
21 TRANSIENT ESTABLISHES A RESIDENCE. IN THE EVENT A TRANSIENT
22 ESTABLISHES A RESIDENCE, THE REQUIREMENT OF PERIODIC IN-
23 PERSON APPEARANCES SET FORTH IN SUBSECTION (E) SHALL APPLY.

24 (2) IF THE INDIVIDUAL IS A JUVENILE OFFENDER WHO IS NOT
25 A TRANSIENT, THE INDIVIDUAL SHALL APPEAR AT AN APPROVED
26 REGISTRATION SITE TO PROVIDE OR VERIFY THE INFORMATION SET
27 FORTH IN SECTION 9799.16(B) AND TO BE PHOTOGRAPHED QUARTERLY.

28 (3) IF THE INDIVIDUAL IS A SEXUALLY VIOLENT DELINQUENT
29 CHILD WHO IS NOT A TRANSIENT, THE INDIVIDUAL SHALL APPEAR AT
30 AN APPROVED REGISTRATION SITE TO PROVIDE OR VERIFY THE

1 INFORMATION SET FORTH IN SECTION 9799.16(B) AND TO BE
2 PHOTOGRAPHED QUARTERLY.

3 * * *

4 (J) IN-PERSON REPORTING BY INCARCERATED OR COMMITTED
5 INDIVIDUALS.--THE REQUIREMENTS OF SUBSECTIONS (E), (F), (G) AND
6 (H) DO NOT APPLY WHERE THE INDIVIDUAL SPECIFIED IN SECTION
7 9799.13 IS:

8 (1) INCARCERATED IN A CORRECTIONAL INSTITUTION,
9 EXCLUDING A COMMUNITY CONTRACT FACILITY OR COMMUNITY
10 CORRECTIONS CENTER;

11 (2) SUBJECT TO A SENTENCE OF INTERMEDIATE PUNISHMENT
12 WHICH IS RESTRICTIVE AND WHERE THE INDIVIDUAL IS SENTENCED TO
13 A PERIOD OF INCARCERATION;

14 (3) COMMITTED TO AN INSTITUTION OR FACILITY SET FORTH IN
15 SECTION 6352(A) (3) WHICH PROVIDES THE INDIVIDUAL WITH 24-
16 HOURLY SUPERVISION AND CARE; OR

17 (4) COMMITTED TO AND RECEIVING INVOLUNTARY INPATIENT
18 TREATMENT IN THE STATE-OWNED FACILITY OR UNIT SET FORTH IN
19 CHAPTER 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT
20 OF CERTAIN SEXUALLY VIOLENT PERSONS).

21 SECTION 8. SECTIONS 9799.16(B) (5) AND (6), (C) INTRODUCTORY
22 PARAGRAPH AND (D), 9799.17 AND 9799.18(A) (4), (5) AND (6) AND
23 (D) (1) OF TITLE 42, ADDED DECEMBER 20, 2011 (P.L.446, NO.111),
24 ARE AMENDED TO READ:

25 § 9799.16. REGISTRY.

26 * * *

27 (B) INFORMATION PROVIDED BY SEXUAL OFFENDER.--AN INDIVIDUAL
28 SPECIFIED IN SECTION 9799.13 (RELATING TO APPLICABILITY) SHALL
29 PROVIDE THE FOLLOWING INFORMATION WHICH SHALL BE INCLUDED IN THE
30 REGISTRY:

1 * * *

2 (5) ADDRESS OF EACH RESIDENCE OR INTENDED RESIDENCE,
3 INCLUDING THE LOCATION AT WHICH THE INDIVIDUAL RECEIVES MAIL
4 INCLUDING A POST OFFICE BOX, WHETHER OR NOT THE RESIDENCE OR
5 INTENDED RESIDENCE IS LOCATED WITHIN THIS COMMONWEALTH. IF
6 THE INDIVIDUAL [ENTERS THIS COMMONWEALTH AND] FAILS TO
7 MAINTAIN A RESIDENCE AND IS THEREFORE A TRANSIENT, THE
8 INDIVIDUAL SHALL PROVIDE INFORMATION FOR THE REGISTRY AS SET
9 FORTH IN PARAGRAPH (6) .

10 (6) IF THE INDIVIDUAL IS A TRANSIENT, THE INDIVIDUAL
11 SHALL PROVIDE INFORMATION ABOUT THE TRANSIENT'S TEMPORARY
12 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
13 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR PARK. IN
14 ADDITION, THE TRANSIENT SHALL PROVIDE A LIST OF PLACES THE
15 TRANSIENT EATS, FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES
16 AND ANY PLANNED DESTINATIONS, INCLUDING THOSE OUTSIDE THIS
17 COMMONWEALTH. IF THE TRANSIENT CHANGES OR ADDS TO THE PLACES
18 LISTED UNDER THIS PARAGRAPH DURING A [30-DAY] MONTHLY PERIOD,
19 THE TRANSIENT SHALL LIST THESE WHEN REGISTERING AS A
20 TRANSIENT DURING THE NEXT [30-DAY] MONTHLY PERIOD. IN
21 ADDITION, THE TRANSIENT SHALL PROVIDE THE PLACE THE TRANSIENT
22 RECEIVES MAIL, INCLUDING A POST OFFICE BOX. IF THE TRANSIENT
23 HAS BEEN DESIGNATED AS A SEXUALLY VIOLENT PREDATOR, THE
24 TRANSIENT SHALL STATE WHETHER HE IS IN COMPLIANCE WITH
25 SECTION 9799.36 (RELATING TO COUNSELING OF SEXUALLY VIOLENT
26 PREDATORS). THE DUTY TO PROVIDE THE INFORMATION SET FORTH IN
27 THIS PARAGRAPH SHALL APPLY UNTIL THE TRANSIENT ESTABLISHES A
28 RESIDENCE. IN THE EVENT A TRANSIENT ESTABLISHES A RESIDENCE,
29 THE REQUIREMENTS OF SECTION 9799.15 (E) (RELATING TO PERIOD OF
30 REGISTRATION) SHALL APPLY.

1 * * *

2 (C) CRIMINAL JUSTICE INFORMATION.--THE PENNSYLVANIA STATE
3 POLICE SHALL ENSURE THAT THE FOLLOWING INFORMATION IS INCLUDED
4 IN, OR ELECTRONICALLY ACCESSIBLE BY, THE REGISTRY:

5 * * *

6 (D) COOPERATION.--[THE] THERE SHALL BE COOPERATION BETWEEN
7 THE PENNSYLVANIA STATE POLICE [SHALL COOPERATE WITH], STATE AND
8 COUNTY CORRECTIONAL INSTITUTIONS, THE PENNSYLVANIA BOARD OF
9 PROBATION AND PAROLE, THE COUNTY OFFICE OF PROBATION AND PAROLE,
10 ANY COURT WITH JURISDICTION OVER A SEXUAL OFFENDER, THE CHIEF
11 JUVENILE PROBATION OFFICER OF THE COURT, JUVENILE PROBATION AND
12 PAROLE AND THE DEPARTMENT OF PUBLIC WELFARE TO ENSURE THAT THE
13 INFORMATION SET FORTH IN SUBSECTIONS (B) AND (C) IS PROVIDED AND
14 PLACED IN THE REGISTRY.

15 § 9799.17. TERMINATION OF PERIOD OF REGISTRATION FOR JUVENILE
16 OFFENDERS.

17 (A) JUVENILE OFFENDER.--AN INDIVIDUAL WHO IS A JUVENILE
18 OFFENDER, WITH THE EXCEPTION OF A JUVENILE OFFENDER WHOSE PERIOD
19 OF REGISTRATION IS DETERMINED BY SECTION 9799.15(A)(4.1)
20 (RELATING TO PERIOD OF REGISTRATION), SHALL HAVE THE REQUIREMENT
21 TO REGISTER TERMINATED IF ALL OF THE FOLLOWING APPLY:

22 (1) AT LEAST 25 YEARS HAVE ELAPSED SINCE THE INDIVIDUAL
23 WAS:

24 (I) ADJUDICATED DELINQUENT FOR AN OFFENSE WHICH, IF
25 COMMITTED BY AN ADULT, WOULD BE CLASSIFIED AS AN OFFENSE
26 UNDER 18 PA.C.S. § 3121 (RELATING TO RAPE), 3123 (RELATING TO
27 INVOLUNTARY DEVIATE SEXUAL INTERCOURSE) OR 3125 (RELATING TO
28 AGGRAVATED INDECENT ASSAULT) OR AN ATTEMPT, SOLICITATION OR
29 CONSPIRACY TO COMMIT AN OFFENSE UNDER 18 PA.C.S. § 3121, 3123
30 OR 3125, EXCLUDING TIME SPENT UNDER THE SUPERVISION OF THE

1 COURT, INCLUDING COMMITMENT TO AN INSTITUTION OR FACILITY SET
2 FORTH IN SECTION 6352(A) (3) (RELATING TO DEPOSITION OF
3 DELINQUENT CHILD); OR

4 (II) ADJUDICATED DELINQUENT FOR AN OFFENSE IN
5 ANOTHER JURISDICTION OR FOREIGN COUNTRY WHICH IS SIMILAR
6 TO THAT WHICH IF COMMITTED BY AN ADULT IN THIS
7 COMMONWEALTH WOULD BE CLASSIFIED AS AN OFFENSE UNDER 18
8 PA.C.S. § 3121, 3123 OR 3125 OR AN ATTEMPT, SOLICITATION
9 OR CONSPIRACY TO COMMIT AN OFFENSE UNDER 18 PA.C.S. §
10 3121, 3123 OR 3125.

11 (2) FOR A PERIOD OF 25 YEARS PRIOR TO THE FILING OF THE
12 PETITION, THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A
13 SUBSEQUENT SEXUALLY VIOLENT OFFENSE OR A SUBSEQUENT OFFENSE:

14 (I) GRADED AS A MISDEMEANOR OF THE SECOND DEGREE OR
15 HIGHER; OR

16 (II) WHICH IS PUNISHABLE BY A TERM OF IMPRISONMENT
17 GREATER THAN ONE YEAR.

18 (3) THE INDIVIDUAL SUCCESSFULLY COMPLETED COURT-ORDERED
19 SUPERVISION WITHOUT REVOCATION.

20 (4) THE INDIVIDUAL SUCCESSFULLY COMPLETED A TREATMENT
21 PROGRAM FOR SEXUAL OFFENDERS RECOGNIZED BY THE JUVENILE COURT
22 IN THIS COMMONWEALTH OR ANOTHER JURISDICTION OR THE UNITED
23 STATES ATTORNEY GENERAL UNDER SECTION 115(B) (1) OF THE ADAM
24 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW
25 109-248, 42 U.S.C. § 16915(B) (1)).

26 (B) PROCEDURE.--AN INDIVIDUAL WHO WAS ADJUDICATED DELINQUENT
27 IN THIS COMMONWEALTH, AND WHO SEEKS TO TERMINATE THE OBLIGATION
28 TO REGISTER PURSUANT TO SUBSECTION (A) MAY PETITION THE COURT OF
29 COMMON PLEAS OF THE COUNTY IN WHICH THE INDIVIDUAL WAS
30 ADJUDICATED DELINQUENT FOR TERMINATION. AN INDIVIDUAL WHO WAS

1 ADJUDICATED DELINQUENT IN ANOTHER JURISDICTION OR FOREIGN
2 COUNTRY MAY PETITION THE COURT OF COMMON PLEAS IN THE COUNTY IN
3 WHICH THE INDIVIDUAL HAS ESTABLISHED A RESIDENCE IN THIS
4 COMMONWEALTH. THE COURT SHALL:

5 (1) WITHIN 120 DAYS OF THE FILING OF THE PETITION UNDER
6 THIS SUBSECTION, HOLD A HEARING TO DETERMINE WHETHER TO
7 TERMINATE THE OBLIGATION TO REGISTER. THE PETITIONER AND THE
8 DISTRICT ATTORNEY SHALL BE GIVEN NOTICE OF THE HEARING AND AN
9 OPPORTUNITY TO BE HEARD, THE RIGHT TO CALL WITNESSES, THE
10 RIGHT TO CALL EXPERT WITNESSES AND THE RIGHT TO CROSS-EXAMINE
11 WITNESSES. THE PETITIONER SHALL HAVE THE RIGHT TO COUNSEL AND
12 TO HAVE A LAWYER APPOINTED IF THE PETITIONER CANNOT AFFORD
13 ONE.

14 (2) TERMINATE THE OBLIGATION TO REGISTER ONLY UPON A
15 FINDING OF CLEAR AND CONVINCING EVIDENCE THAT THE PETITIONER
16 HAS SATISFIED THE CRITERIA IN SUBSECTION (A) AND THAT
17 ALLOWING THE PETITIONER TO TERMINATE THE OBLIGATION TO
18 REGISTER IS NOT LIKELY TO POSE A THREAT TO THE SAFETY OF ANY
19 OTHER PERSON. THE BURDEN OF PROOF SHALL BE ON THE PETITIONER.

20 (C) NOTICE.--A COURT GRANTING RELIEF UNDER THIS SECTION
21 SHALL NOTIFY THE MEGAN'S LAW UNIT OF THE PENNSYLVANIA STATE
22 POLICE IN WRITING WITHIN TEN DAYS FROM THE DATE RELIEF IS
23 GRANTED.

24 (D) RIGHT TO APPEAL.--THE PETITIONER AND THE COMMONWEALTH
25 SHALL HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTIONS OF THE
26 COURT TAKEN UNDER THIS SECTION. AN APPEAL BY THE COMMONWEALTH
27 SHALL STAY THE ORDER OF THE COURT.

28 (E) PROHIBITION.--THIS SECTION SHALL NOT APPLY TO AN
29 INDIVIDUAL WHO:

30 (1) HAS BEEN DESIGNATED AS A SEXUALLY VIOLENT PREDATOR.

1 (2) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE WHO
2 IS REQUIRED TO REGISTER FOR A PERIOD OF 15 YEARS OR A PERIOD
3 OF 25 YEARS.

4 (3) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE WHO
5 IS REQUIRED TO REGISTER FOR A PERIOD OF LIFE.

6 (4) IS A SEXUALLY VIOLENT DELINQUENT CHILD.

7 § 9799.18. INFORMATION SHARING.

8 (A) GENERAL RULE.--THE PENNSYLVANIA STATE POLICE SHALL,
9 WITHIN THREE BUSINESS DAYS, [TRANSFER] MAKE AVAILABLE
10 INFORMATION PROVIDED BY AN INDIVIDUAL SET FORTH IN SECTION
11 9799.13 (RELATING TO APPLICABILITY) UNDER SECTIONS 9799.15(G)
12 AND (I) (RELATING TO PERIOD OF REGISTRATION), 9799.16(B)
13 (RELATING TO REGISTRY) AND 9799.19 (RELATING TO INITIAL
14 REGISTRATION) TO:

15 * * *

16 (4) THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH THE
17 INDIVIDUAL:

18 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
19 RESIDENCE, OR IS TRANSIENT;

20 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;
21 OR

22 (III) ENROLLS AS A STUDENT OR TERMINATES ENROLLMENT
23 AS A STUDENT.

24 (5) THE CHIEF LAW ENFORCEMENT OFFICER OF THE POLICE
25 DEPARTMENT OF THE MUNICIPALITY IN WHICH THE INDIVIDUAL:

26 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
27 RESIDENCE, OR IS TRANSIENT;

28 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;
29 OR

30 (III) ENROLLS AS A STUDENT OR TERMINATES ENROLLMENT

1 AS A STUDENT.

2 (6) THE COUNTY OFFICE OF PROBATION AND PAROLE FOR THE
3 COUNTY IN WHICH THE INDIVIDUAL:

4 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
5 RESIDENCE, OR IS TRANSIENT;

6 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;
7 OR

8 (III) ENROLLS AS A STUDENT OR TERMINATES ENROLLMENT
9 AS A STUDENT.

10 * * *

11 (D) INTERNATIONAL TRAVEL.--THE PENNSYLVANIA STATE POLICE
12 SHALL, WITHIN THREE BUSINESS DAYS, TRANSFER INFORMATION ABOUT
13 INTERNATIONAL TRAVEL PROVIDED BY THE SEXUAL OFFENDER UNDER
14 SECTION 9799.15(I) TO:

15 (1) A JURISDICTION IN WHICH THE SEXUAL OFFENDER IS
16 REQUIRED TO REGISTER THE SEXUAL OFFENDER'S RESIDENCE, AS A
17 TRANSIENT, EMPLOYMENT OR ENROLLMENT AS A STUDENT.

18 * * *

19 SECTION 9. SECTION 9799.19(B), (B.1) INTRODUCTORY PARAGRAPH
20 (H), (I) AND (J) OF TITLE 42, ADDED DECEMBER 20, 2011 (P.L.446,
21 NO.111), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING
22 SUBSECTIONS TO READ:

23 § 9799.19. INITIAL REGISTRATION.

24 * * *

25 (B) INITIAL REGISTRATION IF INCARCERATED WITHIN COMMONWEALTH
26 OR BY FEDERAL COURT ON EFFECTIVE DATE OF SECTION.--THE FOLLOWING
27 APPLY:

28 (1) IF THE INDIVIDUAL IS, [ON] PRIOR TO THE EFFECTIVE
29 DATE OF THIS SECTION, INCARCERATED IN A FEDERAL, STATE OR
30 COUNTY CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL PROVIDE

1 THE INFORMATION SET FORTH IN SECTION 9799.16(B) (RELATING TO
2 REGISTRY) TO THE APPROPRIATE OFFICIAL OF THE FEDERAL, STATE
3 OR COUNTY CORRECTIONAL FACILITY OR THE PENNSYLVANIA BOARD OF
4 PROBATION AND PAROLE FOR INCLUSION IN THE REGISTRY BEFORE
5 BEING RELEASED DUE TO:

6 (I) THE EXPIRATION OF SENTENCE, IN WHICH CASE THE
7 INFORMATION SHALL BE COLLECTED NO LATER THAN TEN DAYS
8 PRIOR TO THE MAXIMUM EXPIRATION DATE;

9 (II) PAROLE;

10 (III) STATE OR COUNTY INTERMEDIATE PUNISHMENT WHERE
11 THE SENTENCE IS RESTRICTIVE AND THE INDIVIDUAL IS
12 SENTENCED TO A PERIOD OF INCARCERATION IN A STATE OR
13 COUNTY CORRECTIONAL INSTITUTION OR A WORK RELEASE
14 FACILITY; OR

15 (IV) SPECIAL PROBATION SUPERVISED BY THE
16 PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

17 (2) FOR INDIVIDUALS SET FORTH IN PARAGRAPH (1), THE
18 APPROPRIATE OFFICIAL OF THE FEDERAL, STATE OR COUNTY
19 CORRECTIONAL FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION
20 AND PAROLE SHALL COLLECT AND FORWARD THE INFORMATION IN
21 SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE. THE
22 APPROPRIATE OFFICIAL SHALL, IN ADDITION, ENSURE THAT THE
23 INFORMATION SET FORTH IN SECTION 9799.16(C) IS COLLECTED AND
24 FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE INFORMATION
25 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
26 REGISTRY. WITH RESPECT TO INDIVIDUALS RELEASED UNDER
27 PARAGRAPH (1)(II), (III) OR (IV), THE STATE OR COUNTY
28 CORRECTIONAL FACILITY SHALL NOT RELEASE THE INDIVIDUAL UNTIL
29 IT RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE POLICE
30 THAT IT HAS RECEIVED THE INFORMATION SET FORTH IN SECTION

1 9799.16(B) AND (C). VERIFICATION MAY TAKE PLACE BY ELECTRONIC
2 MEANS. WITH RESPECT TO INDIVIDUALS RELEASED UNDER PARAGRAPH
3 (1) (I), IF THE INDIVIDUAL REFUSES TO PROVIDE THE INFORMATION
4 SET FORTH IN SECTION 9799.16(B), THE STATE OR COUNTY
5 CORRECTIONAL INSTITUTION SHALL NOTIFY THE PENNSYLVANIA STATE
6 POLICE OR THE MUNICIPAL POLICE DEPARTMENT WITH JURISDICTION
7 OVER THE FACILITY OF THE FAILURE TO PROVIDE THE INFORMATION
8 AND OF THE EXPECTED DATE, TIME AND LOCATION OF THE RELEASE OF
9 THE INDIVIDUAL.

10 (B.1) INITIAL REGISTRATION IF SENTENCED TO A COUNTY OR STATE
11 CORRECTIONAL FACILITY ON OR AFTER THE EFFECTIVE DATE OF
12 SECTION.--IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE DATE
13 OF THIS SECTION, SENTENCED TO A PERIOD OF INCARCERATION IN A
14 COUNTY OR STATE CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL
15 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B) AS
16 FOLLOWS:

17 * * *

18 (E.1) INITIAL REGISTRATION FOR COUNTY OR FEDERAL
19 PROBATIONERS ON THE EFFECTIVE DATE OF THIS SECTION.--

20 (1) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
21 SECTION, ALREADY SERVING A SENTENCE OF COUNTY PROBATION, THE
22 APPROPRIATE OFFICE OF PROBATION AND PAROLE SERVING THE COUNTY
23 SHALL REGISTER THE INDIVIDUAL WITHIN 48 HOURS. THE
24 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL COLLECT THE
25 INFORMATION SET FORTH IN SECTION 9799.16(B) AND FORWARD THAT
26 INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE
27 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION
28 SET FORTH IN SECTION 9799.16(C) IS COLLECTED. THE INFORMATION
29 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
30 REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY, THE APPROPRIATE

1 OFFICIAL OF THAT OFFICE SHALL NOTIFY THE PENNSYLVANIA STATE
2 POLICE.

3 (2) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
4 SECTION, ALREADY UNDER THE SUPERVISION OF FEDERAL PROBATION
5 AUTHORITIES FOR A SEXUALLY VIOLENT OFFENSE, THE INDIVIDUAL
6 SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
7 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
8 OF THE EFFECTIVE DATE OF THIS SECTION.

9 (E.2) INITIAL REGISTRATION FOR COUNTY OR STATE PAROLEES ON
10 THE EFFECTIVE DATE OF THIS SECTION.--

11 (1) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
12 SECTION, ALREADY SERVING A SENTENCE OF COUNTY PAROLE, THE
13 APPROPRIATE OFFICE OF PROBATION AND PAROLE SERVING THE COUNTY
14 SHALL REGISTER THE INDIVIDUAL WITHIN 48 HOURS. THE
15 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL COLLECT THE
16 INFORMATION SET FORTH IN SECTION 9799.16(B) AND FORWARD THAT
17 INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE
18 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION
19 SET FORTH IN SECTION 9799.16(C) IS COLLECTED. THE INFORMATION
20 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
21 REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY, THE APPROPRIATE
22 OFFICIAL OF THAT OFFICE SHALL NOTIFY THE PENNSYLVANIA STATE
23 POLICE.

24 (2) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
25 SECTION, ALREADY SERVING A SENTENCE OF STATE PAROLE, THE
26 PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL REGISTER THE
27 INDIVIDUAL WITHIN 48 HOURS. THE APPROPRIATE OFFICIAL OF
28 PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL COLLECT THE
29 INFORMATION SET FORTH IN SECTION 9799.16(B) FROM THE
30 INDIVIDUAL AND FORWARD THE INFORMATION TO THE PENNSYLVANIA

1 STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT
2 THE INFORMATION SET FORTH IN SECTION 9799.16(C) IS COLLECTED.
3 THE INFORMATION IN SECTION 9799.16(B) AND (C) SHALL BE
4 INCLUDED IN THE REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY,
5 THE APPROPRIATE OFFICIAL OF THE PENNSYLVANIA BOARD OF
6 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE
7 POLICE.

8 * * *

9 (H) INITIAL REGISTRATION OF JUVENILE OFFENDER OR SEXUALLY
10 VIOLENT DELINQUENT CHILD.--[IF THE INDIVIDUAL IS A JUVENILE
11 OFFENDER OR A SEXUALLY VIOLENT DELINQUENT CHILD, THE FOLLOWING
12 APPLY:]

13 (1) IF THE INDIVIDUAL IS A JUVENILE OFFENDER WHO IS
14 ADJUDICATED DELINQUENT BY A COURT ON OR AFTER THE EFFECTIVE
15 DATE OF THIS SECTION, THE FOLLOWING APPLY:

16 (I) THE COURT SHALL REQUIRE THE INDIVIDUAL TO
17 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
18 TO THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AS
19 FOLLOWS:

20 (A) EXCEPT AS SET FORTH IN CLAUSE (B), AT THE
21 TIME OF DISPOSITION UNDER SECTION 6352 (RELATING TO
22 DISPOSITION OF DELINQUENT CHILD) .

23 (B) AT THE TIME THE INDIVIDUAL IS ADJUDICATED
24 DELINQUENT UNDER SECTION 6341 (RELATING TO
25 ADJUDICATION) IF:

26 (I) THE ADJUDICATION OF DELINQUENCY OCCURS
27 IN ANY COUNTY OTHER THAN THE INDIVIDUAL'S COUNTY
28 OF RESIDENCE; AND

29 (II) THE COURT INTENDS TO TRANSFER THE
30 INDIVIDUAL'S CASE FOR DISPOSITION TO THE

1 INDIVIDUAL'S COUNTY OF RESIDENCE UNDER SECTION
2 6321 (C) (RELATING TO COMMENCEMENT OF
3 PROCEEDINGS).

4 (II) THE CHIEF JUVENILE PROBATION OFFICER SHALL
5 COLLECT THE INFORMATION IN SECTION 9799.16(B) AND (C) AND
6 FORWARD IT TO THE PENNSYLVANIA STATE POLICE FOR INCLUSION
7 IN THE REGISTRY AS DIRECTED BY THE PENNSYLVANIA STATE
8 POLICE. IF THE JUVENILE OFFENDER IS, UNDER SECTION
9 6352 (A) (3), SUBJECT TO COURT-ORDERED PLACEMENT IN AN
10 INSTITUTION OR FACILITY [SET FORTH IN SECTION 6352 (A) (3)]
11 WHICH PROVIDES THE JUVENILE WITH 24-HOUR-PER-DAY
12 SUPERVISION AND CARE, THE INSTITUTION OR FACILITY SHALL
13 ENSURE THE INFORMATION PROVIDED BY THE JUVENILE OFFENDER
14 PURSUANT TO SECTION 9799.16(B) IS UPDATED TO REFLECT
15 ACCURATE INFORMATION PRIOR TO RELEASE. THE INSTITUTION OR
16 FACILITY MAY NOT RELEASE THE JUVENILE OFFENDER UNTIL IT
17 RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE POLICE
18 THAT THE INFORMATION REQUIRED UNDER SECTION 9799.16(B)
19 AND (C) HAS BEEN ENTERED IN THE REGISTRY.

20 (2) IF [THE INDIVIDUAL IS], ON THE EFFECTIVE DATE OF
21 THIS SECTION, THE INDIVIDUAL IS A JUVENILE OFFENDER AND IS
22 SUBJECT TO THE JURISDICTION OF THE COURT PURSUANT TO A
23 DISPOSITION ENTERED UNDER SECTION 6352 AND IS ON PROBATION OR
24 THE INDIVIDUAL IS OTHERWISE BEING SUPERVISED IN THE
25 COMMUNITY, INCLUDING PLACEMENT IN A FOSTER FAMILY HOME OR
26 OTHER RESIDENTIAL SETTING WHICH PROVIDES THE INDIVIDUAL WITH
27 LESS THAN 24-HOUR-PER-DAY SUPERVISION AND CARE, THE
28 INDIVIDUAL SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION
29 9799.16(B) TO THE CHIEF JUVENILE PROBATION OFFICER OF THE
30 COURT WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

1 THE CHIEF JUVENILE PROBATION OFFICER SHALL COLLECT THE
2 INFORMATION SET FORTH IN SECTION 9799.16(B) AND (C) AND
3 FORWARD IT TO THE PENNSYLVANIA STATE POLICE FOR INCLUSION IN
4 THE REGISTRY, AS DIRECTED BY THE PENNSYLVANIA STATE POLICE.

5 (3) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
6 SECTION, ALREADY A JUVENILE OFFENDER AND IS SUBJECT TO THE
7 JURISDICTION OF A COURT PURSUANT TO A DISPOSITION ENTERED
8 UNDER SECTION 6352 AND IS, UNDER SECTION 6352, SUBJECT TO
9 COURT-ORDERED PLACEMENT IN AN INSTITUTION OR FACILITY [SET
10 FORTH IN SECTION 6352] WHICH PROVIDES THE JUVENILE WITH 24-
11 HOURLY SUPERVISION AND CARE, THE DIRECTOR OF THE
12 INSTITUTION OR FACILITY OR A DESIGNEE SHALL MAKE THE JUVENILE
13 OFFENDER AVAILABLE FOR AND FACILITATE THE COLLECTION OF THE
14 INFORMATION SET FORTH IN SECTION 9799.16(B) AND (C) AS
15 DIRECTED BY THE PENNSYLVANIA STATE POLICE FOR INCLUSION IN
16 THE REGISTRY. THE PENNSYLVANIA STATE POLICE MAY REQUIRE THE
17 INSTITUTION OR FACILITY TO TRANSPORT THE JUVENILE OFFENDER TO
18 AND FROM AN APPROVED REGISTRATION SITE IN ORDER TO FULFILL
19 THE REQUIREMENT OF THIS PARAGRAPH. IN ORDER TO FULFILL THE
20 REQUIREMENTS OF THIS PARAGRAPH, THE CHIEF JUVENILE PROBATION
21 OFFICER OF THE COURT SHALL, WITHIN TEN DAYS OF THE EFFECTIVE
22 DATE OF THIS SECTION, NOTIFY THE DIRECTOR OF THE INSTITUTION
23 OR FACILITY AND THE PENNSYLVANIA STATE POLICE THAT THE
24 JUVENILE OFFENDER IS REQUIRED TO REGISTER UNDER THIS
25 SUBCHAPTER. IN ADDITION, THE INSTITUTION OR FACILITY SHALL
26 ENSURE THAT THE INFORMATION PROVIDED BY THE JUVENILE OFFENDER
27 PURSUANT TO SECTION 9799.16(B) IS UPDATED TO REFLECT ACCURATE
28 INFORMATION PRIOR TO RELEASE. THE JUVENILE OFFENDER MAY NOT
29 BE RELEASED UNTIL THE INSTITUTION OR FACILITY RECEIVES
30 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE

1 INFORMATION REQUIRED UNDER SECTION 9799.16(B) AND (C) HAS
2 BEEN ENTERED INTO THE REGISTRY.

3 (4) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
4 SECTION, ALREADY A SEXUALLY VIOLENT DELINQUENT CHILD AND
5 RECEIVING INVOLUNTARY TREATMENT IN THE STATE-OWNED FACILITY
6 OR UNIT UNDER CHAPTER 64 (RELATING TO COURT-ORDERED
7 INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT PERSONS),
8 THE DIRECTOR OF THE FACILITY OR UNIT OR A DESIGNEE SHALL MAKE
9 THE SEXUALLY VIOLENT DELINQUENT CHILD AVAILABLE FOR AND
10 FACILITATE THE COLLECTION OF THE INFORMATION SET FORTH IN
11 SECTION 9799.16(B) AND (C) AS DIRECTED BY THE PENNSYLVANIA
12 STATE POLICE FOR INCLUSION IN THE REGISTRY. THE PENNSYLVANIA
13 STATE POLICE MAY REQUIRE THE FACILITY OR UNIT TO TRANSPORT
14 THE SEXUALLY VIOLENT DELINQUENT CHILD TO AND FROM AN APPROVED
15 REGISTRATION SITE IN ORDER TO FULFILL THE REQUIREMENT OF THIS
16 PARAGRAPH. IN ADDITION, THE FACILITY OR UNIT SHALL ENSURE
17 THAT THE INFORMATION PROVIDED BY THE SEXUALLY VIOLENT
18 DELINQUENT CHILD PURSUANT TO SECTION 9799.16(B) IS UPDATED TO
19 REFLECT ACCURATE INFORMATION PRIOR TO RELEASE. THE FACILITY
20 OR UNIT MAY NOT TRANSFER THE SEXUALLY VIOLENT CHILD TO
21 OUTPATIENT TREATMENT UNTIL IT HAS RECEIVED VERIFICATION FROM
22 THE PENNSYLVANIA STATE POLICE THAT IT HAS RECEIVED THE
23 INFORMATION SET FORTH IN SECTION 9799.16(B) AND (C).

24 (5) IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE DATE
25 OF THIS SECTION, DETERMINED BY THE COURT TO BE A SEXUALLY
26 VIOLENT DELINQUENT CHILD AND COMMITTED FOR INVOLUNTARY
27 TREATMENT TO THE STATE-OWNED FACILITY OR UNIT UNDER CHAPTER
28 64, THE FOLLOWING APPLY:

29 (I) THE COURT SHALL REQUIRE THE INDIVIDUAL TO
30 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)

1 TO THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AT
2 THE TIME OF COMMITMENT. THE CHIEF JUVENILE PROBATION
3 OFFICER SHALL COLLECT AND FORWARD THE INFORMATION TO THE
4 PENNSYLVANIA STATE POLICE FOR INCLUSION IN THE REGISTRY.
5 THE CHIEF JUVENILE PROBATION OFFICER SHALL, AT THE TIME
6 OF COMMITMENT, ALSO ENSURE THAT THE INFORMATION SET FORTH
7 IN SECTION 9799.16(C) IS COLLECTED AND FORWARDED TO THE
8 PENNSYLVANIA STATE POLICE FOR INCLUSION IN THE REGISTRY.
9 THE PENNSYLVANIA STATE POLICE MAY REQUIRE THE FACILITY OR
10 UNIT TO TRANSPORT THE SEXUALLY VIOLENT DELINQUENT CHILD
11 TO AND FROM AN APPROVED REGISTRATION SITE IN ORDER TO
12 FULFILL THE REQUIREMENT OF INITIAL REGISTRATION AT THE
13 TIME OF COMMITMENT.

14 (II) THE FACILITY OR UNIT SHALL ENSURE THAT THE
15 INFORMATION PROVIDED BY THE SEXUALLY VIOLENT DELINQUENT
16 CHILD PURSUANT TO SECTION 9799.16(B) IS UPDATED TO
17 REFLECT ACCURATE INFORMATION PRIOR TO TRANSFER TO
18 INVOLUNTARY OUTPATIENT TREATMENT PURSUANT TO SECTION
19 6404.1 (RELATING TO TRANSFER TO INVOLUNTARY OUTPATIENT
20 TREATMENT) OR DISCHARGE. THE COURT MAY NOT TRANSFER THE
21 SEXUALLY VIOLENT DELINQUENT CHILD TO OUTPATIENT TREATMENT
22 OR DISCHARGE THE CHILD FROM THE FACILITY OR UNIT UNTIL IT
23 HAS RECEIVED VERIFICATION FROM THE PENNSYLVANIA STATE
24 POLICE THAT THE INFORMATION REQUIRED UNDER SECTION
25 9799.16(B) AND (C) HAS BEEN ENTERED IN THE REGISTRY.

26 (I) INITIAL REGISTRATION IF CONVICTED OR ADJUDICATED
27 DELINQUENT OUTSIDE COMMONWEALTH.--[THE FOLLOWING APPLY:]

28 (1) [IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE
29 DATE OF THIS SECTION, CONVICTED OF A SEXUALLY VIOLENT OFFENSE
30 IN ANOTHER JURISDICTION OR A FOREIGN COUNTRY OR OF A

1 COMPARABLE MILITARY OFFENSE, THE] AN INDIVIDUAL SUBJECT TO
2 REGISTRATION UNDER SECTION 9799.13(7), (7.1) OR (7.2)
3 (RELATING TO APPLICABILITY) SHALL APPEAR IN PERSON AT AN
4 APPROVED REGISTRATION SITE TO PROVIDE THE INFORMATION SET
5 FORTH IN SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE
6 WITHIN THREE BUSINESS DAYS OF ESTABLISHING RESIDENCE,
7 COMMENCING EMPLOYMENT OR COMMENCING ENROLLMENT AS A STUDENT
8 WITHIN THIS COMMONWEALTH. IN ADDITION, THE INDIVIDUAL SHALL
9 COMPLY WITH THE OTHER PROVISIONS OF THIS SUBCHAPTER,
10 INCLUDING SECTION 9799.15 (RELATING TO PERIOD OF
11 REGISTRATION). IF THE INDIVIDUAL FAILS TO ESTABLISH A
12 RESIDENCE BUT NEVERTHELESS RESIDES IN THIS COMMONWEALTH, THE
13 INDIVIDUAL SHALL REGISTER AS A TRANSIENT. THE PENNSYLVANIA
14 STATE POLICE SHALL ENSURE THAT THE INFORMATION SET FORTH IN
15 SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
16 COLLECTED AND ENTERED IN THE REGISTRY.

17 (2) IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE DATE
18 OF THIS SECTION, A JUVENILE OFFENDER AS DEFINED IN PARAGRAPH
19 (2) OR (3) OF THE DEFINITION OF "JUVENILE OFFENDER" IN
20 SECTION 9799.12 (RELATING TO DEFINITIONS), THE INDIVIDUAL
21 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE TO
22 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B) TO
23 THE PENNSYLVANIA STATE POLICE WITHIN THREE BUSINESS DAYS OF
24 ESTABLISHING RESIDENCE, COMMENCING EMPLOYMENT OR COMMENCING
25 ENROLLMENT AS A STUDENT WITHIN THIS COMMONWEALTH. IN
26 ADDITION, THE INDIVIDUAL SHALL COMPLY WITH THE OTHER
27 PROVISIONS OF THIS SUBCHAPTER, INCLUDING SECTION 9799.15. IF
28 THE INDIVIDUAL FAILS TO ESTABLISH A RESIDENCE BUT
29 NEVERTHELESS RESIDES IN THIS COMMONWEALTH, THE INDIVIDUAL
30 SHALL REGISTER AS A TRANSIENT. THE PENNSYLVANIA STATE POLICE

1 SHALL ENSURE THAT THE INFORMATION SET FORTH IN SECTION
2 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS COLLECTED AND
3 ENTERED IN THE REGISTRY.

4 (3) IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE DATE
5 OF THIS SECTION, CONVICTED OF A SEXUALLY VIOLENT OFFENSE AND
6 INCARCERATED IN A FEDERAL CORRECTIONAL INSTITUTION OR BEING
7 SUPERVISED BY FEDERAL PROBATION AUTHORITIES, THE INDIVIDUAL
8 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE TO
9 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B) TO
10 THE PENNSYLVANIA STATE POLICE WITHIN THREE BUSINESS DAYS OF
11 ESTABLISHING RESIDENCE, COMMENCING EMPLOYMENT OR COMMENCING
12 ENROLLMENT AS A STUDENT IN THIS COMMONWEALTH. IN ADDITION,
13 THE INDIVIDUAL SHALL COMPLY WITH OTHER PROVISIONS OF THIS
14 SUBCHAPTER, INCLUDING SECTION 9799.15. IF THE INDIVIDUAL
15 FAILS TO ESTABLISH A RESIDENCE BUT NEVERTHELESS RESIDES IN
16 THIS COMMONWEALTH, THE INDIVIDUAL SHALL REGISTER AS A
17 TRANSIENT. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT
18 THE INFORMATION SET FORTH IN SECTION 9799.16(C) WITH RESPECT
19 TO THE INDIVIDUAL IS COLLECTED AND ENTERED INTO THE REGISTRY.

20 (J) FORMER LAW AND [INITIAL] REGISTRATION.--[IF THE
21 INDIVIDUAL WAS REQUIRED TO REGISTER UNDER THIS SUBCHAPTER BEFORE
22 THE EFFECTIVE DATE OF THIS SECTION AND HAS NOT FULFILLED THE
23 PERIOD OF REGISTRATION, THE] AN INDIVIDUAL SUBJECT TO
24 REGISTRATION UNDER SECTION 9799.13(3) SHALL APPEAR AT AN
25 APPROVED REGISTRATION SITE TO UPDATE REGISTRATION OR, IF
26 NECESSARY, TO PROVIDE THE INFORMATION SET FORTH IN SECTION
27 9799.16(B) TO THE PENNSYLVANIA STATE POLICE WITHIN 90 DAYS OF
28 THE EFFECTIVE DATE OF THIS SECTION. IN ADDITION, THE INDIVIDUAL
29 SHALL COMPLY WITH THE OTHER PROVISIONS OF THIS SUBCHAPTER,
30 INCLUDING SECTION 9799.15. IF THE INDIVIDUAL FAILS TO ESTABLISH

1 A RESIDENCE, THE INDIVIDUAL SHALL REGISTER AS A TRANSIENT. THE
2 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION SET
3 FORTH IN SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
4 COLLECTED AND ENTERED IN THE REGISTRY.

5 SECTION 10. SECTIONS 9799.20 INTRODUCTORY PARAGRAPH,
6 9799.21, 9799.22, 9799.23(A) INTRODUCTORY PARAGRAPH AND (2),
7 9799.25(B) (1) AND (C) INTRODUCTORY PARAGRAPH AND (1), 9799.26(A)
8 (1) (I) AND (II) AND 9799.27(A) (2) AND (B), ADDED DECEMBER 20,
9 2011 (P.L.446, NO.111), ARE AMENDED TO READ:

10 § 9799.20. DUTY TO INFORM.

11 IN ORDER TO IMPLEMENT THE PROVISIONS OF SECTION 9799.19
12 (RELATING TO INITIAL REGISTRATION), AS APPROPRIATE, THE
13 PENNSYLVANIA STATE POLICE, THE COURT HAVING JURISDICTION OVER
14 THE SEXUAL OFFENDER, THE CHIEF JUVENILE PROBATION OFFICER OF THE
15 COURT AND THE APPROPRIATE OFFICIAL OF THE PENNSYLVANIA BOARD OF
16 PROBATION AND PAROLE, COUNTY OFFICE OF PROBATION AND PAROLE, THE
17 DEPARTMENT OF PUBLIC WELFARE OR A STATE OR COUNTY CORRECTIONAL
18 INSTITUTION SHALL:

19 * * *

20 § 9799.21. PENALTY.

21 (A) REGISTRATION.--AN INDIVIDUAL SET FORTH IN SECTION
22 9799.13 (RELATING TO APPLICABILITY) MAY BE SUBJECT TO
23 PROSECUTION UNDER 18 PA.C.S. § 4915.1 (RELATING TO FAILURE TO
24 COMPLY WITH REGISTRATION REQUIREMENTS) IF THE INDIVIDUAL FAILS
25 TO:

26 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS SET
27 FORTH IN SECTION 9799.15 (RELATING TO PERIOD OF
28 REGISTRATION), 9799.19 (RELATING TO INITIAL REGISTRATION) OR
29 9799.25 (RELATING TO VERIFICATION BY SEXUAL OFFENDERS AND
30 PENNSYLVANIA STATE POLICE);

1 (2) VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL OR
2 BE PHOTOGRAPHED AS PROVIDED IN SECTIONS 9799.15, 9799.19 AND
3 9799.25; OR

4 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
5 SECTIONS 9799.15, 9799.19 AND 9799.25.

6 (B) COUNSELING.--A SEXUALLY VIOLENT PREDATOR OR SEXUALLY
7 VIOLENT DELINQUENT CHILD MAY BE SUBJECT TO PROSECUTION UNDER 18
8 PA.C.S. § 4915.1 IF HE FAILS TO COMPLY WITH SECTION 9799.36
9 (RELATING TO COUNSELING OF SEXUALLY VIOLENT PREDATORS).

10 § 9799.22. ENFORCEMENT.

11 (A) FAILURE TO COMPLY.--WHEN AN INDIVIDUAL SET FORTH IN
12 SECTION 9799.13 (RELATING TO APPLICABILITY) FAILS TO COMPLY WITH
13 SECTION [9799.21(1), (2) OR (3)] 9799.19 (RELATING TO INITIAL
14 REGISTRATION), 9799.21 (RELATING TO PENALTY) OR 9799.36
15 (RELATING TO COUNSELING OF SEXUALLY VIOLENT PREDATORS), THE
16 PENNSYLVANIA STATE POLICE SHALL EITHER:

17 (1) IN COOPERATION WITH THE DISTRICT ATTORNEY, SEEK
18 ISSUANCE OF A WARRANT FOR THE ARREST OF THE INDIVIDUAL AND
19 LOCATE AND ARREST THE INDIVIDUAL FOR VIOLATING THIS SECTION[;
20 OR].

21 (2) [NOTIFY] NOTIFY THE MUNICIPAL POLICE DEPARTMENT
22 WHERE THE INDIVIDUAL HAS A RESIDENCE, IS TRANSIENT, IS
23 EMPLOYED OR IS ENROLLED AS A STUDENT. THE MUNICIPAL POLICE
24 SHALL, IN COOPERATION WITH THE DISTRICT ATTORNEY, SEEK
25 ISSUANCE OF A WARRANT FOR THE ARREST OF THE INDIVIDUAL AND
26 LOCATE AND ARREST THE INDIVIDUAL FOR VIOLATING THIS SECTION.
27 IN MUNICIPALITIES WHERE NO MUNICIPAL POLICE DEPARTMENT
28 EXISTS, THE PENNSYLVANIA STATE POLICE SHALL PROCEED UNDER
29 PARAGRAPH (1).

30 (B) WHEN INDIVIDUAL CANNOT BE FOUND.--IN THE EVENT THE

1 INDIVIDUAL CANNOT BE LOCATED, THE [PENNSYLVANIA STATE POLICE
2 SHALL] FOLLOWING APPLY:

3 (1) [ENTER] THE PENNSYLVANIA STATE POLICE SHALL ENTER
4 INFORMATION ON THE INTERNET WEBSITE OF SEXUAL OFFENDERS AND
5 IN THE REGISTRY INDICATING THAT THE INDIVIDUAL CANNOT BE
6 LOCATED.

7 (2) [PROVIDE] THE PENNSYLVANIA STATE POLICE SHALL
8 PROVIDE INFORMATION TO THE NATIONAL SEX OFFENDER REGISTRY AND
9 NCIC TO REFLECT THAT THE INDIVIDUAL CANNOT BE LOCATED.

10 (3) [NOTIFY] THE PENNSYLVANIA STATE POLICE SHALL NOTIFY
11 THE UNITED STATES MARSHALS SERVICE.

12 (4) [IN COOPERATION WITH THE DISTRICT ATTORNEY, SEEK
13 ISSUANCE OF A WARRANT FOR THE ARREST OF THE INDIVIDUAL.] IF A
14 WARRANT IS ISSUED PURSUANT TO THIS [PARAGRAPH] SUBSECTION,
15 THE [PENNSYLVANIA STATE POLICE] POLICE DEPARTMENT EXECUTING
16 THE WARRANT SHALL PROVIDE INFORMATION TO THE NATIONAL CRIME
17 INFORMATION CENTER WANTED PERSON FILE TO REFLECT THAT A
18 WARRANT HAS BEEN ISSUED FOR THE INDIVIDUAL'S ARREST.

19 (C) NOTICE FROM ANOTHER JURISDICTION.--WHEN ANOTHER
20 JURISDICTION NOTIFIES THE [COMMONWEALTH] PENNSYLVANIA STATE
21 POLICE THAT A SEXUAL OFFENDER HAS TERMINATED RESIDENCE,
22 EMPLOYMENT OR ENROLLMENT AS A STUDENT IN THAT JURISDICTION AND
23 INTENDS TO ESTABLISH A RESIDENCE IN THIS COMMONWEALTH, COMMENCE
24 EMPLOYMENT IN THIS COMMONWEALTH OR COMMENCE ENROLLMENT AS A
25 STUDENT IN THIS COMMONWEALTH AND THAT SEXUAL OFFENDER FAILS TO
26 APPEAR IN THIS COMMONWEALTH TO REGISTER AS PROVIDED IN SECTION
27 9799.15 (RELATING TO PERIOD OF REGISTRATION), THE PENNSYLVANIA
28 STATE POLICE SHALL NOTIFY THE OTHER JURISDICTION THAT THE SEXUAL
29 OFFENDER FAILED TO APPEAR. THIS SUBSECTION ALSO APPLIES TO A
30 TRANSIENT WHO FAILS TO APPEAR.

1 (D) DUTY TO INFORM PENNSYLVANIA STATE POLICE.--IN ORDER TO
2 IMPLEMENT [THE PROVISIONS OF SECTION 9799.15 AND SECTION 9799.19
3 (RELATING TO INITIAL REGISTRATION)] THIS SUBCHAPTER, THE COURT
4 WITH JURISDICTION OVER THE SEXUAL OFFENDER, THE CHIEF JUVENILE
5 PROBATION OFFICER OF THE COURT AND THE APPROPRIATE OFFICIAL OF
6 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE COUNTY
7 OFFICE OF PROBATION AND PAROLE, THE DEPARTMENT OF PUBLIC WELFARE
8 OR A STATE OR COUNTY CORRECTIONAL INSTITUTION SHALL INFORM THE
9 PENNSYLVANIA STATE POLICE IF THE INDIVIDUAL REFUSES TO PROVIDE
10 THE INFORMATION REQUIRED[. THE] BY THIS SUBCHAPTER SO THAT THE
11 PENNSYLVANIA STATE POLICE [SHALL LOCATE AND ARREST THE
12 INDIVIDUAL FOR A VIOLATION OF 18 PA.C.S. § 4915.1 (RELATING TO
13 FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS) MAY COMPLY
14 WITH THIS SECTION.

15 § 9799.23. COURT NOTIFICATION AND CLASSIFICATION REQUIREMENTS.

16 (A) NOTICE TO SEXUAL OFFENDERS.--AT THE TIME OF SENTENCING
17 [OR], OF DISPOSITION[,] IN THE CASE OF A JUVENILE OFFENDER OR OF
18 COMMITMENT IN THE CASE OF A SEXUALLY VIOLENT DELINQUENT CHILD,
19 THE COURT SHALL INFORM THE SEXUAL OFFENDER OF THE PROVISIONS OF
20 THIS SUBCHAPTER. THE COURT SHALL:

21 * * *

22 (2) SPECIFICALLY INFORM THE SEXUAL OFFENDER OF:

23 (I) THE DUTY TO REGISTER IN ACCORDANCE WITH SECTIONS
24 9799.15 (RELATING TO PERIOD OF REGISTRATION), 9799.16(B)
25 (RELATING TO REGISTRY), 9799.19 (RELATING TO INITIAL
26 REGISTRATION) AND 9799.25 (RELATING TO VERIFICATION BY
27 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE); AND

28 (II) THE DUTY TO ATTEND COUNSELING IN ACCORDANCE
29 WITH:

30 (A) SECTION 9799.36 (RELATING TO COUNSELING OF

1 SEXUALLY VIOLENT PREDATORS) IF APPLICABLE; OR
2 (B) SECTION 6404.2(G) (RELATING TO DURATION OF
3 OUTPATIENT COMMITMENT AND REVIEW) IF APPLICABLE.

4 * * *

5 § 9799.25. VERIFICATION BY SEXUAL OFFENDERS AND PENNSYLVANIA
6 STATE POLICE.

7 * * *

8 (B) DEADLINE.--THE FOLLOWING APPLY:

9 (1) A SEXUAL OFFENDER SHALL APPEAR AS REQUIRED UNDER
10 SUBSECTION (A) WITHIN TEN DAYS [OF] BEFORE THE DATE
11 DESIGNATED BY THE PENNSYLVANIA STATE POLICE. FAILURE TO
12 APPEAR WITHIN TEN DAYS MAY SUBJECT THE SEXUAL OFFENDER TO
13 PROSECUTION UNDER 18 PA.C.S. § 4915.1 (RELATING TO FAILURE TO
14 COMPLY WITH REGISTRATION REQUIREMENTS).

15 * * *

16 (C) FACILITATION OF VERIFICATION.--THE PENNSYLVANIA STATE
17 POLICE SHALL ADMINISTER AND FACILITATE THE PROCESS OF
18 VERIFICATION OF INFORMATION, INCLUDING COMPLIANCE WITH
19 COUNSELING IN THE CASE OF SEXUALLY VIOLENT PREDATORS AND
20 SEXUALLY VIOLENT DELINQUENT CHILDREN, AND PHOTOGRAPHING THE
21 SEXUAL OFFENDER BY:

22 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
23 TO EACH SEXUAL OFFENDER AT THE [OFFENDER'S] LAST REPORTED
24 [RESIDENCE OR] LOCATION[, INCLUDING A POST OFFICE BOX] WHERE
25 THE OFFENDER RECEIVES MAIL. THE NOTICE SHALL BE SENT NOT MORE
26 THAN 30 DAYS NOR LESS THAN 15 DAYS PRIOR TO THE DATE A SEXUAL
27 OFFENDER IS REQUIRED TO APPEAR PURSUANT TO SUBSECTION (A).
28 THE NOTICE SHALL REMIND THE SEXUAL OFFENDER OF THE SEXUAL
29 OFFENDER'S RESPONSIBILITIES UNDER THIS SUBCHAPTER, INCLUDING
30 COUNSELING IN THE CASE OF SEXUALLY VIOLENT PREDATORS AND

1 SEXUALLY VIOLENT DELINQUENT CHILDREN, AND PROVIDE A LIST OF
2 APPROVED REGISTRATION SITES.

3 * * *

4 § 9799.26. VICTIM NOTIFICATION.

5 (A) DUTY TO INFORM VICTIM.--

6 (1) IF AN OFFENDER IS DETERMINED TO BE A SEXUALLY
7 VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD, THE
8 MUNICIPAL POLICE DEPARTMENT OR THE PENNSYLVANIA STATE POLICE,
9 IF NO MUNICIPAL POLICE JURISDICTION EXISTS, SHALL GIVE
10 WRITTEN NOTICE TO THE VICTIM WHEN THE SEXUALLY VIOLENT
11 PREDATOR OR THE SEXUALLY VIOLENT DELINQUENT CHILD REGISTERS
12 INITIALLY UNDER SECTION 9799.19 (RELATING TO INITIAL
13 REGISTRATION) OR UNDER SECTION 9799.15(G) (2), (3) OR (4)
14 (RELATING TO PERIOD OF REGISTRATION). THE NOTICE SHALL BE
15 GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT PREDATOR OR
16 THE SEXUALLY VIOLENT DELINQUENT CHILD REGISTERS OR NOTIFIES
17 THE PENNSYLVANIA STATE POLICE OF CURRENT INFORMATION UNDER
18 SECTION 9799.15(G). THE NOTICE SHALL CONTAIN THE FOLLOWING
19 INFORMATION ABOUT THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY
20 VIOLENT DELINQUENT CHILD:

21 (I) NAME.

22 (II) RESIDENCE. THIS SUBPARAGRAPH INCLUDES WHETHER
23 THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
24 DELINQUENT CHILD IS A TRANSIENT, IN WHICH CASE THE NOTICE
25 SHALL CONTAIN INFORMATION ABOUT THE TRANSIENT'S TEMPORARY
26 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
27 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR
28 PARK. IN ADDITION, THE NOTICE SHALL CONTAIN A LIST OF
29 PLACES THE TRANSIENT EATS, FREQUENTS AND ENGAGES IN
30 LEISURE ACTIVITIES.

1 * * *

2 § 9799.27. OTHER NOTIFICATION.

3 (A) NOTICE.--NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
4 (RELATING TO JUVENILE MATTERS) AND 18 PA.C.S. CH. 91 (RELATING
5 TO CRIMINAL HISTORY RECORD INFORMATION), THE CHIEF LAW
6 ENFORCEMENT OFFICER OF THE POLICE DEPARTMENT OF THE MUNICIPALITY
7 WHERE A SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
8 CHILD LIVES OR, IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR
9 SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO ESTABLISH A
10 RESIDENCE AND BEING A TRANSIENT, THE CHIEF LAW ENFORCEMENT
11 OFFICER OF THE POLICE DEPARTMENT OF THE TRANSIENT'S LAST KNOWN
12 HABITAT, SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE AS
13 REQUIRED UNDER THIS SECTION. THE NOTICE SHALL CONTAIN:

14 * * *

15 (2) THE ADDRESS OF THE RESIDENCE OF THE INDIVIDUAL. IF
16 THE INDIVIDUAL IS A TRANSIENT, WRITTEN NOTICE UNDER THIS
17 PARAGRAPH SHALL CONSIST OF INFORMATION ABOUT THE TRANSIENT'S
18 TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR
19 DWELLING, INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER
20 OR PARK, AND A LIST OF THE PLACES THE TRANSIENT EATS,
21 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES.

22 * * *

23 THE NOTICE SHALL NOT INCLUDE ANY INFORMATION THAT MIGHT REVEAL
24 THE VICTIM'S NAME, IDENTITY AND RESIDENCE.

25 (B) TO WHOM WRITTEN NOTICE IS PROVIDED.--THE CHIEF LAW
26 ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE UNDER
27 SUBSECTION (A) TO THE FOLLOWING PERSONS:

28 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR OR
29 SEXUALLY VIOLENT DELINQUENT CHILD. AS USED IN THIS PARAGRAPH:

30 (I) IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR

1 SEXUALLY VIOLENT DELINQUENT CHILD BEING A TRANSIENT,
2 "NEIGHBOR" INCLUDES RESIDENTS IN THE AREA OF THE
3 TRANSIENT'S LAST KNOWN TEMPORARY HABITAT OR OTHER
4 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING, BUT NOT
5 LIMITED TO, A HOMELESS SHELTER OR PARK.

6 (II) WHERE THE SEXUALLY VIOLENT PREDATOR LIVES IN A
7 COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES
8 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON
9 INTEREST COMMUNITY.

10 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH AGENCY
11 OF THE COUNTY WHERE THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY
12 VIOLENT DELINQUENT CHILD HAS A RESIDENCE OR, IN THE CASE OF A
13 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
14 CHILD FAILING TO ESTABLISH A RESIDENCE AND BEING A TRANSIENT,
15 THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH AGENCY OF THE
16 COUNTY OF THE SEXUALLY VIOLENT PREDATOR'S OR SEXUALLY VIOLENT
17 DELINQUENT CHILD'S LAST KNOWN TEMPORARY HABITAT OR OTHER
18 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING, BUT NOT
19 LIMITED TO, A HOMELESS SHELTER OR PARK.

20 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
21 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
22 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY
23 WHERE THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
24 DELINQUENT CHILD HAS A RESIDENCE OR, IN THE CASE OF A
25 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
26 CHILD FAILING TO ESTABLISH A RESIDENCE AND BEING A TRANSIENT,
27 THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE EQUIVALENT
28 OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS ENROLLING STUDENTS
29 UP THROUGH GRADE 12 IN THE MUNICIPALITY OF THE SEXUALLY
30 VIOLENT PREDATOR'S OR SEXUALLY VIOLENT DELINQUENT CHILD'S

1 LAST KNOWN TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF
2 ABODE OR DWELLING, INCLUDING, BUT NOT LIMITED TO, A HOMELESS
3 SHELTER OR PARK.

4 (4) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
5 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
6 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
7 VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD HAS A
8 RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR
9 SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO ESTABLISH A
10 RESIDENCE AND BEING A TRANSIENT, THE SUPERINTENDENT OF EACH
11 SCHOOL DISTRICT AND THE EQUIVALENT OFFICIAL FOR EACH PRIVATE
12 AND PAROCHIAL SCHOOL WITHIN A ONE-MILE RADIUS OF THE SEXUALLY
13 VIOLENT PREDATOR'S OR SEXUALLY VIOLENT DELINQUENT CHILD'S
14 LAST KNOWN TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF
15 ABODE OR DWELLING, INCLUDING, BUT NOT LIMITED TO, A HOMELESS
16 SHELTER OR PARK.

17 (5) THE LICENSEE OF EACH CERTIFIED DAY-CARE CENTER AND
18 LICENSED PRESCHOOL PROGRAM AND OWNER OR OPERATOR OF EACH
19 REGISTERED FAMILY DAY-CARE HOME IN THE MUNICIPALITY WHERE THE
20 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
21 CHILD HAS A RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT
22 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO
23 ESTABLISH A RESIDENCE AND BEING A TRANSIENT, THE LICENSEE OF
24 EACH CERTIFIED DAY-CARE CENTER AND LICENSED PRESCHOOL PROGRAM
25 AND OWNER OR OPERATOR OF EACH REGISTERED FAMILY DAY-CARE HOME
26 IN THE MUNICIPALITY OF THE SEXUALLY VIOLENT PREDATOR'S OR
27 SEXUALLY VIOLENT DELINQUENT CHILD'S LAST KNOWN TEMPORARY
28 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
29 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR PARK.

30 (6) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND

1 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF WHERE THE
2 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
3 CHILD HAS A RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT
4 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO
5 ESTABLISH A RESIDENCE AND BEING A TRANSIENT, THE PRESIDENT OF
6 EACH COLLEGE, UNIVERSITY AND COMMUNITY COLLEGE LOCATED WITHIN
7 1,000 FEET OF THE SEXUALLY VIOLENT PREDATOR'S OR SEXUALLY
8 VIOLENT DELINQUENT CHILD'S LAST KNOWN TEMPORARY HABITAT OR
9 OTHER TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING, BUT
10 NOT LIMITED TO, A HOMELESS SHELTER OR PARK.

11 * * *

12 SECTION 11. SECTION 9799.28(A)(1)(I) AND (II), (B)(3), (4),
13 (5), (6) AND (9) AND (E) OF TITLE 42, ADDED DECEMBER 20, 2011
14 (P.L.446, NO.111), ARE AMENDED AND SUBSECTION (B) IS AMENDED BY
15 ADDING PARAGRAPHS TO READ:

16 § 9799.28. PUBLIC INTERNET WEBSITE.

17 (A) INFORMATION TO BE MADE AVAILABLE THROUGH INTERNET.--THE
18 PENNSYLVANIA STATE POLICE SHALL, IN THE MANNER AND FORM DIRECTED
19 BY THE GOVERNOR:

20 (1) DEVELOP AND MAINTAIN A SYSTEM FOR MAKING INFORMATION
21 ABOUT INDIVIDUALS CONVICTED OF A SEXUALLY VIOLENT OFFENSE,
22 SEXUALLY VIOLENT PREDATORS AND SEXUALLY VIOLENT DELINQUENT
23 CHILDREN PUBLICLY AVAILABLE BY ELECTRONIC MEANS VIA AN
24 INTERNET WEBSITE. IN ORDER TO FULFILL ITS DUTIES UNDER THIS
25 SECTION, THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE
26 INTERNET WEBSITE:

27 (I) CONTAINS A FEATURE TO PERMIT A MEMBER OF THE
28 PUBLIC TO OBTAIN RELEVANT INFORMATION FOR AN INDIVIDUAL
29 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY
30 VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD

1 BY A [SINGLE] QUERY OF THE INTERNET WEBSITE BASED ON
2 SEARCH CRITERIA INCLUDING SEARCHES FOR ANY GIVEN ZIP CODE
3 OR GEOGRAPHIC RADIUS SET BY THE USER.

4 (II) CONTAINS A FEATURE TO ALLOW A MEMBER OF THE
5 PUBLIC TO RECEIVE ELECTRONIC NOTIFICATION WHEN AN
6 INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT OFFENSE,
7 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
8 CHILD PROVIDES INFORMATION UNDER SECTION 9799.15(G)(2),
9 (3) OR (4) (RELATING TO PERIOD OF REGISTRATION) [RELATING
10 TO]. THIS FEATURE SHALL ALSO ALLOW A MEMBER OF THE PUBLIC
11 TO RECEIVE ELECTRONIC NOTIFICATION WHEN THE INDIVIDUAL
12 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, SEXUALLY VIOLENT
13 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD MOVES INTO
14 OR OUT OF A GEOGRAPHIC AREA CHOSEN BY THE USER.

15 * * *

16 (B) REQUIRED INFORMATION.--NOTWITHSTANDING CHAPTER 63
17 (RELATING TO JUVENILE MATTERS) AND 18 PA.C.S. CH. 91 (RELATING
18 TO CRIMINAL HISTORY RECORD INFORMATION), THE INTERNET WEBSITE
19 SHALL CONTAIN THE FOLLOWING INFORMATION REGARDING AN INDIVIDUAL
20 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT
21 PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD:

22 * * *

23 (3) STREET ADDRESS, [CITY,] MUNICIPALITY OTHER THAN
24 COUNTY, COUNTY, STATE AND ZIP CODE OF RESIDENCES AND INTENDED
25 RESIDENCES. IN THE CASE OF AN INDIVIDUAL CONVICTED OF A
26 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A
27 SEXUALLY VIOLENT DELINQUENT CHILD WHO FAILS TO ESTABLISH A
28 RESIDENCE AND IS THEREFORE A TRANSIENT, THE INTERNET WEBSITE
29 SHALL CONTAIN INFORMATION ABOUT THE TRANSIENT'S TEMPORARY
30 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,

1 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR PARK. IN
2 ADDITION, THE INTERNET WEBSITE SHALL CONTAIN A LIST OF PLACES
3 THE TRANSIENT EATS, FREQUENTS AND ENGAGES IN LEISURE
4 ACTIVITIES.

5 (4) STREET ADDRESS, [CITY,] MUNICIPALITY OTHER THAN
6 COUNTY, COUNTY, STATE AND ZIP CODE OF ANY LOCATION AT WHICH
7 AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A
8 SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT
9 CHILD IS ENROLLED AS A STUDENT.

10 (5) STREET ADDRESS, [CITY,] MUNICIPALITY OTHER THAN
11 COUNTY, COUNTY, STATE AND ZIP CODE OF A FIXED LOCATION WHERE
12 AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A
13 SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT
14 CHILD IS EMPLOYED. IF AN INDIVIDUAL CONVICTED OF A SEXUALLY
15 VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY
16 VIOLENT DELINQUENT CHILD IS NOT EMPLOYED AT A FIXED ADDRESS,
17 THE INFORMATION SHALL INCLUDE [GENERAL TRAVEL ROUTES AND]
18 GENERAL AREAS OF WORK.

19 (6) CURRENT FACIAL PHOTOGRAPH OF AN INDIVIDUAL CONVICTED
20 OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR
21 A SEXUALLY VIOLENT DELINQUENT CHILD. THIS PARAGRAPH REQUIRES,
22 IF AVAILABLE, THE LAST EIGHT FACIAL PHOTOGRAPHS TAKEN OF THE
23 INDIVIDUAL AND THE DATE EACH PHOTOGRAPH WAS ENTERED INTO THE
24 REGISTRY.

25 * * *

26 (9) [THE SEXUALLY VIOLENT OFFENSE] OFFENSE FOR WHICH
27 [AN] THE INDIVIDUAL [CONVICTED OF A SEXUALLY VIOLENT OFFENSE,
28 A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT
29 CHILD] IS REGISTERED UNDER THIS SUBCHAPTER AND OTHER SEXUALLY
30 VIOLENT OFFENSES FOR WHICH THE INDIVIDUAL WAS CONVICTED.

1 * * *

2 (12) DATE ON WHICH THE INDIVIDUAL IS MADE ACTIVE WITHIN
3 THE REGISTRY AND DATE WHEN THE INDIVIDUAL MOST RECENTLY
4 UPDATED HIS REGISTRATION INFORMATION.

5 (13) INDICATION AS TO WHETHER THE INDIVIDUAL IS A
6 SEXUALLY VIOLENT PREDATOR, SEXUALLY VIOLENT DELINQUENT CHILD
7 OR CONVICTED OF A TIER I, TIER II OR TIER III SEXUAL OFFENSE.

8 (14) IF APPLICABLE, INDICATION THAT AN INDIVIDUAL IS
9 INCARCERATED OR IS A TRANSIENT.

10 * * *

11 (E) DURATION OF POSTING.--THE INFORMATION LISTED IN
12 SUBSECTION (B) SHALL BE MADE AVAILABLE ON THE INTERNET WEBSITE
13 UNLESS[:

14 (1) AN] THE INDIVIDUAL [CONVICTED OF A SEXUALLY VIOLENT
15 OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT
16 DELINQUENT CHILD] IS DECEASED[, IN WHICH CASE THE INTERNET
17 WEBSITE SHALL CONTAIN A NOTICE OF THE DEATH.

18 (2) AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
19 OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT
20 DELINQUENT CHILD HAS TERMINATED RESIDENCE, HAS TERMINATED
21 EMPLOYMENT OR HAS TERMINATED ENROLLMENT AS A STUDENT WITHIN
22 THIS COMMONWEALTH, IN WHICH CASE THE INTERNET WEBSITE SHALL
23 CONTAIN A NOTICE INDICATING SUCH INFORMATION] OR IS NO LONGER
24 REQUIRED TO REGISTER UNDER THIS SUBCHAPTER.

25 SECTION 12. SECTIONS 9799.32(3), 9799.34(2), 9799.36(A) AND
26 9799.41 OF TITLE 42, ADDED DECEMBER 20, 2011 (P.L.446, NO.111),
27 ARE AMENDED TO READ:

28 § 9799.32. PENNSYLVANIA STATE POLICE.

29 THE PENNSYLVANIA STATE POLICE HAVE THE FOLLOWING DUTIES:

30 * * *

1 (3) TO WRITE [REGULATIONS] GUIDELINES REGARDING NEIGHBOR
2 NOTIFICATION UNDER SECTION 9799.27(B) (1) (RELATING TO OTHER
3 NOTIFICATION) .

4 * * *

5 § 9799.34. DUTIES OF FACILITIES HOUSING SEXUAL OFFENDERS.

6 THE DEPARTMENT OF CORRECTIONS, A COUNTY CORRECTIONAL
7 FACILITY, AN INSTITUTION OR FACILITY SET FORTH IN SECTION
8 6352(A) (3) (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND THE
9 SEPARATE, STATE-OWNED FACILITY OR UNIT ESTABLISHED UNDER CHAPTER
10 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN
11 SEXUALLY VIOLENT PERSONS) SHALL HAVE THE FOLLOWING DUTIES:

12 * * *

13 (2) ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE
14 POLICE, TO NOTIFY THE PENNSYLVANIA STATE POLICE EACH TIME A
15 SEXUAL OFFENDER IS INCARCERATED, COMMITTED OR RELEASED,
16 INCLUDING SUPERVISED RELEASE [OR TRANSFER TO ANOTHER
17 CORRECTIONAL INSTITUTION OR FACILITY OR INSTITUTION, IN]. IN
18 THE CASE OF A JUVENILE OFFENDER OR SEXUALLY VIOLENT
19 DELINQUENT CHILD, THE FACILITY SHALL NOTIFY THE PENNSYLVANIA
20 STATE POLICE EACH TIME THE INDIVIDUAL IS COMMITTED, RELEASED
21 OR TRANSFERRED TO ANOTHER FACILITY OR INSTITUTION. THIS
22 PARAGRAPH SHALL INCLUDE A COMMUNITY CORRECTIONS CENTER OR
23 COMMUNITY CONTRACT FACILITY.

24 * * *

25 § 9799.36. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

26 (A) GENERAL RULE.--A SEXUALLY VIOLENT PREDATOR WHO IS NOT
27 INCARCERATED SHALL BE REQUIRED TO ATTEND AT LEAST MONTHLY
28 COUNSELING SESSIONS IN A PROGRAM APPROVED BY THE BOARD AND BE
29 FINANCIALLY RESPONSIBLE FOR ALL FEES ASSESSED FROM THE
30 COUNSELING SESSIONS. THE BOARD SHALL MONITOR THE COMPLIANCE OF

1 THE SEXUALLY VIOLENT PREDATOR. IF THE SEXUALLY VIOLENT PREDATOR
2 CAN PROVE TO THE SATISFACTION OF THE COURT THAT THE SEXUALLY
3 VIOLENT PREDATOR CANNOT AFFORD TO PAY FOR THE COUNSELING
4 SESSIONS, THE SEXUALLY VIOLENT PREDATOR SHALL NONETHELESS ATTEND
5 THE COUNSELING SESSIONS, AND THE PAROLE OFFICE SHALL PAY THE
6 REQUISITE FEES.

7 * * *

8 § 9799.41. EXPIRATION.

9 THE FOLLOWING PROVISIONS SHALL EXPIRE [ONE YEAR AFTER THE
10 EFFECTIVE DATE OF THIS SECTION] DECEMBER 20, 2012:

11 SECTION 9718.3 (RELATING TO SENTENCE FOR FAILURE TO
12 COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS).

13 SECTION 9791 (RELATING TO LEGISLATIVE FINDINGS AND
14 DECLARATION OF POLICY).

15 SECTION 9792 (RELATING TO DEFINITIONS).

16 SECTION 9795.1 (RELATING TO REGISTRATION).

17 SECTION 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
18 APPLICABILITY).

19 SECTION 9795.3 (RELATING TO SENTENCING COURT
20 INFORMATION).

21 SECTION 9795.4 (RELATING TO ASSESSMENTS).

22 SECTION 9795.5 (RELATING TO EXEMPTION FROM CERTAIN
23 NOTIFICATIONS).

24 SECTION 9796 (RELATING TO VERIFICATION OF RESIDENCE).

25 SECTION 9797 (RELATING TO VICTIM NOTIFICATION).

26 SECTION 9798 (RELATING TO OTHER NOTIFICATION).

27 SECTION 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON
28 THE INTERNET AND ELECTRONIC NOTIFICATION).

29 SECTION 9798.2 (RELATING TO ADMINISTRATION).

30 SECTION 9798.3 (RELATING TO GLOBAL POSITIONING SYSTEM

1 TECHNOLOGY) .

2 SECTION 9799 (RELATING TO IMMUNITY FOR GOOD FAITH
3 CONDUCT) .

4 SECTION 9799.1 (RELATING TO DUTIES OF PENNSYLVANIA STATE
5 POLICE) .

6 SECTION 9799.2 (RELATING TO DUTIES OF PENNSYLVANIA BOARD
7 OF PROBATION AND PAROLE) .

8 SECTION 9799.3 (RELATING TO BOARD) .

9 SECTION 9799.4 (RELATING TO COUNSELING OF SEXUALLY
10 VIOLENT PREDATORS) .

11 SECTION 9799.7 (RELATING TO EXEMPTION FROM NOTIFICATION
12 FOR CERTAIN LICENSEES AND THEIR EMPLOYEES) .

13 SECTION 9799.8 (RELATING TO ANNUAL PERFORMANCE AUDIT) .

14 SECTION 9799.9 (RELATING TO PHOTOGRAPHS AND
15 FINGERPRINTING) .

16 SECTION 13. THE GENERAL ASSEMBLY FINDS AND DECLARES THAT,
17 UNDER PRINCIPLES OF STATUTORY CONSTRUCTION, THE EFFECTIVE DATE
18 OF SECTION 18(2) OF THE ACT OF DECEMBER 20, 2011 (P.L.446,
19 NO.111), IS DECEMBER 20, 2012.

20 SECTION 14. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

21 (1) THE AMENDMENT OR ADDITION OF THE FOLLOWING
22 PROVISIONS OF TITLE 18 SHALL TAKE EFFECT DECEMBER 20, 2012:

23 (I) SECTION 4915.1(B) AND (C.1) .

24 (II) SECTION 9123(A) INTRODUCTORY PARAGRAPH AND
25 (A.1) .

26 (2) THE AMENDMENT OR ADDITION OF THE FOLLOWING
27 PROVISIONS OF TITLE 42 SHALL TAKE EFFECT DECEMBER 20, 2012:

28 (I) SECTION 6358(A) .

29 (II) SECTION 6403(A) (2) .

30 (III) SECTION 6404.2(G)

1 (IV) SECTION 9799.10(2) AND (3).

2 (V) THE DEFINITIONS OF "APPROVED REGISTRATION SITE,"
3 "CONVICTED," "JUVENILE OFFENDER" AND "SEXUALLY VIOLENT
4 PREDATOR" IN SECTION 9799.12.

5 (VI) SECTION 9799.13.

6 (VII) SECTION 9799.14(B)(12), (21) AND (23), (C)(9),
7 (12) AND (17) AND (D)(12), (13) AND (15).

8 (VIII) SECTION 9799.15(A)(1), (4), (4.1) AND (7),
9 (C), (F), (G), (H) AND (J).

10 (IX) SECTION 9799.16(B)(5) AND (6), (C) INTRODUCTORY
11 PARAGRAPH AND (D).

12 (X) SECTION 9799.17.

13 (XI) SECTION 9799.18(A)(4), (5) AND (6) AND (D)(1).

14 (XII) SECTION 9799.19(B), (B.1) INTRODUCTORY
15 PARAGRAPH, (E.1), (E.2), (H), (I) AND (J).

16 (XIII) SECTION 9799.20 INTRODUCTORY PARAGRAPH.

17 (XIV) SECTION 9799.21.

18 (XV) SECTION 9799.22.

19 (XVI) SECTION 9799.23(A) INTRODUCTORY PARAGRAPH AND
20 (2).

21 (XVII) SECTION 9799.25(B)(1) AND (C) INTRODUCTORY
22 PARAGRAPH AND (1).

23 (XVIII) SECTION 9799.26(A)(1)(I) AND (II).

24 (XIX) SECTION 9799.27(A)(2) AND (B).

25 SECTION 9799.28 (A)(1)(I) AND (II), (B)(3), (4), (5),
26 (6), (9), (12), (13) AND (14) AND (E).

27 (XX) SECTION 9799.34(2).

28 (XXI) SECTION 9799.36(A).

29 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
30 IMMEDIATELY.