

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1958 Session of 2011

INTRODUCED BY MARSICO, CALTAGIRONE, STEPHENS, DePASQUALE, S. H. SMITH, TURZAI, SAYLOR, MAJOR, VEREB, ADOLPH, STEVENSON, REED, MANN, AUMENT, BAKER, BARBIN, BENNINGHOFF, BISHOP, BOBACK, BOYD, B. BOYLE, BRADFORD, BRIGGS, BROOKS, R. BROWN, CARROLL, CAUSER, CHRISTIANA, CLYMER, D. COSTA, CREIGHTON, CUTLER, DAVIS, DAY, DEASY, DELOZIER, DENLINGER, DiGIROLAMO, DONATUCCI, ELLIS, EMRICK, EVANKOVICH, J. EVANS, EVERETT, FABRIZIO, GABLER, GEIST, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GRELL, GROVE, HACKETT, HAHN, HARHART, HARKINS, HARPER, HARRIS, HENNESSEY, HESS, HICKERNELL, KAUFFMAN, F. KELLER, M. K. KELLER, KILLION, KNOWLES, KORTZ, KRIEGER, KULA, LONGIETTI, MARSHALL, METCALFE, MICCARELLI, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, MURPHY, MURT, OBERLANDER, O'NEILL, PARKER, PASHINSKI, PERRY, PETRARCA, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, READSHAW, REESE, REICHLEY, ROCK, SABATINA, SACCONI, SAINATO, SANTARSIERO, SANTONI, SCAVELLO, CULVER, SCHRODER, SIMMONS, SONNEY, STERN, SWANGER, TAYLOR, TOEPEL, TOOHL, VULAKOVICH, WATSON, WHITE AND WATERS, NOVEMBER 2, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 5, 2011

AN ACT

1 ~~Amending Titles 18 (Crimes and Offenses), 23 (Domestic~~ ←
2 ~~Relations), 42 (Judiciary and Judicial Procedure), 44 (Law~~
3 ~~and Justice) and 61 (Prisons and Parole) of the Pennsylvania~~
4 ~~Consolidated Statutes, extensively revising provisions~~
5 ~~relating to registration of sexual offenders pursuant to~~
6 ~~Federal mandate; and making editorial changes.~~
7 AMENDING TITLES 18 (CRIMES AND OFFENSES), 23 (DOMESTIC ←
8 RELATIONS), 42 (JUDICIARY AND JUDICIAL PROCEDURE), 44 (LAW
9 AND JUSTICE) AND 61 (PRISONS AND PAROLE) OF THE PENNSYLVANIA
10 CONSOLIDATED STATUTES, EXTENSIVELY REVISING PROVISIONS
11 RELATING TO REGISTRATION OF SEXUAL OFFENDERS PURSUANT TO
12 FEDERAL MANDATE; AND MAKING EDITORIAL CHANGES.
13 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Sections 3130(a) introductory paragraph and (1)~~ ←
3 ~~and (b), 3141 and 4915 of Title 18 of the Pennsylvania~~
4 ~~Consolidated Statutes are amended to read:~~

5 ~~§ 3130. Conduct relating to sex offenders.~~

6 ~~(a) Offense defined. A person commits a felony of the third~~
7 ~~degree if the person has reason to believe that a sex offender~~
8 ~~is not complying with or has not complied with the requirements~~
9 ~~of the sex offender's probation or parole, imposed by statute or~~
10 ~~court order, or with the registration requirements of 42 Pa.C.S.~~
11 ~~{§ 9795.2 (relating to registration procedures and~~
12 ~~applicability)} Ch. 97 Subch. H (relating to registration of~~
13 ~~sexual offenders), and the person, with the intent to assist the~~
14 ~~sex offender in eluding a law enforcement agent or agency that~~
15 ~~is seeking to find the sex offender to question the sex offender~~
16 ~~about, or to arrest the sex offender for, noncompliance with the~~
17 ~~requirements of the sex offender's probation or parole or the~~
18 ~~requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H:~~

19 ~~(1) withholds information from or does not notify the~~
20 ~~law enforcement agent or agency about the sex offender's~~
21 ~~noncompliance with the requirements of parole, the~~
22 ~~requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H or, if~~
23 ~~known, the sex offender's whereabouts;~~

24 ~~* * *~~

25 ~~(b) Definition. As used in this section, the term "sex~~
26 ~~offender" means a person who is required to register with the~~
27 ~~Pennsylvania State Police pursuant to the provisions of 42~~
28 ~~Pa.C.S. [§ 9795.1 (relating to registration)] Ch. 97 Subch. H.~~

29 ~~§ 3141. General rule.~~

30 ~~A person:~~

~~(1) convicted under section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault); or~~

~~(2) required to register with the Pennsylvania State Police under 42 Pa.C.S. [§ 9795.2 (relating to registration procedures and applicability)] Ch. 97 Subch. H (relating to registration of sexual offenders);~~

~~may be required to forfeit property rights in any property or assets used to implement or facilitate commission of the crime or crimes of which the person has been convicted. Such property may include, but is not limited to, a computer or computers, telephone equipment, firearms, licit or illicit prescription drugs or controlled substances, a motor vehicle or such other property or assets as determined by the court of common pleas to have facilitated the person's criminal misconduct.~~

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

~~(a) Offense defined. An individual who is subject to registration under 42 Pa.C.S. § [9795.1(a) (relating to registration) or an individual who is subject to registration under 42 Pa.C.S. § 9795.1(b) (1), (2) or (3)] 9799.13 (relating to applicability) commits an offense if he knowingly fails to:~~

~~(1) register with the Pennsylvania State Police as required under 42 Pa.C.S. § [9795.2 (relating to registration procedures and applicability)] 9799.15 (relating to period of registration), 9799.19 (relating to initial registration) or 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police);~~

1 ~~(2) verify his address or be photographed as required~~
2 ~~under 42 Pa.C.S. § [9796 (relating to verification of~~
3 ~~residence)] 9799.15, 9799.19 or 9799.25; or~~

4 ~~(3) provide accurate information when registering under~~
5 ~~42 Pa.C.S. § [9795.2 or verifying an address under 42 Pa.C.S.~~
6 ~~§ 9796] 9799.15, 9799.19 or 9799.25.~~

7 ~~(a.1) Transients. An individual set forth in 42 Pa.C.S. §~~
8 ~~9799.13 who is a transient commits an offense if he knowingly~~
9 ~~fails to:~~

10 ~~(1) register with the Pennsylvania State Police as~~
11 ~~required under 42 Pa.C.S. §§ 9799.15, 9799.16(b) (6) (relating~~
12 ~~to registry) and 9799.25(a) (7);~~

13 ~~(2) verify the information provided in 42 Pa.C.S. §§~~
14 ~~9799.15 and 9799.16(b) (6) or be photographed as required~~
15 ~~under 42 Pa.C.S. § 9799.15 or 9799.25;~~

16 ~~(3) provide accurate information when registering under~~
17 ~~42 Pa.C.S. § 9799.15, 9799.16(b) (6) or 9799.25.~~

18 ~~(a.2) Counseling. The following apply:~~

19 ~~(1) An individual who is designated as a sexually~~
20 ~~violent predator commits an offense if he knowingly fails to~~
21 ~~comply with 42 Pa.C.S. § 9799.36 (relating to counseling of~~
22 ~~sexually violent predators).~~

23 ~~(2) An individual who is subject to a counseling~~
24 ~~requirement under a sex offender registration statute~~
25 ~~following conviction in another jurisdiction commits an~~
26 ~~offense if he knowingly fails to comply with 42 Pa.C.S. §~~
27 ~~9799.36.~~

28 ~~(b) Grading for [offenders who must register for ten] sexual~~
29 ~~offenders who must register for 15 years.—~~

30 ~~(2) Except as set forth in paragraph (3), an individual~~

1 ~~subject to registration under 42 Pa.C.S. § [9795.1(a)]~~
2 ~~9799.13 and required to register for a period of 15 years who~~
3 ~~commits a violation of subsection (a) (1) or (2) commits a~~
4 ~~felony of the third degree.~~

5 ~~(3) An individual subject to registration under 42~~
6 ~~Pa.C.S. § [9795.1(a)] 9799.13 and required to register for a~~
7 ~~period of 15 years who commits a violation of subsection (a)~~
8 ~~(1) or (2) and who has previously been convicted of an~~
9 ~~offense under subsection (a) (1) or (2) or a similar offense~~
10 ~~commits a felony of the second degree.~~

11 ~~(4) An individual subject to registration under 42~~
12 ~~Pa.C.S. § [9795.1(a)] 9799.13 and required to register for a~~
13 ~~period of 15 years who violates subsection (a) (3) commits a~~
14 ~~felony of the second degree.~~

15 ~~(c) Grading for [sexually violent predators and others with~~
16 ~~lifetime registration] sexual offenders who must register for 25~~
17 ~~years or life.~~

18 ~~(2) Except as set forth in paragraph (3), an individual~~
19 ~~subject to registration under 42 Pa.C.S. § [9795.1(b) (1), (2)~~
20 ~~or (3)] 9799.13 and required to register for a period of 25~~
21 ~~years who commits a violation of subsection (a) (1) or (2)~~
22 ~~commits a felony of the second degree.~~

23 ~~(3) An individual subject to registration under 42~~
24 ~~Pa.C.S. § [9795.1(b) (1), (2) or (3)] 9799.13 and required to~~
25 ~~register for a period of 25 years who commits a violation of~~
26 ~~subsection (a) (1) or (2) and who has previously been~~
27 ~~convicted of an offense under subsection (a) (1) or (2) or a~~
28 ~~similar offense commits a felony of the first degree.~~

29 ~~(4) An individual subject to registration under 42~~
30 ~~Pa.C.S. § [9795.1(b) (1), (2) or (3)] 9799.13 and required to~~

~~register for a period of 25 years who violates subsection (a)~~
~~(3) commits a felony of the first degree.~~
~~(c.1) Grading for sexual offenders who are transients who~~
~~must register for 15 years.~~

~~(1) Except as set forth in paragraph (2), an individual~~
~~subject to registration under 42 Pa.C.S. § 9799.13 who is a~~
~~transient who must register for 15 years commits a felony of~~
~~the third degree if the individual violates subsection (a.1)~~
~~(1), (2) or (3).~~

~~(2) An individual subject to registration under 42~~
~~Pa.C.S. § 9799.13 who is a transient who must register for a~~
~~period of 15 years commits a felony of the second degree if~~
~~the individual violates subsection (a.1) (1), (2) or (3) and~~
~~has been previously convicted of an offense under subsection~~
~~(a.1) (1), (2) or (3) or a similar offense.~~

~~(c.2) Grading for sexual offenders who are transients who~~
~~must register for 25 years or life.~~

~~(1) Except as set forth in paragraph (2), an individual~~
~~subject to registration under 42 Pa.C.S. § 9799.13 who is a~~
~~transient who must register for a period of 25 years or life~~
~~commits a felony of the second degree if the individual~~
~~violates subsection (a.1) (1), (2) or (3).~~

~~(2) An individual subject to registration under 42~~
~~Pa.C.S. § 9799.13 who is a transient who must register for a~~
~~period of 25 years or life commits a felony of the first~~
~~degree if the individual violates subsection (a.1) (1), (2) or~~
~~(3) and has been previously convicted of an offense under~~
~~subsection (a.1) (1), (2) or (3) or a similar offense.~~

~~(c.3) Grading for failure to comply with counseling~~
~~requirements. An individual designated as a sexually violent~~

~~predator or an individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction commits a misdemeanor of the first degree if the individual violates subsection (a.2).~~

~~(d) Effect of notice. Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive any notice or information pursuant to 42 Pa.C.S. § [9796(a.1) or (b.1)] 9799.25 shall be a defense to a prosecution commenced against an individual arising from a violation of this section. The provisions of 42 Pa.C.S. § [9796(a.1) and (b.1)] 9799.25 are not an element of an offense under this section.~~

~~(e) Arrests for violation.~~

~~(1) A police officer shall have the same right of arrest without a warrant as in a felony whenever the police officer has probable cause to believe an individual has committed a violation of this section regardless of whether the violation occurred in the presence of the police officer.~~

~~(2) An individual arrested for a violation of this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case may the individual be released from custody without first having appeared before the issuing authority.~~

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

~~(i) The individual must be fingerprinted and photographed in the manner required by 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).~~

~~(ii) The individual must provide the Pennsylvania~~

1 ~~State Police with all current or intended residences, all~~
2 ~~information concerning current or intended employment,~~
3 ~~including all employment locations, and all information~~
4 ~~concerning current or intended enrollment as a student.~~
5 ~~This subparagraph includes an individual who is a~~
6 ~~transient, in which case the individual must, in addition~~
7 ~~to other information required under this subparagraph,~~
8 ~~provide the information set forth in 42 Pa.C.S. §~~
9 ~~9799.16(b)(6).~~

10 ~~(iii) Law enforcement must make reasonable attempts~~
11 ~~to verify the information provided by the individual.~~

12 ~~(f) [Definition. As used in this section, the term "a~~
13 ~~similar offense" means an] Definitions. As used in this~~
14 ~~section, the following words and phrases shall have the meanings~~
15 ~~given to them in this subsection unless the context clearly~~
16 ~~indicates otherwise:~~

17 ~~"Sexually violent predator." The term shall have the~~
18 ~~meaning given to it in 42 Pa.C.S. § 9799.12 (relating to~~
19 ~~definitions).~~

20 ~~"Similar offense." An offense similar to an offense~~
21 ~~under either subsection (a)(1) or (2) under the laws of this~~
22 ~~Commonwealth, [the United States or one of its territories or~~
23 ~~possessions, another state, the District of Columbia, the~~
24 ~~Commonwealth of Puerto Rico or a foreign nation.] another~~
25 ~~jurisdiction or a foreign country or a military offense, as~~
26 ~~defined in 42 Pa.C.S. § 9799.12 (relating to definitions).~~

27 ~~"Transient." The term shall have the meaning given to it~~
28 ~~in 42 Pa.C.S. § 9799.12 (relating to definitions).~~

29 ~~Section 2. Section 6707(2)(ii) of Title 23 is amended to~~
30 ~~read:~~

1 ~~§ 6707. Agency use of designated address.~~

2 ~~State and local government agencies shall accept the~~
3 ~~substitute address designated on a valid program participation~~
4 ~~card issued to the program participant by the Office of Victim~~
5 ~~Advocate as the program participant's address except as follows:~~

6 ~~* * *~~

7 ~~(2) when the program participant is any of the~~
8 ~~following:~~

9 ~~* * *~~

10 ~~(ii) a convicted sexual offender who has fulfilled~~
11 ~~the offender's sentence but must register the offender's~~
12 ~~community residence as required under 42 Pa.C.S. [§§~~
13 ~~9795.1 (relating to registration) and 9795.2 (relating to~~
14 ~~registration procedures and applicability)] Ch. 97 Subch.~~
15 ~~H (relating to registration of sexual offenders) or any~~
16 ~~similar registration requirement imposed by any other~~
17 ~~jurisdiction.~~

18 ~~Section 3. Sections 6358(b), 6403(a)(2), (b)(3) and (d) and~~
19 ~~6404 of Title 42 are amended to read:~~

20 ~~§ 6358. Assessment of delinquent children by the State Sexual~~
21 ~~Offenders Assessment Board.~~

22 ~~* * *~~

23 ~~(b) Duty of probation officer. Ninety days prior to the~~
24 ~~20th birthday of the child, the probation officer shall have the~~
25 ~~duty to notify the board of the status of the delinquent child~~
26 ~~and the institution or other facility where the child is~~
27 ~~presently committed. The probation officer shall assist the~~
28 ~~board in obtaining access to the child and any information~~
29 ~~required by the board to perform the assessment, including, but~~
30 ~~not limited to, the child's official court record and complete~~

~~juvenile probation file.~~

~~* * *~~

~~§ 6403. Court ordered involuntary treatment.~~

~~(a) Persons subject to involuntary treatment. A person may be subject to court ordered commitment for involuntary treatment under this chapter if the person:~~

~~* * *~~

~~(2) Has been committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) and remains in [the] any such institution or [other] facility upon attaining 20 years of age.~~

~~* * *~~

~~(b) Procedures for initiating court ordered involuntary commitment.~~

~~* * *~~

~~(3) The court shall set a date for the hearing which shall be held within 30 days of the filing of the petition pursuant to paragraph (1) and direct the person to appear for the hearing. A copy of the petition and notice of the hearing date shall be served on the person, the attorney who represented the person at the most recent dispositional review hearing pursuant to section 6358(e) and the county solicitor or a designee. A copy of the petition, the assessment and notice of the hearing date shall also be provided to the director of the facility operated by the department pursuant to section 6406(a) (relating to duty of Department of Public Welfare). The person and the attorney who represented the person shall, along with copies of the petition, also be provided with written notice advising that the person has the right to counsel and that, if he cannot~~

1 ~~afford one, counsel shall be appointed for the person.~~

2 ~~* * *~~

3 ~~(d) Determination and order. Upon a finding by clear and~~
4 ~~convincing evidence that the person has a mental abnormality or~~
5 ~~personality disorder which results in serious difficulty in~~
6 ~~controlling sexually violent behavior that makes the person~~
7 ~~likely to engage in an act of sexual violence, an order shall be~~
8 ~~entered directing the immediate commitment of the person for~~
9 ~~{inpatient} involuntary inpatient treatment to a facility~~
10 ~~designated by the department. The order shall be in writing and~~
11 ~~shall be consistent with the protection of the public safety and~~
12 ~~the appropriate control, care and treatment of the person. An~~
13 ~~appeal shall not stay the execution of the order. If the court~~
14 ~~does not order the person to be committed for involuntary~~
15 ~~inpatient treatment by the department, the court shall order the~~
16 ~~director of the facility operated by the department pursuant to~~
17 ~~section 6406(a) to destroy the facility's copy of the petition~~
18 ~~and the assessment.~~

19 ~~§ 6404. Duration of inpatient commitment and review.~~

20 ~~(a) Initial period of commitment. The person shall be~~
21 ~~subject to a period of commitment for inpatient treatment for~~
22 ~~one year.~~

23 ~~(b) Annual review.~~

24 ~~(1) Sixty days prior to the expiration of the one year~~
25 ~~commitment period, the director of the facility or a designee~~
26 ~~shall submit an evaluation and the board shall submit an~~
27 ~~assessment of the person to the court.~~

28 ~~(2) The court shall schedule a review hearing which~~
29 ~~shall be conducted pursuant to section 6403(c) (relating to~~
30 ~~court ordered involuntary treatment) and which shall be held~~

1 ~~no later than 30 days after receipt of both the evaluation~~
2 ~~and the assessment under paragraph (1). Notice of the review~~
3 ~~hearing shall be provided to the person, the attorney who~~
4 ~~represented the person at the previous hearing held pursuant~~
5 ~~to this subsection or section 6403, the district attorney and~~
6 ~~the county solicitor or a designee. The person and the~~
7 ~~person's attorney shall also be provided with written notice~~
8 ~~advising that the person has the right to counsel and that,~~
9 ~~if he cannot afford one, counsel shall be appointed for the~~
10 ~~person. If the court determines by clear and convincing~~
11 ~~evidence that the person continues to have serious difficulty~~
12 ~~controlling sexually violent behavior in an inpatient setting~~
13 ~~due to a mental abnormality or personality disorder that~~
14 ~~makes the person likely to engage in an act of sexual~~
15 ~~violence, the court shall order an additional period of~~
16 ~~involuntary inpatient treatment of one year; otherwise, the~~
17 ~~court shall order the [discharge of] department, in~~
18 ~~consultation with the board, to develop an outpatient~~
19 ~~treatment plan for the person. The order shall be in writing~~
20 ~~and shall be consistent with the protection of the public~~
21 ~~safety and appropriate control, care and treatment of the~~
22 ~~person.~~

23 ~~(c) [Discharge] Outpatient treatment plan.~~

24 ~~(1) If at any time the director or a designee of the~~
25 ~~facility to which the person was committed concludes the~~
26 ~~person no longer has serious difficulty in controlling~~
27 ~~sexually violent behavior in an inpatient setting, the~~
28 ~~director shall petition the court for a hearing. Notice of~~
29 ~~the petition shall be given to the person, the attorney who~~
30 ~~represented the person at the previous hearing held pursuant~~

1 ~~to subsection (b) or section 6403, the board, the district~~
2 ~~attorney and the county solicitor. The person and the~~
3 ~~person's attorney shall also be provided with written notice~~
4 ~~advising that the person has the right to counsel and that,~~
5 ~~if he cannot afford one, counsel shall be appointed for the~~
6 ~~person.~~

7 ~~(2) Upon receipt of notice under paragraph (1), the~~
8 ~~board shall conduct a new assessment within 30 days and~~
9 ~~provide that assessment to the court.~~

10 ~~(3) Within 15 days after the receipt of the assessment~~
11 ~~from the board, the court shall hold a hearing pursuant to~~
12 ~~section 6403(c). If the court determines by clear and~~
13 ~~convincing evidence that the person continues to have serious~~
14 ~~difficulty controlling sexually violent behavior in an~~
15 ~~inpatient setting due to a mental abnormality or personality~~
16 ~~disorder that makes the person likely to engage in an act of~~
17 ~~sexual violence, the court shall order that the person be~~
18 ~~subject to the remainder of the period of inpatient~~
19 ~~commitment. Otherwise, the court shall order the [discharge~~
20 ~~of] department, in consultation with the board, to develop an~~
21 ~~outpatient treatment plan for the person.~~

22 ~~(4) The department shall provide the person with notice~~
23 ~~of the person's right to petition the court for [discharge]~~
24 ~~transfer to involuntary outpatient treatment over the~~
25 ~~objection of the department. The court, after review of the~~
26 ~~petition, may schedule a hearing pursuant to section 6403(c).~~

27 ~~(5) An outpatient treatment plan shall be in writing and~~
28 ~~shall identify the specific entity that will provide each~~
29 ~~clinical and support service identified in the plan.~~

30 ~~(6) The department shall provide a copy of the~~

~~outpatient treatment plan to the court, the person, the attorney who represented the person at the most recent hearing pursuant to section 6403, the board, the district attorney, and the county solicitor or a designee.~~

~~(d) Prohibition on discharge. The court shall not order discharge from involuntary treatment until the person has completed involuntary outpatient treatment pursuant to section 6404.2 (relating to duration of outpatient commitment and review).~~

~~Section 4. Title 42 is amended by adding sections to read:~~

~~§ 6404.1. Transfer to involuntary outpatient treatment.~~

~~The court may approve or disapprove an outpatient treatment plan. Upon approval of an outpatient treatment plan, the court shall order transfer of the person to involuntary outpatient treatment pursuant to section 6404.2 (relating to duration of outpatient commitment and review).~~

~~§ 6404.2. Duration of outpatient commitment and review.~~

~~(a) Terms and conditions. If a court has ordered the transfer of the person to involuntary outpatient treatment pursuant to section 6404.1 (relating to transfer to involuntary outpatient treatment), the court may in its discretion specify the terms and conditions of the outpatient commitment, including, but not limited to:~~

~~(1) Absolute compliance with the outpatient treatment plan.~~

~~(2) Restrictions and requirements regarding the location of the person's residence and the times the person must be physically present.~~

~~(3) Restrictions and requirements regarding areas the person is not permitted to visit.~~

~~(4) Restrictions and requirements regarding who the person may contact in any medium.~~

~~(5) Periodic polygraph tests.~~

~~(b) Duration. The court shall order involuntary outpatient treatment for a period of one year.~~

~~(c) Status reports. An involuntary outpatient treatment provider shall submit a report on the person's status and clinical progress, on a form prescribed by the department, to the facility operated by the department pursuant to section 6406(a) (relating to duty of Department of Public Welfare), not less than every 30 days.~~

~~(d) Failure to comply. If an involuntary outpatient treatment provider becomes aware that the person has violated any provision of the treatment plan or any term or condition specified pursuant to subsection (a), the provider shall immediately notify the facility operated by the department pursuant to section 6406(a). The facility shall notify the court by the close of the next business day.~~

~~(e) Revocation of transfer. Upon receiving notice pursuant to subsection (d) that the person has violated a term or condition of transfer specified pursuant to subsection (a), the court may in its discretion revoke the transfer to involuntary outpatient treatment and order the immediate return to involuntary inpatient treatment without a prior hearing. The court may issue a warrant requiring any law enforcement officer or any person authorized by the court to take the person into custody and return the person to involuntary inpatient treatment. The person may file a written request for a hearing after revocation of the transfer to involuntary treatment. The court shall conduct a hearing pursuant to section 6403(c).~~

~~(relating to court ordered involuntary treatment) within ten days of filing of the request.~~

~~(f) Annual review.~~

~~(1) Sixty days prior to the expiration of the one year outpatient commitment period, the director of the facility or a designee shall submit an evaluation, and the board shall submit an assessment of the person to the court.~~

~~(2) The court shall schedule a review hearing which shall be conducted pursuant to section 6403(c) and which shall be held no later than 30 days after receipt of both the evaluation and the assessment under paragraph (1). Notice of the review hearing shall be provided to the person, the attorney who represented the person at the previous hearing held pursuant to section 6403, the district attorney and the county solicitor or a designee. The person and the person's attorney shall also be provided with written notice advising that the person has the right to counsel and that, if the person cannot afford one, counsel shall be appointed for the person. If the court determines by clear and convincing evidence that the person has serious difficulty controlling sexually violent behavior due to a mental abnormality or personality disorder that makes the person likely to engage in an act of sexual violence, the court shall order an additional period of involuntary inpatient or outpatient treatment of one year; otherwise the court shall order the discharge of the person. The order shall be in writing and shall be consistent with the protection of the public safety and appropriate control, care and treatment of the person.~~

~~(g) Discharge.~~

~~(1) If at any time the director or a designee of the~~

~~facility operated by the department pursuant to section 6406(a) concludes the person no longer has serious difficulty in controlling sexually violent behavior, the director shall petition the court for a hearing. Notice of the petition shall be given to the person, the attorney who represented the person at the previous hearing held pursuant to section 6403, the board, the district attorney and the county solicitor. The person and the person's attorney shall also be provided with written notice advising that the person has the right to counsel and that, if the person cannot afford one, counsel shall be appointed for the person.~~

~~(2) Upon receipt of notice under paragraph (1), the board shall conduct a new assessment within 30 days and provide that assessment to the court.~~

~~(3) Within 15 days after the petition has been filed, the court shall hold a hearing pursuant to section 6403(c). If the court determines the person no longer has serious difficulty controlling sexually violent behavior, the court shall order the discharge of the person. If the court denies the petition, the person shall be subject to the remainder of the period of outpatient commitment.~~

~~(h) Notice. The involuntary outpatient treatment provider shall provide the person with notice of the person's right to petition the court for discharge. The court, after review of the petition, may schedule a hearing pursuant to section 6403(c).~~

~~Section 5. Sections 6406(a), 6409, 9718.1(a) introductory paragraph and (b) (2) and 9718.2(a) and (d) of Title 42 are amended to read:~~

~~§ 6406. Duty of Department of Public Welfare.~~

~~(a) General rule. The department shall have the duty to~~

~~provide a separate, secure State owned facility or unit utilized solely for the control, care and treatment of persons committed pursuant to this chapter. The department shall be responsible for all costs relating to the control, care and treatment of persons committed to [custody] involuntary treatment pursuant to this chapter.~~

~~* * *~~

~~§ 6409. Immunity for good faith conduct.~~

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

~~(1) Members of the board and its agents and employees.~~

~~(2) The department and its agents and employees.~~

~~(3) County probation departments and their agents and employees.~~

~~(4) Providers of involuntary outpatient treatment and their agents and employees.~~

~~§ 9718.1. Sexual offender treatment.~~

~~(a) General rule. A person, including an offender designated as a "sexually violent predator" as defined in section [9792] 9799.12 (relating to definitions), shall attend and participate in a Department of Corrections program of counseling or therapy designed for incarcerated sex offenders if the person is incarcerated in a State institution for any of the following provisions under 18 Pa.C.S. (relating to crimes and offenses):~~

~~* * *~~

~~(b) Eligibility for parole. For an offender required to participate in the program under subsection (a), all of the following apply:~~

~~* * *~~

~~(2) Notwithstanding paragraph (1)(iii), an offender who is a sexually violent predator is subject to section [9799.4] 9799.36 (relating to counseling of sexually violent predators).~~

~~***~~

~~§ 9718.2. Sentences for [sex] sexual offenders.~~

~~(a) Mandatory sentence.~~

~~(1) Any person who is convicted in any court of this Commonwealth of an offense set forth in section [9795.1(a) or (b) (relating to registration)] 9799.14 (relating to sexual offenses and tier system) shall, if at the time of the commission of the current offense the person had previously been convicted of an offense set forth in section [9795.1(a) or (b)] 9799.14 or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction, be sentenced to a minimum sentence of at least 25 years of total confinement, notwithstanding any other provision of this title or other statute to the contrary. Upon such conviction, the court shall give the person oral and written notice of the penalties under paragraph (2) for a third conviction. Failure to provide such notice shall not render the offender ineligible to be sentenced under paragraph (2).~~

~~(2) Where the person had at the time of the commission of the current offense previously been convicted of two or more offenses arising from separate criminal transactions set forth in section [9795.1(a) or (b)] 9799.14 or equivalent crimes under the laws of this Commonwealth in effect at the time of the commission of the offense or equivalent crimes in another jurisdiction, the person shall be sentenced to a term~~

1 ~~of life imprisonment, notwithstanding any other provision of~~
2 ~~this title or other statute to the contrary. Proof that the~~
3 ~~offender received notice of or otherwise knew or should have~~
4 ~~known of the penalties under this paragraph shall not be~~
5 ~~required.~~

6 ~~* * *~~

7 ~~(d) Authority of court in sentencing. [Notice of the~~
8 ~~application of this section shall be provided to the defendant~~
9 ~~before trial.] If the notice is given, there shall be no~~
10 ~~authority in any court to impose on an offender to which this~~
11 ~~section is applicable any lesser sentence than provided for in~~
12 ~~subsections (a) and (b) or to place the offender on probation or~~
13 ~~to suspend sentence. Nothing in this section shall prevent the~~
14 ~~sentencing court from imposing a sentence greater than that~~
15 ~~provided in this section. Sentencing guidelines promulgated by~~
16 ~~the Pennsylvania Commission on Sentencing shall not supersede~~
17 ~~the mandatory sentences provided in this section.~~

18 ~~* * *~~

19 ~~Section 6. Section 9718.3(a) of Title 42 is amended and the~~
20 ~~section is amended by adding a subsection to read:~~
21 ~~§ 9718.3. Sentence for failure to comply with registration of~~
22 ~~sexual offenders.~~

23 ~~(a) Mandatory sentence. Mandatory sentencing shall be as~~
24 ~~follows:~~

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

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

28 ~~(A) [was] is subject to section [9795.1(a)~~

29 ~~(relating to registration)] 9799.13 (relating to~~

30 ~~applicability) and must register for a period of 15~~

~~years under section 9799.15 (relating to period of registration) or a similar provision from another jurisdiction; and~~

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

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

~~(A) [was] is subject to section [9795.1(a)] 9799.13 and must register for a period of 15 years under section 9799.15 or a similar provision from another jurisdiction; and~~

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

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

~~(A) [was] is subject to section [9795.1(b)] 9799.13 and must register for a period of 25 years under section 9799.15 or a similar provision from another jurisdiction; and~~

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

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

~~(A) [was] is subject to section [9795.1(b)] 9799.13 and must register for a period of 25 years under section 9799.15 or a similar provision from another jurisdiction; and~~

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

~~(2) Sentencing upon conviction for a second or subsequent offense shall be as follows:~~

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

~~(A) [was] is subject to section [9795.1] 9799.13~~

1 ~~and must register for a period of 15 or 25 years or~~
2 ~~life under section 9799.15 or a similar provision~~
3 ~~from another jurisdiction; and~~

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

5 ~~(ii) Not less than seven years for an individual~~
6 ~~who:~~

7 ~~(A) [was] is subject to section [9795.1] 9799.13~~
8 ~~and must register for a period of 15 or 25 years or~~
9 ~~life under section 9799.15 or a similar provision~~
10 ~~from another jurisdiction; and~~

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

12 ~~(a.1) Transients and mandatory sentence. Mandatory~~
13 ~~sentencing shall be as follows for an individual subject to~~
14 ~~registration under section 9799.13 who is a transient:~~

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

17 ~~(i) is subject to sections 9799.16(b) (6) (relating~~
18 ~~to registry) and 9799.25(a) (7) (relating to verification~~
19 ~~by sexual offenders and Pennsylvania State Police) or a~~
20 ~~similar provision from another jurisdiction; and~~

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

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

25 ~~(i) is subject to sections 9799.16(b) (6) and~~
26 ~~9799.25(a) (7) or a similar provision from another~~
27 ~~jurisdiction; and~~

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

29 ~~* * *~~

30 ~~Section 7. Sections 9791, 9792, 9795.1, 9795.2, 9795.3,~~

~~9795.4, 9795.5, 9796, 9797, 9798, 9798.1, 9798.2, 9798.3, 9799, 9799.1, 9799.2, 9799.3, 9799.4, 9799.7, 9799.8 and 9799.9 of Title 42 are repealed:~~

~~{§ 9791. Legislative findings and declaration of policy.~~

~~(a) Legislative findings. It is hereby determined and declared as a matter of legislative finding:~~

~~(1) If the public is provided adequate notice and information about sexually violent predators and certain other offenders, the community can develop constructive plans to prepare themselves and their children for the offender's release. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to their children.~~

~~(2) These sexually violent predators pose a high risk of engaging in further offenses even after being released from incarceration or commitments and that protection of the public from this type of offender is a paramount governmental interest.~~

~~(3) The penal and mental health components of our justice system are largely hidden from public view and lack of information from either may result in failure of both systems to meet this paramount concern of public safety.~~

~~(4) Overly restrictive confidentiality and liability laws governing the release of information about sexually violent predators have reduced the willingness to release information that could be appropriately released under the public disclosure laws and have increased risks to public safety.~~

~~(5) Persons found to have committed such an offense have~~

1 ~~a reduced expectation of privacy because of the public's~~
2 ~~interest in public safety and in the effective operation of~~
3 ~~government.~~

4 ~~(6) Release of information about sexually violent~~
5 ~~predators to public agencies and the general public will~~
6 ~~further the governmental interests of public safety and~~
7 ~~public scrutiny of the criminal and mental health systems so~~
8 ~~long as the information released is rationally related to the~~
9 ~~furtherance of those goals.~~

10 ~~(b) Declaration of policy. It is hereby declared to be the~~
11 ~~intention of the General Assembly to protect the safety and~~
12 ~~general welfare of the people of this Commonwealth by providing~~
13 ~~for registration and community notification regarding sexually~~
14 ~~violent predators who are about to be released from custody and~~
15 ~~will live in or near their neighborhood. It is further declared~~
16 ~~to be the policy of this Commonwealth to require the exchange of~~
17 ~~relevant information about sexually violent predators among~~
18 ~~public agencies and officials and to authorize the release of~~
19 ~~necessary and relevant information about sexually violent~~
20 ~~predators to members of the general public as a means of~~
21 ~~assuring public protection and shall not be construed as~~
22 ~~punitive.~~

23 ~~§ 9792. Definitions.~~

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

27 ~~"Active notification." Notification pursuant to section 9798~~
28 ~~(relating to other notification) or any process whereby law~~
29 ~~enforcement, pursuant to the laws of the United States or one of~~
30 ~~its territories or possessions, another state, the District of~~

~~Columbia, the Commonwealth of Puerto Rico or a foreign nation, notifies persons in the community in which the individual resides, including any person identified in section 9798(b), of the residence, employment or school location of the individual.~~

~~"Approved registration site." A site in this Commonwealth approved by the Pennsylvania State Police as required by section 9799.1(2) (relating to duties of Pennsylvania State Police):~~

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

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

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

~~"Board." The State Sexual Offenders Assessment Board.~~

~~"Common interest community." Includes a cooperative, a condominium and a planned community where an individual by virtue of an ownership interest in any portion of real estate is or may become obligated by covenant, easement or agreement imposed upon the owner's interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of any part of the real estate other than the portion or interest owned solely by the individual.~~

~~"Commonwealth Photo Imaging Network." The computer network administered by the Commonwealth and used to record and store~~

~~digital photographs of an individual's face and any scars, marks, tattoos or other unique features of the individual.~~

~~"Employed." Includes a vocation or employment that is full-time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, pursuant to a contract or for the purpose of government or educational benefit.~~

~~"Integrated Automated Fingerprint Identification System." The national fingerprint and criminal history system maintained by the Federal Bureau of Investigation providing automated fingerprint search capabilities, latent searching capability, electronic image storage and electronic exchange of fingerprints and responses.~~

~~"Mental abnormality." A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.~~

~~"Minor." As used in section 9795.1 (relating to registration), is any individual under the age of 18 unless the age of the victim who is considered a minor is otherwise defined in section 9795.1.~~

~~"Municipality." A city, borough, incorporated town or township.~~

~~"Offender." An individual required to register under section 9795.1(a), (b) (1) or (2) (relating to registration).~~

~~"Passive notification." Notification pursuant to section 9798.1 (relating to information made available on the Internet) or any process whereby persons, pursuant to the laws of the~~

~~United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, are able to access information pertaining to an individual as a result of the individual having been convicted or sentenced by a court for an offense similar to an offense listed in section 9795.1 (relating to registration).~~

~~"Penetration." Includes any penetration, however slight, of the genitals or anus or mouth of another person with a part of the person's body or a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.~~

~~"Predatory." An act directed at a stranger or at a person with whom a relationship has been initiated, established, maintained or promoted, in whole or in part, in order to facilitate or support victimization.~~

~~"Residence." A location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year.~~

~~"Sexually violent offense." Any criminal offense specified in section 9795.1 (relating to registration).~~

~~"Sexually violent predator." A person who has been convicted of a sexually violent offense as set forth in section 9795.1 (relating to registration) and who is determined to be a sexually violent predator under section 9795.4 (relating to assessments) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator where the determination occurred in the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or by court martial.~~

1 ~~"Student." A person who is enrolled on a full-time or part-~~
2 ~~time basis in any public or private educational institution,~~
3 ~~including any secondary school, trade or professional-~~
4 ~~institution or institution of higher education.~~

5 ~~§ 9795.1. Registration.~~

6 ~~(a) Ten year registration. The following individuals shall~~
7 ~~be required to register with the Pennsylvania State Police for a~~
8 ~~period of ten years:~~

9 ~~(1) Individuals convicted of any of the following~~
10 ~~offenses:~~

11 ~~18 Pa.C.S. § 2901 (relating to kidnapping) where the~~
12 ~~victim is a minor.~~

13 ~~18 Pa.C.S. § 2910 (relating to luring a child into a~~
14 ~~motor vehicle or structure).~~

15 ~~18 Pa.C.S. § 3124.2 (relating to institutional sexual~~
16 ~~assault).~~

17 ~~18 Pa.C.S. § 3126 (relating to indecent assault)~~
18 ~~where the offense is graded as a misdemeanor of the first~~
19 ~~degree or higher.~~

20 ~~18 Pa.C.S. § 4302 (relating to incest) where the~~
21 ~~victim is 12 years of age or older but under 18 years of~~
22 ~~age.~~

23 ~~18 Pa.C.S. § 5902(b) (relating to prostitution and~~
24 ~~related offenses) where the actor promotes the~~
25 ~~prostitution of a minor.~~

26 ~~18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to~~
27 ~~obscene and other sexual materials and performances)~~
28 ~~where the victim is a minor.~~

29 ~~18 Pa.C.S. § 6312 (relating to sexual abuse of~~
30 ~~children).~~

1 ~~18 Pa.C.S. § 6318 (relating to unlawful contact with~~
2 ~~minor).~~

3 ~~18 Pa.C.S. § 6320 (relating to sexual exploitation of~~
4 ~~children).~~

5 ~~(2) Individuals convicted of an attempt, conspiracy or~~
6 ~~solicitation to commit any of the offenses under paragraph~~
7 ~~(1) or subsection (b) (2).~~

8 ~~(3) Individuals currently residing in this Commonwealth~~
9 ~~who have been convicted of offenses similar to the crimes~~
10 ~~cited in paragraphs (1) and (2) under the laws of the United~~
11 ~~States or one of its territories or possessions, another~~
12 ~~state, the District of Columbia, the Commonwealth of Puerto~~
13 ~~Rico or a foreign nation or under a former law of this~~
14 ~~Commonwealth.~~

15 ~~(b) Lifetime registration. The following individuals shall~~
16 ~~be subject to lifetime registration:~~

17 ~~(1) An individual with two or more convictions of any of~~
18 ~~the offenses set forth in subsection (a).~~

19 ~~(2) Individuals convicted of any of the following~~
20 ~~offenses:~~

21 ~~18 Pa.C.S. § 3121 (relating to rape).~~

22 ~~18 Pa.C.S. § 3123 (relating to involuntary deviate~~
23 ~~sexual intercourse).~~

24 ~~18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

25 ~~18 Pa.C.S. § 3125 (relating to aggravated indecent~~
26 ~~assault).~~

27 ~~18 Pa.C.S. § 4302 (relating to incest) when the~~
28 ~~victim is under 12 years of age.~~

29 ~~(3) Sexually violent predators.~~

30 ~~(4) Individuals currently residing in this Commonwealth~~

1 ~~who have been convicted of offenses similar to the crimes~~
2 ~~eited in paragraph (2) under the laws of the United States or~~
3 ~~one of its territories or possessions, another state, the~~
4 ~~District of Columbia, the Commonwealth of Puerto Rico or a~~
5 ~~foreign nation or under a former law of this Commonwealth.~~

6 ~~(c) Natural disaster. The occurrence of a natural disaster~~
7 ~~or other event requiring evacuation of residences shall not~~
8 ~~relieve an individual of the duty to register or any other duty~~
9 ~~imposed by this chapter.~~

10 ~~§ 9795.2. Registration procedures and applicability.~~

11 ~~(a) Registration.—~~

12 ~~(1) Offenders and sexually violent predators shall be~~
13 ~~required to register with the Pennsylvania State Police upon~~
14 ~~release from incarceration, upon parole from a State or~~
15 ~~county correctional institution or upon the commencement of a~~
16 ~~sentence of intermediate punishment or probation. For~~
17 ~~purposes of registration, offenders and sexually violent~~
18 ~~predators shall provide the Pennsylvania State Police with~~
19 ~~all current or intended residences, all information~~
20 ~~concerning current or intended employment and all information~~
21 ~~concerning current or intended enrollment as a student.~~

22 ~~(2) Offenders and sexually violent predators shall~~
23 ~~inform the Pennsylvania State Police within 48 hours of:~~

24 ~~(i) Any change of residence or establishment of an~~
25 ~~additional residence or residences.~~

26 ~~(ii) Any change of employer or employment location~~
27 ~~for a period of time that will exceed 14 days or for an~~
28 ~~aggregate period of time that will exceed 30 days during~~
29 ~~any calendar year, or termination of employment.~~

30 ~~(iii) Any change of institution or location at which~~

1 ~~the person is enrolled as a student, or termination of~~
2 ~~enrollment.~~

3 ~~(iv) Becoming employed or enrolled as a student if~~
4 ~~the person has not previously provided that information~~
5 ~~to the Pennsylvania State Police.~~

6 ~~(2.1) Registration with a new law enforcement agency~~
7 ~~shall occur no later than 48 hours after establishing~~
8 ~~residence in another state.~~

9 ~~(3) The ten year registration period required in section~~
10 ~~9795.1(a) (relating to registration) shall be tolled when an~~
11 ~~offender is recommitted for a parole violation or sentenced~~
12 ~~to an additional term of imprisonment. In such cases, the~~
13 ~~Department of Corrections or county correctional facility~~
14 ~~shall notify the Pennsylvania State Police of the admission~~
15 ~~of the offender.~~

16 ~~(4) This paragraph shall apply to all offenders and~~
17 ~~sexually violent predators:~~

18 ~~(i) Where the offender or sexually violent predator~~
19 ~~was granted parole by the Pennsylvania Board of Probation~~
20 ~~and Parole or the court or is sentenced to probation or~~
21 ~~intermediate punishment, the board or county office of~~
22 ~~probation and parole shall collect registration~~
23 ~~information from the offender or sexually violent~~
24 ~~predator and forward that registration information to the~~
25 ~~Pennsylvania State Police. The Department of Corrections~~
26 ~~or county correctional facility shall not release the~~
27 ~~offender or sexually violent predator until it receives~~
28 ~~verification from the Pennsylvania State Police that it~~
29 ~~has received the registration information. Verification~~
30 ~~by the Pennsylvania State Police may occur by electronic~~

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

11 (ii) Where the offender or sexually violent predator
12 scheduled to be released from a State correctional
13 facility or county correctional facility due to the
14 maximum expiration date refuses to provide the
15 registration information, the Department of Corrections
16 or county correctional facility shall notify the
17 Pennsylvania State Police or police department with
18 jurisdiction over the facility of the failure to provide
19 registration information and of the expected date, time
20 and location of the release of the offender or sexually
21 violent predator.

22 (b) Individuals convicted or sentenced by a court or
23 adjudicated delinquent in jurisdictions outside this
24 Commonwealth or sentenced by court martial.—

25 (4) An individual who resides, is employed or is a
26 student in this Commonwealth and who has been convicted of or
27 sentenced by a court or court martial for a sexually
28 violent offense or a similar offense under the laws of the
29 United States or one of its territories or possessions,
30 another state, the District of Columbia, the Commonwealth of

~~Puerto Rico or a foreign nation, or who was required to register under a sexual offender statute in the jurisdiction where convicted, sentenced or court martialled, shall register at an approved registration site within 48 hours of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:~~

~~(i) If the individual has been classified as a sexually violent predator as defined in section 9792 (relating to definitions) or determined under the laws of the other jurisdiction or by reason of court martial to be subject to active notification and lifetime registration on the basis of a statutorily authorized administrative or judicial decision or on the basis of a statute or administrative rule requiring active notification and lifetime registration based solely on the offense for which the individual was convicted, sentenced or court martialled, the individual shall, notwithstanding section 9792, be considered a sexually violent predator and subject to lifetime registration pursuant to section 9795.1(b) (relating to registration). The individual shall also be subject to the provisions of this section and sections 9796 (relating to verification of residence), 9798 (relating to other notification) and 9798.1(c)(1) (relating to information made available on the Internet), except that the individual shall not be required to receive counseling unless required to do so by the other jurisdiction or by reason of court martial.~~

~~(ii) Except as provided in subparagraphs (i) and (iv), if the individual has been convicted or sentenced by a court or court martialled for an offense listed in~~

1 ~~section 9795.1(b) or an equivalent offense, the~~
2 ~~individual shall, notwithstanding section 9792, be~~
3 ~~considered an offender and be subject to lifetime~~
4 ~~registration pursuant to 9795.1(b). The individual shall~~
5 ~~also be subject to the provisions of this section and~~
6 ~~sections 9796 and 9798.1(c)(2).~~

7 ~~(iii) Except as provided in subparagraphs (i), (ii),~~
8 ~~(iv) and (v), if the individual has been convicted or~~
9 ~~sentenced by a court or court martial for an offense~~
10 ~~listed in section 9795.1(a) or an equivalent offense, the~~
11 ~~individual shall be, notwithstanding section 9792,~~
12 ~~considered an offender and subject to registration~~
13 ~~pursuant to this subchapter. The individual shall also be~~
14 ~~subject to the provisions of this section and sections~~
15 ~~9796 and 9798.1(c)(2). The individual shall be subject to~~
16 ~~this subchapter for a period of ten years or for a period~~
17 ~~of time equal to the time for which the individual was~~
18 ~~required to register in the other jurisdiction or~~
19 ~~required to register by reason of court martial,~~
20 ~~whichever is greater, less any credit due to the~~
21 ~~individual as a result of prior compliance with~~
22 ~~registration requirements.~~

23 ~~(iv) Except as provided in subparagraph (i) and~~
24 ~~notwithstanding subparagraph (v), if the individual is~~
25 ~~subject to active notification in the other jurisdiction~~
26 ~~or subject to active notification by reason of court~~
27 ~~martial, the individual shall, notwithstanding section~~
28 ~~9792, be considered an offender and subject to this~~
29 ~~section and sections 9796, 9798 and 9798.1(c)(1). If the~~
30 ~~individual was convicted of or sentenced in the other~~

~~jurisdiction or sentenced by court martial for an offense listed in section 9795.1(b) or an equivalent offense, the individual shall be subject to this subchapter for the individual's lifetime. If the individual was convicted of or sentenced in the other jurisdiction or sentenced by court martial for an offense listed in section 9795.1(a) or an equivalent offense, the individual shall be subject to this subchapter for a period of ten years or for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, whichever is greater, less any credit due to the individual as a result of prior compliance with registration requirements. Otherwise, the individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, less any credit due to the individual as a result of prior compliance with registration requirements.~~

~~(v) Except as provided in subparagraphs (i), (ii), (iii) and (iv), if the individual is subject to passive notification in the other jurisdiction or subject to passive notification by reason of court martial, the individual shall, notwithstanding section 9792, be considered an offender and subject to this section and sections 9796 and 9798.1(c)(2). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to~~

1 ~~register by reason of court martial, less any credit due~~
2 ~~to the individual as a result of prior compliance with~~
3 ~~registration requirements.~~

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

15 ~~(i) If the individual has been classified as a~~
16 ~~sexually violent predator as defined in section 9792 or~~
17 ~~determined under the laws of the other jurisdiction to be~~
18 ~~subject to active notification and lifetime registration~~
19 ~~on the basis of a statutorily authorized administrative~~
20 ~~or judicial decision or on the basis of a statute or~~
21 ~~administrative rule requiring active notification and~~
22 ~~lifetime registration based solely on the offense for~~
23 ~~which the individual was adjudicated, the individual~~
24 ~~shall, notwithstanding section 9792, be considered a~~
25 ~~sexually violent predator and subject to lifetime~~
26 ~~registration pursuant to section 9795.1(b). The~~
27 ~~individual shall also be subject to the provisions of~~
28 ~~this section and sections 9796 and 9798.1(c)(1), except~~
29 ~~that the individual shall not be required to receive~~
30 ~~counseling unless required to do so by the other~~

jurisdiction.

~~(ii) Except as provided in subparagraph (i), if the individual is subject to active notification in the other jurisdiction, the individual shall, notwithstanding section 9792, be considered an offender and subject to registration pursuant to this subchapter. The individual shall also be subject to the provisions of this section and sections 9796, 9798 and 9798.1(c)(1). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction, less any credit due to the individual as a result of prior compliance with registration requirements.~~

~~(iii) Except as provided in subparagraphs (i) and (ii), if the individual is subject to passive notification in the other jurisdiction, the individual shall, notwithstanding section 9792, be considered an offender and be subject to this section and sections 9796 and 9798.1(c)(2). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction, less any credit due to the individual as a result of prior registration compliance.~~

~~(c) Registration information to local police.—~~

~~(1) The Pennsylvania State Police shall provide the information obtained under this section and sections 9795.3 (relating to sentencing court information) and 9796 (relating to verification of residence) to the chief law enforcement officers of the police departments of the municipalities in which the individual will reside, be employed or enrolled as~~

1 ~~a student. In addition, the Pennsylvania State Police shall~~
2 ~~provide this officer with the address at which the individual~~
3 ~~will reside, be employed or enrolled as a student following~~
4 ~~his release from incarceration, parole or probation.~~

5 ~~(2) The Pennsylvania State Police shall provide notice~~
6 ~~to the chief law enforcement officers of the police~~
7 ~~departments of the municipalities notified pursuant to~~
8 ~~paragraph (1) when an individual fails to comply with the~~
9 ~~registration requirements of this section or section 9796 and~~
10 ~~request, as appropriate, that these police departments assist~~
11 ~~in locating and apprehending the individual.~~

12 ~~(3) The Pennsylvania State Police shall provide notice~~
13 ~~to the chief law enforcement officers of the police~~
14 ~~departments of the municipalities notified pursuant to~~
15 ~~paragraph (1) when they are in receipt of information~~
16 ~~indicating that the individual will no longer reside, be~~
17 ~~employed or be enrolled as a student in the municipality.~~

18 ~~(d) Penalty. An individual subject to registration under~~
19 ~~section 9795.1(a) or (b) who fails to register with the~~
20 ~~Pennsylvania State Police as required by this section may be~~
21 ~~subject to prosecution under 18 Pa.C.S. § 4915 (relating to~~
22 ~~failure to comply with registration of sexual offenders~~
23 ~~requirements).~~

24 ~~(e) Registration sites. An individual subject to section~~
25 ~~9795.1 shall register and submit to fingerprinting and~~
26 ~~photographing as required by this subchapter at approved~~
27 ~~registration sites.~~

28 ~~§ 9795.3. Sentencing court information.~~

29 ~~The sentencing court shall inform offenders and sexually~~
30 ~~violent predators at the time of sentencing of the provisions of~~

~~this subchapter. The court shall:~~

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

~~(2) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days if the offender or sexually violent predator changes residence or establishes an additional residence or residences, changes employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year or terminates employment or changes institution or location at which the person is enrolled as a student or terminates enrollment.~~

~~(2.1) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days of becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police.~~

~~(3) Specifically inform the offender or sexually violent predator of the duty to register with a new law enforcement agency if the offender or sexually violent predator moves to another state no later than ten days after establishing residence in another state.~~

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

~~(5) Specifically inform the offender or sexually violent~~

~~predator of the duty to register with the appropriate
authorities in any state in which the offender or sexually
violent predator is employed, carries on a vocation or is a
student if the state requires such registration.~~

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

~~§ 9795.4. Assessments.~~

~~(a) Order for assessment. After conviction but before
sentencing, a court shall order an individual convicted of an
offense specified in section 9795.1 (relating to registration)
to be assessed by the board. The order for an assessment shall
be sent to the administrative officer of the board within ten
days of the date of conviction.~~

~~(b) Assessment. Upon receipt from the court of an order for
an assessment, a member of the board as designated by the
administrative officer of the board shall conduct an assessment
of the individual to determine if the individual should be
classified as a sexually violent predator. The board shall
establish standards for evaluations and for evaluators
conducting the assessments. An assessment shall include, but not
be limited to, an examination of the following:~~

~~(1) Facts of the current offense, including:~~

~~(i) Whether the offense involved multiple victims.~~

~~(ii) Whether the individual exceeded the means~~

~~necessary to achieve the offense.~~

~~(iii) The nature of the sexual contact with the victim.~~

~~(iv) Relationship of the individual to the victim.~~

~~(v) Age of the victim.~~

~~(vi) Whether the offense included a display of unusual cruelty by the individual during the commission of the crime.~~

~~(vii) The mental capacity of the victim.~~

~~(2) Prior offense history, including:~~

~~(i) The individual's prior criminal record.~~

~~(ii) Whether the individual completed any prior sentences.~~

~~(iii) Whether the individual participated in available programs for sexual offenders.~~

~~(3) Characteristics of the individual, including:~~

~~(i) Age of the individual.~~

~~(ii) Use of illegal drugs by the individual.~~

~~(iii) Any mental illness, mental disability or mental abnormality.~~

~~(iv) Behavioral characteristics that contribute to the individual's conduct.~~

~~(4) Factors that are supported in a sexual offender assessment field as criteria reasonably related to the risk of reoffense.~~

~~(c) Release of information. All State, county and local agencies, offices or entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing copies of records and information as requested by the board in connection with the court ordered assessment and the assessment~~

~~requested by the Pennsylvania Board of Probation and Parole or the assessment of a delinquent child under section 6358 (relating to assessment of delinquent children by the State Sexual Offenders Assessment Board).~~

~~(d) Submission of report by board. The board shall have 90 days from the date of conviction of the individual to submit a written report containing its assessment to the district attorney.~~

~~(d.1) Summary of offense. The board shall prepare a description of the offense or offenses which trigger the application of this subchapter to include, but not be limited to:~~

~~(1) A concise narrative of the offender's conduct.~~

~~(2) Whether the victim was a minor.~~

~~(3) The manner of weapon or physical force used or threatened.~~

~~(4) If the offense involved unauthorized entry into a room or vehicle occupied by the victim.~~

~~(5) If the offense was part of a course or pattern of conduct involving multiple incidents or victims.~~

~~(6) Previous instances in which the offender was determined guilty of an offense subject to this subchapter or of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses).~~

~~(e) Hearing.~~

~~(1) A hearing to determine whether the individual is a sexually violent predator shall be scheduled upon the praecipe filed by the district attorney. The district attorney upon filing a praecipe shall serve a copy of same upon defense counsel together with a copy of the report of~~

1 ~~the board.~~

2 ~~(2) The individual and district attorney shall be given~~
3 ~~notice of the hearing and an opportunity to be heard, the~~
4 ~~right to call witnesses, the right to call expert witnesses~~
5 ~~and the right to cross examine witnesses. In addition, the~~
6 ~~individual shall have the right to counsel and to have a~~
7 ~~lawyer appointed to represent him if he cannot afford one. If~~
8 ~~the individual requests another expert assessment, the~~
9 ~~individual shall provide a copy of the expert assessment to~~
10 ~~the district attorney prior to the hearing.~~

11 ~~(3) At the hearing prior to sentencing, the court shall~~
12 ~~determine whether the Commonwealth has proved by clear and~~
13 ~~convincing evidence that the individual is a sexually violent~~
14 ~~predator.~~

15 ~~(4) A copy of the order containing the determination of~~
16 ~~the court shall be immediately submitted to the individual,~~
17 ~~the district attorney, the Pennsylvania Board of Probation~~
18 ~~and Parole, the Department of Corrections, the board and the~~
19 ~~Pennsylvania State Police.~~

20 ~~(f) Presentence investigation. In all cases where the board~~
21 ~~has performed an assessment pursuant to this section, copies of~~
22 ~~the report shall be provided to the agency preparing the~~
23 ~~presentence investigation.~~

24 ~~(g) Parole assessment. The Pennsylvania Board of Probation~~
25 ~~and Parole may request of the board an assessment of an offender~~
26 ~~or sexually violent predator be conducted and provide a report~~
27 ~~to the Pennsylvania Board of Probation and Parole prior to~~
28 ~~considering an offender or sexually violent predator for parole.~~

29 ~~(h) Delinquent children. Except where section 6358(b.1)~~
30 ~~(relating to assessment of delinquent children by the State~~

~~Sexual Offenders Assessment Board) is applicable, the probation officer shall notify the board 90 days prior to the 20th birthday of the child of the status of the delinquent child who is committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) after having been found delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest), together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality as defined in section 6402 (relating to definitions) or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court within the time frames set forth in section 6358(c). The probation officer shall assist the board in obtaining access to the child and any records or information as requested by the board in connection with the assessment. The assessment shall be conducted pursuant to subsection (b).~~

~~(i) Other assessments. Upon receipt from the court of an order for an assessment under section 9795.5 (relating to exemption from certain notification), a member of the board as designated by the administrative officer of the board shall conduct an assessment of the individual to determine if the relief sought, if granted, is likely to pose a threat to the safety of any other person. The board shall establish standards~~

~~for evaluations and for evaluators conducting these assessments.~~

~~§ 9795.5. Exemption from certain notifications.~~

~~(a) Lifetime registrants not classified as sexually violent predators.~~

~~(1) An individual required to register under section 9795.1 (relating to registration) who is not a sexually violent predator may petition the sentencing court to be exempt from the application of section 9798.1 (relating to information made available on the Internet) provided no less than 20 years have passed since the individual has been convicted in this or any other jurisdiction of any offense punishable by imprisonment for more than one year, or the individual's release from custody following the individual's most recent conviction for any such offense, whichever is later.~~

~~(2) Upon receipt of a petition filed under paragraph (1), the sentencing court shall enter an order directing that the petitioner be assessed by the board in accordance with the provisions of section 9795.4(i) (relating to assessments). The order for an assessment under this subsection shall be sent to the administrative officer of the board within ten days of its entry. No later than 90 days following receipt of such an order, the board shall submit a written report containing its assessment to the sentencing court, the district attorney and the attorney for the petitioner.~~

~~(3) Within 120 days of the filing of a petition under paragraph (1), the sentencing court shall hold a hearing to determine whether to exempt the petitioner from the application of section 9798.1. The petitioner and the~~

1 ~~district attorney shall be given notice of the hearing and an~~
2 ~~opportunity to be heard, the right to call witnesses, the~~
3 ~~right to call expert witnesses and the right to cross examine~~
4 ~~witnesses. The petitioner shall have the right to counsel and~~
5 ~~to have a lawyer appointed to represent him if he cannot~~
6 ~~afford one.~~

7 ~~(4) The sentencing court shall exempt the petitioner~~
8 ~~from application of section 9798.1 only upon finding by clear~~
9 ~~and convincing evidence that exempting the petitioner from~~
10 ~~the application of section 9798.1 is not likely to pose a~~
11 ~~threat to the safety of any other person.~~

12 ~~(b) Sexually violent predators.—~~

13 ~~(1) An individual required to register under section~~
14 ~~9795.1 who is a sexually violent predator may petition the~~
15 ~~sentencing court for release from the application of section~~
16 ~~9798 (relating to other notification) provided no less than~~
17 ~~20 years have passed since the individual has been convicted~~
18 ~~in this or any other jurisdiction of any offense punishable~~
19 ~~by imprisonment for more than one year, or the individual's~~
20 ~~release from custody following the individual's most recent~~
21 ~~conviction for any such offense, whichever is later.~~

22 ~~(2) Upon receipt of a petition under paragraph (1), the~~
23 ~~sentencing court shall order the petitioner to be assessed by~~
24 ~~the board in accordance with the provisions of section~~
25 ~~9795.4(i). The order for an assessment pursuant to this~~
26 ~~subsection shall be sent to the administrative officer of the~~
27 ~~board within ten days of its entry. No later than 90 days~~
28 ~~following receipt of such an order, the board shall submit a~~
29 ~~written report containing its assessment to the sentencing~~
30 ~~court, the district attorney and the attorney for the~~

petitioner.

~~(3) Within 120 days of the filing of a petition under paragraph (1), the sentencing court shall hold a hearing to determine whether to exempt the petitioner from application of section 9798. The petitioner and the district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. The petitioner shall have the right to counsel and to have a lawyer appointed to represent him if he cannot afford one.~~

~~(4) The sentencing court shall exempt the petitioner from application of section 9798 only upon clear and convincing evidence that releasing the petitioner from application of section 9798 is not likely to pose a threat to the safety of any other person.~~

~~(c) Notice. Any court granting relief to a petitioner under this section shall notify the Pennsylvania State Police in writing within ten days from the date such relief is granted.~~

~~(d) Right to appeal. The petitioner and the Commonwealth shall have the right to appellate review of the actions of the sentencing court taken under this section. An appeal by the Commonwealth shall stay the order of the sentencing court.~~

~~(e) Subsequent conviction for failing to comply. If an individual is exempt from the application of either section 9798 or 9798.1 under this section and the individual is subsequently convicted of an offense under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements), any relief granted under this section shall be void, and the individual shall automatically and immediately again be subject to all applicable provisions of this~~

~~subchapter, as previously determined by this subchapter.~~

~~§ 9796. Verification of residence.~~

~~(a) Quarterly verification by sexually violent predators.~~

~~The Pennsylvania State Police shall verify the residence and~~

~~compliance with counseling as provided for in section 9799.4~~

~~(relating to counseling of sexually violent predators) of~~

~~sexually violent predators every 90 days through the use of a~~

~~nonforwardable verification form to the last reported residence.~~

~~For the period of registration required by section 9795.1~~

~~(relating to registration), a sexually violent predator shall~~

~~appear quarterly between January 5 and January 15, April 5 and~~

~~April 15, July 5 and July 15 and October 5 and October 15 of~~

~~each calendar year at an approved registration site to complete~~

~~a verification form and to be photographed.~~

~~(a.1) Facilitation of quarterly verification. The~~

~~Pennsylvania State Police shall facilitate and administer the~~

~~verification process required by subsection (a) by:~~

~~(1) sending a notice by first class United States mail~~

~~to all registered sexually violent predators at their last~~

~~reported residence addresses. This notice shall be sent not~~

~~more than 30 days nor less than 15 days prior to each of the~~

~~quarterly verification periods set forth in subsection (a)~~

~~and shall remind sexually violent predators of their~~

~~quarterly verification requirement and provide them with a~~

~~list of approved registration sites; and~~

~~(2) providing verification and compliance forms as~~

~~necessary to each approved registration site not less than~~

~~ten days before each of the quarterly verification periods.~~

~~(b) Annual verification by offenders. The Pennsylvania~~

~~State Police shall verify the residence of offenders. For the~~

~~period of registration required by section 9795.1, an offender shall appear within ten days before each annual anniversary date of the offender's initial registration under section 9795.1 at an approved registration site to complete a verification form and to be photographed.~~

~~(b.1) Facilitation of annual verification. The Pennsylvania State Police shall facilitate and administer the verification process required by subsection (b) by:~~

~~(1) sending a notice by first class United States mail to all registered offenders at their last reported residence addresses. This notice shall be sent not more than 30 days nor less than 15 days prior to each offender's annual anniversary date and shall remind the offender of the annual verification requirement and provide the offender with a list of approved registration sites; and~~

~~(2) providing verification and compliance forms as necessary to each approved registration site.~~

~~(c) Notification of law enforcement agencies of change of residence. A change of residence of an offender or sexually violent predator required to register under this subchapter reported to the Pennsylvania State Police shall be immediately reported by the Pennsylvania State Police to the appropriate law enforcement agency having jurisdiction of the offender's or the sexually violent predator's new place of residence. The Pennsylvania State Police shall, if the offender or sexually violent predator changes residence to another state, notify the law enforcement agency with which the offender or sexually violent predator must register in the new state.~~

~~(d) Failure to provide verification. Where an offender or sexually violent predator fails to provide verification of~~

~~residence within the ten day period as set forth in this section, the Pennsylvania State Police shall immediately notify the municipal police department of the offender's or the sexually violent predator's last verified residence. The local municipal police shall locate the offender or sexually violent predator and arrest him for violating this section. The Pennsylvania State Police shall assume responsibility for locating the offender or sexually violent predator and arresting him in jurisdictions where no municipal police jurisdiction exists. The Pennsylvania State Police shall assist any municipal police department requesting assistance with locating and arresting an offender or sexually violent predator who fails to verify his residence.~~

~~(e) Penalty. An individual subject to registration under section 9795.1(a) or (b) who fails to verify his residence or to be photographed as required by this section may be subject to prosecution under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements).~~

~~(f) Effect of notice. Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive any notice or information under subsection (a.1) or (b.1) shall relieve that predator or offender from the requirements of this subchapter.~~

~~§ 9797. Victim notification.~~

~~(a) Duty to inform victim.~~

~~(1) Where the individual is determined to be a sexually violent predator by a court under section 9795.4 (relating to assessments), the local municipal police department or the Pennsylvania State Police where no municipal police jurisdiction exists shall give written notice to the sexually~~

1 ~~violent predator's victim when the sexually violent predator~~
2 ~~registers initially and when he notifies the Pennsylvania~~
3 ~~State Police of any change of residence. This notice shall be~~
4 ~~given within 72 hours after the sexually violent predator~~
5 ~~registers or notifies the Pennsylvania State Police of a~~
6 ~~change of address. The notice shall contain the sexually~~
7 ~~violent predator's name and the address or addresses where he~~
8 ~~resides.~~

9 ~~(2) A victim may terminate the duty to inform set forth~~
10 ~~in paragraph (1) by providing the local municipal police~~
11 ~~department or the Pennsylvania State Police where no local~~
12 ~~municipal police department exists with a written statement~~
13 ~~releasing that agency from the duty to comply with this~~
14 ~~section as it pertains to that victim.~~

15 ~~(b) Where an individual is not determined to be a sexually~~
16 ~~violent predator. Where an individual is not determined to be a~~
17 ~~sexually violent predator by a court under section 9795.4, the~~
18 ~~victim shall be notified in accordance with section 201 of the~~
19 ~~act of November 24, 1998 (P.L.882, No.111), known as the Crime~~
20 ~~Victims Act.~~

21 ~~§ 9798. Other notification.~~

22 ~~(a) Notice by municipality's chief law enforcement~~
23 ~~officer. Notwithstanding any of the provisions of 18 Pa.C.S.~~
24 ~~Ch. 91 (relating to criminal history record information), the~~
25 ~~chief law enforcement officer of the full-time or part-time~~
26 ~~police department of the municipality where a sexually violent~~
27 ~~predator lives shall be responsible for providing written notice~~
28 ~~as required under this section.~~

29 ~~(1) The notice shall contain:~~

30 ~~(i) The name of the convicted sexually violent~~

1 ~~predator.~~

2 ~~(ii) The address or addresses at which he resides.~~

3 ~~(iii) The offense for which he was convicted,~~
4 ~~sentenced by a court, adjudicated delinquent or~~
5 ~~courtmartialed.~~

6 ~~(iv) A statement that he has been determined by~~
7 ~~court order to be a sexually violent predator, which~~
8 ~~determination has or has not been terminated as of a date~~
9 ~~certain.~~

10 ~~(v) A photograph of the sexually violent predator,~~
11 ~~if available.~~

12 ~~(2) The notice shall not include any information that~~
13 ~~might reveal the victim's name, identity and residence.~~

14 ~~(b) To whom written notice is provided. The chief law~~
15 ~~enforcement officer shall provide written notice, under~~
16 ~~subsection (a), to the following persons:~~

17 ~~(1) Neighbors of the sexually violent predator. As used~~
18 ~~in this paragraph, where the sexually violent predator lives~~
19 ~~in a common interest community, the term "neighbor" includes~~
20 ~~the unit owners' association and residents of the common~~
21 ~~interest community.~~

22 ~~(2) The director of the county children and youth~~
23 ~~service agency of the county where the sexually violent~~
24 ~~predator resides.~~

25 ~~(3) The superintendent of each school district and the~~
26 ~~equivalent official for private and parochial schools~~
27 ~~enrolling students up through grade 12 in the municipality~~
28 ~~where the sexually violent predator resides.~~

29 ~~(3.1) The superintendent of each school district and the~~
30 ~~equivalent official for each private and parochial school~~

1 ~~located within a one mile radius of where the sexually~~
2 ~~violent predator resides.~~

3 ~~(4) The licensee of each certified day care center and~~
4 ~~licensed preschool program and owner/operator of each~~
5 ~~registered family day care home in the municipality where the~~
6 ~~sexually violent predator resides.~~

7 ~~(5) The president of each college, university and~~
8 ~~community college located within 1,000 feet of a sexually~~
9 ~~violent predator's residence.~~

10 ~~(c) Urgency of notification. The municipal police~~
11 ~~department's chief law enforcement officer shall provide notice~~
12 ~~within the following time frames:~~

13 ~~(1) To neighbors, notice shall be provided within five~~
14 ~~days after information of the sexually violent predator's~~
15 ~~release date and residence has been received by the chief law~~
16 ~~enforcement officer. Notwithstanding the provisions of~~
17 ~~subsections (a) and (b), verbal notification may be used if~~
18 ~~written notification would delay meeting this time~~
19 ~~requirement.~~

20 ~~(2) To the persons specified in subsection (b) (2), (3),~~
21 ~~(4) and (5), notice shall be provided within seven days after~~
22 ~~the chief law enforcement officer receives information~~
23 ~~regarding the sexually violent predator's release date and~~
24 ~~residence.~~

25 ~~(d) Public notice. All information provided in accordance~~
26 ~~with subsection (a) shall be available, upon request, to the~~
27 ~~general public. The information may be provided by electronic~~
28 ~~means.~~

29 ~~(e) Interstate transfers. The duties of police departments~~
30 ~~under this section shall also apply to individuals who are~~

~~transferred to this Commonwealth pursuant to the Interstate Compact for the Supervision of Adult Offenders or the Interstate Compact for Juveniles.~~

~~§ 9798.1. Information made available on the Internet.~~

~~(a) Legislative findings. It is hereby declared to be the finding of the General Assembly that public safety will be enhanced by making information about sexually violent predators, lifetime registrants and other sex offenders available to the public through the Internet. Knowledge of whether a person is a sexually violent predator, lifetime registrant or other sex offender could be a significant factor in protecting oneself and one's family members, or those in care of a group or community organization, from recidivist acts by sexually violent predators, lifetime registrants and other sex offenders. The technology afforded by the Internet would make this information readily accessible to parents and private entities, enabling them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk. Public access to information about sexually violent predators, lifetime registrants and other sex offenders is intended solely as a means of public protection and shall not be construed as punitive.~~

~~(b) Internet posting of sexually violent predators, lifetime registrants and other offenders. The Commissioner of the Pennsylvania State Police shall, in the manner and form directed by the Governor:~~

~~(1) Develop and maintain a system for making the information described in subsection (c) publicly available by electronic means so that the public may, without limitation, obtain access to the information via an Internet website to~~

1 ~~view an individual record or the records of all sexually~~
2 ~~violent predators, lifetime registrants and other offenders~~
3 ~~who are registered with the Pennsylvania State Police.~~

4 ~~(2) Ensure that the Internet website contains warnings~~
5 ~~that any person who uses the information contained therein to~~
6 ~~threaten, intimidate or harass another or who otherwise~~
7 ~~misuses that information may be criminally prosecuted.~~

8 ~~(3) Ensure that the Internet website contains an~~
9 ~~explanation of its limitations, including statements advising~~
10 ~~that a positive identification of a sexually violent~~
11 ~~predator, lifetime registrant or other offender whose record~~
12 ~~has been made available may be confirmed only by~~
13 ~~fingerprints; that some information contained on the Internet~~
14 ~~website may be outdated or inaccurate; and that the Internet~~
15 ~~website is not a comprehensive listing of every person who~~
16 ~~has ever committed a sex offense in Pennsylvania.~~

17 ~~(4) Strive to ensure that:~~

18 ~~(i) the information contained on the Internet~~
19 ~~website is accurate;~~

20 ~~(ii) the data therein is revised and updated as~~
21 ~~appropriate in a timely and efficient manner; and~~

22 ~~(iii) instructions are included on how to seek~~
23 ~~correction of information which a person contends is~~
24 ~~erroneous.~~

25 ~~(5) Provide on the Internet website general information~~
26 ~~designed to inform and educate the public about sex offenders~~
27 ~~and sexually violent predators and the operation of this~~
28 ~~subchapter as well as pertinent and appropriate information~~
29 ~~concerning crime prevention and personal safety, with~~
30 ~~appropriate links to other relevant Internet websites~~

1 ~~operated by the Commonwealth of Pennsylvania.~~

2 ~~(6) Identify when the victim is a minor with a special~~
3 ~~designation. The identity of a victim of a sex offense shall~~
4 ~~not be published or posted on the Internet website.~~

5 ~~(c) Information permitted to be disclosed regarding~~
6 ~~individuals. Notwithstanding 18 Pa.C.S. Ch. 91 (relating to~~
7 ~~criminal history record information), the Internet website shall~~
8 ~~contain the following information on each individual:~~

9 ~~(1) For sexually violent predators, the following~~
10 ~~information shall be posted on the Internet website:~~

11 ~~(i) name and all known aliases;~~

12 ~~(ii) year of birth;~~

13 ~~(iii) the street address, municipality, county and~~
14 ~~zip code of all residences, including, where applicable,~~
15 ~~the name of the prison or other place of confinement;~~

16 ~~(iv) the street address, municipality, county, zip~~
17 ~~code and name of any institution or location at which the~~
18 ~~person is enrolled as a student;~~

19 ~~(v) the municipality, county and zip code of any~~
20 ~~employment location;~~

21 ~~(vi) a photograph of the offender, which shall be~~
22 ~~updated not less than annually;~~

23 ~~(vii) a physical description of the offender,~~
24 ~~including sex, height, weight, eye color, hair color and~~
25 ~~race;~~

26 ~~(viii) any identifying marks, including scars,~~
27 ~~birthmarks and tattoos;~~

28 ~~(ix) the license plate number and description of any~~
29 ~~vehicle owned or registered to the offender;~~

30 ~~(x) whether the offender is currently compliant with~~

~~registration requirements;~~

~~(xi) whether the victim is a minor;~~

~~(xii) a description of the offense or offenses which triggered the application of this subchapter; and~~

~~(xiii) the date of the offense and conviction, if available.~~

~~(2) For all other lifetime registrants and offenders subject to registration, the information set forth in paragraph (1) shall be posted on the Internet website.~~

~~(d) Duration of Internet posting.~~

~~(1) The information listed in subsection (c) about a sexually violent predator shall be made available on the Internet for the lifetime of the sexually violent predator.~~

~~(2) The information listed in subsection (c) about an offender who is subject to lifetime registration shall be made available on the Internet for the lifetime of the offender unless the offender is granted relief under section 9795.5 (relating to exemption from certain notifications).~~

~~(3) The information listed in subsection (c) about any other offender subject to registration shall be made available on the Internet for the entire period during which the offender is required to register, including any extension of this period pursuant to 9795.2(a)(3) (relating to registration procedures and applicability).~~

~~§ 9798.2. Administration.~~

~~The Governor shall direct the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the State Sexual Offenders Assessment Board, the Department of Corrections, the Department of Transportation and any other agency of this Commonwealth the Governor deems necessary to collaboratively~~

~~design, develop and implement an integrated and secure system of communication, storage and retrieval of information to assure the timely, accurate and efficient administration of this subchapter.~~

~~§ 9798.3. Global positioning system technology.~~

~~The Pennsylvania Board of Probation and Parole and county probation authorities may impose supervision conditions that include offender tracking through global positioning system technology.~~

~~§ 9799. Immunity for good faith conduct.~~

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

~~(1) The Pennsylvania State Police and local law enforcement agencies and employees of law enforcement agencies.~~

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

~~(3) Superintendents, administrators, teachers, employees and volunteers engaged in the supervision of children of any public, private or parochial school.~~

~~(4) Directors and employees of county children and youth agencies.~~

~~(5) Presidents or similar officers of universities and colleges, including community colleges.~~

~~(6) The Pennsylvania Board of Probation and Parole and its agents and employees.~~

~~(7) County probation and parole offices and their agents and employees.~~

~~(8) Licensees of certified day care centers and directors of licensed preschool programs and owners/operators of registered family day care homes, and their agents and~~

1 ~~employees.~~

2 ~~(9) The Pennsylvania Department of Corrections and its~~
3 ~~agents and employees.~~

4 ~~(10) County correctional facilities and their agents and~~
5 ~~employees.~~

6 ~~(11) Members of the Sexual Offenders Assessment Board~~
7 ~~and its agents and employees.~~

8 ~~(12) The unit owners' association of a common interest~~
9 ~~community and its agents and employees as it relates to~~
10 ~~distributing information regarding sexually violent predators~~
11 ~~obtained pursuant to section 9798(b)(1) (relating to other~~
12 ~~notification).~~

13 ~~§ 9799.1. Duties of Pennsylvania State Police.~~

14 ~~The Pennsylvania State Police shall:~~

15 ~~(1) Create and maintain a State registry of offenders~~
16 ~~and sexually violent predators.~~

17 ~~(2) In consultation with the Department of Corrections,~~
18 ~~the Office of Attorney General, the Pennsylvania Board of~~
19 ~~Probation and Parole and the chairman and the minority~~
20 ~~chairman of the Judiciary Committee of the Senate and the~~
21 ~~chairman and the minority chairman of the Judiciary Committee~~
22 ~~of the House of Representatives, promulgate guidelines~~
23 ~~necessary for the general administration of this subchapter.~~
24 ~~These guidelines shall establish procedures to allow an~~
25 ~~individual subject to the requirements of sections 9795.1~~
26 ~~(relating to registration) and 9796 (relating to verification~~
27 ~~of residence) to fulfill these requirements at approved~~
28 ~~registration sites throughout this Commonwealth. The~~
29 ~~Pennsylvania State Police shall publish a list of approved~~
30 ~~registration sites in the Pennsylvania Bulletin and provide a~~

~~list of approved registration sites in any notices sent to individuals required to register under section 9795.1. An approved registration site shall be capable of submitting fingerprints, photographs and any other information required electronically to the Pennsylvania State Police. The Pennsylvania State Police shall require that approved registration sites submit fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in such form as the Pennsylvania State Police shall require. The Pennsylvania State Police shall require that approved registration sites submit photographs utilizing the Commonwealth Photo Imaging Network or in another manner and in such form as the Pennsylvania State Police shall require. Approved registration sites shall not be limited to sites managed by the Pennsylvania State Police and shall include sites managed by local law enforcement agencies that meet the criteria for approved registration sites set forth in this paragraph.~~

~~(3) Write regulations regarding neighbor notification of the current residence of sexually violent predators.~~

~~(4) Notify, within five days of receiving the offender's or the sexually violent predator's registration, the chief law enforcement officers of the police departments having primary jurisdiction of the municipalities in which an offender or sexually violent predator resides, is employed or enrolled as a student of the fact that the offender or sexually violent predator has been registered with the Pennsylvania State Police pursuant to sections 9795.2 (relating to registration procedures and applicability) and 9796 (relating to verification of residence).~~

1 ~~(5) In consultation with the Department of Education and~~
2 ~~the Pennsylvania Board of Probation and Parole, promulgate~~
3 ~~guidelines directing licensed day care centers, licensed~~
4 ~~preschool programs, schools, universities and colleges,~~
5 ~~including community colleges, on the proper use and~~
6 ~~administration of information received under section 9798~~
7 ~~(relating to other notification).~~

8 ~~(6) Immediately transfer the information received from~~
9 ~~the Pennsylvania Board of Probation and Parole under section~~
10 ~~9799.2(2) and (3) (relating to duties of Pennsylvania Board~~
11 ~~of Probation and Parole) and the fingerprints of a sexually~~
12 ~~violent predator to the Federal Bureau of Investigation.~~

13 ~~§ 9799.2. Duties of Pennsylvania Board of Probation and Parole.~~
14 ~~The Pennsylvania Board of Probation and Parole shall:~~

15 ~~(1) Create a notification form which will inform State~~
16 ~~and county prison and probation and parole personnel how to~~
17 ~~inform offenders and sexually violent predators required to~~
18 ~~register under this subchapter of their duty under the law.~~

19 ~~(2) In cooperation with the Department of Corrections~~
20 ~~and other Commonwealth agencies, obtain the following~~
21 ~~information regarding offenders and sexually violent~~
22 ~~predators:~~

23 ~~(i) Name, including any aliases.~~

24 ~~(ii) Identifying factors.~~

25 ~~(iii) Anticipated future residence.~~

26 ~~(iv) Offense history.~~

27 ~~(v) Documentation of any treatment received for the~~
28 ~~mental abnormality or personality disorder.~~

29 ~~(vi) Photograph of the offender or sexually violent~~
30 ~~predator.~~

~~(3) Immediately transmit the information in paragraph
(2) to the Pennsylvania State Police for immediate entry into
the State registry of offenders and sexually violent
predators and the criminal history record of the individual
as provided in 18 Pa.C.S. Ch. 91 (relating to criminal
history record information).~~

~~(4) Apply for Federal funding as provided in the Adam
Walsh Child Protection and Safety Act of 2006 (Public Law
109-248, 120 Stat. 587) to support and enhance programming
using satellite global positioning system technology.~~

~~§ 9799.3. Board.~~

~~(a) Composition. The State Sexual Offenders Assessment
Board shall be composed of psychiatrists, psychologists and
criminal justice experts, each of whom is an expert in the field
of the behavior and treatment of sexual offenders.~~

~~(b) Appointment. The Governor shall appoint the board
members.~~

~~(c) Term of office. Members of the board shall serve four
year terms.~~

~~(d) Compensation. The members of the board shall be
compensated at a rate of \$350 per assessment and receive
reimbursement for their actual and necessary expenses while
performing the business of the board. The chairman shall receive
\$500 additional compensation per annum.~~

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

~~§ 9799.4. Counseling of sexually violent predators.~~

~~For the period of registration required by section 9795.1(b)
(relating to registration), a sexually violent predator shall be
required to attend at least monthly counseling sessions in a~~

~~program approved by the board and be financially responsible for all fees assessed from such counseling sessions. The board shall monitor the compliance of the sexually violent predator. If the sexually violent predator can prove to the satisfaction of the court that the person cannot afford to pay for the counseling sessions, that person shall still attend the counseling sessions and the parole office shall pay the requisite fees.~~

~~§ 9799.7. Exemption from notification for certain licensees and their employees.~~

~~Nothing in this subchapter shall be construed as imposing a duty upon a person licensed under the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, or an employee thereof to disclose any information regarding:~~

~~(1) a sexually violent predator; or~~

~~(2) an individual who is transferred to this~~

~~Commonwealth pursuant to the Interstate Compact for the~~

~~Supervision of Adult Offenders or the Interstate Compact for~~

~~Juveniles.~~

~~§ 9799.8. Annual performance audit.~~

~~(a) Duties of the Attorney General. The Attorney General shall:~~

~~(1) Conduct a performance audit annually to determine~~

~~compliance with the requirements of this subchapter and any~~

~~guidelines promulgated pursuant thereto. The audit shall, at~~

~~a minimum, include a review of the practices, procedures and~~

~~records of the Pennsylvania State Police, the Pennsylvania~~

~~Board of Probation and Parole, the Department of Corrections,~~

~~the State Sexual Offenders Assessment Board, the~~

~~Administrative Office of the Pennsylvania Courts and any~~

1 ~~other State or local agency the Attorney General deems~~
2 ~~necessary in order to conduct a thorough and accurate~~
3 ~~performance audit.~~

4 ~~(2) Prepare an annual report of its findings and any~~
5 ~~action it recommends be taken by the Pennsylvania State~~
6 ~~Police, the Pennsylvania Board of Probation and Parole, the~~
7 ~~Department of Corrections, the State Sexual Offenders~~
8 ~~Assessment Board, the Administrative Office of the~~
9 ~~Pennsylvania Courts, other State or local agencies and the~~
10 ~~General Assembly to ensure compliance with this subchapter.~~
11 ~~The first report shall be released to the general public not~~
12 ~~less than 18 months following the effective date of this~~
13 ~~section.~~

14 ~~(3) Provide a copy of its report to the Pennsylvania~~
15 ~~State Police, the Pennsylvania Board of Probation and Parole,~~
16 ~~the Department of Corrections, the State Sexual Offenders~~
17 ~~Assessment Board, the Administrative Office of the~~
18 ~~Pennsylvania Courts, State or local agencies referenced~~
19 ~~therein, the chairman and the minority chairman of the~~
20 ~~Judiciary Committee of the Senate and the chairman and the~~
21 ~~minority chairman of the Judiciary Committee of the House of~~
22 ~~Representatives no less than 30 days prior to its release to~~
23 ~~the general public.~~

24 ~~(b) Cooperation required. Notwithstanding any other~~
25 ~~provision of law to the contrary, the Pennsylvania State Police,~~
26 ~~the Pennsylvania Board of Probation and Parole, the Department~~
27 ~~of Corrections, the State Sexual Offenders Assessment Board, the~~
28 ~~Administrative Office of the Pennsylvania Courts, the~~
29 ~~Pennsylvania Commission on Sentencing and any other State or~~
30 ~~local agency requested to do so shall fully cooperate with the~~

~~Attorney General and assist the office in satisfying the requirements of this section. For purposes of this subsection, full cooperation shall include, at a minimum, complete access to unredacted records, files, reports and data systems.~~

~~§ 9799.9. Photographs and fingerprinting.~~

~~An individual subject to section 9795.1 (relating to registration) shall submit to fingerprinting and photographing as required by this subchapter at approved registration sites. Fingerprinting as required by this subchapter shall, at a minimum, require submission of a full set of fingerprints. Photographing as required by this subchapter shall, at a minimum, require submission to photographs of the face and any scars, marks, tattoos or other unique features of the individual. Fingerprints and photographs obtained under this subchapter may be maintained for use under this subchapter and for general law enforcement purposes.}~~

~~Section 8. Title 42 is amended by adding sections to read:~~

~~§ 9799.10. Purposes of subchapter.~~

~~This subchapter shall be interpreted and construed to effectuate the following purposes:~~

~~(1) To bring the Commonwealth into substantial compliance with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109 248, 120 Stat. 597).~~

~~(2) To require individuals convicted of certain sexual offenses to register with the Pennsylvania State Police and to otherwise comply with this subchapter if those individuals reside within this Commonwealth, intend to reside within this Commonwealth, attend an educational institution within this Commonwealth or are employed or conduct volunteer work within this Commonwealth.~~

1 ~~(3) To require individuals convicted of certain sexual~~
2 ~~offenses who fail to maintain a residence and are therefore~~
3 ~~homeless but can still be found within the borders of this~~
4 ~~Commonwealth to register with the Pennsylvania State Police.~~

5 ~~(4) To require individuals who are currently subject to~~
6 ~~the criminal justice system of this Commonwealth as inmates,~~
7 ~~supervised with respect to probation or parole or registrants~~
8 ~~under this subchapter to register with the Pennsylvania State~~
9 ~~Police and to otherwise comply with this subchapter. To the~~
10 ~~extent practicable and consistent with the requirements of~~
11 ~~the Adam Walsh Child Protection and Safety Act of 2006, this~~
12 ~~subchapter shall be construed to maintain existing procedures~~
13 ~~regarding registration of sexual offenders who are subject to~~
14 ~~the criminal justice system of this Commonwealth.~~

15 ~~(5) To provide a mechanism for members of the general~~
16 ~~public to obtain information about certain sexual offenders~~
17 ~~from a public Internet website and to include on that~~
18 ~~Internet website a feature which will allow a member of the~~
19 ~~public to enter a zip code or a geographic radius and~~
20 ~~determine whether a sexual offender resides within that zip~~
21 ~~code or radius.~~

22 ~~(6) To provide a mechanism for law enforcement entities~~
23 ~~within this Commonwealth to obtain information about certain~~
24 ~~sexual offenders and to allow law enforcement entities~~
25 ~~outside this Commonwealth, including those within the Federal~~
26 ~~Government, to obtain current information about certain~~
27 ~~sexual offenders.~~

28 ~~§ 9799.11. Legislative findings and declaration of policy.~~

29 ~~(a) Legislative findings. The General Assembly finds as~~
30 ~~follows:~~

1 ~~(1) In 1995 the General Assembly enacted the act of~~
2 ~~October 24, 1995 (1st Sp.Sess. P.L.1079, No.24), commonly~~
3 ~~referred to as Megan's Law. Through this enactment, the~~
4 ~~General Assembly intended to comply with legislation enacted~~
5 ~~by Congress requiring that states provide for the~~
6 ~~registration of sexual offenders. The Federal statute, the~~
7 ~~Jacob Wetterling Crimes Against Children and Sexually Violent~~
8 ~~Offender Registration Act (Public Law 103-322, 42 U.S.C.~~
9 ~~14071 et seq.), has been superseded by the Adam Walsh Child~~
10 ~~Protection and Safety Act of 2006 (Public Law 109-248, 120~~
11 ~~Stat. 597).~~

12 ~~(2) This Commonwealth's laws regarding registration of~~
13 ~~sexual offenders need to be strengthened. The Adam Walsh~~
14 ~~Child Protection and Safety Act of 2006 provides a mechanism~~
15 ~~for the Commonwealth to increase its regulation of sexual~~
16 ~~offenders in a manner which is nonpunitive but offers an~~
17 ~~increased measure of protection to the citizens of this~~
18 ~~Commonwealth.~~

19 ~~(3) If the public is provided adequate notice and~~
20 ~~information about sexual offenders, the community can develop~~
21 ~~constructive plans to prepare for the presence of sexual~~
22 ~~offenders in the community. This allows communities to meet~~
23 ~~with law enforcement to prepare and obtain information about~~
24 ~~the rights and responsibilities of the community and to~~
25 ~~provide education and counseling to residents, particularly~~
26 ~~children.~~

27 ~~(4) Sexual offenders pose a high risk of committing~~
28 ~~additional sexual offenses, and protection of the public from~~
29 ~~this type of offender is a paramount governmental interest.~~

30 ~~(5) Sexual offenders have a reduced expectation of~~

1 ~~privacy because of the public's interest in public safety and~~
2 ~~in the effective operation of government.~~

3 ~~(6) Release of information about sexual offenders to~~
4 ~~public agencies and the general public will further the~~
5 ~~governmental interests of public safety and public scrutiny~~
6 ~~of the criminal and mental health systems so long as the~~
7 ~~information released is rationally related to the furtherance~~
8 ~~of those goals.~~

9 ~~(7) Knowledge of whether a person is a sexual offender~~
10 ~~could be a significant factor in protecting oneself and one's~~
11 ~~family members, or those in care of a group or community~~
12 ~~organization, from recidivist acts by such offenders.~~

13 ~~(8) The technology afforded by the Internet and other~~
14 ~~modern electronic communication methods makes this~~
15 ~~information readily accessible to parents, minors and private~~
16 ~~entities, enabling them to undertake appropriate remedial~~
17 ~~precautions to prevent or avoid placing potential victims at~~
18 ~~risk.~~

19 ~~(b) Declaration of policy. The General Assembly declares as~~
20 ~~follows:~~

21 ~~(1) It is the intention of the General Assembly to~~
22 ~~substantially comply with the Adam Walsh Child Protection and~~
23 ~~Safety Act of 2006 and to further protect the safety and~~
24 ~~general welfare of the citizens of this Commonwealth by~~
25 ~~providing for increased regulation of sexual offenders,~~
26 ~~specifically as that regulation relates to registration of~~
27 ~~sexual offenders and community notification about sexual~~
28 ~~offenders.~~

29 ~~(2) It is the policy of the Commonwealth to require the~~
30 ~~exchange of relevant information about sexual offenders among~~

~~public agencies and officials and to authorize the release of
necessary and relevant information about sexual offenders to
members of the general public as a means of assuring public
protection and shall not be construed as punitive.~~

~~§ 9799.12. Definitions.~~

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

~~"Approved registration site." A site in this Commonwealth
approved by the Pennsylvania State Police:~~

~~(1) at which individuals subject to this subchapter may
register, update and verify information or be fingerprinted
and photographed as required by this subchapter;~~

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

~~(3) which is capable of submitting photographs in the
form as the Pennsylvania State Police shall require.~~

~~"Board." The State Sexual Offenders Assessment Board.~~

~~"Common interest community." Includes a cooperative, a
condominium and a planned community where an individual by
virtue of an ownership interest in any portion of real estate is
or may become obligated by covenant, easement or agreement
imposed upon the owner's interest to pay any amount for real
property taxes, insurance, maintenance, repair, improvement,
management, administration or regulation of any part of the real
estate other than the portion or interest owned solely by the
individual.~~

~~"Convicted." Includes conviction by entry of plea of guilty~~

~~or nolo contendere, conviction after trial and a finding of not guilty due to insanity or of guilty but mentally ill.~~

~~"Employed." Includes a vocation or employment that is full time or part time for a period of time exceeding four days during a seven day period or for an aggregate period of time exceeding 14 days during any calendar year, whether self-employed, volunteered, financially compensated, pursuant to a contract or for the purpose of governmental or educational benefit.~~

~~"Foreign country." Includes Canada, the United Kingdom, Australia, New Zealand and a foreign country where the United States Department of State in the Country Reports on Human Rights Practices has concluded that an independent judiciary enforced the right to a fair trial in that country during the calendar year in which the individual's conviction occurred.~~

~~"IAFIS." The Integrated Automated Fingerprint Identification System.~~

~~"Integrated Automated Fingerprint Identification System." The national fingerprint and criminal history system maintained by the Federal Bureau of Investigation providing automated fingerprint search capabilities, latent searching capability, electronic image storage and electronic exchange of fingerprints and responses.~~

~~"Jurisdiction." A state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands and a federally recognized Indian tribe as provided in section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 42 U.S.C. § 16927).~~

~~"Juvenile offender." One of the following:~~

~~(1) An individual who was 14 years of age or older at the time the individual committed an offense which, if committed by an adult, would be classified as an offense under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault) or an attempt, solicitation or conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123 or 3125 and either:~~

~~(i) is adjudicated delinquent for such offense on or after the effective date of this section; or~~

~~(ii) has been adjudicated delinquent for such offense and, on the effective date of this section, is subject to the jurisdiction of the court, including commitment to an institution or facility set forth in section 6352(a)(3) (relating to a disposition of delinquent child).~~

~~(2) An individual who was 14 years of age or older at the time the individual committed an offense similar to an offense under 18 Pa.C.S. § 3121, 3123 or 3125 or an attempt, solicitation or conspiracy to commit an offense similar to an offense under 18 Pa.C.S. § 3121, 3123 or 3125 under the laws of the United States, another jurisdiction or a foreign country and was adjudicated delinquent for such an offense. The term does not include a sexually violent delinquent child.~~

~~"Mental abnormality." A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.~~

~~"Military offense." An offense specified by the United~~

~~States Secretary of Defense under 10 U.S.C. § 951 (relating to establishment; organization; administration).~~

~~"Minor." Any individual under 18 years of age.~~

~~"Municipality." A city, borough, incorporated town or township.~~

~~"NCIC." The National Crime Information Center.~~

~~"Penetration." Includes any penetration, however slight, of the genitals or anus or mouth of another person with a part of the person's body or a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.~~

~~"Predatory." An act directed at a stranger or at a person with whom a relationship has been initiated, established, maintained or promoted, in whole or in part, in order to facilitate or support victimization.~~

~~"Registry." The Statewide Registry of Sexual Offenders established in section 9799.16(a) (relating to registry).~~

~~"Residence." A location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year. The term includes a residence which is mobile, including a houseboat, mobile home, trailer or recreational vehicle.~~

~~"Sexual offender." An individual required to register under this subchapter.~~

~~"Sexually violent delinquent child." As defined in section 6402 (relating to definitions).~~

~~"Sexually violent offense." An offense specified in section 9799.14 (relating to sexual offenses and tier system) as a Tier I, Tier II or Tier III sexual offense.~~

~~"Sexually violent predator." An individual convicted of an offense specified in:~~

~~(1) section 9799.14(b) (1), (2), (3), (4), (5), (6), (7), (8), (9) or (10) (relating to sexual offenses and tier system) or an attempt, conspiracy or solicitation to commit any offense under section 9799.14(b) (1), (2), (3), (4), (5), (6), (7), (8), (9) or (10);~~

~~(2) section 9799.14(c) (1), (2), (3), (4), (5) or (6) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(c) (1), (2), (3), (4), (5) or (6); or~~

~~(3) section 9799.14(d) (1), (2), (3), (4), (5), (6), (7) or (8) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(d) (1), (2), (3), (4), (5), (6), (7) or (8)~~

~~who is determined to be a sexually violent predator under section 9799.24 (relating to assessments) due to a mental abnormality or personality disorder that makes the individual likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator where the determination occurred in another jurisdiction, a foreign country or by court martial.~~

~~"Student." An individual who is enrolled in or attends a public or private educational institution within this Commonwealth on a full time or part time basis, including a secondary school, trade or professional institution or institution of higher education. The term does not include an individual enrolled in an educational institution exclusively through the Internet or via correspondence courses.~~

~~"Temporary lodging." The specific location, including street address, where a sexual offender is staying when away from the sexual offender's residence for seven or more days.~~

~~"Tier I sexual offense." An offense specified in section~~

~~9799.14(b) (relating to sexual offenses and tier system).~~

~~"Tier II sexual offense." An offense specified in section
9799.14(c) (relating to sexual offenses and tier system).~~

~~"Tier III sexual offense." An offense specified in section
9799.14(d) (relating to sexual offenses and tier system).~~

~~"Transient." An individual required to register under this
subchapter who does not have a residence but nevertheless
resides in this Commonwealth in a temporary habitat or other
temporary place of abode or dwelling, including a homeless
shelter or park.~~

~~§ 9799.13. Applicability.~~

~~The following individuals shall register with the
Pennsylvania State Police as provided in sections 9799.15
(relating to period of registration), 9799.19 (relating to
initial registration) and 9799.25 (relating to verification by
sexual offenders and Pennsylvania State Police) and otherwise
comply with the provisions of this subchapter:~~

~~(1) An individual who, on or after the effective date of
this section, has been convicted of a sexually violent
offense and who has a residence within this Commonwealth or
is a transient.~~

~~(2) An individual who, on or after the effective date of
this section, is an inmate in a State or county correctional
institution of this Commonwealth, including a community
corrections center or a community contract facility, is being
supervised by the Pennsylvania Board of Probation and Parole
or county probation or parole or is subject to a sentence of
intermediate punishment and has committed a sexually violent
offense.~~

~~(3) An individual who is required to register with the~~

~~Pennsylvania State Police under this subchapter prior to the effective date of this section who has not fulfilled the period of registration as of the effective date of this section.~~

~~(4) An individual who was required to register with the Pennsylvania State Police pursuant to former section 9795.1 and:~~

~~(i) has fulfilled the period of registration provided in former section 9795.1(a) (relating to registration) or has been removed from the registry under former section 9795.5 (relating to exemption from certain notifications); and~~

~~(ii) on or after the effective date of this section, is convicted of a sexually violent offense or convicted of an offense graded as a felony.~~

~~(5) An individual who, on or after the effective date of this section, was required to register with the Pennsylvania State Police pursuant to this subchapter and:~~

~~(i) has fulfilled the period of registration provided in this subchapter; and~~

~~(ii) on or after the effective date of this section, is convicted of a sexually violent offense or convicted of another offense graded as a felony.~~

~~(6) An individual who, on or after the effective date of this section, was required to register with the Pennsylvania State Police pursuant to this subchapter and:~~

~~(i) has fulfilled the period of registration provided in this subchapter or has been removed from the registry pursuant to section 9799.17 (relating to reduction of period of registration); and~~

~~(ii) is subsequently convicted of a sexually violent offense or subsequently convicted of another offense graded as a misdemeanor of the second degree or higher or an offense punishable by more than one year imprisonment.~~

~~(7) An individual who, on or after the effective date of this section, is required to register in a sexual offender registry in another jurisdiction or in a foreign country based upon a conviction for a sexually violent offense and:~~

~~(i) has a residence in this Commonwealth or is a transient;~~

~~(ii) is employed within this Commonwealth; or~~

~~(iii) is a student within this Commonwealth.~~

~~(8) An individual who, on or after the effective date of this section, is a juvenile offender who was adjudicated delinquent within this Commonwealth or was adjudicated delinquent in another jurisdiction or a foreign country and:~~

~~(i) has a residence within this Commonwealth;~~

~~(ii) is employed within this Commonwealth; or~~

~~(iii) is a student within this Commonwealth.~~

~~(9) An individual who, on or after the effective date of this section, is a sexually violent delinquent child who is committed for involuntary treatment or, on the effective date of this section, is under commitment receiving involuntary treatment in the State owned facility or unit as set forth in Chapter 64 (relating to court ordered involuntary treatment of certain sexually violent persons).~~

~~§ 9799.14. Sexual offenses and tier system.~~

~~(a) Tier system established. Sexual offenses shall be classified in a three tiered system composed of Tier I sexual offenses, Tier II sexual offenses and Tier III sexual offenses.~~

~~(b) Tier I sexual offenses. The following offenses shall be classified as Tier I sexual offenses:~~

~~(1) 18 Pa.C.S. § 2902 (relating to unlawful restraint) if the victim is a minor and the sexual offender is not the victim's parent or guardian.~~

~~(2) 18 Pa.C.S. § 2903 (relating to false imprisonment) if the victim is a minor and the sexual offender is not the victim's parent or guardian.~~

~~(3) 18 Pa.C.S. § 2904 (relating to interference with custody of children) if the victim is a minor and the sexual offender is not the victim's parent or guardian.~~

~~(4) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).~~

~~(5) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault) if the victim is an adult.~~

~~(6) 18 Pa.C.S. § 3126 (relating to indecent assault) if the offense is graded as a misdemeanor of the first degree or higher.~~

~~(7) 18 Pa.C.S. § 3127 (relating to indecent exposure) if the offense is graded as a misdemeanor of the first degree.~~

~~(8) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors).~~

~~(9) 18 Pa.C.S. § 6312(d) (relating to sexual abuse of children).~~

~~(10) 18 Pa.C.S. § 7507.1. (relating to invasion of privacy).~~

~~(11) 18 U.S.C. § 1801 (relating to video voyeurism).~~

~~(12) 18 U.S.C. § 2252 (relating to certain activities relating to material involving the sexual exploitation of minors).~~

1 ~~(13) 18 U.S.C. § 2252A (relating to certain activities~~
2 ~~relating to material constituting or containing child~~
3 ~~pornography).~~

4 ~~(14) 18 U.S.C. § 2252B (relating to misleading domain~~
5 ~~names on the Internet).~~

6 ~~(15) 18 U.S.C. § 2252C (relating to misleading words or~~
7 ~~digital images on the Internet).~~

8 ~~(16) 18 U.S.C. § 2422(a) (relating to coercion and~~
9 ~~enticement).~~

10 ~~(17) 18 U.S.C. § 2423(b) (relating to transportation of~~
11 ~~minors).~~

12 ~~(18) 18 U.S.C. § 2423(c).~~

13 ~~(19) 18 U.S.C. § 2424 (relating to filing factual~~
14 ~~statement about alien individual).~~

15 ~~(20) 18 U.S.C. § 2425 (relating to use of interstate~~
16 ~~facilities to transmit information about a minor).~~

17 ~~(21) A comparable military offense or similar offense~~
18 ~~under the laws of another jurisdiction or foreign country.~~

19 ~~(22) An attempt, conspiracy or solicitation to commit an~~
20 ~~offense listed in paragraph (1), (2), (3), (4), (5), (6),~~
21 ~~(7), (8), (9), (10), (11), (12), (13), (14), (15), (16),~~
22 ~~(17), (18), (19), (20) or (21).~~

23 ~~(c) Tier II sexual offenses. The following offenses shall~~
24 ~~be classified as Tier II sexual offenses:~~

25 ~~(1) 18 Pa.C.S. § 3126 if the offense is graded as a~~
26 ~~misdemeanor or higher or the punishment is one year or more~~
27 ~~or if the sexual offender was previously convicted of 18~~
28 ~~Pa.C.S. § 3126.~~

29 ~~(2) 18 Pa.C.S. § 5902(b) (relating to prostitution and~~
30 ~~related offenses) if the sexual offender promotes the~~

prostitution of a minor.

(3) 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to obscene and other sexual materials and performances) if the victim is a minor.

(4) 18 Pa.C.S. § 6312(b) and (c) (relating to sexual abuse of children).

(5) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(6) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(7) 18 U.S.C. § 1591 (relating to sex trafficking of children by force, fraud, or coercion).

(8) 18 U.S.C. § 2243 (relating to sexual abuse of a minor or ward).

(9) 18 U.S.C. § 2244 (relating to abusive sexual contact).

(10) 18 U.S.C. § 2251 (relating to sexual exploitation of children).

(11) 18 U.S.C. § 2251A (relating to selling or buying of children).

(12) 18 U.S.C. § 2252.

(13) 18 U.S.C. § 2260 (relating to production of sexually explicit depictions of a minor for importation into the United States).

(14) 18 U.S.C. § 2421 (relating to transportation generally).

(15) 18 U.S.C. § 2422(b).

(16) 18 U.S.C. § 2423(a).

(17) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country.

1 ~~(18) An attempt, conspiracy or solicitation to commit an~~
2 ~~offense listed in paragraph (1), (2), (3), (4), (5), (6),~~
3 ~~(7), (8), (9), (10), (11), (12), (13), (14), (15), (16) or~~
4 ~~(17).~~

5 ~~(19) An offense specified as a Tier I sexual offense~~
6 ~~where there is a subsequent conviction for a sexual offense~~
7 ~~punishable by more than one year's imprisonment.~~

8 ~~(d) Tier III sexual offenses. The following offenses shall~~
9 ~~be classified as Tier III sexual offenses:~~

10 ~~(1) 18 Pa.C.S. § 2901 (relating to kidnapping) if the~~
11 ~~victim is a minor and the sexual offender is not the victim's~~
12 ~~parent or guardian.~~

13 ~~(2) 18 Pa.C.S. § 3121 (relating to rape).~~

14 ~~(3) 18 Pa.C.S. § 3122.1 (relating to statutory sexual~~
15 ~~assault).~~

16 ~~(4) 18 Pa.C.S. § 3123 (relating to involuntary deviate~~
17 ~~sexual intercourse).~~

18 ~~(5) 18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

19 ~~(6) 18 Pa.C.S. § 3124.2 if the victim is a minor.~~

20 ~~(7) 18 Pa.C.S. § 3125 (relating to aggravated indecent~~
21 ~~assault).~~

22 ~~(8) 18 Pa.C.S. § 3126 (relating to indecent assault) if~~
23 ~~the offense is graded as a misdemeanor of the first degree or~~
24 ~~higher, the victim is less than 13 years of age and the~~
25 ~~punishment is more than one year.~~

26 ~~(9) 18 Pa.C.S. § 4302 (relating to incest) if the victim~~
27 ~~is under 13 years of age or the victim is between 13 years of~~
28 ~~age and 18 years of age and the sexual offender is at least~~
29 ~~four years older than the victim.~~

30 ~~(10) 18 U.S.C. § 2241 (relating to aggravated sexual~~

~~abuse).~~

~~(11) 18 U.S.C. § 2242 (relating to sexual abuse).~~

~~(12) 18 U.S.C. § 2244.~~

~~(13) A comparable military offense or similar offense under the laws of another jurisdiction or country.~~

~~(14) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) or (13).~~

~~(15) An offense listed as a Tier II sexual offense where there is a subsequent conviction for a sexual offense punishable by more than one year's imprisonment.~~

~~§ 9799.15. Period of registration.~~

~~(a) Period of registration. Subject to subsection (c), an individual specified in section 9799.13 (relating to applicability) shall register with the Pennsylvania State Police as follows:~~

~~(1) An individual convicted of a Tier I sexual offense shall register for a period of 15 years.~~

~~(2) An individual convicted of a Tier II sexual offense shall register for a period of 25 years.~~

~~(3) An individual convicted of a Tier III sexual offense shall register for the life of the individual.~~

~~(4) A juvenile offender shall register for the life of the individual.~~

~~(5) A sexually violent delinquent child shall register for the life of the individual.~~

~~(6) A sexually violent predator shall register for the life of the individual.~~

~~(b) Commencement of registration and initial registration.~~

~~The following apply:~~

~~(1) The period of registration set forth in subsection
(a) shall commence as follows:~~

~~(i) For an individual convicted of a sexually
violent offense in this Commonwealth, the period of
registration shall commence upon:~~

~~(A) release from incarceration in a State or
county correctional facility, including release to a
community correction center or community contract
facility;~~

~~(B) parole or a sentence of probation; or~~

~~(C) a sentence of State or county intermediate
punishment in which the person is not sentenced to a
period of incarceration.~~

~~(ii) For an individual who is a juvenile offender,
the period of registration shall commence upon release
from an institution or facility set forth in section
6352(a)(3) (relating to disposition of delinquent child).~~

~~(iii) For a sexually violent delinquent child, the
period of registration shall commence upon the earlier
of:~~

~~(A) transfer to involuntary outpatient treatment
pursuant to section 6401.1 (relating to transfer to
involuntary outpatient treatment); or~~

~~(B) discharge from commitment to the separate,
State owned facility or unit established under
section 6406 (relating to duty of Department of
Public Welfare).~~

~~(iv) For an individual who is convicted of a
sexually violent offense in another jurisdiction or
foreign country or a comparable military offense, the~~

~~period of registration shall commence upon establishment
of a residence or commencement of employment or
enrollment as a student within this Commonwealth.~~

~~(2) An individual specified in section 9799.13 shall
initially register with the Pennsylvania State Police as set
forth in section 9799.19 (relating to initial registration).~~

~~(c) Period of registration tolled. The following shall
apply:~~

~~(1) the period of registration set forth in subsection
(a) shall be tolled for the period of time in which the
individual specified in section 9799.13 is:~~

~~(i) incarcerated in a State or county correctional
institution, excluding a community contract facility or
community corrections center;~~

~~(ii) subject to a sentence of intermediate
punishment which is restrictive and where the individual
is sentenced to a period of incarceration;~~

~~(iii) committed to an institution or facility set
forth in section 6352(a)(3); or~~

~~(iv) committed to and receiving involuntary
inpatient treatment in the State owned facility or unit
set forth in Chapter 64 (relating to court ordered
involuntary treatment of certain sexually violent
persons).~~

~~(2) This subsection shall apply to an individual
specified in section 9799.13 who is recommitted to a State or
county correctional institution for a parole violation or who
has been sentenced to an additional term of imprisonment. In
the case of recommitment, the Department of Corrections or
the county correctional facility shall notify the~~

~~Pennsylvania State Police of the admission of the individual.~~

~~(d) Sexually violent predators. An individual convicted of a Tier I sexual offense, a Tier II sexual offense or a Tier III sexual offense who is determined to be a sexually violent predator under section 9799.24 (relating to assessments) shall register for the life of the individual.~~

~~(e) Periodic in person appearance required. Except as provided in subsection (f) and subject to subsections (g) and (h), an individual specified in section 9799.13 shall appear in person at an approved registration site to provide or verify the information set forth in section 9799.16(b) (relating to registry) and to be photographed as follows:~~

~~(1) An individual convicted of a Tier I sexual offense shall appear annually.~~

~~(2) An individual convicted of a Tier II sexual offense shall appear semiannually.~~

~~(3) An individual convicted of a Tier III sexual offense shall appear quarterly.~~

~~(f) Sexually violent predators. An individual convicted of a Tier I sexual offense, a Tier II sexual offense or a Tier III sexual offense who is determined to be a sexually violent predator under section 9799.24 shall appear in person at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed every 90 days.~~

~~(g) In person appearance to update information. In addition to the periodic in person appearance required in subsection (e), an individual specified in section 9799.13 shall appear in person at an approved registration site within three business days to provide current information relating to:~~

~~(1) A change in name.~~

~~(2) A commencement of residence, change in residence, termination of residence or failure to maintain a residence, thus making the individual a transient.~~

~~(3) Commencement of employment, a change in the location or entity in which the individual is employed or a termination of employment.~~

~~(4) Initial enrollment as a student, a change in enrollment as a student or termination as a student.~~

~~(5) A change in telephone number, including a cell phone number, or a termination of telephone number, including a cell phone number.~~

~~(6) A change in or termination of a motor vehicle owned or operated, including watercraft or aircraft. In order to fulfill the requirements of this paragraph, the individual must provide any license plate numbers and registration numbers or other identifiers.~~

~~(7) A commencement of temporary lodging, a change in temporary lodging or a termination of temporary lodging. In order to fulfill the requirements of this paragraph, the individual must provide the specific length of time and the dates during which the individual will be temporarily lodged.~~

~~(8) A change in or termination of e mail address, instant message address or any other designations used in Internet communications or postings.~~

~~(h) Transients, juvenile offenders and sexually violent delinquent children. If the individual specified in section 9799.13 is a transient, a juvenile offender or a sexually violent delinquent child, the following apply:~~

~~(1) If the individual is a transient, the individual~~

~~shall appear in person at an approved registration site to provide or to verify the information set forth in section 9799.16(b) and to be photographed every 30 days. The duty to appear in person every 30 days and to be photographed shall apply until a transient establishes a residence. In the event a transient establishes a residence, the requirement of periodic in person appearances set forth in subsection (c) shall apply.~~

~~(2) If the individual is a juvenile offender, the individual shall appear at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed every 90 days.~~

~~(3) If the individual is a sexually violent delinquent child, the individual shall appear at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed every 90 days.~~

~~(i) International travel. In addition to the periodic in person appearance required in subsection (c), an individual specified in section 9799.13 shall appear in person at an approved registration site no less than 21 days in advance of traveling outside of the United States. The individual shall provide the following information:~~

~~(1) Dates of travel, including date of return to the United States.~~

~~(2) Destinations.~~

~~(3) Temporary lodging.~~

~~§ 9799.16. Registry.~~

~~(a) Establishment. There is established a Statewide registry of sexual offenders in order to carry out the~~

~~provisions of this subchapter. The Pennsylvania State Police shall create and maintain the registry. The registry shall maintain a complete and systematic index of all records required regarding sexual offenders in order to comply with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 597). The registry shall:~~

~~(1) Be composed of an electronic database and digitized records.~~

~~(2) Be able to communicate with the Sex Offender Registration and Notification Act Exchange Portal developed by the United States Department of Justice, the National Sex Offender Registry or any successor database which is maintained by the Department of Justice and the Dru Sjodin National Sex Offender Public Website maintained by the Department of Justice.~~

~~(3) Be able to communicate with sexual offender registries established in other jurisdictions.~~

~~(b) Information provided by sexual offender. An individual specified in section 9799.13 (relating to applicability) shall provide the following information which shall be included in the registry:~~

~~(1) Primary or given name, including an alias used by the individual, nickname, pseudonym, ethnic or tribal name, regardless of the context used and any designations or monikers used for self-identification in Internet communications or postings.~~

~~(2) Designation used by the individual for purposes of routing or self identification in Internet communications or postings.~~

~~(3) Telephone number, including cell phone number, and~~

~~any other designation used by the individual for purposes of routing or self identification in telephonic communications.~~

~~(4) Valid Social Security number issued to the individual by the Federal Government and purported Social Security number.~~

~~(5) Address of each residence or intended residence. If the individual enters this Commonwealth and fails to maintain a residence and is therefore a transient, the individual shall provide information for the registry as set forth in paragraph (6).~~

~~(6) If the individual is a transient, the individual shall provide information about the transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park. In addition, the transient shall provide a list of places the transient eats, frequents and engages in leisure activities and any planned destinations, including those outside this Commonwealth. If the transient changes or adds to the places listed under this paragraph during a 30 day period, the transient shall list these when registering as a transient during the next 30 day period. In addition, the transient shall provide the place the transient receives mail, including a post office box. If the transient has been designated as a sexually violent predator, the transient shall state whether he is in compliance with section 9799.36 (relating to counseling of sexually violent predators). The duty to provide the information set forth in this paragraph shall apply until the transient establishes a residence. In the event a transient establishes a residence, the requirements of section 9799.15(e) (relating to period of registration) shall apply.~~

1 ~~(7) Temporary lodging. In order to fulfill the~~
2 ~~requirements of this paragraph, the individual must provide~~
3 ~~the specific length of time and the dates during which the~~
4 ~~individual will be temporarily lodged.~~

5 ~~(8) A passport and documents establishing immigration~~
6 ~~status, which shall be copied in a digitized format for~~
7 ~~inclusion in the registry.~~

8 ~~(9) Name and address where the individual is employed or~~
9 ~~will be employed. In order to fulfill the requirements of~~
10 ~~this paragraph, if the individual is not employed in a fixed~~
11 ~~workplace, the individual shall provide information regarding~~
12 ~~general travel routes and general areas where the individual~~
13 ~~works.~~

14 ~~(10) Information relating to occupational and~~
15 ~~professional licensing, including type of license held and~~
16 ~~the license number.~~

17 ~~(11) Name and address where the individual is a student~~
18 ~~or will be a student.~~

19 ~~(12) Information relating to motor vehicles owned or~~
20 ~~operated by the individual, including watercraft and~~
21 ~~aircraft. In order to fulfill the requirements of this~~
22 ~~paragraph, the individual shall provide a description of each~~
23 ~~motor vehicle, watercraft or aircraft. The individual shall~~
24 ~~provide a license plate number, registration number or other~~
25 ~~identification number and the address of the place where a~~
26 ~~vehicle is stored. In addition, the individual shall provide~~
27 ~~the individual's license to operate a motor vehicle or other~~
28 ~~identification card issued by the Commonwealth, another~~
29 ~~jurisdiction or a foreign country so that the Pennsylvania~~
30 ~~State Police can fulfill its responsibilities under~~

~~subsection (c) (7).~~

~~(13) Actual date of birth and purported date of birth.~~

~~(14) Form signed by the individual acknowledging the individual's obligations under this subchapter provided in accordance with section 9799.23 (relating to court notification and classification requirements).~~

~~(c) Criminal justice information. The Pennsylvania State Police shall ensure that the following information is included in the registry:~~

~~(1) Physical description of the individual, including a general physical description and tattoos, scars and other identifying marks.~~

~~(2) Text of the statute defining the criminal offense for which the individual is registered.~~

~~(3) Criminal history record information of the individual, including:~~

~~(i) Dates of arrests and convictions.~~

~~(ii) Status of probation, parole or supervised release.~~

~~(iii) Whether the individual is in compliance with requirements regarding this subchapter or has absconded.~~

~~(iv) Existence of any outstanding warrants.~~

~~(4) Current photograph of the individual. In order to fulfill the requirements of this paragraph, in addition to the taking of photographs pursuant to section 9799.15(e), the Pennsylvania State Police shall ensure that additional photographs are taken as needed when there is a significant change in appearance of the individual, including the taking of a current photograph before the individual is released from a State or county correctional institution or an~~

~~institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child) or discharged from the State owned facility or unit set forth in Chapter 64 (relating to court ordered involuntary treatment of certain sexually violent persons), due to:~~

~~(i) the expiration of sentence, period of commitment or involuntary treatment;~~

~~(ii) parole or other supervised release, including release to a community corrections center or a community contract facility;~~

~~(iii) commencement of a sentence of intermediate punishment; or~~

~~(iv) any other form of supervised release.~~

~~(5) Set of fingerprints and palm prints of the individual. In order to fulfill the requirements of this paragraph, the palm prints shall be taken for the purpose of submission to the Federal Bureau of Investigation Central Database. The palm prints shall be submitted for entry into the database.~~

~~(6) DNA sample of the individual. In order to fulfill the requirements of this paragraph, the sample shall be taken for the purpose of analysis and entry into the Combined DNA Index System (CODIS). In addition, the sample shall be analyzed and submitted for entry into CODIS.~~

~~(7) Photocopy of valid driver's license or identification card issued to the individual by the Commonwealth, another jurisdiction or a foreign country.~~

~~(d) Cooperation. The Pennsylvania State Police shall cooperate with State and county correctional institutions, the Pennsylvania Board of Probation and Parole, the county office of~~

~~probation and parole, any court with jurisdiction over a sexual
offender, the chief juvenile probation officer of the court,
juvenile probation and parole and the Department of Public
Welfare to ensure that the information set forth in subsections
(b) and (c) is provided and placed in the registry.~~

~~§ 9799.17. Reduction of period of registration.~~

~~(a) General rule. The period of registration set forth in
section 9799.15(a)(1) (relating to period of registration) shall
be reduced for an individual who was convicted of a sexually
violent offense and is required to register for a period of 15
years if all of the following apply:~~

~~(1) A period of ten years has elapsed since the
individual was convicted of the sexually violent offense,
excluding:~~

~~(i) Time spent incarcerated in a State or county
correctional facility of this Commonwealth or another
jurisdiction or foreign country.~~

~~(ii) Time spent supervised by the Pennsylvania Board
of Probation and Parole or the county office of probation
or parole or probation or parole office of another
jurisdiction or foreign country.~~

~~(iii) Time spent completing a sentence of
intermediate punishment or completing another type of
supervision, including time spent in a community
corrections center or community contract facility of this
Commonwealth, another jurisdiction or foreign country.~~

~~(2) The individual has not been convicted of a
subsequent offense graded as a misdemeanor of the second
degree or higher or an offense punishable by more than one
year's imprisonment.~~

~~(3) The individual has not been convicted of a subsequent sexually violent offense.~~

~~(4) The individual successfully completed supervised release, including probation, parole or other form of supervision.~~

~~(5) The individual successfully completed treatment provided under section 9718.1 (relating to sexual offender treatment) or treatment recognized by another jurisdiction or foreign country or the United States Attorney General under section 115(b)(1) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 42 U.S.C. § 16915(b)(1)).~~

~~(b) Juvenile offender. An individual who is a juvenile offender shall have the requirement to register terminated if all of the following apply:~~

~~(1) At least 25 years have elapsed since the individual was:~~

~~(i) adjudicated delinquent for an offense which, if committed by an adult, would be classified as an offense under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault) or an attempt, solicitation or conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123 or 3125, excluding time spent under the supervision of the court, including commitment to an institution or facility set forth in section 6352(a)(3) (relating to deposition of delinquent child); or~~

~~(ii) adjudicated delinquent for an offense in another jurisdiction which is similar to that which if~~

~~committed by an adult in this Commonwealth would be
classified as an offense under 18 Pa.C.S. § 3121, 3123 or
3125 or an attempt, solicitation or conspiracy to commit
an offense under 18 Pa.C.S. § 3121, 3123 or 3125.~~

~~(2) The individual has not been convicted of a
subsequent offense:~~

~~(i) graded as a misdemeanor of the second degree or
higher; or~~

~~(ii) which is punishable by a term of imprisonment
greater than one year.~~

~~(3) The individual successfully completed court ordered
supervision.~~

~~(4) The individual successfully completed a treatment
program for sexual offenders recognized by the juvenile court
in this Commonwealth or another jurisdiction or the United
States Attorney General under section 115(b)(1) of the Adam
Walsh Child Protection and Safety Act of 2006 (42 U.S.C. §
16915(b)(1)).~~

~~(c) Procedure. An individual who seeks to reduce the period
of registration to ten years pursuant to subsection (a) and an
individual who seeks to terminate the obligation to register
pursuant to subsection (b) may petition the sentencing court for
reduction or termination, as appropriate. The court shall:~~

~~(1) Enter an order directing the petitioner be assessed
by the board in accordance with section 9799.24 (relating to
assessments). The order for assessment shall be sent to the
administrative officer of the board within ten days of its
entry. No later than 90 days following receipt of such an
order, the board shall submit a written report containing its
assessment to the sentencing court, district attorney and the~~

~~attorney for the petitioner.~~

~~(2) Within 120 days of the filing of the petition under paragraph (1), the sentencing court shall hold a hearing to determine whether to reduce the period of registration to ten years or to terminate the obligation to register, as appropriate. The petitioner and the district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. The petitioner shall have the right to counsel and to have a lawyer appointed if the petitioner cannot afford one.~~

~~(3) The sentencing court shall reduce the period of registration to ten years or terminate the obligation to register, as appropriate, only upon a finding of clear and convincing evidence that allowing the petitioner to reduce the period of registration or to terminate the obligation to register, as appropriate, is not likely to pose a threat to the safety of any other person.~~

~~(d) Notice. A court granting relief under this section shall notify the Pennsylvania State Police in writing within ten days from the date relief is granted.~~

~~(e) Right to appeal. The petitioner and the Commonwealth shall have the right to appellate review of the actions of the sentencing court taken under this section. An appeal by the Commonwealth shall stay the order of the sentencing court.~~

~~(f) Prohibition. This section shall not apply to an individual who:~~

~~(1) Has been designated as a sexually violent predator.~~

~~(2) Has been convicted of a sexually violent offense who is required to register for a period of 25 years.~~

~~(3) Has been convicted of a sexually violent offense who is required to register for a period of life.~~

~~(4) Is a sexually violent delinquent child.~~

~~§ 9799.18. Information sharing.~~

~~(a) General rule. The Pennsylvania State Police shall, within three business days, transfer information provided by an individual set forth in section 9799.13 (relating to applicability) under sections 9799.15(g) and (i) (relating to period of registration), 9799.16(b) (relating to registry) and 9799.19 (relating to initial registration) to:~~

~~(1) A jurisdiction in which the individual is required to register the individual's residence, employment or enrollment as a student.~~

~~(2) A jurisdiction in which the individual has terminated the individual's residence, employment or enrollment as a student.~~

~~(3) The United States Attorney General, the Department of Justice and the United States Marshals Service for inclusion in the National Sex Offender Registry, NCIC and any other database established by such Federal agencies.~~

~~(4) The district attorney of the county in which the individual:~~

~~(i) establishes a residence or terminates a residence;~~

~~(ii) commences employment or terminates employment;~~
~~or~~

~~(iii) enrolls as a student or terminates enrollment as a student.~~

~~(5) The chief law enforcement officer of the police department of the municipality in which the individual:~~

~~(i) establishes a residence or terminates a residence;~~

~~(ii) commences employment or terminates employment;~~
~~or~~

~~(iii) enrolls as a student or terminates enrollment as a student.~~

~~(6) The county office of probation and parole for the county in which the individual:~~

~~(i) establishes a residence or terminates a residence;~~

~~(ii) commences employment or terminates employment;~~
~~or~~

~~(iii) enrolls as a student or terminates enrollment as a student.~~

~~(b) When sexual offender fails to appear. When another jurisdiction notifies this Commonwealth that a sexual offender has terminated his residence, employment or enrollment as a student in that jurisdiction and intends to establish a residence in this Commonwealth, commence employment in this Commonwealth or commence enrollment as a student in this Commonwealth and that sexual offender fails to appear in this Commonwealth to register, the Pennsylvania State Police shall notify the other jurisdiction that the sexual offender failed to appear.~~

~~(c) International residence. The Pennsylvania State Police shall, within three business days, transfer information that a sexual offender intends to establish residence in another country to:~~

~~(1) A jurisdiction in which the sexual offender is required to register residence, employment or enrollment as a~~

~~student.~~

~~(2) The United States Marshals Service.~~

~~(3) The Department of Justice for inclusion in the
National Sex Offender Registry and NCIC.~~

~~(d) International travel. The Pennsylvania State Police
shall, within three business days, transfer information about
international travel provided by the sexual offender under
section 9799.15(i) to:~~

~~(1) A jurisdiction in which the sexual offender is
required to register the sexual offender's residence,
employment or enrollment as a student.~~

~~(2) The United States Marshals Service.~~

~~(3) The Department of Justice for inclusion in the
National Sex Offender Registry and NCIC.~~

~~(e) National Child Protection Act agencies. The
Pennsylvania State Police shall, within three business days,
transfer such criminal history record information about a sexual
offender in the registry necessary to enable an agency
responsible for conducting employment related background checks
under section 3 of the National Child Protection Act of 1993
(Public Law 103-209, 42 U.S.C. 5119a) to conduct the background
checks.~~

~~§ 9799.19. Initial registration.~~

~~(a) General rule. An individual set forth in section
9799.13 (relating to applicability) shall initially register
with the Pennsylvania State Police as set forth in this section.~~

~~(b) Initial registration if incarcerated within
Commonwealth. The following apply:~~

~~(1) If the individual is, on or after the effective date
of this section, incarcerated in a State or county~~

~~correctional facility, the individual shall provide the information set forth in section 9799.16(b) (relating to registry) to the appropriate official of the State or county correctional facility or the Pennsylvania Board of Probation and Parole for inclusion in the registry before being released due to:~~

~~(i) the expiration of sentence, in which case the information shall be collected no later than ten days prior to the maximum expiration date;~~

~~(ii) parole;~~

~~(iii) State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional institution or a work release facility; or~~

~~(iv) special probation supervised by the Pennsylvania Board of Probation and Parole.~~

~~(2) For individuals set forth in paragraph (1), the appropriate official of the State or county correctional facility or the Pennsylvania Board of Probation and Parole shall collect and forward the information in section 9799.16(b) to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information in section 9799.16(b) and (c) shall be included in the registry. With respect to individuals released under paragraphs (1)(ii), (iii) or (iv), the State or county correctional facility shall not release the individual until it receives verification from the Pennsylvania State Police that it has~~

1 ~~received the information set forth in section 9799.16(b) and~~
2 ~~(c). Verification may take place by electronic means. With~~
3 ~~respect to individuals released under paragraph (1)(i), if~~
4 ~~the individual refuses to provide the information set forth~~
5 ~~in section 9799.16(b), the State or county correctional~~
6 ~~institution shall notify the Pennsylvania State Police or the~~
7 ~~municipal police department with jurisdiction over the~~
8 ~~facility of the failure to provide the information and of the~~
9 ~~expected date, time and location of the release of the~~
10 ~~individual.~~

11 ~~(c) Initial registration if sentenced to county intermediate~~
12 ~~punishment on effective date of section. If the individual is,~~
13 ~~on the effective date of this section, sentenced to county~~
14 ~~intermediate punishment which is restorative where the~~
15 ~~individual is not sentenced to incarceration or to a work-~~
16 ~~release facility, the individual shall provide the information~~
17 ~~set forth in section 9799.16(b) by appearing at an approved~~
18 ~~registration site within 48 hours of being sentenced. The~~
19 ~~appropriate official of the county office of probation and~~
20 ~~parole shall ensure that the individual has appeared at an~~
21 ~~approved registration site as set forth in this subsection. If~~
22 ~~the individual fails to appear, the appropriate official of the~~
23 ~~county office of probation and parole shall notify the~~
24 ~~Pennsylvania State Police. The Pennsylvania State Police shall~~
25 ~~ensure the information set forth in section 9799.16(c) with~~
26 ~~respect to the individual is collected and entered in the~~
27 ~~registry.~~

28 ~~(d) Initial registration if sentenced to county intermediate~~
29 ~~punishment after effective date of section. If the individual~~
30 ~~is, after the effective date of this section, sentenced to~~

~~county intermediate punishment, the following apply:~~

~~(1) If the individual is sentenced to county intermediate punishment which is restorative, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.~~

~~(2) If the individual is sentenced to county intermediate punishment which is restrictive where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.~~

~~(c) Initial registration if sentenced to county probation on~~

~~or after effective date of section. If the individual is, on or after the effective date of this section, sentenced to county probation, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.~~

~~(f) Initial registration if being supervised by Commonwealth under Interstate Compact for Adult Offender Supervision. If an individual is in this Commonwealth and is being supervised by the State Board of Probation and Parole or the county office of probation and parole pursuant to the Interstate Compact for Adult Offender Supervision, the following apply:~~

~~(1) If the individual is being supervised under the compact after the effective date of this section, the individual shall provide the information set forth in section 9799.16(b) to the appropriate official of the State Board of Probation and Parole or the county office of probation and parole for inclusion in the registry. The appropriate official shall collect the information set forth in section 9799.16(b) and forward the information to the Pennsylvania State Police. The appropriate official shall, in addition,~~

~~ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. If the individual fails to provide the information in section 9799.16(b), the appropriate official of the State Board of Probation and Parole or county office of probation and parole shall notify the Pennsylvania State Police.~~

~~(2) If the individual is being supervised under the compact on the effective date of this section, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section. The appropriate official of the Pennsylvania Board of Probation and Parole or the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official shall notify the Pennsylvania State Police. The appropriate official shall, in addition, ensure the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police.~~

~~(g) Supervision of individual convicted in Commonwealth who does not intend to reside in Commonwealth. On or after the effective date of this section, an individual convicted of a sexually violent offense within this Commonwealth who seeks transfer of supervision to another jurisdiction pursuant to the Interstate Compact for Adult Offender Supervision, shall not have supervision transferred to another jurisdiction prior to the individual's registration with the Pennsylvania State Police as set forth in this section.~~

~~(h) Initial registration of juvenile offender or sexually~~

~~violent delinquent child. If the individual is a juvenile offender or a sexually violent delinquent child, the following apply:~~

~~(1) If the individual is a juvenile offender who is adjudicated delinquent by a court on or after the effective date of this section, the court shall require the individual to provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court at the time of disposition under section 6352 (relating to disposition of delinquent child). The chief juvenile probation officer shall collect the information in section 9799.16(b) and (c) and forward it to the Pennsylvania State Police for inclusion in the registry as directed by the Pennsylvania State Police. If the juvenile offender is under court ordered placement in an institution or facility set forth in section 6352(a)(3), the institution or facility shall ensure the information provided by the juvenile offender pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The institution or facility may not release the juvenile offender until it receives verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered in the registry.~~

~~(2) If the individual is, on the effective date of this section, a juvenile offender and is subject to the jurisdiction of the court pursuant to a disposition entered under section 6352 and is on probation, the individual shall provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court within 30 days of the effective date of this section. The chief juvenile probation officer shall collect the information set~~

1 ~~forth in section 9799.16(b) and (c) and forward it to the~~
2 ~~Pennsylvania State Police for inclusion in the registry, as~~
3 ~~directed by the Pennsylvania State Police.~~

4 ~~(3) If the individual is, on the effective date of this~~
5 ~~section, a juvenile offender and is subject to the~~
6 ~~jurisdiction of a court pursuant to a disposition entered~~
7 ~~under section 6352 and is under court ordered placement in an~~
8 ~~institution or facility set forth in section 6352, the~~
9 ~~director of the institution or facility or a designee shall~~
10 ~~make the juvenile offender available for and facilitate the~~
11 ~~collection of the information set forth in section 9799.16(b)~~
12 ~~and (c) as directed by the Pennsylvania State Police for~~
13 ~~inclusion in the registry. The Pennsylvania State Police may~~
14 ~~require the institution or facility to transport the juvenile~~
15 ~~offender to and from an approved registration site in order~~
16 ~~to fulfill the requirement of this paragraph. In order to~~
17 ~~fulfill the requirements of this paragraph, the chief~~
18 ~~juvenile probation officer of the court shall, within ten~~
19 ~~days of the effective date of this section, notify the~~
20 ~~director of the institution or facility and the Pennsylvania~~
21 ~~State Police that the juvenile offender is required to~~
22 ~~register under this subchapter. In addition, the institution~~
23 ~~or facility shall ensure that the information provided by the~~
24 ~~juvenile offender pursuant to section 9799.16(b) is updated~~
25 ~~to reflect accurate information prior to release. The~~
26 ~~juvenile offender may not be released until the institution~~
27 ~~or facility receives verification from the Pennsylvania State~~
28 ~~Police that the information required under section 9799.16(b)~~
29 ~~and (c) has been entered into the registry.~~

30 ~~(4) If the individual is, on the effective date of this~~

~~section, a sexually violent delinquent child and receiving involuntary treatment in the State owned facility or unit under Chapter 64 (relating to court ordered involuntary treatment of certain sexually violent persons), the director of the facility or unit or a designee shall make the sexually violent delinquent child available for and facilitate the collection of the information set forth in section 9799.16(b) and (c) as directed by the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the facility or unit to transport the sexually violent delinquent child to and from an approved registration site in order to fulfill the requirement of this paragraph. In addition, the facility or unit shall ensure that the information provided by the sexually violent delinquent child pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The facility or unit may not release the sexually violent delinquent child until it has received verification from the Pennsylvania State Police that it has received the information set forth in section 9799.16(b) and (c).~~

~~(5) If the individual is, on or after the effective date of this section, determined by the court to be a sexually violent delinquent child and committed for involuntary treatment to the State owned facility or unit under Chapter 64, the following apply:~~

~~(i) The court shall require the individual to provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court at the time of commitment. The chief juvenile probation officer shall collect and forward the information to the~~

~~Pennsylvania State Police for inclusion in the registry.~~
~~The chief juvenile probation officer shall, at the time~~
~~of commitment, also ensure that the information set forth~~
~~in section 9799.16(c) is collected and forwarded to the~~
~~Pennsylvania State Police for inclusion in the registry.~~
~~The Pennsylvania State Police may require the facility or~~
~~unit to transport the sexually violent delinquent child~~
~~to and from an approved registration site in order to~~
~~fulfill the requirement of initial registration at the~~
~~time of commitment.~~

~~(ii) The facility or unit shall ensure that the~~
~~information provided by the sexually violent delinquent~~
~~child pursuant to section 9799.16(b) is updated to~~
~~reflect accurate information prior to transfer to~~
~~involuntary outpatient treatment pursuant to section~~
~~6404.1 (relating to transfer to involuntary outpatient~~
~~treatment) or discharge. The court may not discharge the~~
~~sexually violent delinquent child from the facility or~~
~~unit until it has received verification from the~~
~~Pennsylvania State Police that the information required~~
~~under section 9799.16(b) and (c) has been entered in the~~
~~registry.~~

~~(i) Initial registration if convicted outside~~
~~Commonwealth. If the individual is, on or after the effective~~
~~date of this section, convicted of a sexually violent offense in~~
~~another jurisdiction or a foreign country or of a comparable~~
~~military offense, the individual shall appear in person at an~~
~~approved registration site to provide the information set forth~~
~~in section 9799.16(b) to the Pennsylvania State Police within~~
~~three business days of establishing residence, commencing~~

~~employment or commencing enrollment as a student within this Commonwealth. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15 (relating to period of registration). If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.~~

~~(j) Former law and initial registration. If the individual was required to register under this subchapter before the effective date of this section and has not fulfilled the period of registration, the individual shall appear at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within 90 days of the effective date of this section. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.~~

~~§ 9799.20. Duty to inform.~~

~~In order to implement the provisions of section 9799.19 (relating to initial registration), the Pennsylvania State Police, the court having jurisdiction over the sexual offender, the chief juvenile probation officer of the court and the appropriate official of the Pennsylvania Board of Probation and Parole, county office of probation and parole, the Department of Public Welfare or a State or county correctional institution~~

1 ~~shall:~~

2 ~~(1) Inform the individual required to register of the~~
3 ~~individual's duties under this subchapter.~~

4 ~~(2) Require the individual to read and sign a form~~
5 ~~stating that the duty to register has been explained and that~~
6 ~~the individual understands the registration requirement.~~

7 ~~(3) Collect the information required under section~~
8 ~~9799.16 (b) and (c) (relating to registry) and forward the~~
9 ~~information to the Pennsylvania State Police for inclusion in~~
10 ~~the registry as set forth in this subchapter.~~

11 ~~§ 9799.21. Penalty.~~

12 ~~An individual set forth in section 9799.13 (relating to~~
13 ~~applicability) may be subject to prosecution under 18 Pa.C.S. §~~
14 ~~4915 (relating to failure to comply with registration of sexual~~
15 ~~offenders requirements) if the individual fails to:~~

16 ~~(1) register with the Pennsylvania State Police as set~~
17 ~~forth in section 9799.15 (relating to period of~~
18 ~~registration), 9799.19 (relating to initial registration) or~~
19 ~~9799.25 (relating to verification by sexual offenders and~~
20 ~~Pennsylvania State Police);~~

21 ~~(2) verify the information provided by the individual or~~
22 ~~be photographed as provided in sections 9799.15, 9799.19 and~~
23 ~~9799.25; or~~

24 ~~(3) provide accurate information when registering under~~
25 ~~sections 9799.15, 9799.19 and 9799.25.~~

26 ~~§ 9799.22. Enforcement.~~

27 ~~(a) Failure to comply. When an individual set forth in~~
28 ~~section 9799.13 (relating to applicability) fails to comply with~~
29 ~~section 9799.21(1), (2) or (3) (relating to penalty), the~~
30 ~~Pennsylvania State Police shall:~~

~~(1) locate and arrest the individual for violating this section; or~~

~~(2) notify the municipal police department where the individual has a residence, is employed or is enrolled as a student. The municipal police shall locate and arrest the individual for violating this section. In municipalities where no municipal police department exists, the Pennsylvania State Police shall proceed under paragraph (1).~~

~~(b) When individual cannot be found. In the event the individual cannot be located, the Pennsylvania State Police shall:~~

~~(1) Enter information on the Internet website of sexual offenders and in the registry indicating that the individual cannot be located.~~

~~(2) Provide information to the National Sex Offender Registry and NCIC to reflect that the individual cannot be located.~~

~~(3) Notify the United States Marshals Service.~~

~~(4) In cooperation with the district attorney, seek issuance of a warrant for the arrest of the individual. If a warrant is issued pursuant to this paragraph, the Pennsylvania State Police shall provide information to the National Crime Information Center Wanted Person File to reflect that a warrant has been issued for the individual's arrest.~~

~~(c) Notice from another jurisdiction. When another jurisdiction notifies the Commonwealth that a sexual offender has terminated residence, employment or enrollment as a student in that jurisdiction and intends to establish a residence in this Commonwealth, commence employment in this Commonwealth or~~

~~commence enrollment as a student in this Commonwealth, and that
sexual offender fails to appear in this Commonwealth to register
as provided in section 9799.15 (relating to period of
registration), the Pennsylvania State Police shall notify the
other jurisdiction that the sexual offender failed to appear.~~

~~(d) Duty to inform Pennsylvania State Police. In order to
implement the provisions of section 9799.15 and section 9799.19
(relating to initial registration), the court with jurisdiction
over the sexual offender, the chief juvenile probation officer
of the court and the appropriate official of the Pennsylvania
Board of Probation and Parole, the county office of probation
and parole, the Department of Public Welfare or a State or
county correctional institution shall inform the Pennsylvania
State Police if the individual refuses to provide the
information required. The Pennsylvania State Police shall locate
and arrest the individual for a violation of 18 Pa.C.S. § 4915
(relating to failure to comply with registration of sexual
offenders requirements).~~

~~§ 9799.23. Court notification and classification requirements.~~

~~(a) Notice to sexual offenders. At the time of sentencing
or disposition, in the case of a juvenile offender or sexually
violent delinquent child, the court shall inform the sexual
offender of the provisions of this subchapter. The court shall:~~

~~(1) Specifically inform the sexual offender of the duty
to register under this subchapter.~~

~~(2) Specifically inform the sexual offender of the duty
to register in accordance with sections 9799.15 (relating to
period of registration), 9799.16(b) (relating to registry),
9799.19 (relating to initial registration) and 9799.25
(relating to verification by sexual offenders and~~

Pennsylvania State Police).

(3) Specifically inform the sexual offender of the duty to register with authorities in another jurisdiction within three business days of:

(i) Commencement of residence, change of residence, termination of residence or failure to maintain a residence, thus making the sexual offender a transient.

(ii) Commencement of employment, a change in the location or entity in which the sexual offender is employed or termination of employment.

(iii) Commencement of enrollment as a student, a change in enrollment as a student or termination of enrollment as a student.

(4) In accordance with section 9799.16(c), order that the fingerprints, palm prints, DNA sample and photograph of the sexual offender be provided to the Pennsylvania State Police upon sentencing.

(5) Require the sexual offender to read and sign a form stating that the duty to register under this subchapter has been explained. If the sexual offender is incapable of speaking, reading or writing the English language, the court shall certify the duty to register was explained to the sexual offender, and the sexual offender indicated an understanding of the duty.

(6) Specifically classify the individual as one of the following:

(i) An individual convicted of a Tier I offense.

(ii) An individual convicted of a Tier II offense.

(iii) An individual convicted of a Tier III offense.

(iv) A sexually violent predator.

~~(v) A juvenile offender.~~

~~(vi) A sexually violent delinquent child.~~

~~(b) Mandatory registration. All sexual offenders must register in accordance with this subchapter. The following apply:~~

~~(1) Failure by the court to provide the information required in this section, to correctly inform a sexual offender of the sexual offender's obligations or to require a sexual offender to register shall not relieve the sexual offender from the requirements of this subchapter.~~

~~(2) Except as provided in section 9799.17 (relating to reduction of period of registration), the court shall have no authority to relieve a sexual offender from the duty to register under this subchapter or to modify the requirements of this subchapter as they relate to the sexual offender.~~

~~§ 9799.24. Assessments.~~

~~(a) Order for assessment. After conviction but before sentencing, a court shall order an individual convicted of a sexually violent offense to be assessed by the board. The order for an assessment shall be sent to the administrative officer of the board within ten days of the date of conviction for the sexually violent offense.~~

~~(b) Assessment. Upon receipt from the court of an order for an assessment, a member of the board as designated by the administrative officer of the board shall conduct an assessment of the individual to determine if the individual should be classified as a sexually violent predator. The board shall establish standards for evaluations and for evaluators conducting the assessments. An assessment shall include, but not be limited to, an examination of the following:~~

~~(1) Facts of the current offense, including:~~

~~(i) Whether the offense involved multiple victims.~~

~~(ii) Whether the individual exceeded the means
necessary to achieve the offense.~~

~~(iii) The nature of the sexual contact with the
victim.~~

~~(iv) Relationship of the individual to the victim.~~

~~(v) Age of the victim.~~

~~(vi) Whether the offense included a display of
unusual cruelty by the individual during the commission
of the crime.~~

~~(vii) The mental capacity of the victim.~~

~~(2) Prior offense history, including:~~

~~(i) The individual's prior criminal record.~~

~~(ii) Whether the individual completed any prior
sentences.~~

~~(iii) Whether the individual participated in
available programs for sexual offenders.~~

~~(3) Characteristics of the individual, including:~~

~~(i) Age.~~

~~(ii) Use of illegal drugs.~~

~~(iii) Any mental illness, mental disability or
mental abnormality.~~

~~(iv) Behavioral characteristics that contribute to
the individual's conduct.~~

~~(4) Factors that are supported in a sexual offender
assessment field as criteria reasonably related to the risk
of reoffense.~~

~~(c) Release of information. All State, county and local
agencies, offices and entities in this Commonwealth, including~~

~~juvenile probation officers, shall cooperate by providing copies
of records and information as requested by the board in
connection with the court ordered assessment and the assessment
requested by the Pennsylvania Board of Probation and Parole or
the assessment of a delinquent child under section 6358
(relating to assessment of delinquent children by the State
Sexual Offenders Assessment Board).~~

~~(d) Submission of report by board. The board shall have 90
days from the date of conviction of the individual to submit a
written report containing its assessment to the district
attorney.~~

~~(d.1) Summary of offense. The board shall prepare a
description of the offense or offenses that trigger the
application of this subchapter to include, but not be limited
to:~~

~~(1) A concise narrative of the individual's conduct.~~

~~(2) Whether the victim was a minor.~~

~~(3) The manner of weapon or physical force used or
threatened.~~

~~(4) If the offense involved unauthorized entry into a
room or vehicle occupied by the victim.~~

~~(5) If the offense was part of a course or pattern of
conduct involving multiple incidents or victims.~~

~~(6) Previous instances in which the individual was
determined guilty of an offense subject to this subchapter or
of a crime of violence as defined in section 9714(g)
(relating to sentences for second and subsequent offenses).~~

~~(e) Hearing.~~

~~(1) A hearing to determine whether the individual is a
sexually violent predator shall be scheduled upon the~~

~~praecipe filed by the district attorney. The district attorney upon filing a praecipe shall serve a copy of the praecipe upon defense counsel together with a copy of the report of the board.~~

~~(2) The individual and district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. In addition, the individual shall have the right to counsel and to have an attorney appointed to represent the individual if the individual cannot afford one. If the individual requests another expert assessment, the individual shall provide a copy of the expert assessment to the district attorney prior to the hearing.~~

~~(3) At the hearing prior to sentencing, the court shall determine whether the Commonwealth has proved by clear and convincing evidence that the individual is a sexually violent predator.~~

~~(4) A copy of the order containing the determination of the court shall be immediately submitted to the individual, the district attorney, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board and the Pennsylvania State Police.~~

~~(f) Presentence investigation. In all cases where the board has performed an assessment under this section, copies of the report shall be provided to the agency preparing the presentence investigation.~~

~~(g) Parole assessment. The Pennsylvania Board of Probation and Parole may request of the board that an assessment of a sexual offender be conducted and that a report be provided to~~

~~the Pennsylvania Board of Probation and Parole prior to considering a sexual offender for parole.~~

~~(h) Delinquent children. The probation officer shall notify the board 90 days prior to the 20th birthday of the child of the status of the delinquent child who is committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) after having been found delinquent for an act of sexual violence that if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest), together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality as defined in section 6402 (relating to definitions) or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court within the time frames set forth in section 6358(c). The probation officer shall assist the board in obtaining access to the child and any records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).~~

~~(i) Other assessments. Upon receipt from the court of an order for an assessment under section 9799.17 (relating to reduction of period of registration), a member of the board as designated by the administrative officer of the board shall conduct an assessment of the individual to determine if the~~

~~relief sought, if granted, is likely to pose a threat to the safety of any other person. The board shall establish standards for evaluations and for evaluators conducting these assessments.~~

~~§ 9799.25. Verification by sexual offenders and Pennsylvania State Police.~~

~~(a) Periodic verification. Except for initial registration as provided in section 9799.19 (relating to initial registration) and in accordance with section 9799.15(a) (relating to period of registration), sexual offenders shall verify the information provided in section 9799.16(b) (relating to registry) and be photographed as follows:~~

~~(1) An individual convicted of a Tier I sexual offense shall appear in person at an approved registration site once per calendar year.~~

~~(2) An individual convicted of a Tier II sexual offense shall appear in person at an approved registration site every 180 days.~~

~~(3) An individual convicted of a Tier III sexual offense shall appear in person at an approved registration site every 90 days.~~

~~(4) An individual designated as a sexually violent predator shall appear in person at an approved registration site every 90 days.~~

~~(5) A juvenile offender shall appear in person at an approved registration site every 90 days.~~

~~(6) A sexually violent delinquent child shall appear in person at an approved registration site every 90 days.~~

~~(7) A transient shall appear in person at an approved registration site every 30 days.~~

~~(b) Deadline. The following apply:~~

~~(1) A sexual offender shall appear as required under subsection (a) within ten days of the date designated by the Pennsylvania State Police. Failure to appear within ten days may subject the sexual offender to prosecution under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements).~~

~~(2) In the case of a sexual offender who fails to appear as required under this section, the Pennsylvania State Police shall notify the municipal police department where the sexual offender has a residence, is employed or is enrolled as a student. The municipal police shall locate the sexual offender and arrest the sexual offender for violating this section. A municipal police department may request assistance locating or arresting a sexual offender from the Pennsylvania State Police. In municipalities where no municipal police department exists, the Pennsylvania State Police shall locate the offender and arrest the sexual offender for violating this section.~~

~~(3) In the case of a sexual offender who fails to appear as required under this section, the Pennsylvania State Police shall notify the United States Marshals Service in accordance with section 9799.22(b)(3) (relating to enforcement).~~

~~(c) Facilitation of verification. The Pennsylvania State Police shall administer and facilitate the process of verification of information, including compliance with counseling in the case of sexually violent predators, and photographing the sexual offender by:~~

~~(1) Sending a notice by first class United States mail to each sexual offender at the offender's last reported residence or location, including a post office box. The~~

~~notice shall be sent not more than 30 days nor less than 15 days prior to the date a sexual offender is required to appear pursuant to subsection (a). The notice shall remind the sexual offender of the sexual offender's responsibilities under this subchapter, including counseling in the case of sexually violent predators, and provide a list of approved registration sites.~~

~~(2) Providing verification and compliance forms as necessary at each approved registration site.~~

~~(d) Effect of notice. Failure to send or receive notice of information under this section shall not relieve the sexual offender from the requirements of this subchapter.~~

~~(e) Natural disaster. The occurrence of a natural disaster or other event requiring evacuation of residences shall not relieve the sexual offender of the duty to register or any other duty imposed by this subchapter.~~

~~§ 9799.26. Victim notification.~~

~~(a) Duty to inform victim.~~

~~(1) If an offender is determined to be a sexually violent predator or a sexually violent delinquent child, the municipal police department or the Pennsylvania State Police, if no municipal police jurisdiction exists, shall give written notice to the victim when the sexually violent predator or the sexually violent delinquent child registers initially under section 9799.19 (relating to initial registration) or under section 9799.15(g) (2), (3) or (4) (relating to period of registration). The notice shall be given within 72 hours after the sexually violent predator or the sexually violent delinquent child registers or notifies the Pennsylvania State Police of current information under~~

~~section 9799.15(g). The notice shall contain the following information about the sexually violent predator or sexually violent delinquent child:~~

~~(i) Name.~~

~~(ii) Residence. This subparagraph includes whether the sexually violent predator or sexually violent delinquent child is a transient, in which case the notice shall contain information about the transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park. In addition, the notice shall contain a list of places the transient eats, frequents and engages in leisure activities.~~

~~(iii) The address of employment.~~

~~(iv) The address where the sexually violent predator or sexually violent delinquent child is enrolled as a student.~~

~~(2) A victim may terminate the duty to inform set forth in paragraph (1) by providing the local municipal police department or the Pennsylvania State Police, if no local municipal police department exists, with a written statement releasing that agency from the duty to comply with this section as it pertains to that victim.~~

~~(b) Individual not determined to be sexually violent predator. If an individual is not determined to be a sexually violent predator or a sexually violent delinquent child, the victim shall be notified in accordance with section 201 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.~~

~~(c) Electronic notification option. In addition to subsections (a) and (b), the Pennsylvania State Police shall~~

~~develop and implement a system that allows a victim to receive electronic notification instead of the notification in subsections (a) and (b) when a sexual offender provides current information to the Pennsylvania State Police under subsection (a).~~

~~§ 9799.27. Other notification.~~

~~(a) Notice. Notwithstanding the provisions of Chapter 63 (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the chief law enforcement officer of the police department of the municipality where a sexually violent predator or sexually violent delinquent child lives or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the chief law enforcement officer of the police department of the transient's last known habitat, shall be responsible for providing written notice as required under this section. The notice shall contain:~~

~~(1) The name of the individual.~~

~~(2) The address of the residence of the individual. If the individual is a transient, written notice under this paragraph shall consist of information about the transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park and a list of the places the transient eats, frequents and engages in leisure activities.~~

~~(3) The offense for which the individual was convicted, sentenced by a court, adjudicated delinquent or court martialled.~~

~~(4) A statement that the individual has been determined to be a sexually violent predator or sexually violent~~

~~delinquent child, which determination has or has not been
terminated as of a date certain.~~

~~(5) A photograph of the sexually violent predator or
sexually violent delinquent child.~~

~~The notice shall not include any information that might reveal
the victim's name, identity and residence.~~

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

~~(1) Neighbors of the sexually violent predator or
sexually violent delinquent child. As used in this paragraph:~~

~~(i) In the case of a sexually violent predator or
sexually violent delinquent child being a transient,
"neighbor" includes residents in the area of the
transient's last known temporary habitat or other
temporary place of abode or dwelling, including a
homeless shelter or park.~~

~~(ii) Where the sexually violent predator lives in a
common interest community, the term "neighbor" includes
the unit owners' association and residents of the common
interest community.~~

~~(2) The director of the county children and youth agency
of the county where the sexually violent predator or sexually
violent delinquent child has a residence or, in the case of a
sexually violent predator or sexually violent delinquent
child failing to establish a residence and being a transient,
the director of the county children and youth agency of the
county of the sexually violent predator's or sexually violent
delinquent child's last known temporary habitat or other
temporary place of abode or dwelling, including a homeless~~

1 ~~shelter or park.~~

2 ~~(3) The superintendent of each school district and the~~
3 ~~equivalent official for each private and parochial school~~
4 ~~enrolling students up through grade 12 in the municipality~~
5 ~~where the sexually violent predator or sexually violent~~
6 ~~delinquent child has a residence or, in the case of a~~
7 ~~sexually violent predator or sexually violent delinquent~~
8 ~~child failing to establish a residence and being a transient,~~
9 ~~the superintendent of each school district and the equivalent~~
10 ~~official for private and parochial schools enrolling students~~
11 ~~up through grade 12 in the municipality of the sexually~~
12 ~~violent predator's or sexually violent delinquent child's~~
13 ~~last known temporary habitat or other temporary place of~~
14 ~~abode or dwelling, including a homeless shelter or park.~~

15 ~~(4) The superintendent of each school district and the~~
16 ~~equivalent official for each private and parochial school~~
17 ~~located within a one mile radius of where the sexually~~
18 ~~violent predator or sexually violent delinquent child has a~~
19 ~~residence or, in the case of a sexually violent predator or~~
20 ~~sexually violent delinquent child failing to establish a~~
21 ~~residence and being a transient, the superintendent of each~~
22 ~~school district and the equivalent official for each private~~
23 ~~and parochial school within a one mile radius of the sexually~~
24 ~~violent predator's or sexually violent delinquent child's~~
25 ~~last known temporary habitat or other temporary place of~~
26 ~~abode or dwelling, including a homeless shelter or park.~~

27 ~~(5) The licensee of each certified day care center and~~
28 ~~licensed preschool program and owner or operator of each~~
29 ~~registered family day care home in the municipality where the~~
30 ~~sexually violent predator or sexually violent delinquent~~

~~child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the licensee of each certified day care center and licensed preschool program and owner or operator of each registered family day care home in the municipality of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.~~

~~(6) The president of each college, university and community college located within 1,000 feet of where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the president of each college, university and community college located within 1,000 feet of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.~~

~~(c) Notification time frames. The municipal police department's chief law enforcement officer shall provide notice within the following time frames:~~

~~(1) To neighbors, notice shall be provided within five days after information of the sexually violent predator's or sexually violent delinquent child's release date and residence has been received by the chief law enforcement officer. Notwithstanding the provisions of subsections (a) and (b), verbal notification may be used if written notification would delay meeting the requirement of this~~

1 ~~paragraph.~~

2 ~~(2) To the persons specified in subsection (b) (2), (3),~~
3 ~~(4), (5) and (6), notice shall be provided within seven days~~
4 ~~after the chief law enforcement officer receives information~~
5 ~~regarding the sexually violent predator's or sexually violent~~
6 ~~delinquent child's release date and residence.~~

7 ~~(d) Public notice. Information provided in accordance with~~
8 ~~subsection (a) shall be available to the general public upon~~
9 ~~request. The information may be provided by electronic means.~~

10 ~~§ 9799.28. Public Internet website.~~

11 ~~(a) Information to be made available through Internet. The~~
12 ~~Pennsylvania State Police shall, in the manner and form directed~~
13 ~~by the Governor:~~

14 ~~(1) Develop and maintain a system for making information~~
15 ~~about individuals convicted of a sexually violent offense,~~
16 ~~sexually violent predators and sexually violent delinquent~~
17 ~~children publicly available by electronic means via an~~
18 ~~Internet website. In order to fulfill its duties under this~~
19 ~~section, the Pennsylvania State Police shall ensure that the~~
20 ~~Internet website:~~

21 ~~(i) Contains a feature to permit a member of the~~
22 ~~public to obtain relevant information for an individual~~
23 ~~convicted of a sexually violent offense, a sexually~~
24 ~~violent predator or a sexually violent delinquent child~~
25 ~~by a single query for any given zip code or geographic~~
26 ~~radius set by the user.~~

27 ~~(ii) Contains a feature to allow a member of the~~
28 ~~public to receive electronic notification when an~~
29 ~~individual convicted of a sexually violent offense,~~
30 ~~sexually violent predator or sexually violent delinquent~~

~~child provides information under section 9799.15(g)(2),
(3) or (4) (relating to period of registration) relating
to a geographic area chosen by the user.~~

~~(iii) Includes in its design all field search
capabilities needed for full participation in the Dru
Sjodin National Sex Offender Public Website. The
Pennsylvania State Police shall ensure that the website
is able to participate in the Dru Sjodin National Sex
Offender Public Website as the United States Attorney
General may direct.~~

~~(iv) Is updated within three business days with the
information required.~~

~~(2) Include on the Internet website the following:~~

~~(i) Instructions on how to seek correction of
information that an individual contends is erroneous.~~

~~(ii) A warning that the information on the Internet
website should not be used to unlawfully injure, harass
or commit a crime against an individual convicted of a
sexually violent offense, a sexually violent predator or
a sexually violent delinquent child and that any such
action could result in criminal or civil penalties.~~

~~(3) Include on the Internet website an explanation of
its limitations, including statements advising that:~~

~~(i) A positive identification of an individual
convicted of a sexually violent offense, sexually violent
predator or sexually violent delinquent child may be
confirmed only by fingerprints.~~

~~(ii) Some information contained on the Internet
website may be outdated or inaccurate.~~

~~(iii) The Internet website is not a comprehensive~~

~~listing of every person who has ever committed a sexual offense in Pennsylvania.~~

~~(4) Strive to ensure that the information contained on the Internet website is accurate and that the data therein is revised and updated as provided in paragraph (1)(iv).~~

~~(5) Provide on the Internet website general information designed to inform and educate the public about sexual offenders and the operation of this subchapter as well as pertinent and appropriate information concerning crime prevention and personal safety, with appropriate links to other relevant Internet websites operated by the Commonwealth.~~

~~(b) Required information. Notwithstanding Chapter 63 (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the Internet website shall contain the following information regarding an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child:~~

~~(1) Name and aliases.~~

~~(2) Year of birth.~~

~~(3) Street address, city, county and zip code of residences and intended residences. In the case of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child who fails to establish a residence and is therefore a transient, the Internet website shall contain information about the transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park. In addition, the Internet website shall contain a list of places the transient eats, frequents and engages in~~

1 ~~leisure activities.~~

2 ~~(4) Street address, city, county and zip code of any~~
3 ~~location at which an individual convicted of a sexually~~
4 ~~violent offense, a sexually violent predator or a sexually~~
5 ~~violent delinquent child is enrolled as a student.~~

6 ~~(5) Street address, city, county and zip code of a fixed~~
7 ~~location where an individual convicted of a sexually violent~~
8 ~~offense, a sexually violent predator or a sexually violent~~
9 ~~delinquent child is employed. If an individual convicted of a~~
10 ~~sexually violent offense, a sexually violent predator or a~~
11 ~~sexually violent delinquent child is not employed at a fixed~~
12 ~~address, the information shall include general travel routes~~
13 ~~and general areas of work.~~

14 ~~(6) Current photograph of an individual convicted of a~~
15 ~~sexually violent offense, a sexually violent predator or a~~
16 ~~sexually violent delinquent child.~~

17 ~~(7) Physical description of an individual convicted of a~~
18 ~~sexually violent offense, a sexually violent predator or a~~
19 ~~sexually violent delinquent child.~~

20 ~~(8) License plate number and a description of a vehicle~~
21 ~~owned or operated by an individual convicted of a sexually~~
22 ~~violent offense, a sexually violent predator or a sexually~~
23 ~~violent delinquent child.~~

24 ~~(9) The sexually violent offense for which an individual~~
25 ~~convicted of a sexually violent offense, a sexually violent~~
26 ~~predator or a sexually violent delinquent child is registered~~
27 ~~under this subchapter.~~

28 ~~(10) A statement whether an individual convicted of a~~
29 ~~sexually violent offense, a sexually violent predator or a~~
30 ~~sexually violent delinquent child is in compliance with~~

~~registration.~~

~~(11) A statement whether the victim is a minor.~~

~~(c) Prohibited information. The public Internet website established under this section shall not contain:~~

~~(1) The identity of any victim.~~

~~(2) The Social Security number of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.~~

~~(3) Any information relating to arrests of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child that did not result in conviction.~~

~~(4) Travel and immigration document numbers.~~

~~(d) (Reserved).~~

~~(e) Duration of posting. The information listed in subsection (b) shall be made available on the Internet website unless:~~

~~(1) An individual convicted of a sexually violent offense and who is required to register for a period of 15 years is granted relief under section 9799.17 (relating to reduction of period of registration).~~

~~(2) An individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is deceased, in which case the Internet website shall contain a notice of the death.~~

~~(3) An individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child has terminated residence, has terminated employment or has terminated enrollment as a student within this Commonwealth, in which case the Internet website shall~~

~~contain a notice indicating such information.~~

~~§ 9799.29. Administration.~~

~~The Governor shall direct the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the board, the Department of Corrections, the Department of Transportation and any other agency of the Commonwealth that the Governor deems necessary to collaboratively design, develop and implement an integrated and secure system of communication, storage and retrieval of information to assure the timely, accurate and efficient administration of this subchapter.~~

~~§ 9799.30. Global positioning system technology.~~

~~The Pennsylvania Board of Probation and Parole and county probation authorities may impose supervision conditions that include tracking through global positioning system technology.~~

~~§ 9799.31. Immunity for good faith conduct.~~

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

~~(1) Agents and employees of the Pennsylvania State Police and local law enforcement agencies.~~

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

~~(3) Superintendents, administrators, teachers, employees and volunteers engaged in the supervision of children of any public, private or parochial school.~~

~~(4) Directors and employees of county children and youth agencies.~~

~~(5) Presidents or similar officers of universities and colleges, including community colleges.~~

~~(6) The Pennsylvania Board of Probation and Parole and its agents and employees.~~

~~(7) County probation and parole offices and their agents~~

~~and employees.~~

~~(8) Licensees of certified day care centers and
directors of licensed preschool programs and owners and
operators of registered family day care homes and their
agents and employees.~~

~~(9) The Department of Corrections and its agents and
employees.~~

~~(10) County correctional facilities and their agents and
employees.~~

~~(11) The board and its agents and employees.~~

~~(12) Juvenile probation offices and their agents and
employees.~~

~~(13) The Department of Public Welfare and its agents and
employees.~~

~~(14) Institutions or facilities set forth in section
6352(a)(3) (relating to disposition of delinquent child) and
their agents and employees.~~

~~(15) The unit owners' association of a common interest
community and its agents and employees as it relates to
distributing information regarding section 9799.27(b)(1)
(relating to other notification).~~

~~§ 9799.32. Pennsylvania State Police.~~

~~The Pennsylvania State Police have the following duties:~~

~~(1) To create and maintain the Statewide registry of
sexual offenders in conformity with the provisions of this
subchapter.~~

~~(2) In consultation with the Department of Corrections,
the Office of Attorney General, the Juvenile Court Judges'
Commission, the Administrative Office of Pennsylvania Courts,
the Pennsylvania Board of Probation and Parole and the~~

~~chairman and minority chairman of the Judiciary Committee of the Senate and the chairman and minority chairman of the Judiciary Committee of the House of Representatives, to promulgate guidelines necessary for the general administration of this subchapter. These guidelines shall establish procedures to allow an individual subject to the requirements of this subchapter, including a transient, to fulfill these requirements at approved registration sites throughout this Commonwealth. The Pennsylvania State Police shall publish a list of approved registration sites in the Pennsylvania Bulletin and provide a list of approved registration sites in any notice sent to individuals required to register under this subchapter. An approved registration site shall be capable of submitting fingerprints, palm prints, DNA samples and any other information required electronically to the Pennsylvania State Police. The Pennsylvania State Police shall require that approved registration sites submit fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in such form as the Pennsylvania State Police shall require. Approved registration sites shall not be limited to sites managed by the Pennsylvania State Police and shall include sites managed by local law enforcement agencies that meet the criteria for approved registration sites set forth in this paragraph.~~

~~(3) To write regulations regarding neighbor notification under section 9799.27(b)(1) (relating to other notification).~~

~~(4) Within three business days, to transfer information as set forth in section 9799.18 (relating to information sharing).~~

1 ~~(5) To enforce the provisions of this subchapter as set~~
2 ~~forth in section 9799.22 (relating to enforcement).~~

3 ~~(6) To facilitate verification of information from~~
4 ~~individuals required to register under this subchapter as~~
5 ~~provided in section 9799.25 (relating to verification by~~
6 ~~sexual offenders and Pennsylvania State Police).~~

7 ~~(7) In consultation with the Department of Education and~~
8 ~~the Pennsylvania Board of Probation and Parole, to promulgate~~
9 ~~guidelines directing licensed day care centers, licensed~~
10 ~~preschool programs, schools, universities and colleges,~~
11 ~~including community colleges, on the proper use and~~
12 ~~administration of information received under section 9799.27.~~

13 ~~(8) In consultation with the Department of Corrections~~
14 ~~and the Pennsylvania Board of Probation and Parole, to~~
15 ~~promulgate guidelines directing State and county correctional~~
16 ~~facilities and State and county probation and parole offices~~
17 ~~regarding the completion of information, including the taking~~
18 ~~of photographs, required by sexual offenders under this~~
19 ~~subchapter.~~

20 ~~(9) In consultation with the Administrative Office of~~
21 ~~Pennsylvania Courts, the Department of Public Welfare and the~~
22 ~~Juvenile Court Judges' Commission, to promulgate guidelines~~
23 ~~regarding the completion of information required by juvenile~~
24 ~~offenders and sexually violent delinquent children under this~~
25 ~~subchapter.~~

26 ~~§ 9799.33. Duties of probation and parole officials.~~

27 ~~(a) Duties. The Pennsylvania Board of Probation and Parole,~~
28 ~~the county office of probation and parole and the chief juvenile~~
29 ~~probation officer of the court shall:~~

30 ~~(1) Perform their respective duties set forth for the~~

~~Pennsylvania Board of Probation and Parole, the county office of probation and parole and the chief juvenile probation officer of the court in accordance with section 9799.19 (relating to initial registration).~~

~~(2) On a form prescribed by the Pennsylvania State Police, notify the Pennsylvania State Police each time a sexual offender is arrested, recommitted to a State or county correctional institution for a parole violation or incarcerated.~~

~~(b) Notification form. The Pennsylvania Board of Probation and Parole shall create a notification form which will inform State and county prison and probation and parole personnel how to inform sexual offenders of their duties under this subchapter. In addition, the Pennsylvania Board of Probation and Parole shall apply for Federal funding as provided in the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 597) to support and enhance programming using global satellite positioning system technology.~~

~~§ 9799.34. Duties of facilities housing sexual offenders.~~

~~The Department of Corrections, a county correctional facility, an institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child) and the separate, State owned facility or unit established under Chapter 64 (relating to court ordered involuntary treatment of certain sexually violent persons), shall have the following duties:~~

~~(1) To perform their respective duties in accordance with section 9799.19 (relating to initial registration). This paragraph includes taking a current photograph of the individual required to register under this subchapter before the individual is released from confinement or commitment or~~

1 ~~is discharged.~~

2 ~~(2) On a form prescribed by the Pennsylvania State~~
3 ~~Police, to notify the Pennsylvania State Police each time a~~
4 ~~sexual offender is incarcerated, committed or released,~~
5 ~~including supervised release or transfer to another~~
6 ~~correctional institution or facility or institution, in the~~
7 ~~case of a juvenile offender or sexually violent delinquent~~
8 ~~child. This paragraph shall include a community corrections~~
9 ~~center or community contract facility.~~

10 ~~(3) To assist sexual offenders registering under this~~
11 ~~subchapter.~~

12 ~~§ 9799.35. Board.~~

13 ~~(a) Composition. The board shall be composed of~~
14 ~~psychiatrists, psychologists and criminal justice experts, each~~
15 ~~of whom is an expert in the field of the behavior and treatment~~
16 ~~of sexual offenders.~~

17 ~~(b) Appointment. The Governor shall appoint the board~~
18 ~~members.~~

19 ~~(c) Term of office. Members of the board shall serve four~~
20 ~~year terms.~~

21 ~~(d) Compensation. The members of the board shall be~~
22 ~~compensated at a rate of \$350 per assessment and receive~~
23 ~~reimbursement for their actual and necessary expenses while~~
24 ~~performing the business of the board. The chairman shall receive~~
25 ~~\$500 additional compensation annually.~~

26 ~~(e) Staff. Support staff for the board shall be provided by~~
27 ~~the Pennsylvania Board of Probation and Parole.~~

28 ~~§ 9799.36. Counseling of sexually violent predators.~~

29 ~~(a) General rule. A sexually violent predator shall be~~
30 ~~required to attend at least monthly counseling sessions in a~~

~~program approved by the board and be financially responsible for all fees assessed from the counseling sessions. The board shall monitor the compliance of the sexually violent predator. If the sexually violent predator can prove to the satisfaction of the court that the sexually violent predator cannot afford to pay for the counseling sessions, the sexually violent predator shall nonetheless attend the counseling sessions, and the parole office shall pay the requisite fees.~~

~~(b) Designation in another jurisdiction. If an individual required to register under this subchapter has been designated as a sexually violent predator in another jurisdiction and was required to undergo counseling, the individual shall be subject to the provisions of this section.~~

~~(c) Penalty. A sexually violent predator who knowingly fails to attend counseling sessions as provided in this section may be subject to prosecution under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements).~~

~~§ 9799.37. Exemption from notification for certain licensees and their employees.~~

~~Nothing in this subchapter shall be construed as imposing a duty upon a person licensed under the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, or an employee of the person, to disclose any information regarding an individual required to be included in the registry pursuant to this subchapter.~~

~~§ 9799.38. Annual performance audit.~~

~~(a) Duties of the Attorney General. The Attorney General has the following duties:~~

~~(1) To conduct a performance audit annually to determine~~

~~compliance with the requirements of this subchapter and any guidelines promulgated under this subchapter. The audit shall, at a minimum, include a review of the practices, procedures and records of the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts and any other State or local agency the Attorney General deems necessary in order to conduct a thorough and accurate performance audit.~~

~~(2) To prepare an annual report of its findings and any action that it recommends be taken by the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, other State or local agencies and the General Assembly to ensure compliance with this subchapter. The first report shall be released to the general public no fewer than 18 months following the effective date of this section.~~

~~(3) To provide a copy of its report to the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, State or local agencies referenced in the report, the chairman and the minority chairman of the Judiciary Committee of the Senate and the chairman and the minority chairman of the Judiciary Committee of the House of Representatives no fewer than 30 days prior to its release to the general public.~~

~~(b) Cooperation required. Notwithstanding any other provision of law to the contrary, the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department~~

~~of Corrections, the board, the Administrative Office of
Pennsylvania Courts, the Pennsylvania Commission on Sentencing
and any other State or local agency requested to do so shall
fully cooperate with the Attorney General and assist the Office
of Attorney General in satisfying the requirements of this
section. For purposes of this subsection, full cooperation shall
include, at a minimum, complete access to unredacted records,
files, reports and data systems.~~

~~§ 9799.39. Photographs and fingerprinting.~~

~~An individual subject to registration shall submit to
fingerprinting and photographing as required by this subchapter.
Fingerprinting as required by this subchapter shall, at a
minimum, require submission of a full set of fingerprints and
palm prints. Photographing as required by this subchapter shall,
at a minimum, require submission to photographs of the face and
any scars, marks, tattoos or other unique features of the
individual. Fingerprints and photographs obtained under this
subchapter may be maintained for use under this subchapter and
for general law enforcement purposes.~~

~~§ 9799.40. Duties of Pennsylvania Commission on Sentencing.~~

~~The Pennsylvania Commission on Sentencing shall establish
procedures to enable courts to classify sexual offenders as
provided in section 9799.23 (relating to court notification and
classification requirements).~~

~~Section 9. The definition of "other specified offense" in
section 2303 of Title 44 is amended to read:~~

~~§ 2303. Definitions.~~

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

~~* * *~~

~~"Other specified offense." Any of the following:~~

~~(1) A felony offense [or an].~~

~~(2) An offense under 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure) or 3126 (relating to indecent assault) or an attempt to commit such an offense.~~

~~(3) An offense subject to 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).~~

~~* * *~~

~~Section 10. Paragraph (4) of the definition of "eligible offender" in section 4503 of Title 61 is amended to read:~~

~~§ 4503. Definitions.~~

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

~~* * *~~

~~"Eligible offender." A defendant or inmate convicted of a criminal offense who will be committed to the custody of the department and who meets all of the following eligibility requirements:~~

~~* * *~~

~~(4) Has not been found guilty or previously convicted or adjudicated delinquent for violating any of the following provisions or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation:~~

~~18 Pa.C.S. § 4302 (relating to incest).~~

~~18 Pa.C.S. § 5901 (relating to open lewdness).~~

~~18 Pa.C.S. § 6312 (relating to sexual abuse of children).~~

~~18 Pa.C.S. § 6318 (relating to unlawful contact with
minor).~~

~~18 Pa.C.S. § 6320 (relating to sexual exploitation of
children).~~

~~18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child
pornography).~~

~~Received a criminal sentence pursuant to 42 Pa.C.S.
§ 9712.1 (relating to sentences for certain drug offenses
committed with firearms).~~

~~Any sexually violent offense [listed under 42 Pa.C.S.
§ 9795.1 (relating to registration)], as defined in 42
Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual
offenders).~~

~~* * *~~

~~Section 11. Section 6137(a)(3.1)(ii) of Title 61 is amended
to read:~~

~~§ 6137. Parole power.~~

~~(a) General criteria for parole.~~

~~* * *~~

~~(3.1) * * *~~

~~(ii) This paragraph shall not apply to offenders who
are currently serving a term of imprisonment for a crime
of violence as defined in 42 Pa.C.S. § 9714 (relating to
sentences for second and subsequent offenses) or for a
crime requiring registration under 42 Pa.C.S. [§ 9795.1
(relating to registration)] Ch. 97 Subch. H (relating to
registration of sexual offenders).~~

~~* * *~~

~~Section 12. Any reference in any act or part of an act to 42~~

~~Pa.C.S. § 9795.1 shall be deemed a reference to 42 Pa.C.S. § 9799.15 as if fully set forth in that act or part of that act.~~
~~Section 13. The addition of 42 Pa.C.S. § 9799.28(b)(11) shall apply to persons convicted after November 30, 2006, of an offense which required registration under former 42 Pa.C.S. § 9795.1 and to persons required to register under 42 Pa.C.S. Ch. 97 Subch. H on or after the effective date of this section.~~

~~Section 14. This act shall take effect in 120 days.~~

SECTION 1. SECTIONS 2901, 2902, 2903, 3122.1, 3124.2, 3130(A) INTRODUCTORY PARAGRAPH AND (1) AND (B), 3141, 4302 AND 4915 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

§ 2901. KIDNAPPING.

(A) OFFENSE DEFINED.--[A] EXCEPT AS PROVIDED FOR IN SUBSECTION (A.1), A PERSON IS GUILTY OF KIDNAPPING IF HE UNLAWFULLY REMOVES ANOTHER A SUBSTANTIAL DISTANCE UNDER THE CIRCUMSTANCES FROM THE PLACE WHERE HE IS FOUND, OR IF HE UNLAWFULLY CONFINES ANOTHER FOR A SUBSTANTIAL PERIOD IN A PLACE OF ISOLATION, WITH ANY OF THE FOLLOWING INTENTIONS:

(1) TO HOLD FOR RANSOM OR REWARD, OR AS A SHIELD OR HOSTAGE.

(2) TO FACILITATE COMMISSION OF ANY FELONY OR FLIGHT THEREAFTER.

(3) TO INFLICT BODILY INJURY ON OR TO TERRORIZE THE VICTIM OR ANOTHER.

(4) TO INTERFERE WITH THE PERFORMANCE BY PUBLIC OFFICIALS OF ANY GOVERNMENTAL OR POLITICAL FUNCTION.

(A.1) KIDNAPPING OF A MINOR.--A PERSON IS GUILTY OF KIDNAPPING OF A MINOR IF HE UNLAWFULLY REMOVES A PERSON UNDER 18 YEARS OF AGE A SUBSTANTIAL DISTANCE UNDER THE CIRCUMSTANCES FROM

1 THE PLACE WHERE HE IS FOUND, OR IF HE UNLAWFULLY CONFINES A
2 PERSON UNDER 18 YEARS OF AGE FOR A SUBSTANTIAL PERIOD IN A PLACE
3 OF ISOLATION, WITH ANY OF THE FOLLOWING INTENTIONS:

4 (1) TO HOLD FOR RANSOM OR REWARD, OR AS A SHIELD OR
5 HOSTAGE.

6 (2) TO FACILITATE COMMISSION OF ANY FELONY OR FLIGHT
7 THEREAFTER.

8 (3) TO INFLICT BODILY INJURY ON OR TO TERRORIZE THE
9 VICTIM OR ANOTHER.

10 (4) TO INTERFERE WITH THE PERFORMANCE BY PUBLIC
11 OFFICIALS OF ANY GOVERNMENTAL OR POLITICAL FUNCTION.

12 (B) GRADING.--[KIDNAPPING IS A FELONY] THE FOLLOWING APPLY:

13 (1) KIDNAPPING UNDER SUBSECTION (A) IS A FELONY OF THE
14 FIRST DEGREE. A REMOVAL OR CONFINEMENT IS UNLAWFUL WITHIN THE
15 MEANING OF [THIS SECTION] SUBSECTION (A) IF IT IS
16 ACCOMPLISHED BY FORCE, THREAT OR DECEPTION, OR, IN THE CASE
17 OF [A PERSON WHO IS UNDER THE AGE OF 14 YEARS OR] AN
18 INCAPACITATED PERSON, IF IT IS ACCOMPLISHED WITHOUT THE
19 CONSENT OF A PARENT, GUARDIAN OR OTHER PERSON RESPONSIBLE FOR
20 GENERAL SUPERVISION OF HIS WELFARE.

21 (2) KIDNAPPING UNDER SUBSECTION (A.1) IS A FELONY OF THE
22 FIRST DEGREE. A REMOVAL OR CONFINEMENT IS UNLAWFUL WITHIN THE
23 MEANING OF SUBSECTION (A.1) IF IT IS ACCOMPLISHED BY FORCE,
24 THREAT OR DECEPTION, OR IN THE CASE OF A PERSON UNDER 14
25 YEARS OF AGE, IF IT IS ACCOMPLISHED WITHOUT CONSENT OF A
26 PARENT, GUARDIAN OR OTHER PERSON RESPONSIBLE FOR GENERAL
27 SUPERVISION OF HIS WELFARE.

28 § 2902. UNLAWFUL RESTRAINT.

29 (A) OFFENSE DEFINED.--[A PERSON COMMITS AN OFFENSE] EXCEPT
30 AS PROVIDED UNDER SUBSECTION (B) OR (C), A PERSON COMMITS A

1 MISDEMEANOR OF THE FIRST DEGREE IF HE KNOWINGLY:

2 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
3 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

4 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
5 SERVITUDE.

6 [(B) GRADING.--

7 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN OFFENSE
8 UNDER SUBSECTION (A) IS A MISDEMEANOR OF THE FIRST DEGREE.

9 (2) IF THE VICTIM OF THE OFFENSE IS AN INDIVIDUAL UNDER
10 18 YEARS OF AGE, AN OFFENSE UNDER SUBSECTION (A) IS A FELONY
11 OF THE SECOND DEGREE.]

12 (B) UNLAWFUL RESTRAINT OF A MINOR WHERE OFFENDER IS NOT
13 VICTIM'S PARENT.--IF THE VICTIM IS A PERSON UNDER 18 YEARS OF
14 AGE, A PERSON WHO IS NOT THE VICTIM'S PARENT COMMITS A FELONY OF
15 THE SECOND DEGREE IF HE KNOWINGLY:

16 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
17 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

18 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
19 SERVITUDE.

20 (C) UNLAWFUL RESTRAINT OF MINOR WHERE OFFENDER IS VICTIM'S
21 PARENT.--IF THE VICTIM IS A PERSON UNDER 18 YEARS OF AGE, A
22 PARENT OF THE VICTIM COMMITS A FELONY OF THE SECOND DEGREE IF HE
23 KNOWINGLY:

24 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
25 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

26 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
27 SERVITUDE.

28 § 2903. FALSE IMPRISONMENT.

29 (A) OFFENSE DEFINED.--[A PERSON COMMITS AN OFFENSE] EXCEPT
30 AS PROVIDED UNDER SUBSECTION (B) OR (C), A PERSON COMMITS A

1 MISDEMEANOR OF THE SECOND DEGREE IF HE KNOWINGLY RESTRAINS
2 ANOTHER UNLAWFULLY SO AS TO INTERFERE SUBSTANTIALLY WITH HIS
3 LIBERTY.

4 [(B) GRADING.--

5 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN OFFENSE
6 UNDER SUBSECTION (A) IS A MISDEMEANOR OF THE SECOND DEGREE.

7 (2) IF THE VICTIM OF THE OFFENSE IS AN INDIVIDUAL UNDER
8 18 YEARS OF AGE, AN OFFENSE UNDER SUBSECTION (A) IS A FELONY
9 OF THE SECOND DEGREE.]

10 (B) FALSE IMPRISONMENT OF A MINOR WHERE OFFENDER IS VICTIM'S
11 PARENT.--IF THE VICTIM IS A PERSON UNDER 18 YEARS OF AGE, A
12 PERSON WHO IS NOT THE VICTIM'S PARENT COMMITS A FELONY OF THE
13 SECOND DEGREE IF HE KNOWINGLY RESTRAINS ANOTHER UNLAWFULLY SO AS
14 TO INTERFERE SUBSTANTIALLY WITH HIS LIBERTY.

15 (C) FALSE IMPRISONMENT OF A MINOR WHERE OFFENDER IS VICTIM'S
16 PARENT.--IF THE VICTIM IS A PERSON UNDER 18 YEARS OF AGE, A
17 PARENT OF THE VICTIM COMMITS A FELONY OF THE SECOND DEGREE IF HE
18 KNOWINGLY:

19 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
20 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

21 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
22 SERVITUDE.

23 § 3122.1. STATUTORY SEXUAL ASSAULT.

24 (A) FELONY OF THE SECOND DEGREE.--EXCEPT AS PROVIDED IN
25 SECTION 3121 (RELATING TO RAPE), A PERSON COMMITS A FELONY OF
26 THE SECOND DEGREE WHEN THAT PERSON ENGAGES IN SEXUAL INTERCOURSE
27 WITH A COMPLAINANT TO WHOM THE PERSON IS NOT MARRIED WHO IS
28 UNDER THE AGE OF 16 YEARS AND THAT PERSON IS EITHER:

29 (1) FOUR [OR MORE] YEARS OLDER BUT LESS THAN EIGHT YEARS
30 OLDER THAN THE COMPLAINANT [AND THE COMPLAINANT AND THE

PERSON ARE NOT MARRIED TO EACH OTHER.]; OR

(2) EIGHT YEARS OLDER BUT NOT LESS THAN 11 YEARS OLDER
THAN THE COMPLAINANT.

(B) FELONY OF THE FIRST DEGREE.--A PERSON COMMITS A FELONY
OF THE FIRST DEGREE WHEN THAT PERSON ENGAGES IN SEXUAL
INTERCOURSE WITH A COMPLAINANT UNDER THE AGE OF 16 YEARS AND
THAT PERSON IS 11 OR MORE YEARS OLDER THAN THE COMPLAINANT AND
THE COMPLAINANT AND THE PERSON ARE NOT MARRIED TO EACH OTHER.

§ 3124.2. INSTITUTIONAL SEXUAL ASSAULT.

(A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION (A.1)
AND IN SECTIONS 3121 (RELATING TO RAPE), 3122.1 (RELATING TO
STATUTORY SEXUAL ASSAULT), 3123 (RELATING TO INVOLUNTARY DEVIATE
SEXUAL INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT) AND
3125 (RELATING TO AGGRAVATED INDECENT ASSAULT), A PERSON WHO IS
AN EMPLOYEE OR AGENT OF THE DEPARTMENT OF CORRECTIONS OR A
COUNTY CORRECTIONAL AUTHORITY, YOUTH DEVELOPMENT CENTER, YOUTH
FORESTRY CAMP, STATE OR COUNTY JUVENILE DETENTION FACILITY,
OTHER LICENSED RESIDENTIAL FACILITY SERVING CHILDREN AND YOUTH,
OR MENTAL HEALTH OR MENTAL RETARDATION FACILITY OR INSTITUTION
COMMITTS A FELONY OF THE THIRD DEGREE WHEN THAT PERSON ENGAGES IN
SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE OR INDECENT
CONTACT WITH AN INMATE, DETAINEE, PATIENT OR RESIDENT.

(A.1) INSTITUTIONAL SEXUAL ASSAULT OF A MINOR.--A PERSON WHO
IS AN EMPLOYEE OR AGENT OF THE DEPARTMENT OF CORRECTIONS OR A
COUNTY CORRECTIONAL AUTHORITY, YOUTH DEVELOPMENT CENTER, YOUTH
FORESTRY CAMP, STATE OR COUNTY JUVENILE DETENTION FACILITY,
OTHER LICENSED RESIDENTIAL FACILITY SERVING CHILDREN AND YOUTH
OR A MENTAL HEALTH OR A MENTAL RETARDATION FACILITY OR
INSTITUTION COMMITTS A FELONY OF THE THIRD DEGREE WHEN THAT
PERSON ENGAGES IN SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE

1 OR INDECENT CONTACT WITH AN INMATE, DETAINEE, PATIENT OR
2 RESIDENT WHO IS UNDER 18 YEARS OF AGE.

3 (A.2) SCHOOLS.--

4 (1) EXCEPT AS PROVIDED IN SECTIONS 3121, 3122.1, 3123,
5 3124.1 AND 3125, A PERSON WHO IS A VOLUNTEER OR AN EMPLOYEE
6 OF A SCHOOL OR ANY OTHER PERSON WHO HAS DIRECT CONTACT WITH A
7 STUDENT AT A SCHOOL COMMITS A FELONY OF THE THIRD DEGREE WHEN
8 HE ENGAGES IN SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE
9 OR INDECENT CONTACT WITH A STUDENT OF THE SCHOOL.

10 (2) AS USED IN THIS SUBSECTION, THE FOLLOWING TERMS
11 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS PARAGRAPH:

12 (I) "DIRECT CONTACT." CARE, SUPERVISION, GUIDANCE
13 OR CONTROL.

14 (II) "EMPLOYEE."

15 (A) INCLUDES:

16 (I) A TEACHER, A SUPERVISOR, A SUPERVISING
17 PRINCIPAL, A PRINCIPAL, AN ASSISTANT PRINCIPAL, A
18 VICE-PRINCIPAL, A DIRECTOR OF VOCATIONAL
19 EDUCATION, A DENTAL HYGIENIST, A VISITING
20 TEACHER, A HOME AND SCHOOL VISITOR, A SCHOOL
21 COUNSELOR, A CHILD NUTRITION PROGRAM SPECIALIST,
22 A SCHOOL LIBRARIAN, A SCHOOL SECRETARY THE
23 SELECTION OF WHOM IS ON THE BASIS OF MERIT AS
24 DETERMINED BY ELIGIBILITY LISTS, A SCHOOL NURSE,
25 A SUBSTITUTE TEACHER, A JANITOR, A CAFETERIA
26 WORKER, A BUS DRIVER, A TEACHER AIDE AND ANY
27 OTHER EMPLOYEE WHO HAS DIRECT CONTACT WITH SCHOOL
28 STUDENTS.

29 (II) AN INDEPENDENT CONTRACTOR WHO HAS A
30 CONTRACT WITH A SCHOOL FOR THE PURPOSE OF

1 PERFORMING A SERVICE FOR THE SCHOOL, A COACH, AN
2 ATHLETIC TRAINER, A COACH HIRED AS AN INDEPENDENT
3 CONTRACTOR BY THE PENNSYLVANIA INTERSCHOLASTIC
4 ATHLETIC ASSOCIATION OR AN ATHLETIC TRAINER HIRED
5 AS AN INDEPENDENT CONTRACTOR BY THE PENNSYLVANIA
6 INTERSCHOLASTIC ATHLETIC ASSOCIATION.

7 (B) THE TERM DOES NOT INCLUDE:

8 (I) A STUDENT EMPLOYED AT THE SCHOOL.

9 (II) AN INDEPENDENT CONTRACTOR OR ANY
10 EMPLOYEE OF AN INDEPENDENT CONTRACTOR WHO HAS NO
11 DIRECT CONTACT WITH SCHOOL STUDENTS.

12 (III) "SCHOOL." A PUBLIC OR PRIVATE SCHOOL,
13 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL.

14 (IV) "VOLUNTEER." THE TERM DOES NOT INCLUDE A
15 SCHOOL STUDENT.

16 (A.3) CHILD CARE.--EXCEPT AS PROVIDED IN SECTIONS 3121,
17 3122.1, 3123, 3124.1 AND 3125, A PERSON WHO IS A VOLUNTEER OR AN
18 EMPLOYEE OF A CENTER FOR CHILDREN COMMITS A FELONY OF THE THIRD
19 DEGREE WHEN HE ENGAGES IN SEXUAL INTERCOURSE, DEVIATE SEXUAL
20 INTERCOURSE OR INDECENT CONTACT WITH A CHILD WHO IS RECEIVING
21 SERVICES AT THE CENTER.

22 (B) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "AGENT"
23 MEANS A PERSON WHO IS ASSIGNED TO WORK IN A STATE OR COUNTY
24 CORRECTIONAL OR JUVENILE DETENTION FACILITY, A YOUTH DEVELOPMENT
25 CENTER, YOUTH FORESTRY CAMP, OTHER LICENSED RESIDENTIAL FACILITY
26 SERVING CHILDREN AND YOUTH, OR MENTAL HEALTH OR MENTAL
27 RETARDATION FACILITY OR INSTITUTION WHO IS EMPLOYED BY ANY STATE
28 OR COUNTY AGENCY OR ANY PERSON EMPLOYED BY AN ENTITY PROVIDING
29 CONTRACT SERVICES TO THE AGENCY.]

30 DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS

1 AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
2 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

3 "AGENT." A PERSON WHO IS ASSIGNED TO WORK IN A STATE OR
4 COUNTY CORRECTIONAL OR JUVENILE DETENTION FACILITY, A YOUTH
5 DEVELOPMENT CENTER, YOUTH FORESTRY CAMP, OTHER LICENSED
6 RESIDENTIAL FACILITY SERVING CHILDREN AND YOUTH OR MENTAL HEALTH
7 OR MENTAL RETARDATION FACILITY OR INSTITUTION, WHO IS EMPLOYED
8 BY ANY STATE OR COUNTY AGENCY OR ANY PERSON EMPLOYED BY AN
9 ENTITY PROVIDING CONTRACT SERVICES TO THE AGENCY.

10 "CENTER FOR CHILDREN." INCLUDES A CHILD DAY-CARE CENTER,
11 GROUP AND FAMILY DAY-CARE HOME, BOARDING HOME FOR CHILDREN, A
12 CENTER PROVIDING EARLY INTERVENTION AND DRUG AND ALCOHOL
13 SERVICES FOR CHILDREN OR OTHER FACILITY WHICH PROVIDES CHILD-
14 CARE SERVICES WHICH ARE SUBJECT TO APPROVAL, LICENSURE,
15 REGISTRATION OR CERTIFICATION BY THE DEPARTMENT OF PUBLIC
16 WELFARE OR A COUNTY SOCIAL SERVICES AGENCY OR WHICH ARE PROVIDED
17 PURSUANT TO A CONTRACT WITH THE DEPARTMENT OR A COUNTY SOCIAL
18 SERVICES AGENCY. THE TERM DOES NOT INCLUDE A YOUTH DEVELOPMENT
19 CENTER, YOUTH FORESTRY CAMP, STATE OR COUNTY JUVENILE DETENTION
20 FACILITY AND OTHER LICENSED RESIDENTIAL FACILITY SERVING
21 CHILDREN AND YOUTH.

22 § 3130. CONDUCT RELATING TO SEX OFFENDERS.

23 (A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE THIRD
24 DEGREE IF THE PERSON HAS REASON TO BELIEVE THAT A SEX OFFENDER
25 IS NOT COMPLYING WITH OR HAS NOT COMPLIED WITH THE REQUIREMENTS
26 OF THE SEX OFFENDER'S PROBATION OR PAROLE, IMPOSED BY STATUTE OR
27 COURT ORDER, OR WITH THE REGISTRATION REQUIREMENTS OF 42 PA.C.S.
28 [§ 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
29 APPLICABILITY)] CH. 97 SUBCH. H (RELATING TO REGISTRATION OF
30 SEXUAL OFFENDERS), AND THE PERSON, WITH THE INTENT TO ASSIST THE

1 SEX OFFENDER IN ELUDING A LAW ENFORCEMENT AGENT OR AGENCY THAT
2 IS SEEKING TO FIND THE SEX OFFENDER TO QUESTION THE SEX OFFENDER
3 ABOUT, OR TO ARREST THE SEX OFFENDER FOR, NONCOMPLIANCE WITH THE
4 REQUIREMENTS OF THE SEX OFFENDER'S PROBATION OR PAROLE OR THE
5 REQUIREMENTS OF 42 PA.C.S. [§ 9795.2] CH. 97 SUBCH. H:

6 (1) WITHHOLDS INFORMATION FROM OR DOES NOT NOTIFY THE
7 LAW ENFORCEMENT AGENT OR AGENCY ABOUT THE SEX OFFENDER'S
8 NONCOMPLIANCE WITH THE REQUIREMENTS OF PAROLE, THE
9 REQUIREMENTS OF 42 PA.C.S. [§ 9795.2] CH. 97 SUBCH. H OR, IF
10 KNOWN, THE SEX OFFENDER'S WHEREABOUTS;

11 * * *

12 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SEX
13 OFFENDER" MEANS A PERSON WHO IS REQUIRED TO REGISTER WITH THE
14 PENNSYLVANIA STATE POLICE PURSUANT TO THE PROVISIONS OF 42
15 PA.C.S. [§ 9795.1 (RELATING TO REGISTRATION)] CH. 97 SUBCH. H.
16 § 3141. GENERAL RULE.

17 A PERSON:

18 (1) CONVICTED UNDER SECTION 3121 (RELATING TO RAPE),
19 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT), 3123 (RELATING
20 TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE), 3124.1 (RELATING
21 TO SEXUAL ASSAULT), 3125 (RELATING TO AGGRAVATED INDECENT
22 ASSAULT) OR 3126 (RELATING TO INDECENT ASSAULT); OR

23 (2) REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE
24 POLICE UNDER 42 PA.C.S. [§ 9795.2 (RELATING TO REGISTRATION
25 PROCEDURES AND APPLICABILITY)] CH. 97 SUBCH. H (RELATING TO
26 REGISTRATION OF SEXUAL OFFENDERS);

27 MAY BE REQUIRED TO FORFEIT PROPERTY RIGHTS IN ANY PROPERTY OR
28 ASSETS USED TO IMPLEMENT OR FACILITATE COMMISSION OF THE CRIME
29 OR CRIMES OF WHICH THE PERSON HAS BEEN CONVICTED. SUCH PROPERTY
30 MAY INCLUDE, BUT IS NOT LIMITED TO, A COMPUTER OR COMPUTERS,

1 TELEPHONE EQUIPMENT, FIREARMS, LICIT OR ILLICIT PRESCRIPTION
2 DRUGS OR CONTROLLED SUBSTANCES, A MOTOR VEHICLE OR SUCH OTHER
3 PROPERTY OR ASSETS AS DETERMINED BY THE COURT OF COMMON PLEAS TO
4 HAVE FACILITATED THE PERSON'S CRIMINAL MISCONDUCT.

5 § 4302. INCEST.

6 [A] (A) GENERAL RULE.--EXCEPT AS PROVIDED FOR UNDER
7 SUBSECTION (B), A PERSON IS GUILTY OF INCEST, A FELONY OF THE
8 SECOND DEGREE, IF THAT PERSON KNOWINGLY MARRIES OR COHABITS OR
9 HAS SEXUAL INTERCOURSE WITH AN ANCESTOR OR DESCENDANT, A BROTHER
10 OR SISTER OF THE WHOLE OR HALF BLOOD OR AN UNCLE, AUNT, NEPHEW
11 OR NIECE OF THE WHOLE BLOOD. [THE RELATIONSHIPS REFERRED TO IN
12 THIS SECTION INCLUDE BLOOD RELATIONSHIPS WITHOUT REGARD TO
13 LEGITIMACY, AND RELATIONSHIP OF PARENT AND CHILD BY ADOPTION.]

14 (B) INCEST OF A MINOR.--A PERSON IS GUILTY OF INCEST OF A
15 MINOR, A FELONY OF THE SECOND DEGREE, IF THAT PERSON KNOWINGLY
16 MARRIES, COHABITS WITH OR HAS SEXUAL INTERCOURSE WITH A
17 COMPLAINANT WHO IS AN ANCESTOR OR DESCENDANT, A BROTHER OR
18 SISTER OF THE WHOLE OR HALF BLOOD OR AN UNCLE, AUNT, NEPHEW OR
19 NIECE OF THE WHOLE BLOOD AND:

20 (1) IS UNDER THE AGE OF 13 YEARS; OR

21 (2) IS 13 TO 18 YEARS OF AGE AND THE PERSON IS FOUR OR
22 MORE YEARS OLDER THAN THE COMPLAINANT.

23 (C) RELATIONSHIPS.--THE RELATIONSHIPS REFERRED TO IN THIS
24 SECTION INCLUDE BLOOD RELATIONSHIPS WITHOUT REGARD TO
25 LEGITIMACY, AND RELATIONSHIP OF PARENT AND CHILD BY ADOPTION.

26 § 4915. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS
27 REQUIREMENTS.

28 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO
29 REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) (RELATING TO
30 REGISTRATION) OR AN INDIVIDUAL WHO IS SUBJECT TO REGISTRATION

1 UNDER 42 PA.C.S. § 9795.1(B)(1), (2) OR (3) OR WHO WAS SUBJECT
2 TO REGISTRATION UNDER FORMER 42 PA.C.S. § 9793 (RELATING TO
3 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) COMMITS AN
4 OFFENSE IF HE KNOWINGLY FAILS TO:

5 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS
6 REQUIRED UNDER 42 PA.C.S. § 9795.2 (RELATING TO REGISTRATION
7 PROCEDURES AND APPLICABILITY);

8 (2) VERIFY HIS [ADDRESS] RESIDENCE OR BE PHOTOGRAPHED AS
9 REQUIRED UNDER 42 PA.C.S. § 9796 (RELATING TO VERIFICATION OF
10 RESIDENCE); OR

11 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
12 42 PA.C.S. § 9795.2 OR VERIFYING [AN ADDRESS] A RESIDENCE
13 UNDER 42 PA.C.S. § 9796.

14 (A.1) COUNSELING.--THE FOLLOWING APPLY:

15 (1) AN INDIVIDUAL WHO IS DESIGNATED AS A SEXUALLY
16 VIOLENT PREDATOR COMMITS AN OFFENSE IF HE KNOWINGLY FAILS TO
17 COMPLY WITH 42 PA.C.S. § 9799.4 (RELATING TO COUNSELING OF
18 SEXUALLY VIOLENT PREDATORS).

19 (2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
20 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE
21 FOLLOWING CONVICTION IN ANOTHER JURISDICTION COMMITS AN
22 OFFENSE IF HE KNOWINGLY FAILS TO COMPLY WITH THAT
23 REQUIREMENT, AS PROVIDED IN 42 PA.C.S. § 9795.2(B)(4)(I).

24 (B) GRADING FOR OFFENDERS WHO MUST REGISTER FOR TEN YEARS.--

25 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
26 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) OR
27 FORMER 42 PA.C.S. § 9793 AND REQUIRED TO REGISTER FOR A
28 PERIOD OF TEN YEARS WHO COMMITS A VIOLATION OF SUBSECTION (A)

29 (1) OR (2) COMMITS A FELONY OF THE THIRD DEGREE.

30 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42

1 PA.C.S. § 9795.1(A) OR FORMER 42 PA.C.S. § 9793 AND REQUIRED
2 TO REGISTER FOR A PERIOD OF TEN YEARS WHO COMMITS A VIOLATION
3 OF SUBSECTION (A) (1) OR (2) AND WHO HAS PREVIOUSLY BEEN
4 CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (1) OR (2) OR A
5 SIMILAR OFFENSE COMMITS A FELONY OF THE SECOND DEGREE.

6 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
7 PA.C.S. § 9795.1(A) OR FORMER 42 PA.C.S. § 9793 AND REQUIRED
8 TO REGISTER FOR A PERIOD OF TEN YEARS WHO VIOLATES SUBSECTION
9 (A) (3) COMMITS A FELONY OF THE SECOND DEGREE.

10 (C) GRADING FOR SEXUALLY VIOLENT PREDATORS AND OTHERS WITH
11 LIFETIME REGISTRATION.--

12 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
13 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(B) (1), (2)
14 OR (3) OR FORMER 42 PA.C.S. § 9793 AND WHO IS SUBJECT TO
15 LIFETIME REGISTRATION WHO COMMITS A VIOLATION OF SUBSECTION
16 (A) (1) OR (2) COMMITS A FELONY OF THE SECOND DEGREE.

17 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
18 PA.C.S. § 9795.1(B) (1), (2) OR (3) OR FORMER 42 PA.C.S. §
19 9793 AND WHO IS SUBJECT TO LIFETIME REGISTRATION WHO COMMITS
20 A VIOLATION OF SUBSECTION (A) (1) OR (2) AND WHO HAS
21 PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER SUBSECTION (A)
22 (1) OR (2) OR A SIMILAR OFFENSE COMMITS A FELONY OF THE FIRST
23 DEGREE.

24 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
25 PA.C.S. § 9795.1(B) (1), (2) OR (3) OR FORMER 42 PA.C.S. §
26 9793 AND WHO IS SUBJECT TO LIFETIME REGISTRATION WHO VIOLATES
27 SUBSECTION (A) (3) COMMITS A FELONY OF THE FIRST DEGREE.

28 (C.1) GRADING FOR FAILURE TO COMPLY WITH COUNSELING
29 REQUIREMENTS.--AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT
30 PREDATOR OR AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING

REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE FOLLOWING
CONVICTION IN ANOTHER JURISDICTION WHO COMMITS A VIOLATION OF
SUBSECTION (A.1) COMMITS A MISDEMEANOR OF THE FIRST DEGREE.

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

(E) ARRESTS FOR VIOLATION.--

(1) A POLICE OFFICER SHALL HAVE THE SAME RIGHT OF ARREST WITHOUT A WARRANT AS IN A FELONY WHENEVER THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL HAS COMMITTED A VIOLATION OF THIS SECTION REGARDLESS OF WHETHER THE VIOLATION OCCURRED IN THE PRESENCE OF THE POLICE OFFICER.

(2) AN INDIVIDUAL ARRESTED FOR A VIOLATION OF THIS SECTION SHALL BE AFFORDED A PRELIMINARY ARRAIGNMENT BY THE PROPER ISSUING AUTHORITY WITHOUT UNNECESSARY DELAY. IN NO CASE MAY THE INDIVIDUAL BE RELEASED FROM CUSTODY WITHOUT FIRST HAVING APPEARED BEFORE THE ISSUING AUTHORITY.

(3) PRIOR TO ADMITTING AN INDIVIDUAL ARRESTED FOR A VIOLATION OF THIS SECTION TO BAIL, THE ISSUING AUTHORITY SHALL REQUIRE ALL OF THE FOLLOWING:

(I) THE INDIVIDUAL MUST BE FINGERPRINTED AND PHOTOGRAPHED IN THE MANNER REQUIRED BY 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

(II) THE INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL

1 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT,
2 INCLUDING ALL EMPLOYMENT LOCATIONS, AND ALL INFORMATION
3 CONCERNING CURRENT OR INTENDED ENROLLMENT AS A STUDENT.
4 IF THE INDIVIDUAL HAS A RESIDENCE AS DEFINED IN PARAGRAPH
5 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION
6 9792 (RELATING TO DEFINITIONS), THE INDIVIDUAL MUST
7 PROVIDE THE PENNSYLVANIA STATE POLICE WITH THE
8 INFORMATION REQUIRED UNDER 42 PA.C.S. § 9795.2(A)(2)(I)
9 (A), (B) AND (C).

10 (III) LAW ENFORCEMENT MUST MAKE REASONABLE ATTEMPTS
11 TO VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL.

12 (F) DEFINITION.--AS USED IN THIS SECTION, THE TERM "A
13 SIMILAR OFFENSE" MEANS AN OFFENSE SIMILAR TO AN OFFENSE UNDER
14 EITHER SUBSECTION (A)(1) OR (2) UNDER THE LAWS OF THIS
15 COMMONWEALTH, THE UNITED STATES OR ONE OF ITS TERRITORIES OR
16 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
17 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION.

18 (G) EXPIRATION.--THIS SECTION SHALL EXPIRE ONE YEAR AFTER
19 THE EFFECTIVE DATE OF THIS SUBSECTION.

20 SECTION 1.1. TITLE 18 IS AMENDED BY ADDING A SECTION TO
21 READ:

22 § 4915.1. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
23 OFFENDERS REQUIREMENTS.

24 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO
25 REGISTRATION UNDER 42 PA.C.S. § 9799.13 (RELATING TO
26 APPLICABILITY) COMMITS AN OFFENSE IF HE KNOWINGLY FAILS TO:

27 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS
28 REQUIRED UNDER 42 PA.C.S. § 9799.15 (RELATING TO PERIOD OF
29 REGISTRATION), 9799.19 (RELATING TO INITIAL REGISTRATION) OR
30 9799.25 (RELATING TO VERIFICATION BY SEXUAL OFFENDERS AND

PENNSYLVANIA STATE POLICE);

(2) VERIFY HIS ADDRESS OR BE PHOTOGRAPHED AS REQUIRED
UNDER 42 PA.C.S. § 9799.15, 9799.19 OR 9799.25; OR

(3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
42 PA.C.S. § 9799.15, 9799.19 OR 9799.25.

(A.1) TRANSIENTS.--AN INDIVIDUAL SET FORTH IN 42 PA.C.S. §
9799.13 WHO IS A TRANSIENT COMMITS AN OFFENSE IF HE KNOWINGLY
FAILS TO:

(1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS
REQUIRED UNDER 42 PA.C.S. §§ 9799.15, 9799.16(B)(6) (RELATING
TO REGISTRY) AND 9799.25(A)(7);

(2) VERIFY THE INFORMATION PROVIDED IN 42 PA.C.S. §§
9799.15 AND 9799.16(B)(6) OR BE PHOTOGRAPHED AS REQUIRED
UNDER 42 PA.C.S. § 9799.15 OR 9799.25;

(3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
42 PA.C.S. § 9799.15, 9799.16(B)(6) OR 9799.25.

(A.2) COUNSELING.--THE FOLLOWING APPLY:

(1) AN INDIVIDUAL WHO IS DESIGNATED AS A SEXUALLY
VIOLENT PREDATOR COMMITS AN OFFENSE IF HE KNOWINGLY FAILS TO
COMPLY WITH 42 PA.C.S. § 9799.36 (RELATING TO COUNSELING OF
SEXUALLY VIOLENT PREDATORS).

(2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE
FOLLOWING CONVICTION IN ANOTHER JURISDICTION COMMITS AN
OFFENSE IF HE KNOWINGLY FAILS TO COMPLY WITH 42 PA.C.S. §
9799.36.

(B) GRADING FOR SEXUAL OFFENDERS WHO MUST REGISTER FOR 15
YEARS.--

(1) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.13 AND

1 REQUIRED TO REGISTER FOR A PERIOD OF 15 YEARS WHO COMMITS A
2 VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A FELONY OF THE
3 THIRD DEGREE.

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

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

14 (C) GRADING FOR SEXUAL OFFENDERS WHO MUST REGISTER FOR 25
15 YEARS OR LIFE.--

16 (1) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
17 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.13 AND
18 REQUIRED TO REGISTER FOR A PERIOD OF 25 YEARS OR LIFE WHO
19 COMMITS A VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A
20 FELONY OF THE SECOND DEGREE.

21 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
22 PA.C.S. § 9799.13 AND REQUIRED TO REGISTER FOR A PERIOD OF 25
23 YEARS OR LIFE WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR
24 (2) AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER
25 SUBSECTION (A) (1) OR (2) OR A SIMILAR OFFENSE COMMITS A
26 FELONY OF THE FIRST DEGREE.

27 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
28 PA.C.S. § 9799.13 AND REQUIRED TO REGISTER FOR A PERIOD OF 25
29 YEARS OR LIFE WHO VIOLATES SUBSECTION (A) (3) COMMITS A FELONY
30 OF THE FIRST DEGREE.

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

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

8 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
9 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR 15
10 YEARS COMMITS A FELONY OF THE SECOND DEGREE IF THE INDIVIDUAL
11 VIOLATES SUBSECTION (A.1) (3).

12 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
13 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR A
14 PERIOD OF 15 YEARS COMMITS A FELONY OF THE SECOND DEGREE IF
15 THE INDIVIDUAL VIOLATES SUBSECTION (A.1) (1), (2) OR (3) AND
16 HAS BEEN PREVIOUSLY CONVICTED OF AN OFFENSE UNDER SUBSECTION
17 (A.1) (1), (2) OR (3) OR A SIMILAR OFFENSE.

18 (C.2) GRADING FOR SEXUAL OFFENDERS WHO ARE TRANSIENTS WHO
19 MUST REGISTER FOR 25 YEARS OR LIFE.--

20 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2) OR (3), AN
21 INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.13
22 WHO IS A TRANSIENT WHO MUST REGISTER FOR A PERIOD OF 25 YEARS
23 OR LIFE COMMITS A FELONY OF THE SECOND DEGREE IF THE
24 INDIVIDUAL VIOLATES SUBSECTION (A.1) (1) OR (2).

25 (2) AN INDIVIDUAL WHO IS SUBJECT TO REGISTRATION UNDER
26 42 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR
27 A PERIOD OF 25 YEARS OR LIFE COMMITS A FELONY OF THE FIRST
28 DEGREE IF THE INDIVIDUAL VIOLATES SUBSECTION (A.1) (3).

29 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
30 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR A

1 PERIOD OF 25 YEARS OR LIFE COMMITS A FELONY OF THE FIRST
2 DEGREE IF THE INDIVIDUAL VIOLATES SUBSECTION (A.1)(1), (2) OR
3 (3) AND HAS BEEN PREVIOUSLY CONVICTED OF AN OFFENSE UNDER
4 SUBSECTION (A.1)(1), (2) OR (3) OR A SIMILAR OFFENSE.

5 (C.3) GRADING FOR FAILURE TO COMPLY WITH COUNSELING
6 REQUIREMENTS.--AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT
7 PREDATOR OR AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
8 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE FOLLOWING
9 CONVICTION IN ANOTHER JURISDICTION COMMITS A MISDEMEANOR OF THE
10 FIRST DEGREE IF THE INDIVIDUAL VIOLATES SUBSECTION (A.2).

11 (D) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
12 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
13 VIOLENT PREDATOR OR OFFENDER TO RECEIVE ANY NOTICE OR
14 INFORMATION PURSUANT TO 42 PA.C.S. § 9799.25 SHALL BE A DEFENSE
15 TO A PROSECUTION COMMENCED AGAINST AN INDIVIDUAL ARISING FROM A
16 VIOLATION OF THIS SECTION. THE PROVISIONS OF 42 PA.C.S. §
17 9799.25 ARE NOT AN ELEMENT OF AN OFFENSE UNDER THIS SECTION.

18 (E) ARRESTS FOR VIOLATION.--

19 (1) A POLICE OFFICER SHALL HAVE THE SAME RIGHT OF ARREST
20 WITHOUT A WARRANT AS IN A FELONY WHENEVER THE POLICE OFFICER
21 HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL HAS COMMITTED A
22 VIOLATION OF THIS SECTION REGARDLESS OF WHETHER THE VIOLATION
23 OCCURRED IN THE PRESENCE OF THE POLICE OFFICER.

24 (2) AN INDIVIDUAL ARRESTED FOR A VIOLATION OF THIS
25 SECTION SHALL BE AFFORDED A PRELIMINARY ARRAIGNMENT BY THE
26 PROPER ISSUING AUTHORITY WITHOUT UNNECESSARY DELAY. IN NO
27 CASE MAY THE INDIVIDUAL BE RELEASED FROM CUSTODY WITHOUT
28 FIRST HAVING APPEARED BEFORE THE ISSUING AUTHORITY.

29 (3) PRIOR TO ADMITTING AN INDIVIDUAL ARRESTED FOR A
30 VIOLATION OF THIS SECTION TO BAIL, THE ISSUING AUTHORITY

1 SHALL REQUIRE ALL OF THE FOLLOWING:

2 (I) THE INDIVIDUAL MUST BE FINGERPRINTED AND
3 PHOTOGRAPHED IN THE MANNER REQUIRED BY 42 PA.C.S. CH. 97
4 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

5 (II) THE INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA
6 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL
7 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT,
8 INCLUDING ALL EMPLOYMENT LOCATIONS, AND ALL INFORMATION
9 CONCERNING CURRENT OR INTENDED ENROLLMENT AS A STUDENT.

10 THIS SUBPARAGRAPH INCLUDES AN INDIVIDUAL WHO IS A
11 TRANSIENT, IN WHICH CASE THE INDIVIDUAL MUST, IN ADDITION
12 TO OTHER INFORMATION REQUIRED UNDER THIS SUBPARAGRAPH,
13 PROVIDE THE INFORMATION SET FORTH IN 42 PA.C.S. §
14 9799.16(B)(6).

15 (III) LAW ENFORCEMENT MUST MAKE REASONABLE ATTEMPTS
16 TO VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL.

17 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
19 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

20 "SEXUALLY VIOLENT PREDATOR." THE TERM SHALL HAVE THE MEANING
21 GIVEN TO IT IN 42 PA.C.S. § 9799.12 (RELATING TO DEFINITIONS).

22 "SIMILAR OFFENSE." AN OFFENSE SIMILAR TO AN OFFENSE UNDER
23 EITHER SUBSECTION (A)(1) OR (2) UNDER THE LAWS OF THIS
24 COMMONWEALTH, ANOTHER JURISDICTION OR A FOREIGN COUNTRY OR A
25 MILITARY OFFENSE, AS DEFINED IN 42 PA.C.S. § 9799.12 (RELATING
26 TO DEFINITIONS).

27 "TRANSIENT." THE TERM SHALL HAVE THE MEANING GIVEN TO IT IN
28 42 PA.C.S. § 9799.12 (RELATING TO DEFINITIONS).

29 SECTION 1.2. SECTIONS 5902(C) AND 5903(A)(3), (4) AND (5),
30 (B) AND (E)(1) OF TITLE 18 ARE AMENDED TO READ:

1 § 5902. PROSTITUTION AND RELATED OFFENSES.

2 * * *

3 (C) GRADING OF OFFENSES UNDER SUBSECTION (B).--

4 (1) AN OFFENSE UNDER SUBSECTION (B) CONSTITUTES A FELONY
5 OF THE THIRD DEGREE IF:

6 (I) THE OFFENSE FALLS WITHIN PARAGRAPHS (B)(1), (B)
7 (2) OR (B)(3);

8 (II) THE ACTOR COMPELS ANOTHER TO ENGAGE IN OR
9 PROMOTE PROSTITUTION;

10 (III) THE ACTOR PROMOTES PROSTITUTION OF A [CHILD
11 UNDER THE AGE OF 16 YEARS] PERSON UNDER 18 YEARS OF AGE,
12 WHETHER OR NOT HE IS AWARE OF THE AGE OF THE CHILD;

13 (IV) THE ACTOR PROMOTES PROSTITUTION OF HIS SPOUSE,
14 CHILD, WARD OR ANY PERSON FOR WHOSE CARE, PROTECTION OR
15 SUPPORT HE IS RESPONSIBLE; OR

16 (V) THE PERSON KNOWINGLY PROMOTED PROSTITUTION OF
17 ANOTHER WHO WAS HIV POSITIVE OR INFECTED WITH THE AIDS
18 VIRUS.

19 (2) OTHERWISE THE OFFENSE IS A MISDEMEANOR OF THE SECOND
20 DEGREE.

21 * * *

22 § 5903. OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES.

23 (A) OFFENSES DEFINED.--NO PERSON, KNOWING THE OBSCENE
24 CHARACTER OF THE MATERIALS OR PERFORMANCES INVOLVED, SHALL:

25 * * *

26 (3) (I) DESIGN, COPY, DRAW, PHOTOGRAPH, PRINT, UTTER,
27 PUBLISH OR IN ANY MANNER MANUFACTURE OR PREPARE ANY
28 OBSCENE MATERIALS; OR

29 (II) DESIGN, COPY, DRAW, PHOTOGRAPH, PRINT, UTTER,
30 PUBLISH OR IN ANY MANNER MANUFACTURE OR PREPARE ANY

OBSCENE MATERIALS IF THE VICTIM IS A MINOR;

(4) (I) WRITE, PRINT, PUBLISH, UTTER OR CAUSE TO BE WRITTEN, PRINTED, PUBLISHED OR UTTERED ANY ADVERTISEMENT OR NOTICE OF ANY KIND GIVING INFORMATION, DIRECTLY OR INDIRECTLY, STATING OR PURPORTING TO STATE WHERE, HOW, FROM WHOM, OR BY WHAT MEANS ANY OBSCENE MATERIALS CAN BE PURCHASED, OBTAINED OR HAD; OR

(II) WRITE, PRINT, PUBLISH, UTTER OR CAUSE TO BE WRITTEN, PRINTED, PUBLISHED OR UTTERED ANY ADVERTISEMENT OR NOTICE OF ANY KIND GIVING INFORMATION, DIRECTLY OR INDIRECTLY, STATING OR PURPORTING TO STATE WHERE, HOW, FROM WHOM OR BY WHAT MEANS ANY OBSCENE MATERIALS CAN BE PURCHASED, OBTAINED OR HAD IF THE VICTIM IS A MINOR;

(5) (I) PRODUCE, PRESENT OR DIRECT ANY OBSCENE PERFORMANCE OR PARTICIPATE IN A PORTION THEREOF THAT IS OBSCENE OR THAT CONTRIBUTES TO ITS OBSCENITY; OR

(II) PRODUCE, PRESENT OR DIRECT ANY OBSCENE PERFORMANCE OR PARTICIPATE IN A PORTION THEREOF THAT IS OBSCENE OR THAT CONTRIBUTES TO ITS OBSCENITY IF THE VICTIM IS A MINOR;

* * *

(B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"COMMUNITY." FOR THE PURPOSE OF APPLYING THE "CONTEMPORARY COMMUNITY STANDARDS" IN THIS SECTION, COMMUNITY MEANS THE STATE.

"KNOWING." AS USED IN SUBSECTIONS (A) AND (A.1), KNOWING MEANS HAVING GENERAL KNOWLEDGE OF, OR REASON TO KNOW OR A BELIEF OR GROUND FOR BELIEF WHICH WARRANTS FURTHER INSPECTION OR INQUIRY OF, THE CHARACTER AND CONTENT OF ANY MATERIAL OR

1 PERFORMANCE DESCRIBED THEREIN WHICH IS REASONABLY SUSCEPTIBLE OF
2 EXAMINATION BY THE DEFENDANT.

3 "MATERIAL." ANY LITERATURE, INCLUDING ANY BOOK, MAGAZINE,
4 PAMPHLET, NEWSPAPER, STORYPAPER, BUMPER STICKER, COMIC BOOK OR
5 WRITING; ANY FIGURE, VISUAL REPRESENTATION, OR IMAGE, INCLUDING
6 ANY DRAWING, PHOTOGRAPH, PICTURE, VIDEOTAPE OR MOTION PICTURE.

7 "MINOR." AN INDIVIDUAL UNDER 18 YEARS OF AGE.

8 "NUDE." MEANS SHOWING THE HUMAN MALE OR FEMALE GENITALS,
9 PUBIC AREA OR BUTTOCKS WITH LESS THAN A FULLY OPAQUE COVERING,
10 OR SHOWING THE FEMALE BREAST WITH LESS THAN A FULLY OPAQUE
11 COVERING OF ANY PORTION THEREOF BELOW THE TOP OF THE NIPPLE.

12 "OBSCENE." ANY MATERIAL OR PERFORMANCE, IF:

13 (1) THE AVERAGE PERSON APPLYING CONTEMPORARY COMMUNITY
14 STANDARDS WOULD FIND THAT THE SUBJECT MATTER TAKEN AS A WHOLE
15 APPEALS TO THE PRURIENT INTEREST;

16 (2) THE SUBJECT MATTER DEPICTS OR DESCRIBES IN A
17 PATENTLY OFFENSIVE WAY, SEXUAL CONDUCT OF A TYPE DESCRIBED IN
18 THIS SECTION; AND

19 (3) THE SUBJECT MATTER, TAKEN AS A WHOLE, LACKS SERIOUS
20 LITERARY, ARTISTIC, POLITICAL, EDUCATIONAL OR SCIENTIFIC
21 VALUE.

22 "PERFORMANCE." MEANS ANY PLAY, DANCE OR OTHER LIVE
23 EXHIBITION PERFORMED BEFORE AN AUDIENCE.

24 "SADOMASOCHISTIC ABUSE." MEANS, IN A SEXUAL CONTEXT,
25 FLAGELLATION OR TORTURE BY OR UPON A PERSON WHO IS NUDE OR CLAD
26 IN UNDERGARMENTS, A MASK OR IN A BIZARRE COSTUME OR THE
27 CONDITION OF BEING FETTERED, BOUND OR OTHERWISE PHYSICALLY
28 RESTRAINED ON THE PART OF ONE WHO IS NUDE OR SO CLOTHED.

29 "SEXUAL CONDUCT." PATENTLY OFFENSIVE REPRESENTATIONS OR
30 DESCRIPTIONS OF ULTIMATE SEXUAL ACTS, NORMAL OR PERVERTED,

1 ACTUAL OR SIMULATED, INCLUDING SEXUAL INTERCOURSE, ANAL OR ORAL
2 SODOMY AND SEXUAL BESTIALITY; AND PATENTLY OFFENSIVE
3 REPRESENTATIONS OR DESCRIPTIONS OF MASTURBATION, EXCRETORY
4 FUNCTIONS, SADOMASOCHISTIC ABUSE AND LEWD EXHIBITION OF THE
5 GENITALS.

6 "SUBJECT LINE." THE AREA OF AN ELECTRONIC COMMUNICATION THAT
7 CONTAINS A SUMMARY DESCRIPTION OF THE CONTENT OF THE MESSAGE.

8 "TRANSPORTATION FACILITY." ANY CONVEYANCE, PREMISES OR PLACE
9 USED FOR OR IN CONNECTION WITH PUBLIC PASSENGER TRANSPORTATION,
10 WHETHER BY AIR, RAIL, MOTOR VEHICLE OR ANY OTHER METHOD,
11 INCLUDING AIRCRAFT, WATERCRAFT, RAILROAD CARS, BUSES, AND AIR,
12 BOAT, RAILROAD AND BUS TERMINALS AND STATIONS.

13 * * *

14 (E) DEFINITIONS.--AS USED IN SUBSECTIONS (C) AND (D) OF THIS
15 SECTION:

16 [(1) "MINOR" MEANS ANY PERSON UNDER THE AGE OF 18
17 YEARS.]

18 * * *

19 SECTION 2. SECTION 6707(2)(II) OF TITLE 23 IS AMENDED TO
20 READ:

21 § 6707. AGENCY USE OF DESIGNATED ADDRESS.

22 STATE AND LOCAL GOVERNMENT AGENCIES SHALL ACCEPT THE
23 SUBSTITUTE ADDRESS DESIGNATED ON A VALID PROGRAM PARTICIPATION
24 CARD ISSUED TO THE PROGRAM PARTICIPANT BY THE OFFICE OF VICTIM
25 ADVOCATE AS THE PROGRAM PARTICIPANT'S ADDRESS EXCEPT AS FOLLOWS:

26 * * *

27 (2) WHEN THE PROGRAM PARTICIPANT IS ANY OF THE
28 FOLLOWING:

29 * * *

30 (II) A CONVICTED SEXUAL OFFENDER WHO HAS FULFILLED

1 THE OFFENDER'S SENTENCE BUT MUST REGISTER THE OFFENDER'S
2 COMMUNITY RESIDENCE AS REQUIRED UNDER 42 PA.C.S. [§§
3 9795.1 (RELATING TO REGISTRATION) AND 9795.2 (RELATING TO
4 REGISTRATION PROCEDURES AND APPLICABILITY)] CH. 97 SUBCH.
5 H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS) OR ANY
6 SIMILAR REGISTRATION REQUIREMENT IMPOSED BY ANY OTHER
7 JURISDICTION.

8 SECTION 3. SECTIONS 6358(A) AND (B), 6403(A)(2), (B)(3) AND
9 (D) AND 6404 OF TITLE 42 ARE AMENDED TO READ:

10 § 6358. ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE SEXUAL
11 OFFENDERS ASSESSMENT BOARD.

12 (A) GENERAL RULE.--A CHILD WHO HAS BEEN FOUND TO BE
13 DELINQUENT FOR AN ACT OF SEXUAL VIOLENCE WHICH IF COMMITTED BY
14 AN ADULT WOULD BE A VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO
15 RAPE), 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
16 INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT), 3125
17 (RELATING TO AGGRAVATED INDECENT ASSAULT), 3126 (RELATING TO
18 INDECENT ASSAULT) OR 4302 (RELATING TO INCEST) WHO IS COMMITTED
19 TO AN INSTITUTION OR OTHER FACILITY PURSUANT TO SECTION 6352
20 (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND WHO REMAINS IN
21 ANY SUCH INSTITUTION OR FACILITY UPON ATTAINING 20 YEARS OF AGE
22 SHALL BE SUBJECT TO AN ASSESSMENT BY THE BOARD.

23 (B) DUTY OF PROBATION OFFICER.--NINETY DAYS PRIOR TO THE
24 20TH BIRTHDAY OF THE CHILD, THE PROBATION OFFICER SHALL HAVE THE
25 DUTY TO NOTIFY THE BOARD OF THE STATUS OF THE DELINQUENT CHILD
26 AND THE INSTITUTION OR OTHER FACILITY WHERE THE CHILD IS
27 PRESENTLY COMMITTED. THE PROBATION OFFICER SHALL ASSIST THE
28 BOARD IN OBTAINING ACCESS TO THE CHILD AND ANY INFORMATION
29 REQUIRED BY THE BOARD TO PERFORM THE ASSESSMENT, INCLUDING, BUT
30 NOT LIMITED TO, THE CHILD'S OFFICIAL COURT RECORD AND COMPLETE

1 JUVENILE PROBATION FILE.

2 * * *

3 § 6403. COURT-ORDERED INVOLUNTARY TREATMENT.

4 (A) PERSONS SUBJECT TO INVOLUNTARY TREATMENT.--A PERSON MAY
5 BE SUBJECT TO COURT-ORDERED COMMITMENT FOR INVOLUNTARY TREATMENT
6 UNDER THIS CHAPTER IF THE PERSON:

7 * * *

8 (2) HAS BEEN COMMITTED TO AN INSTITUTION OR OTHER
9 FACILITY PURSUANT TO SECTION 6352 (RELATING TO DISPOSITION OF
10 DELINQUENT CHILD) AND REMAINS IN [THE] ANY SUCH INSTITUTION
11 OR [OTHER] FACILITY UPON ATTAINING 20 YEARS OF AGE.

12 * * *

13 (B) PROCEDURES FOR INITIATING COURT-ORDERED INVOLUNTARY
14 COMMITMENT.--

15 * * *

16 (3) THE COURT SHALL SET A DATE FOR THE HEARING WHICH
17 SHALL BE HELD WITHIN 30 DAYS OF THE FILING OF THE PETITION
18 PURSUANT TO PARAGRAPH (1) AND DIRECT THE PERSON TO APPEAR FOR
19 THE HEARING. A COPY OF THE PETITION AND NOTICE OF THE HEARING
20 DATE SHALL BE SERVED ON THE PERSON, THE ATTORNEY WHO
21 REPRESENTED THE PERSON AT THE MOST RECENT DISPOSITIONAL
22 REVIEW HEARING PURSUANT TO SECTION 6358(E) AND THE COUNTY
23 SOLICITOR OR A DESIGNEE. A COPY OF THE PETITION, THE
24 ASSESSMENT AND NOTICE OF THE HEARING DATE SHALL ALSO BE
25 PROVIDED TO THE DIRECTOR OF THE FACILITY OPERATED BY THE
26 DEPARTMENT PURSUANT TO SECTION 6406(A) (RELATING TO DUTY OF
27 DEPARTMENT OF PUBLIC WELFARE). THE PERSON AND THE ATTORNEY
28 WHO REPRESENTED THE PERSON SHALL, ALONG WITH COPIES OF THE
29 PETITION, ALSO BE PROVIDED WITH WRITTEN NOTICE ADVISING THAT
30 THE PERSON HAS THE RIGHT TO COUNSEL AND THAT, IF HE CANNOT

1 AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE PERSON.

2 * * *

3 (D) DETERMINATION AND ORDER.--UPON A FINDING BY CLEAR AND
4 CONVINCING EVIDENCE THAT THE PERSON HAS A MENTAL ABNORMALITY OR
5 PERSONALITY DISORDER WHICH RESULTS IN SERIOUS DIFFICULTY IN
6 CONTROLLING SEXUALLY VIOLENT BEHAVIOR THAT MAKES THE PERSON
7 LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, AN ORDER SHALL BE
8 ENTERED DIRECTING THE IMMEDIATE COMMITMENT OF THE PERSON FOR
9 [INPATIENT] INVOLUNTARY INPATIENT TREATMENT TO A FACILITY
10 DESIGNATED BY THE DEPARTMENT. THE ORDER SHALL BE IN WRITING AND
11 SHALL BE CONSISTENT WITH THE PROTECTION OF THE PUBLIC SAFETY AND
12 THE APPROPRIATE CONTROL, CARE AND TREATMENT OF THE PERSON. AN
13 APPEAL SHALL NOT STAY THE EXECUTION OF THE ORDER. IF THE COURT
14 DOES NOT ORDER THE PERSON TO BE COMMITTED FOR INVOLUNTARY
15 INPATIENT TREATMENT BY THE DEPARTMENT, THE COURT SHALL ORDER THE
16 DIRECTOR OF THE FACILITY OPERATED BY THE DEPARTMENT PURSUANT TO
17 SECTION 6406(A) TO DESTROY THE FACILITY'S COPY OF THE PETITION
18 AND THE ASSESSMENT.

19 § 6404. DURATION OF INPATIENT COMMITMENT AND REVIEW.

20 (A) INITIAL PERIOD OF COMMITMENT.--THE PERSON SHALL BE
21 SUBJECT TO A PERIOD OF COMMITMENT FOR INPATIENT TREATMENT FOR
22 ONE YEAR.

23 (B) ANNUAL REVIEW.--

24 (1) SIXTY DAYS PRIOR TO THE EXPIRATION OF THE ONE-YEAR
25 COMMITMENT PERIOD, THE DIRECTOR OF THE FACILITY OR A DESIGNEE
26 SHALL SUBMIT AN EVALUATION AND THE BOARD SHALL SUBMIT AN
27 ASSESSMENT OF THE PERSON TO THE COURT.

28 (2) THE COURT SHALL SCHEDULE A REVIEW HEARING WHICH
29 SHALL BE CONDUCTED PURSUANT TO SECTION 6403(C) (RELATING TO
30 COURT-ORDERED INVOLUNTARY TREATMENT) AND WHICH SHALL BE HELD

1 NO LATER THAN 30 DAYS AFTER RECEIPT OF BOTH THE EVALUATION
2 AND THE ASSESSMENT UNDER PARAGRAPH (1). NOTICE OF THE REVIEW
3 HEARING SHALL BE PROVIDED TO THE PERSON, THE ATTORNEY WHO
4 REPRESENTED THE PERSON AT THE PREVIOUS HEARING HELD PURSUANT
5 TO THIS SUBSECTION OR SECTION 6403, THE DISTRICT ATTORNEY AND
6 THE COUNTY SOLICITOR OR A DESIGNEE. THE PERSON AND THE
7 PERSON'S ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN NOTICE
8 ADVISING THAT THE PERSON HAS THE RIGHT TO COUNSEL AND THAT,
9 IF HE CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE
10 PERSON. IF THE COURT DETERMINES BY CLEAR AND CONVINCING
11 EVIDENCE THAT THE PERSON CONTINUES TO HAVE SERIOUS DIFFICULTY
12 CONTROLLING SEXUALLY VIOLENT BEHAVIOR WHILE COMMITTED FOR
13 INPATIENT TREATMENT DUE TO A MENTAL ABNORMALITY OR
14 PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY TO ENGAGE
15 IN AN ACT OF SEXUAL VIOLENCE, THE COURT SHALL ORDER AN
16 ADDITIONAL PERIOD OF INVOLUNTARY INPATIENT TREATMENT OF ONE
17 YEAR; OTHERWISE, THE COURT SHALL ORDER THE [DISCHARGE OF]
18 DEPARTMENT, IN CONSULTATION WITH THE BOARD, TO DEVELOP AN
19 OUTPATIENT TREATMENT PLAN FOR THE PERSON. THE ORDER SHALL BE
20 IN WRITING AND SHALL BE CONSISTENT WITH THE PROTECTION OF THE
21 PUBLIC SAFETY AND APPROPRIATE CONTROL, CARE AND TREATMENT OF
22 THE PERSON.

23 (C) [DISCHARGE] OUTPATIENT TREATMENT PLAN.--

24 (1) IF AT ANY TIME THE DIRECTOR OR A DESIGNEE OF THE
25 FACILITY TO WHICH THE PERSON WAS COMMITTED CONCLUDES THE
26 PERSON NO LONGER HAS SERIOUS DIFFICULTY IN CONTROLLING
27 SEXUALLY VIOLENT BEHAVIOR IN AN INPATIENT SETTING, THE
28 DIRECTOR SHALL PETITION THE COURT FOR A HEARING. NOTICE OF
29 THE PETITION SHALL BE GIVEN TO THE PERSON, THE ATTORNEY WHO
30 REPRESENTED THE PERSON AT THE PREVIOUS HEARING HELD PURSUANT

1 TO SUBSECTION (B) OR SECTION 6403, THE BOARD, THE DISTRICT
2 ATTORNEY AND THE COUNTY SOLICITOR. THE PERSON AND THE
3 PERSON'S ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN NOTICE
4 ADVISING THAT THE PERSON HAS THE RIGHT TO COUNSEL AND THAT,
5 IF HE CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE
6 PERSON.

7 (2) UPON RECEIPT OF NOTICE UNDER PARAGRAPH (1), THE
8 BOARD SHALL CONDUCT A NEW ASSESSMENT WITHIN 30 DAYS AND
9 PROVIDE THAT ASSESSMENT TO THE COURT.

10 (3) WITHIN 15 DAYS AFTER THE RECEIPT OF THE ASSESSMENT
11 FROM THE BOARD, THE COURT SHALL HOLD A HEARING PURSUANT TO
12 SECTION 6403(C). IF THE COURT DETERMINES BY CLEAR AND
13 CONVINCING EVIDENCE THAT THE PERSON CONTINUES TO HAVE SERIOUS
14 DIFFICULTY CONTROLLING SEXUALLY VIOLENT BEHAVIOR DUE TO A
15 MENTAL ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE
16 PERSON LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, THE
17 COURT SHALL ORDER THAT THE PERSON BE SUBJECT TO THE REMAINDER
18 OF THE PERIOD OF INPATIENT COMMITMENT. OTHERWISE, THE COURT
19 SHALL ORDER THE [DISCHARGE OF] DEPARTMENT, IN CONSULTATION
20 WITH THE BOARD, TO DEVELOP AN OUTPATIENT TREATMENT PLAN FOR
21 THE PERSON.

22 (4) THE DEPARTMENT SHALL PROVIDE THE PERSON WITH NOTICE
23 OF THE PERSON'S RIGHT TO PETITION THE COURT FOR [DISCHARGE]
24 TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT OVER THE
25 OBJECTION OF THE DEPARTMENT. THE COURT, AFTER REVIEW OF THE
26 PETITION, MAY SCHEDULE A HEARING PURSUANT TO SECTION 6403(C).

27 (5) AN OUTPATIENT TREATMENT PLAN SHALL BE IN WRITING AND
28 SHALL IDENTIFY THE SPECIFIC ENTITY THAT WILL PROVIDE EACH
29 CLINICAL AND SUPPORT SERVICE IDENTIFIED IN THE PLAN.

30 (6) THE DEPARTMENT SHALL PROVIDE A COPY OF THE

1 OUTPATIENT TREATMENT PLAN TO THE COURT, THE PERSON, THE
2 ATTORNEY WHO REPRESENTED THE PERSON AT THE MOST RECENT
3 HEARING PURSUANT TO SECTION 6403, THE BOARD, THE DISTRICT
4 ATTORNEY, AND THE COUNTY SOLICITOR OR A DESIGNEE.

5 (D) PROHIBITION ON DISCHARGE.--THE COURT SHALL NOT ORDER
6 DISCHARGE FROM INVOLUNTARY TREATMENT UNTIL THE PERSON HAS
7 COMPLETED INVOLUNTARY OUTPATIENT TREATMENT PURSUANT TO SECTION
8 6404.2 (RELATING TO DURATION OF OUTPATIENT COMMITMENT AND
9 REVIEW).

10 SECTION 4. TITLE 42 IS AMENDED BY ADDING SECTIONS TO READ:

11 § 6404.1. TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT.

12 THE COURT MAY APPROVE OR DISAPPROVE AN OUTPATIENT TREATMENT
13 PLAN. UPON APPROVAL OF AN OUTPATIENT TREATMENT PLAN, THE COURT
14 SHALL ORDER TRANSFER OF THE PERSON TO INVOLUNTARY OUTPATIENT
15 TREATMENT PURSUANT TO SECTION 6404.2 (RELATING TO DURATION OF
16 OUTPATIENT COMMITMENT AND REVIEW).

17 § 6404.2. DURATION OF OUTPATIENT COMMITMENT AND REVIEW.

18 (A) TERMS AND CONDITIONS.--IF A COURT HAS ORDERED THE
19 TRANSFER OF THE PERSON TO INVOLUNTARY OUTPATIENT TREATMENT
20 PURSUANT TO SECTION 6404.1 (RELATING TO TRANSFER TO INVOLUNTARY
21 OUTPATIENT TREATMENT), THE COURT MAY IN ITS DISCRETION SPECIFY
22 THE TERMS AND CONDITIONS OF THE OUTPATIENT COMMITMENT,
23 INCLUDING, BUT NOT LIMITED TO:

24 (1) ABSOLUTE COMPLIANCE WITH THE OUTPATIENT TREATMENT
25 PLAN.

26 (2) RESTRICTIONS AND REQUIREMENTS REGARDING THE LOCATION
27 OF THE PERSON'S RESIDENCE AND THE TIMES THE PERSON MUST BE
28 PHYSICALLY PRESENT.

29 (3) RESTRICTIONS AND REQUIREMENTS REGARDING AREAS THE
30 PERSON IS NOT PERMITTED TO VISIT.

1 (4) RESTRICTIONS AND REQUIREMENTS REGARDING WHO THE
2 PERSON MAY CONTACT IN ANY MEDIUM.

3 (5) PERIODIC POLYGRAPH TESTS.

4 (B) DURATION.--THE COURT SHALL ORDER INVOLUNTARY OUTPATIENT
5 TREATMENT FOR A PERIOD OF ONE YEAR.

6 (C) STATUS REPORTS.--AN INVOLUNTARY OUTPATIENT TREATMENT
7 PROVIDER SHALL SUBMIT A REPORT ON THE PERSON'S STATUS AND
8 CLINICAL PROGRESS, ON A FORM PRESCRIBED BY THE DEPARTMENT, TO
9 THE FACILITY OPERATED BY THE DEPARTMENT PURSUANT TO SECTION
10 6406(A) (RELATING TO DUTY OF DEPARTMENT OF PUBLIC WELFARE), NOT
11 LESS THAN EVERY 30 DAYS.

12 (D) FAILURE TO COMPLY.--IF AN INVOLUNTARY OUTPATIENT
13 TREATMENT PROVIDER BECOMES AWARE THAT THE PERSON HAS VIOLATED
14 ANY PROVISION OF THE TREATMENT PLAN OR ANY TERM OR CONDITION
15 SPECIFIED PURSUANT TO SUBSECTION (A), OR THE PROVIDER CONCLUDES
16 THAT THE PERSON IS HAVING SERIOUS DIFFICULTY CONTROLLING
17 SEXUALLY VIOLENT BEHAVIOR IN AN OUTPATIENT SETTING DUE TO A
18 MENTAL ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE PERSON
19 LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, THE PROVIDER
20 SHALL IMMEDIATELY NOTIFY THE FACILITY OPERATED BY THE DEPARTMENT
21 PURSUANT TO SECTION 6406(A). THE FACILITY SHALL NOTIFY THE COURT
22 BY THE CLOSE OF THE NEXT BUSINESS DAY.

23 (E) REVOCATION OF TRANSFER.--UPON RECEIVING NOTICE PURSUANT
24 TO SUBSECTION (D) THAT THE PERSON HAS VIOLATED A MATERIAL TERM
25 OR CONDITION OF TRANSFER SPECIFIED PURSUANT TO SUBSECTION (A),
26 OR THAT THE PERSON IS HAVING SERIOUS DIFFICULTY CONTROLLING
27 SEXUALLY VIOLENT BEHAVIOR IN AN OUTPATIENT SETTING DUE TO A
28 MENTAL ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE PERSON
29 LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, THE COURT SHALL
30 REVOKE THE TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT AND

1 ORDER THE IMMEDIATE RETURN TO INVOLUNTARY INPATIENT TREATMENT
2 WITHOUT A PRIOR HEARING. THE COURT MAY ISSUE A WARRANT REQUIRING
3 ANY LAW ENFORCEMENT OFFICER OR ANY PERSON AUTHORIZED BY THE
4 COURT TO TAKE THE PERSON INTO CUSTODY AND RETURN THE PERSON TO
5 INVOLUNTARY INPATIENT TREATMENT. THE PERSON MAY FILE A WRITTEN
6 REQUEST FOR A HEARING AFTER REVOCATION OF THE TRANSFER TO
7 INVOLUNTARY TREATMENT. THE COURT SHALL CONDUCT A HEARING
8 PURSUANT TO SECTION 6403(C) (RELATING TO COURT-ORDERED
9 INVOLUNTARY TREATMENT) WITHIN TEN DAYS OF FILING OF THE REQUEST.

10 (F) ANNUAL REVIEW AND DISCHARGE.--

11 (1) SIXTY DAYS PRIOR TO THE EXPIRATION OF THE ONE-YEAR
12 OUTPATIENT COMMITMENT PERIOD, THE DIRECTOR OF THE FACILITY OR
13 A DESIGNEE SHALL SUBMIT AN EVALUATION, AND THE BOARD SHALL
14 SUBMIT AN ASSESSMENT OF THE PERSON TO THE COURT.

15 (2) THE COURT SHALL SCHEDULE A REVIEW HEARING WHICH
16 SHALL BE CONDUCTED PURSUANT TO SECTION 6403(C) AND WHICH
17 SHALL BE HELD NO LATER THAN 30 DAYS AFTER RECEIPT OF BOTH THE
18 EVALUATION AND THE ASSESSMENT UNDER PARAGRAPH (1). NOTICE OF
19 THE REVIEW HEARING SHALL BE PROVIDED TO THE PERSON, THE
20 ATTORNEY WHO REPRESENTED THE PERSON AT THE PREVIOUS HEARING
21 HELD PURSUANT TO SECTION 6403, THE DISTRICT ATTORNEY AND THE
22 COUNTY SOLICITOR OR A DESIGNEE. THE PERSON AND THE PERSON'S
23 ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN NOTICE ADVISING
24 THAT THE PERSON HAS THE RIGHT TO COUNSEL AND THAT, IF THE
25 PERSON CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE
26 PERSON. IF THE COURT DETERMINES BY CLEAR AND CONVINCING
27 EVIDENCE THAT THE PERSON HAS SERIOUS DIFFICULTY CONTROLLING
28 SEXUALLY VIOLENT BEHAVIOR DUE TO A MENTAL ABNORMALITY OR
29 PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY TO ENGAGE
30 IN AN ACT OF SEXUAL VIOLENCE, THE COURT SHALL ORDER AN

1 ADDITIONAL PERIOD OF INVOLUNTARY INPATIENT TREATMENT OF ONE
2 YEAR; OTHERWISE THE COURT SHALL ORDER THE DISCHARGE OF THE
3 PERSON. THE ORDER SHALL BE IN WRITING AND SHALL BE CONSISTENT
4 WITH THE PROTECTION OF THE PUBLIC SAFETY AND APPROPRIATE
5 CONTROL, CARE AND TREATMENT OF THE PERSON.

6 SECTION 5. SECTIONS 6406(A), 6409, 9718.1(A) INTRODUCTORY
7 PARAGRAPH AND (B)(2), 9718.2(A) AND (D) AND 9718.3(A) OF TITLE
8 42 ARE AMENDED TO READ:

9 § 6406. DUTY OF DEPARTMENT OF PUBLIC WELFARE.

10 (A) GENERAL RULE.--THE DEPARTMENT SHALL HAVE THE DUTY TO
11 PROVIDE A SEPARATE, SECURE STATE-OWNED FACILITY OR UNIT UTILIZED
12 SOLELY FOR THE CONTROL, CARE AND TREATMENT OF PERSONS COMMITTED
13 PURSUANT TO THIS CHAPTER. THE DEPARTMENT SHALL BE RESPONSIBLE
14 FOR ALL COSTS RELATING TO THE CONTROL, CARE AND TREATMENT OF
15 PERSONS COMMITTED TO [CUSTODY] INVOLUNTARY TREATMENT PURSUANT TO
16 THIS CHAPTER.

17 * * *

18 § 6409. IMMUNITY FOR GOOD FAITH CONDUCT.

19 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
20 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

21 (1) MEMBERS OF THE BOARD AND ITS AGENTS AND EMPLOYEES.

22 (2) THE DEPARTMENT AND ITS AGENTS AND EMPLOYEES.

23 (3) COUNTY PROBATION DEPARTMENTS AND THEIR AGENTS AND
24 EMPLOYEES.

25 (4) PROVIDERS OF INVOLUNTARY OUTPATIENT TREATMENT AND
26 THEIR AGENTS AND EMPLOYEES.

27 § 9718.1. SEXUAL OFFENDER TREATMENT.

28 (A) GENERAL RULE.--A PERSON, INCLUDING AN OFFENDER
29 DESIGNATED AS A "SEXUALLY VIOLENT PREDATOR" AS DEFINED IN
30 SECTION [9792] 9799.12 (RELATING TO DEFINITIONS), SHALL ATTEND

1 AND PARTICIPATE IN A DEPARTMENT OF CORRECTIONS PROGRAM OF
2 COUNSELING OR THERAPY DESIGNED FOR INCARCERATED SEX OFFENDERS IF
3 THE PERSON IS INCARCERATED IN A STATE INSTITUTION FOR ANY OF THE
4 FOLLOWING PROVISIONS UNDER 18 PA.C.S. (RELATING TO CRIMES AND
5 OFFENSES) :

6 * * *

7 (B) ELIGIBILITY FOR PAROLE.--FOR AN OFFENDER REQUIRED TO
8 PARTICIPATE IN THE PROGRAM UNDER SUBSECTION (A), ALL OF THE
9 FOLLOWING APPLY:

10 * * *

11 (2) NOTWITHSTANDING PARAGRAPH (1)(III), AN OFFENDER WHO
12 IS A SEXUALLY VIOLENT PREDATOR IS SUBJECT TO SECTION [9799.4]
13 9799.36 (RELATING TO COUNSELING OF SEXUALLY VIOLENT
14 PREDATORS) .

15 * * *

16 § 9718.2. SENTENCES FOR [SEX] SEXUAL OFFENDERS.

17 (A) MANDATORY SENTENCE.--

18 (1) ANY PERSON WHO IS CONVICTED IN ANY COURT OF THIS
19 COMMONWEALTH OF AN OFFENSE SET FORTH IN SECTION [9795.1(A) OR
20 (B) (RELATING TO REGISTRATION)] 9799.14 (RELATING TO SEXUAL
21 OFFENSES AND TIER SYSTEM) SHALL, IF AT THE TIME OF THE
22 COMMISSION OF THE CURRENT OFFENSE THE PERSON HAD PREVIOUSLY
23 BEEN CONVICTED OF AN OFFENSE SET FORTH IN SECTION [9795.1(A)
24 OR (B)] 9799.14 OR AN EQUIVALENT CRIME UNDER THE LAWS OF THIS
25 COMMONWEALTH IN EFFECT AT THE TIME OF THE COMMISSION OF THAT
26 OFFENSE OR AN EQUIVALENT CRIME IN ANOTHER JURISDICTION, BE
27 SENTENCED TO A MINIMUM SENTENCE OF AT LEAST 25 YEARS OF TOTAL
28 CONFINEMENT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS
29 TITLE OR OTHER STATUTE TO THE CONTRARY. UPON SUCH CONVICTION,
30 THE COURT SHALL GIVE THE PERSON ORAL AND WRITTEN NOTICE OF

1 THE PENALTIES UNDER PARAGRAPH (2) FOR A THIRD CONVICTION.
2 FAILURE TO PROVIDE SUCH NOTICE SHALL NOT RENDER THE OFFENDER
3 INELIGIBLE TO BE SENTENCED UNDER PARAGRAPH (2) .

4 (2) WHERE THE PERSON HAD AT THE TIME OF THE COMMISSION
5 OF THE CURRENT OFFENSE PREVIOUSLY BEEN CONVICTED OF TWO OR
6 MORE OFFENSES ARISING FROM SEPARATE CRIMINAL TRANSACTIONS SET
7 FORTH IN SECTION [9795.1(A) OR (B)] 9799.14 OR EQUIVALENT
8 CRIMES UNDER THE LAWS OF THIS COMMONWEALTH IN EFFECT AT THE
9 TIME OF THE COMMISSION OF THE OFFENSE OR EQUIVALENT CRIMES IN
10 ANOTHER JURISDICTION, THE PERSON SHALL BE SENTENCED TO A TERM
11 OF LIFE IMPRISONMENT, NOTWITHSTANDING ANY OTHER PROVISION OF
12 THIS TITLE OR OTHER STATUTE TO THE CONTRARY. PROOF THAT THE
13 OFFENDER RECEIVED NOTICE OF OR OTHERWISE KNEW OR SHOULD HAVE
14 KNOWN OF THE PENALTIES UNDER THIS PARAGRAPH SHALL NOT BE
15 REQUIRED.

16 * * *

17 (D) AUTHORITY OF COURT IN SENTENCING.--[NOTICE OF THE
18 APPLICATION OF THIS SECTION SHALL BE PROVIDED TO THE DEFENDANT
19 BEFORE TRIAL. IF THE NOTICE IS GIVEN, THERE] THERE SHALL BE NO
20 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS
21 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN
22 SUBSECTIONS (A) AND (B) OR TO PLACE THE OFFENDER ON PROBATION OR
23 TO SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE
24 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT
25 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY
26 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
27 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

28 * * *

29 § 9718.3. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF
30 SEXUAL OFFENDERS.

1 (A) MANDATORY SENTENCE.--MANDATORY SENTENCING SHALL BE AS
2 FOLLOWS:

3 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL
4 BE AS FOLLOWS:

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

6 (A) WAS SUBJECT TO SECTION 9795.1(A) (RELATING
7 TO REGISTRATION) OR A SIMILAR PROVISION FROM ANOTHER
8 JURISDICTION OR FORMER SECTION 9793 (RELATING TO
9 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS); AND

10 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2)
11 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF
12 SEXUAL OFFENDERS REQUIREMENTS).

13 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
14 WHO:

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

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

19 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
20 WHO:

21 (A) WAS SUBJECT TO SECTION 9795.1(B) OR A
22 SIMILAR PROVISION FROM ANOTHER JURISDICTION; AND

23 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2).

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

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

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

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

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

1 (A) WAS SUBJECT TO SECTION 9795.1 OR A SIMILAR
2 PROVISION FROM ANOTHER JURISDICTION OR FORMER SECTION
3 9793; AND

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

5 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL

6 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) (3) .

11 * * *

12 SECTION 6. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
13 § 9718.4. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF
14 SEXUAL OFFENDERS.

15 (A) MANDATORY SENTENCE.--MANDATORY SENTENCING SHALL BE AS
16 FOLLOWS:

17 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL
18 BE AS FOLLOWS:

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

20 (A) IS SUBJECT TO SECTION 9799.13 (RELATING TO
21 APPLICABILITY) AND MUST REGISTER FOR A PERIOD OF 15
22 YEARS UNDER SECTION 9799.15 (RELATING TO PERIOD OF
23 REGISTRATION) OR A SIMILAR PROVISION FROM ANOTHER
24 JURISDICTION; AND

25 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2)
26 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF
27 SEXUAL OFFENDERS REQUIREMENTS).

28 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

29 WHO:

30 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

1 REGISTER FOR A PERIOD OF 15 YEARS UNDER SECTION
2 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
3 JURISDICTION; AND

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

5 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

6 WHO:

7 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
8 REGISTER FOR A PERIOD OF 25 YEARS OR LIFE UNDER
9 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
10 JURISDICTION; AND

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

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

13 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
14 REGISTER FOR A PERIOD OF 25 YEARS OR LIFE UNDER
15 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
16 JURISDICTION; AND

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

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

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

21 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
22 REGISTER FOR A PERIOD OF 15 OR 25 YEARS OR LIFE UNDER
23 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
24 JURISDICTION; AND

25 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2).

26 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL

27 WHO:

28 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
29 REGISTER FOR A PERIOD OF 15 OR 25 YEARS OR LIFE UNDER
30 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

1 JURISDICTION; AND

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

3 (A.1) TRANSIENTS AND MANDATORY SENTENCE.--MANDATORY

4 SENTENCING SHALL BE AS FOLLOWS:

5 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL

6 BE AS FOLLOWS:

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

8 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

9 REGISTER FOR A PERIOD OF 15 YEARS UNDER SECTION

10 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

11 JURISDICTION AND IS A TRANSIENT; AND

12 (B) VIOLATED 18 PA.C.S. § 4915(A.1)(1) OR (2).

13 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

14 WHO:

15 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

16 REGISTER FOR A PERIOD OF 15 YEARS UNDER SECTION

17 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

18 JURISDICTION AND IS TRANSIENT; AND

19 (B) VIOLATED 18 PA.C.S. § 4915(A.1)(3).

20 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

21 WHO:

22 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

23 REGISTER FOR A PERIOD OF 25 YEARS OR LIFE UNDER

24 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

25 JURISDICTION AND IS TRANSIENT; AND

26 (B) VIOLATED 18 PA.C.S. § 4915(A.1)(1) OR (2).

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

28 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

29 REGISTER FOR A PERIOD OF 25 YEARS OR LIFE UNDER

30 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

1 JURISDICTION AND IS A TRANSIENT; AND

2 (B) VIOLATED 18 PA.C.S. § 4915(A.1)(3).

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

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

6 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
7 REGISTER FOR A PERIOD OF 15 OR 25 YEARS OR LIFE UNDER
8 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
9 JURISDICTION AND IS TRANSIENT; AND

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

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

13 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
14 REGISTER FOR A PERIOD OF 15 OR 25 YEARS OR LIFE UNDER
15 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
16 JURISDICTION AND IS A TRANSIENT; AND

17 (B) VIOLATED 18 PA.C.S. § 4915(A.1)(3).

18 (B) PROOF AT SENTENCING.--THE PROVISIONS OF THIS SECTION
19 SHALL NOT BE AN ELEMENT OF THE CRIME, AND NOTICE THEREOF TO THE
20 DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT
21 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED
22 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND BEFORE
23 SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE
24 DETERMINED AT SENTENCING. THE COURT SHALL CONSIDER ANY EVIDENCE
25 PRESENTED AT TRIAL AND SHALL AFFORD THE COMMONWEALTH AND THE
26 DEFENDANT AN OPPORTUNITY TO PRESENT ANY NECESSARY ADDITIONAL
27 EVIDENCE AND SHALL DETERMINE, BY A PREPONDERANCE OF THE
28 EVIDENCE, IF THIS SECTION IS APPLICABLE.

29 (C) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO
30 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS

1 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN
2 SUBSECTION (A) OR TO PLACE SUCH OFFENDER ON PROBATION OR TO
3 SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE
4 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT
5 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY
6 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
7 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

8 (D) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES
9 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL
10 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE
11 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE
12 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A
13 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE
14 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

15 SECTION 7. SECTION 9791 OF TITLE 42 IS AMENDED TO READ:
16 § 9791. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY.

17 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DETERMINED AND
18 DECLARED AS A MATTER OF LEGISLATIVE FINDING:

19 (1) IF THE PUBLIC IS PROVIDED ADEQUATE NOTICE AND
20 INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AND CERTAIN
21 OTHER OFFENDERS, INCLUDING THOSE SEXUALLY VIOLENT PREDATORS
22 AND OFFENDERS WHO DO NOT HAVE A FIXED PLACE OF HABITATION OR
23 ABODE, THE COMMUNITY CAN DEVELOP CONSTRUCTIVE PLANS TO
24 PREPARE THEMSELVES AND THEIR CHILDREN FOR THE OFFENDER'S
25 RELEASE. THIS ALLOWS COMMUNITIES TO MEET WITH LAW ENFORCEMENT
26 TO PREPARE AND OBTAIN INFORMATION ABOUT THE RIGHTS AND
27 RESPONSIBILITIES OF THE COMMUNITY AND TO PROVIDE EDUCATION
28 AND COUNSELING TO THEIR CHILDREN.

29 (2) THESE SEXUALLY VIOLENT PREDATORS POSE A HIGH RISK OF
30 ENGAGING IN FURTHER OFFENSES EVEN AFTER BEING RELEASED FROM

1 INCARCERATION OR COMMITMENTS AND THAT PROTECTION OF THE
2 PUBLIC FROM THIS TYPE OF OFFENDER IS A PARAMOUNT GOVERNMENTAL
3 INTEREST.

4 (3) THE PENAL AND MENTAL HEALTH COMPONENTS OF OUR
5 JUSTICE SYSTEM ARE LARGELY HIDDEN FROM PUBLIC VIEW AND LACK
6 OF INFORMATION FROM EITHER MAY RESULT IN FAILURE OF BOTH
7 SYSTEMS TO MEET THIS PARAMOUNT CONCERN OF PUBLIC SAFETY.

8 (4) OVERLY RESTRICTIVE CONFIDENTIALITY AND LIABILITY
9 LAWS GOVERNING THE RELEASE OF INFORMATION ABOUT SEXUALLY
10 VIOLENT PREDATORS HAVE REDUCED THE WILLINGNESS TO RELEASE
11 INFORMATION THAT COULD BE APPROPRIATELY RELEASED UNDER THE
12 PUBLIC DISCLOSURE LAWS AND HAVE INCREASED RISKS TO PUBLIC
13 SAFETY.

14 (5) PERSONS FOUND TO HAVE COMMITTED SUCH AN OFFENSE HAVE
15 A REDUCED EXPECTATION OF PRIVACY BECAUSE OF THE PUBLIC'S
16 INTEREST IN PUBLIC SAFETY AND IN THE EFFECTIVE OPERATION OF
17 GOVERNMENT.

18 (6) RELEASE OF INFORMATION ABOUT SEXUALLY VIOLENT
19 PREDATORS TO PUBLIC AGENCIES AND THE GENERAL PUBLIC WILL
20 FURTHER THE GOVERNMENTAL INTERESTS OF PUBLIC SAFETY AND
21 PUBLIC SCRUTINY OF THE CRIMINAL AND MENTAL HEALTH SYSTEMS SO
22 LONG AS THE INFORMATION RELEASED IS RATIONALLY RELATED TO THE
23 FURTHERANCE OF THOSE GOALS.

24 [(B) DECLARATION OF POLICY.--IT IS HEREBY DECLARED TO BE THE
25 INTENTION OF THE GENERAL ASSEMBLY TO PROTECT THE SAFETY AND
26 GENERAL WELFARE OF THE PEOPLE OF THIS COMMONWEALTH BY PROVIDING
27 FOR REGISTRATION AND COMMUNITY NOTIFICATION REGARDING SEXUALLY
28 VIOLENT PREDATORS WHO ARE ABOUT TO BE RELEASED FROM CUSTODY AND
29 WILL LIVE IN OR NEAR THEIR NEIGHBORHOOD. IT IS FURTHER DECLARED
30 TO BE THE POLICY OF THIS COMMONWEALTH TO REQUIRE THE EXCHANGE OF

1 RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AMONG
2 PUBLIC AGENCIES AND OFFICIALS AND TO AUTHORIZE THE RELEASE OF
3 NECESSARY AND RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT
4 PREDATORS TO MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF
5 ASSURING PUBLIC PROTECTION AND SHALL NOT BE CONSTRUED AS
6 PUNITIVE.]

7 (B) DECLARATION OF POLICY.--IT IS HEREBY DECLARED TO BE THE
8 INTENTION OF THE GENERAL ASSEMBLY TO:

9 (1) PROTECT THE SAFETY AND GENERAL WELFARE OF THE PEOPLE
10 OF THIS COMMONWEALTH BY PROVIDING FOR REGISTRATION AND
11 COMMUNITY NOTIFICATION REGARDING SEXUALLY VIOLENT PREDATORS
12 WHO ARE ABOUT TO BE RELEASED FROM CUSTODY AND WILL LIVE IN OR
13 NEAR THEIR NEIGHBORHOOD.

14 (2) REQUIRE THE EXCHANGE OF RELEVANT INFORMATION ABOUT
15 SEXUALLY VIOLENT PREDATORS AMONG PUBLIC AGENCIES AND
16 OFFICIALS AND TO AUTHORIZE THE RELEASE OF NECESSARY AND
17 RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS TO
18 MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF ASSURING PUBLIC
19 PROTECTION AND SHALL NOT BE CONSTRUED AS PUNITIVE.

20 (3) ADDRESS THE SUPERIOR COURT'S OPINION IN THE CASE OF
21 COMMONWEALTH V. WILGUS, 975 A.2D 1183 (2009) BY REQUIRING
22 OFFENDERS AND SEXUALLY VIOLENT PREDATORS WITHOUT A FIXED
23 PLACE OF HABITATION OR ABODE TO REGISTER UNDER THIS
24 SUBCHAPTER.

25 SECTION 8. THE DEFINITIONS OF "PASSIVE NOTIFICATION" AND
26 "RESIDENCE" IN SECTION 9792 OF TITLE 42 ARE AMENDED TO READ:
27 § 9792. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 * * *

2 "PASSIVE NOTIFICATION." NOTIFICATION PURSUANT TO SECTION
3 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON THE INTERNET
4 AND ELECTRONIC NOTIFICATION) OR ANY PROCESS WHEREBY PERSONS,
5 PURSUANT TO THE LAWS OF THE UNITED STATES OR ONE OF ITS
6 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
7 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION,
8 ARE ABLE TO ACCESS INFORMATION PERTAINING TO AN INDIVIDUAL AS A
9 RESULT OF THE INDIVIDUAL HAVING BEEN CONVICTED OR SENTENCED BY A
10 COURT FOR AN OFFENSE SIMILAR TO AN OFFENSE LISTED IN SECTION
11 9795.1 (RELATING TO REGISTRATION) .

12 * * *

13 "RESIDENCE." [A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
14 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS OR
15 MORE DURING A CALENDAR YEAR.] WITH RESPECT TO AN INDIVIDUAL
16 REQUIRED TO REGISTER UNDER THIS SUBCHAPTER, ANY OF THE
17 FOLLOWING:

18 (1) A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
19 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS
20 OR MORE DURING A CALENDAR YEAR.

21 (2) IN THE CASE OF AN INDIVIDUAL WHO FAILS TO ESTABLISH
22 A RESIDENCE AS SET FORTH IN PARAGRAPH (1), A TEMPORARY
23 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
24 INCLUDING A HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS
25 LODGED.

26 * * *

27 SECTION 9. SECTIONS 9795.1(A) AND (B), 9795.2(A)(2)(I), (B)
28 (4) INTRODUCTORY PARAGRAPH AND (I) AND (5) INTRODUCTORY
29 PARAGRAPH AND (C)(1) AND (3), 9795.3(2), (2.1) AND (3) AND
30 9795.5(A)(1) OF TITLE 42 ARE AMENDED TO READ:

1 § 9795.1. REGISTRATION.

2 (A) TEN-YEAR REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL
3 BE REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE FOR A
4 PERIOD OF TEN YEARS:

5 (1) INDIVIDUALS CONVICTED OF ANY OF THE FOLLOWING
6 OFFENSES:

7 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING) WHERE THE
8 VICTIM IS A MINOR.

9 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD INTO A
10 MOTOR VEHICLE OR STRUCTURE) .

11 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
12 ASSAULT) .

13 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT)
14 WHERE THE OFFENSE IS GRADED AS A MISDEMEANOR OF THE FIRST
15 DEGREE OR HIGHER.

16 18 PA.C.S. § 4302 (RELATING TO INCEST) WHERE THE
17 VICTIM IS 12 YEARS OF AGE OR OLDER BUT UNDER 18 YEARS OF
18 AGE.

19 18 PA.C.S. § 5902(B) (RELATING TO PROSTITUTION AND
20 RELATED OFFENSES) WHERE THE ACTOR PROMOTES THE
21 PROSTITUTION OF A MINOR.

22 18 PA.C.S. § 5903(A)(3), (4), (5) OR (6) (RELATING TO
23 OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES)
24 WHERE THE VICTIM IS A MINOR.

25 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF
26 CHILDREN) .

27 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
28 MINOR) .

29 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF
30 CHILDREN) .

1 (2) INDIVIDUALS CONVICTED OF AN ATTEMPT, CONSPIRACY OR
2 SOLICITATION TO COMMIT ANY OF THE OFFENSES UNDER PARAGRAPH
3 (1) OR SUBSECTION (B) (2) .

4 (3) INDIVIDUALS [CURRENTLY RESIDING] WHO CURRENTLY HAVE
5 A RESIDENCE IN THIS COMMONWEALTH WHO HAVE BEEN CONVICTED OF
6 OFFENSES SIMILAR TO THE CRIMES CITED IN PARAGRAPHS (1) AND
7 (2) UNDER THE LAWS OF THE UNITED STATES OR ONE OF ITS
8 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
9 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION
10 OR UNDER A FORMER LAW OF THIS COMMONWEALTH.

11 (B) LIFETIME REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL
12 BE SUBJECT TO LIFETIME REGISTRATION:

13 (1) AN INDIVIDUAL WITH TWO OR MORE CONVICTIONS OF ANY OF
14 THE OFFENSES SET FORTH IN SUBSECTION (A) .

15 [(2) INDIVIDUALS CONVICTED OF ANY OF THE FOLLOWING
16 OFFENSES:

17 18 PA.C.S. § 3121 (RELATING TO RAPE) .

18 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
19 SEXUAL INTERCOURSE) .

20 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT) .

21 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
22 ASSAULT) .

23 18 PA.C.S. § 4302 (RELATING TO INCEST) WHEN THE
24 VICTIM IS UNDER 12 YEARS OF AGE.

25 (3) SEXUALLY VIOLENT PREDATORS.

26 (4) INDIVIDUALS CURRENTLY RESIDING IN THIS COMMONWEALTH
27 WHO HAVE BEEN CONVICTED OF OFFENSES SIMILAR TO THE CRIMES
28 CITED IN PARAGRAPH (2) UNDER THE LAWS OF THE UNITED STATES OR
29 ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
30 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A

FOREIGN NATION OR UNDER A FORMER LAW OF THIS COMMONWEALTH.]

(2) INDIVIDUALS CONVICTED:

(I) IN THIS COMMONWEALTH OF THE FOLLOWING OFFENSES:

18 PA.C.S. § 3121 (RELATING TO RAPE).

18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
SEXUAL INTERCOURSE).

18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
ASSAULT).

18 PA.C.S. § 4302 (RELATING TO INCEST) WHEN THE
VICTIM IS UNDER 12 YEARS OF AGE.

(II) OF OFFENSES SIMILAR TO THE CRIMES CITED IN
PARAGRAPH (2)(I) UNDER THE LAWS OF THE UNITED STATES OR
ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR
A FOREIGN NATION OR UNDER A FORMER LAW OF THIS
COMMONWEALTH WHO CURRENTLY RESIDE IN THIS COMMONWEALTH.

(3) SEXUALLY VIOLENT PREDATORS.

* * *

§ 9795.2. REGISTRATION PROCEDURES AND APPLICABILITY.

(A) REGISTRATION.--

* * *

(2) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL
INFORM THE PENNSYLVANIA STATE POLICE WITHIN 48 HOURS OF:

(I) ANY CHANGE OF RESIDENCE OR ESTABLISHMENT OF AN
ADDITIONAL RESIDENCE OR RESIDENCES. IN THE CASE OF AN
INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH
(2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION
9792 (RELATING TO DEFINITIONS), THE INDIVIDUAL SHALL
INFORM THE PENNSYLVANIA STATE POLICE OF THE FOLLOWING:

1 (A) THE LOCATION OF A TEMPORARY HABITAT OR OTHER
2 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
3 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS
4 LODGED;

5 (B) A LIST OF PLACES THE INDIVIDUAL EATS,
6 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES AND ANY
7 PLANNED DESTINATIONS, INCLUDING THOSE OUTSIDE THIS
8 COMMONWEALTH; AND

9 (C) THE PLACE THE INDIVIDUAL RECEIVES MAIL,
10 INCLUDING A POST OFFICE BOX.

11 THE DUTY TO PROVIDE THE INFORMATION SET FORTH IN THIS
12 SUBPARAGRAPH SHALL APPLY UNTIL THE INDIVIDUAL ESTABLISHES
13 A RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION
14 OF "RESIDENCE" SET FORTH IN SECTION 9792. IF THE
15 INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH
16 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION
17 9792 CHANGES OR ADDS TO THE PLACES LISTED IN THIS
18 SUBPARAGRAPH DURING A 30-DAY PERIOD, THE INDIVIDUAL SHALL
19 LIST THESE WHEN RE-REGISTERING DURING THE NEXT 30-DAY
20 PERIOD.

21 * * *

22 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR
23 ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS
24 COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

25 (4) AN INDIVIDUAL WHO [RESIDES] HAS A RESIDENCE, IS
26 EMPLOYED OR IS A STUDENT IN THIS COMMONWEALTH AND WHO HAS
27 BEEN CONVICTED OF OR SENTENCED BY A COURT OR COURT MARTIALED
28 FOR A SEXUALLY VIOLENT OFFENSE OR A SIMILAR OFFENSE UNDER THE
29 LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR
30 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE

1 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION, OR WHO WAS
2 REQUIRED TO REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE
3 JURISDICTION WHERE CONVICTED, SENTENCED OR COURT MARTIALED,
4 SHALL REGISTER AT AN APPROVED REGISTRATION SITE WITHIN 48
5 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE
6 PROVISIONS OF THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL
7 AS FOLLOWS:

8 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A
9 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9792
10 (RELATING TO DEFINITIONS) OR DETERMINED UNDER THE LAWS OF
11 THE OTHER JURISDICTION OR BY REASON OF COURT MARTIAL TO
12 BE SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME
13 REGISTRATION ON THE BASIS OF A STATUTORILY AUTHORIZED
14 ADMINISTRATIVE OR JUDICIAL DECISION OR ON THE BASIS OF A
15 STATUTE OR ADMINISTRATIVE RULE REQUIRING ACTIVE
16 NOTIFICATION AND LIFETIME REGISTRATION BASED SOLELY ON
17 THE OFFENSE FOR WHICH THE INDIVIDUAL WAS CONVICTED,
18 SENTENCED OR COURT MARTIALED, THE INDIVIDUAL SHALL,
19 NOTWITHSTANDING SECTION 9792, BE CONSIDERED A SEXUALLY
20 VIOLENT PREDATOR AND SUBJECT TO LIFETIME REGISTRATION
21 PURSUANT TO SECTION 9795.1(B) (RELATING TO REGISTRATION) .
22 THE INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF
23 THIS SECTION AND SECTIONS 9796 (RELATING TO VERIFICATION
24 OF RESIDENCE), 9798 (RELATING TO OTHER NOTIFICATION) AND
25 9798.1(C)(1) (RELATING TO INFORMATION MADE AVAILABLE ON
26 THE INTERNET AND ELECTRONIC NOTIFICATION), EXCEPT THAT
27 THE INDIVIDUAL SHALL NOT BE REQUIRED TO RECEIVE
28 COUNSELING UNLESS REQUIRED TO DO SO BY THE OTHER
29 JURISDICTION OR BY REASON OF COURT MARTIAL.

30 * * *

1 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
2 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN
3 PARAGRAPH (4), AN INDIVIDUAL WHO [RESIDES] HAS A RESIDENCE,
4 IS EMPLOYED OR IS A STUDENT IN THIS COMMONWEALTH AND WHO IS
5 REQUIRED TO REGISTER AS A SEX OFFENDER UNDER THE LAWS OF THE
6 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
7 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
8 PUERTO RICO OR A FOREIGN NATION AS A RESULT OF A JUVENILE
9 ADJUDICATION SHALL REGISTER AT AN APPROVED REGISTRATION SITE
10 WITHIN 48 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS
11 COMMONWEALTH. THE PROVISIONS OF THIS SUBCHAPTER SHALL APPLY
12 TO THE INDIVIDUAL AS FOLLOWS:

13 * * *

14 (C) REGISTRATION INFORMATION TO LOCAL POLICE.--

15 (1) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THE
16 INFORMATION OBTAINED UNDER THIS SECTION AND SECTIONS 9795.3
17 (RELATING TO SENTENCING COURT INFORMATION) AND 9796 (RELATING
18 TO VERIFICATION OF RESIDENCE) TO THE CHIEF LAW ENFORCEMENT
19 OFFICERS OF THE POLICE DEPARTMENTS OF THE MUNICIPALITIES IN
20 WHICH THE INDIVIDUAL WILL [RESIDE,] ESTABLISH A RESIDENCE OR
21 BE EMPLOYED OR ENROLLED AS A STUDENT. IN ADDITION, THE
22 PENNSYLVANIA STATE POLICE SHALL PROVIDE THIS OFFICER WITH THE
23 ADDRESS AT WHICH THE INDIVIDUAL WILL [RESIDE,] ESTABLISH A
24 RESIDENCE OR BE EMPLOYED OR ENROLLED AS A STUDENT FOLLOWING
25 HIS RELEASE FROM INCARCERATION, PAROLE OR PROBATION.

26 * * *

27 (3) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE
28 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
29 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED PURSUANT TO
30 PARAGRAPH (1) WHEN THEY ARE IN RECEIPT OF INFORMATION

1 INDICATING THAT THE INDIVIDUAL WILL NO LONGER [RESIDE] HAVE A
2 RESIDENCE, BE EMPLOYED OR BE ENROLLED AS A STUDENT IN THE
3 MUNICIPALITY.

4 * * *

5 § 9795.3. SENTENCING COURT INFORMATION.

6 THE SENTENCING COURT SHALL INFORM OFFENDERS AND SEXUALLY
7 VIOLENT PREDATORS AT THE TIME OF SENTENCING OF THE PROVISIONS OF
8 THIS SUBCHAPTER. THE COURT SHALL:

9 * * *

10 (2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
11 PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE POLICE
12 WITHIN [TEN DAYS] 48 HOURS IF THE OFFENDER OR SEXUALLY
13 VIOLENT PREDATOR CHANGES RESIDENCE OR ESTABLISHES AN
14 ADDITIONAL RESIDENCE OR RESIDENCES, CHANGES EMPLOYER OR
15 EMPLOYMENT LOCATION FOR A PERIOD OF TIME THAT WILL EXCEED 14
16 DAYS OR FOR AN AGGREGATE PERIOD OF TIME THAT WILL EXCEED 30
17 DAYS DURING ANY CALENDAR YEAR OR TERMINATES EMPLOYMENT OR
18 CHANGES INSTITUTION OR LOCATION AT WHICH THE PERSON IS
19 ENROLLED AS A STUDENT OR TERMINATES ENROLLMENT. IN ORDER TO
20 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE SENTENCING
21 COURT SHALL SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
22 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
23 POLICE OF:

24 (I) THE LOCATION OF A TEMPORARY HABITAT OR OTHER
25 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
26 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS LODGED;

27 (II) THE PLACES THE INDIVIDUAL EATS, FREQUENTS AND
28 ENGAGES IN LEISURE ACTIVITIES AND ANY PLANNED
29 DESTINATIONS, INCLUDING THOSE OUTSIDE THIS COMMONWEALTH;
30 AND

1 (III) THE PLACE THE INDIVIDUAL RECEIVES MAIL,
2 INCLUDING A POST OFFICE BOX,
3 IF THE INDIVIDUAL FAILS TO ESTABLISH A RESIDENCE AS DEFINED
4 IN PARAGRAPH (1) OF THE DEFINITION OF "RESIDENCE" SET FORTH
5 IN SECTION 9792.

6 (2.1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
7 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
8 POLICE WITHIN [TEN DAYS] 48 HOURS OF BECOMING EMPLOYED OR
9 ENROLLED AS A STUDENT IF THE PERSON HAS NOT PREVIOUSLY
10 PROVIDED THAT INFORMATION TO THE PENNSYLVANIA STATE POLICE.

11 (3) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
12 PREDATOR OF THE DUTY TO REGISTER WITH A NEW LAW ENFORCEMENT
13 AGENCY IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR MOVES TO
14 ANOTHER STATE NO LATER THAN [TEN DAYS] 48 HOURS AFTER
15 ESTABLISHING RESIDENCE IN ANOTHER STATE.

16 * * *

17 § 9795.5. EXEMPTION FROM CERTAIN NOTIFICATIONS.

18 (A) LIFETIME REGISTRANTS NOT CLASSIFIED AS SEXUALLY VIOLENT
19 PREDATORS.--

20 (1) AN INDIVIDUAL REQUIRED TO REGISTER UNDER SECTION
21 9795.1 (RELATING TO REGISTRATION) WHO IS NOT A SEXUALLY
22 VIOLENT PREDATOR MAY PETITION THE SENTENCING COURT TO BE
23 EXEMPT FROM THE APPLICATION OF SECTION 9798.1 (RELATING TO
24 INFORMATION MADE AVAILABLE ON THE INTERNET AND ELECTRONIC
25 NOTIFICATION) PROVIDED NO LESS THAN 20 YEARS HAVE PASSED
26 SINCE THE INDIVIDUAL HAS BEEN CONVICTED IN THIS OR ANY OTHER
27 JURISDICTION OF ANY OFFENSE PUNISHABLE BY IMPRISONMENT FOR
28 MORE THAN ONE YEAR, OR THE INDIVIDUAL'S RELEASE FROM CUSTODY
29 FOLLOWING THE INDIVIDUAL'S MOST RECENT CONVICTION FOR ANY
30 SUCH OFFENSE, WHICHEVER IS LATER.

1 * * *

2 SECTION 10. SECTION 9796(D) AND (F) OF TITLE 42 ARE AMENDED
3 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:
4 § 9796. VERIFICATION OF RESIDENCE.

5 * * *

6 (B.2) MONTHLY VERIFICATION BY INDIVIDUALS WITH TEMPORARY
7 HABITATS LOCATED WITHIN THIS COMMONWEALTH.--THE PENNSYLVANIA
8 STATE POLICE SHALL VERIFY THE RESIDENCE OF INDIVIDUALS REQUIRED
9 TO REGISTER UNDER THIS SUBCHAPTER WHO HAVE A RESIDENCE AS
10 DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" SET
11 FORTH IN SECTION 9792 (RELATING TO DEFINITIONS) EVERY 30 DAYS
12 THROUGH THE USE OF A NONFORWARDABLE VERIFICATION FORM TO THE
13 LAST REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL. THE
14 INDIVIDUAL SHALL APPEAR EVERY 30 DAYS AT AN APPROVED
15 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE
16 PHOTOGRAPHED. THE INDIVIDUAL SHALL APPEAR WITHIN 48 HOURS OF THE
17 DATE DESIGNATED BY THE PENNSYLVANIA STATE POLICE.

18 (B.3) FACILITATION OF MONTHLY VERIFICATION.--THE
19 PENNSYLVANIA STATE POLICE SHALL FACILITATE AND ADMINISTER THE
20 VERIFICATION PROCESS REQUIRED BY SUBSECTION (B.2) BY:

21 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
22 TO AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS SUBCHAPTER
23 WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
24 DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792 AT THE
25 LAST REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL.
26 THIS NOTICE SHALL BE SENT NOT MORE THAN TEN DAYS NOR LESS
27 THAN FIVE DAYS PRIOR TO EACH OF THE MONTHLY VERIFICATION
28 PERIODS AND SHALL REMIND THE INDIVIDUAL OF THE MONTHLY
29 VERIFICATION REQUIREMENT AND PROVIDE A LIST OF APPROVED
30 REGISTRATION SITES; AND

1 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS
2 NECESSARY TO EACH APPROVED REGISTRATION SITE.

3 * * *

4 (D) FAILURE TO PROVIDE VERIFICATION.--WHERE AN OFFENDER OR
5 SEXUALLY VIOLENT PREDATOR FAILS TO PROVIDE VERIFICATION OF
6 RESIDENCE DEFINED IN PARAGRAPH (1) OF THE DEFINITION OF
7 "RESIDENCE" SET FORTH IN SECTION 9792 WITHIN THE TEN-DAY PERIOD
8 OR THE 48-HOUR PERIOD IN THE CASE OF AN OFFENDER OR SEXUALLY
9 VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2)
10 OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792, AS
11 SET FORTH IN THIS SECTION, THE PENNSYLVANIA STATE POLICE SHALL
12 IMMEDIATELY NOTIFY THE MUNICIPAL POLICE DEPARTMENT OF THE
13 OFFENDER'S OR THE SEXUALLY VIOLENT PREDATOR'S LAST VERIFIED
14 RESIDENCE. THE LOCAL MUNICIPAL POLICE SHALL LOCATE THE OFFENDER
15 OR SEXUALLY VIOLENT PREDATOR AND ARREST HIM FOR VIOLATING THIS
16 SECTION. THE PENNSYLVANIA STATE POLICE SHALL ASSUME
17 RESPONSIBILITY FOR LOCATING THE OFFENDER OR SEXUALLY VIOLENT
18 PREDATOR AND ARRESTING HIM IN JURISDICTIONS WHERE NO MUNICIPAL
19 POLICE JURISDICTION EXISTS. THE PENNSYLVANIA STATE POLICE SHALL
20 ASSIST ANY MUNICIPAL POLICE DEPARTMENT REQUESTING ASSISTANCE
21 WITH LOCATING AND ARRESTING AN OFFENDER OR SEXUALLY VIOLENT
22 PREDATOR WHO FAILS TO VERIFY HIS RESIDENCE.

23 * * *

24 (F) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
25 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
26 VIOLENT PREDATOR OR OFFENDER TO RECEIVE ANY NOTICE OR
27 INFORMATION UNDER SUBSECTION (A.1) [OR (B.1)], (B.1) OR (B.3)
28 SHALL RELIEVE THAT PREDATOR OR OFFENDER FROM THE REQUIREMENTS OF
29 THIS SUBCHAPTER.

30 SECTION 11. SECTIONS 9797, 9798(A)(1)(II) AND (B), 9798.1

1 AND 9799.1(2) AND (4) OF TITLE 42 ARE AMENDED TO READ:

2 § 9797. VICTIM NOTIFICATION.

3 (A) DUTY TO INFORM VICTIM.--

4 (1) WHERE THE INDIVIDUAL IS DETERMINED TO BE A SEXUALLY
5 VIOLENT PREDATOR BY A COURT UNDER SECTION 9795.4 (RELATING TO
6 ASSESSMENTS), THE LOCAL MUNICIPAL POLICE DEPARTMENT OR THE
7 PENNSYLVANIA STATE POLICE WHERE NO MUNICIPAL POLICE
8 JURISDICTION EXISTS SHALL GIVE WRITTEN NOTICE TO THE SEXUALLY
9 VIOLENT PREDATOR'S VICTIM WHEN THE SEXUALLY VIOLENT PREDATOR
10 REGISTERS INITIALLY AND WHEN HE NOTIFIES THE PENNSYLVANIA
11 STATE POLICE OF ANY CHANGE OF RESIDENCE. [THIS] IN THE CASE
12 OF A SEXUALLY VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED
13 IN PARAGRAPH (1) OF THE DEFINITION OF "RESIDENCE" SET FORTH
14 IN SECTION 9792 (RELATING TO DEFINITIONS), NOTICE SHALL BE
15 GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT PREDATOR
16 REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE OF A
17 CHANGE OF ADDRESS. THE NOTICE SHALL CONTAIN THE SEXUALLY
18 VIOLENT PREDATOR'S NAME AND THE ADDRESS OR ADDRESSES WHERE
19 [HE RESIDES.] THE INDIVIDUAL HAS A RESIDENCE. IN THE CASE OF
20 A SEXUALLY VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED IN
21 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN
22 SECTION 9792, THE NOTICE SHALL CONTAIN THE SEXUALLY VIOLENT
23 PREDATOR'S NAME AND THE INFORMATION SET FORTH IN SECTION
24 9795.2(A)(2)(I)(A) AND (B) (RELATING TO REGISTRATION
25 PROCEDURES AND APPLICABILITY). THE NOTICE SHALL BE GIVEN TO
26 THE VICTIM WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT
27 PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE
28 OF A CHANGE OF RESIDENCE.

29 (2) A VICTIM MAY TERMINATE THE DUTY TO INFORM SET FORTH
30 IN PARAGRAPH (1) BY PROVIDING THE LOCAL MUNICIPAL POLICE

1 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE WHERE NO LOCAL
2 MUNICIPAL POLICE DEPARTMENT EXISTS WITH A WRITTEN STATEMENT
3 RELEASING THAT AGENCY FROM THE DUTY TO COMPLY WITH THIS
4 SECTION AS IT PERTAINS TO THAT VICTIM.

5 (B) WHERE AN INDIVIDUAL IS NOT DETERMINED TO BE A SEXUALLY
6 VIOLENT PREDATOR.--WHERE AN INDIVIDUAL IS NOT DETERMINED TO BE A
7 SEXUALLY VIOLENT PREDATOR BY A COURT UNDER SECTION 9795.4, THE
8 VICTIM SHALL BE NOTIFIED IN ACCORDANCE WITH SECTION 201 OF THE
9 ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME
10 VICTIMS ACT. THIS SUBSECTION INCLUDES THE CIRCUMSTANCE OF AN
11 OFFENDER HAVING A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
12 DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792.

13 § 9798. OTHER NOTIFICATION.

14 (A) NOTICE BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT
15 OFFICER.--NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S.
16 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE
17 CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME
18 POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT
19 PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE
20 AS REQUIRED UNDER THIS SECTION.

21 (1) THE NOTICE SHALL CONTAIN:

22 * * *

23 (II) THE ADDRESS OR ADDRESSES AT WHICH [HE RESIDES]
24 THE SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE. IF,
25 HOWEVER, THE SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE AS
26 DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE"
27 SET FORTH IN SECTION 9792 (RELATING TO DEFINITIONS), THE
28 NOTICE SHALL BE LIMITED TO THAT SET FORTH IN SECTION
29 9795.2 (A) (2) (I) (C) (RELATING TO REGISTRATION PROCEDURES
30 AND APPLICABILITY).

1 * * *

2 (B) TO WHOM WRITTEN NOTICE IS PROVIDED.--THE CHIEF LAW
3 ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE, UNDER
4 SUBSECTION (A), TO THE FOLLOWING PERSONS:

5 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR. AS USED
6 IN THIS PARAGRAPH, WHERE THE SEXUALLY VIOLENT PREDATOR LIVES
7 IN A 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
11 SERVICE AGENCY OF THE COUNTY WHERE THE SEXUALLY VIOLENT
12 PREDATOR [RESIDES] HAS A RESIDENCE.

13 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
14 EQUIVALENT OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS
15 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY
16 WHERE THE SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A
17 RESIDENCE.

18 (3.1) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
19 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
20 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
21 VIOLENT PREDATOR [RESIDES] HAS A RESIDENCE.

22 (4) THE LICENSEE OF EACH CERTIFIED DAY CARE CENTER AND
23 LICENSED PRESCHOOL PROGRAM AND OWNER/OPERATOR OF EACH
24 REGISTERED FAMILY DAY CARE HOME IN THE MUNICIPALITY WHERE THE
25 SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A RESIDENCE.

26 (5) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND
27 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF A SEXUALLY
28 VIOLENT PREDATOR'S RESIDENCE.

29 * * *

30 § 9798.1. INFORMATION MADE AVAILABLE ON THE INTERNET AND

1 ELECTRONIC NOTIFICATION.

2 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DECLARED TO BE THE
3 FINDING OF THE GENERAL ASSEMBLY THAT PUBLIC SAFETY WILL BE
4 ENHANCED BY MAKING INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS,
5 LIFETIME REGISTRANTS AND OTHER SEX OFFENDERS AVAILABLE TO THE
6 PUBLIC THROUGH THE INTERNET AND ELECTRONIC NOTIFICATION.

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

20 (B) INTERNET POSTING OF SEXUALLY VIOLENT PREDATORS, LIFETIME
21 REGISTRANTS [AND], OTHER OFFENDERS AND ELECTRONIC
22 NOTIFICATION.--THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE
23 SHALL, IN THE MANNER AND FORM DIRECTED BY THE GOVERNOR:

24 (1) DEVELOP AND MAINTAIN A SYSTEM FOR MAKING THE
25 INFORMATION DESCRIBED IN SUBSECTION (C) PUBLICLY AVAILABLE BY
26 ELECTRONIC MEANS SO THAT THE PUBLIC MAY, WITHOUT LIMITATION,
27 OBTAIN ACCESS TO THE INFORMATION VIA AN INTERNET WEBSITE TO
28 VIEW AN INDIVIDUAL RECORD OR THE RECORDS OF ALL SEXUALLY
29 VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER OFFENDERS
30 WHO ARE REGISTERED WITH THE PENNSYLVANIA STATE POLICE.

1 (2) ENSURE THAT THE INTERNET WEBSITE CONTAINS WARNINGS
2 THAT ANY PERSON WHO USES THE INFORMATION CONTAINED THEREIN TO
3 THREATEN, INTIMIDATE OR HARASS ANOTHER OR WHO OTHERWISE
4 MISUSES THAT INFORMATION MAY BE CRIMINALLY PROSECUTED.

5 (3) ENSURE THAT THE INTERNET WEBSITE CONTAINS AN
6 EXPLANATION OF ITS LIMITATIONS, INCLUDING STATEMENTS ADVISING
7 THAT A POSITIVE IDENTIFICATION OF A SEXUALLY VIOLENT
8 PREDATOR, LIFETIME REGISTRANT OR OTHER OFFENDER WHOSE RECORD
9 HAS BEEN MADE AVAILABLE MAY BE CONFIRMED ONLY BY
10 FINGERPRINTS; THAT SOME INFORMATION CONTAINED ON THE INTERNET
11 WEBSITE MAY BE OUTDATED OR INACCURATE; AND THAT THE INTERNET
12 WEBSITE IS NOT A COMPREHENSIVE LISTING OF EVERY PERSON WHO
13 HAS EVER COMMITTED A SEX OFFENSE IN PENNSYLVANIA.

14 (4) STRIVE TO ENSURE THAT:

15 (I) THE INFORMATION CONTAINED ON THE INTERNET
16 WEBSITE IS ACCURATE;

17 (II) THE DATA THEREIN IS REVISED AND UPDATED AS
18 APPROPRIATE IN A TIMELY AND EFFICIENT MANNER; AND

19 (III) INSTRUCTIONS ARE INCLUDED ON HOW TO SEEK
20 CORRECTION OF INFORMATION WHICH A PERSON CONTENDS IS
21 ERRONEOUS.

22 (5) PROVIDE ON THE INTERNET WEBSITE GENERAL INFORMATION
23 DESIGNED TO INFORM AND EDUCATE THE PUBLIC ABOUT SEX OFFENDERS
24 AND SEXUALLY VIOLENT PREDATORS AND THE OPERATION OF THIS
25 SUBCHAPTER AS WELL AS PERTINENT AND APPROPRIATE INFORMATION
26 CONCERNING CRIME PREVENTION AND PERSONAL SAFETY, WITH
27 APPROPRIATE LINKS TO OTHER RELEVANT INTERNET WEBSITES
28 OPERATED BY THE COMMONWEALTH OF PENNSYLVANIA.

29 (6) IDENTIFY WHEN THE VICTIM IS A MINOR WITH A SPECIAL
30 DESIGNATION. THE IDENTITY OF A VICTIM OF A SEX OFFENSE SHALL

1 NOT BE PUBLISHED OR POSTED ON THE INTERNET WEBSITE.

2 (7) NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO
3 CRIMINAL HISTORY RECORD INFORMATION), DEVELOP, IMPLEMENT AND
4 MAINTAIN A PROCESS WHICH ALLOWS MEMBERS OF THE PUBLIC TO
5 RECEIVE ELECTRONIC NOTIFICATION WHEN AN INDIVIDUAL REQUIRED
6 TO REGISTER UNDER THIS SUBCHAPTER MOVES INTO OR OUT OF A
7 USER-DESIGNATED LOCATION.

8 (C) INFORMATION PERMITTED TO BE DISCLOSED REGARDING
9 INDIVIDUALS.--NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO
10 CRIMINAL HISTORY RECORD INFORMATION), THE INTERNET WEBSITE SHALL
11 CONTAIN THE FOLLOWING INFORMATION ON EACH INDIVIDUAL:

12 (1) FOR SEXUALLY VIOLENT PREDATORS, THE FOLLOWING
13 INFORMATION SHALL BE POSTED ON THE INTERNET WEBSITE:

14 (I) NAME AND ALL KNOWN ALIASES;

15 (II) YEAR OF BIRTH;

16 (III) IN THE CASE OF AN INDIVIDUAL WHO HAS A
17 RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION
18 OF "RESIDENCE" SET FORTH IN SECTION 9792 (RELATING TO
19 DEFINITIONS), THE STREET ADDRESS, MUNICIPALITY, COUNTY
20 AND ZIP CODE OF ALL RESIDENCES, INCLUDING, WHERE
21 APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF
22 CONFINEMENT;

23 (IV) THE STREET ADDRESS, MUNICIPALITY, COUNTY, ZIP
24 CODE AND NAME OF ANY INSTITUTION OR LOCATION AT WHICH THE
25 PERSON IS ENROLLED AS A STUDENT;

26 (V) THE MUNICIPALITY, COUNTY AND ZIP CODE OF ANY
27 EMPLOYMENT LOCATION;

28 (VI) A PHOTOGRAPH OF THE OFFENDER, WHICH SHALL BE
29 UPDATED NOT LESS THAN ANNUALLY;

30 (VII) A PHYSICAL DESCRIPTION OF THE OFFENDER,

1 INCLUDING SEX, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR AND
2 RACE;

3 (VIII) ANY IDENTIFYING MARKS, INCLUDING SCARS,
4 BIRTHMARKS AND TATTOOS;

5 (IX) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY
6 VEHICLE OWNED OR REGISTERED TO THE OFFENDER;

7 (X) WHETHER THE OFFENDER IS CURRENTLY COMPLIANT WITH
8 REGISTRATION REQUIREMENTS;

9 (XI) WHETHER THE VICTIM IS A MINOR;

10 (XII) A DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH
11 TRIGGERED THE APPLICATION OF THIS SUBCHAPTER; [AND]

12 (XIII) THE DATE OF THE OFFENSE AND CONVICTION, IF
13 AVAILABLE; AND

14 (XIV) IN THE CASE OF AN INDIVIDUAL WHO HAS A
15 RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE DEFINITION
16 OF "RESIDENCE" SET FORTH IN SECTION 9792, THE INFORMATION
17 LISTED IN SECTION 9795.2(A)(2)(I)(C) (RELATING TO
18 REGISTRATION PROCEDURES AND APPLICABILITY), INCLUDING,
19 WHERE APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE
20 OF CONFINEMENT.

21 (2) FOR ALL OTHER LIFETIME REGISTRANTS AND OFFENDERS
22 SUBJECT TO REGISTRATION, THE INFORMATION SET FORTH IN
23 PARAGRAPH (1) SHALL BE POSTED ON THE INTERNET WEBSITE.

24 (D) DURATION OF INTERNET POSTING.--

25 (1) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT A
26 SEXUALLY VIOLENT PREDATOR SHALL BE MADE AVAILABLE ON THE
27 INTERNET FOR THE LIFETIME OF THE SEXUALLY VIOLENT PREDATOR.

28 (2) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT AN
29 OFFENDER WHO IS SUBJECT TO LIFETIME REGISTRATION SHALL BE
30 MADE AVAILABLE ON THE INTERNET FOR THE LIFETIME OF THE

1 OFFENDER UNLESS THE OFFENDER IS GRANTED RELIEF UNDER SECTION
2 9795.5 (RELATING TO EXEMPTION FROM CERTAIN NOTIFICATIONS).

3 (3) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT ANY
4 OTHER OFFENDER SUBJECT TO REGISTRATION SHALL BE MADE
5 AVAILABLE ON THE INTERNET FOR THE ENTIRE PERIOD DURING WHICH
6 THE OFFENDER IS REQUIRED TO REGISTER, INCLUDING ANY EXTENSION
7 OF THIS PERIOD PURSUANT TO 9795.2(A)(3) (RELATING TO
8 REGISTRATION PROCEDURES AND APPLICABILITY).

9 § 9799.1. DUTIES OF PENNSYLVANIA STATE POLICE.

10 THE PENNSYLVANIA STATE POLICE SHALL:

11 * * *

12 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,
13 THE OFFICE OF ATTORNEY GENERAL, THE PENNSYLVANIA BOARD OF
14 PROBATION AND PAROLE AND THE CHAIRMAN AND THE MINORITY
15 CHAIRMAN OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
16 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE
17 OF THE HOUSE OF REPRESENTATIVES, PROMULGATE GUIDELINES
18 NECESSARY FOR THE GENERAL ADMINISTRATION OF THIS SUBCHAPTER.
19 THESE GUIDELINES SHALL ESTABLISH PROCEDURES TO ALLOW AN
20 INDIVIDUAL SUBJECT TO THE REQUIREMENTS OF SECTIONS 9795.1
21 (RELATING TO REGISTRATION) AND 9796 (RELATING TO VERIFICATION
22 OF RESIDENCE) TO FULFILL THESE REQUIREMENTS AT APPROVED
23 REGISTRATION SITES THROUGHOUT THIS COMMONWEALTH. THIS
24 PARAGRAPH INCLUDES THE DUTY TO ESTABLISH PROCEDURES TO ALLOW
25 AN INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2)
26 OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792
27 (RELATING TO DEFINITIONS) TO FULFILL THE REQUIREMENTS
28 REGARDING REGISTRATION AT APPROVED REGISTRATION SITES
29 THROUGHOUT THIS COMMONWEALTH. THE PENNSYLVANIA STATE POLICE
30 SHALL PUBLISH A LIST OF APPROVED REGISTRATION SITES IN THE

PENNSYLVANIA BULLETIN AND PROVIDE A LIST OF APPROVED
REGISTRATION SITES IN ANY NOTICES SENT TO INDIVIDUALS
REQUIRED TO REGISTER UNDER SECTION 9795.1. AN APPROVED
REGISTRATION SITE SHALL BE CAPABLE OF SUBMITTING
FINGERPRINTS, PHOTOGRAPHS AND ANY OTHER INFORMATION REQUIRED
ELECTRONICALLY TO THE PENNSYLVANIA STATE POLICE. THE
PENNSYLVANIA STATE POLICE SHALL REQUIRE THAT APPROVED
REGISTRATION SITES SUBMIT FINGERPRINTS UTILIZING THE
INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR IN
ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
POLICE SHALL REQUIRE. THE PENNSYLVANIA STATE POLICE SHALL
REQUIRE THAT APPROVED REGISTRATION SITES SUBMIT PHOTOGRAPHS
UTILIZING THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN
ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
POLICE SHALL REQUIRE. APPROVED REGISTRATION SITES SHALL NOT
BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE
AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT
AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION
SITES SET FORTH IN THIS PARAGRAPH.

* * *

(4) NOTIFY, WITHIN FIVE DAYS OF RECEIVING THE OFFENDER'S
OR THE SEXUALLY VIOLENT PREDATOR'S REGISTRATION, THE CHIEF
LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS HAVING
PRIMARY JURISDICTION OF THE MUNICIPALITIES IN WHICH AN
OFFENDER OR SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A
RESIDENCE, IS EMPLOYED OR ENROLLED AS A STUDENT OF THE FACT
THAT THE OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS BEEN
REGISTERED WITH THE PENNSYLVANIA STATE POLICE PURSUANT TO
SECTIONS 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
APPLICABILITY) AND 9796 (RELATING TO VERIFICATION OF

1 RESIDENCE) .

2 * * *

3 SECTION 12. TITLE 42 IS AMENDED BY ADDING SECTIONS TO READ:

4 § 9799.10. PURPOSES OF SUBCHAPTER.

5 THIS SUBCHAPTER SHALL BE INTERPRETED AND CONSTRUED TO
6 EFFECTUATE THE FOLLOWING PURPOSES:

7 (1) TO BRING THE COMMONWEALTH INTO SUBSTANTIAL
8 COMPLIANCE WITH THE ADAM WALSH CHILD PROTECTION AND SAFETY
9 ACT OF 2006 (PUBLIC LAW 109-248, 120 STAT. 597).

10 (2) TO REQUIRE INDIVIDUALS CONVICTED OF CERTAIN SEXUAL
11 OFFENSES TO REGISTER WITH THE PENNSYLVANIA STATE POLICE AND
12 TO OTHERWISE COMPLY WITH THIS SUBCHAPTER IF THOSE INDIVIDUALS
13 RESIDE WITHIN THIS COMMONWEALTH, INTEND TO RESIDE WITHIN THIS
14 COMMONWEALTH, ATTEND AN EDUCATIONAL INSTITUTION WITHIN THIS
15 COMMONWEALTH OR ARE EMPLOYED OR CONDUCT VOLUNTEER WORK WITHIN
16 THIS COMMONWEALTH.

17 (3) TO REQUIRE INDIVIDUALS CONVICTED OF CERTAIN SEXUAL
18 OFFENSES WHO FAIL TO MAINTAIN A RESIDENCE AND ARE THEREFORE
19 HOMELESS BUT CAN STILL BE FOUND WITHIN THE BORDERS OF THIS
20 COMMONWEALTH TO REGISTER WITH THE PENNSYLVANIA STATE POLICE.

21 (4) TO REQUIRE INDIVIDUALS WHO ARE CURRENTLY SUBJECT TO
22 THE CRIMINAL JUSTICE SYSTEM OF THIS COMMONWEALTH AS INMATES,
23 SUPERVISED WITH RESPECT TO PROBATION OR PAROLE OR REGISTRANTS
24 UNDER THIS SUBCHAPTER TO REGISTER WITH THE PENNSYLVANIA STATE
25 POLICE AND TO OTHERWISE COMPLY WITH THIS SUBCHAPTER. TO THE
26 EXTENT PRACTICABLE AND CONSISTENT WITH THE REQUIREMENTS OF
27 THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006, THIS
28 SUBCHAPTER SHALL BE CONSTRUED TO MAINTAIN EXISTING PROCEDURES
29 REGARDING REGISTRATION OF SEXUAL OFFENDERS WHO ARE SUBJECT TO
30 THE CRIMINAL JUSTICE SYSTEM OF THIS COMMONWEALTH.

1 (5) TO PROVIDE A MECHANISM FOR MEMBERS OF THE GENERAL
2 PUBLIC TO OBTAIN INFORMATION ABOUT CERTAIN SEXUAL OFFENDERS
3 FROM A PUBLIC INTERNET WEBSITE AND TO INCLUDE ON THAT
4 INTERNET WEBSITE A FEATURE WHICH WILL ALLOW A MEMBER OF THE
5 PUBLIC TO ENTER A ZIP CODE OR A GEOGRAPHIC RADIUS AND
6 DETERMINE WHETHER A SEXUAL OFFENDER RESIDES WITHIN THAT ZIP
7 CODE OR RADIUS.

8 (6) TO PROVIDE A MECHANISM FOR LAW ENFORCEMENT ENTITIES
9 WITHIN THIS COMMONWEALTH TO OBTAIN INFORMATION ABOUT CERTAIN
10 SEXUAL OFFENDERS AND TO ALLOW LAW ENFORCEMENT ENTITIES
11 OUTSIDE THIS COMMONWEALTH, INCLUDING THOSE WITHIN THE FEDERAL
12 GOVERNMENT, TO OBTAIN CURRENT INFORMATION ABOUT CERTAIN
13 SEXUAL OFFENDERS.

14 § 9799.11. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY.

15 (A) LEGISLATIVE FINDINGS.--THE GENERAL ASSEMBLY FINDS AS
16 FOLLOWS:

17 (1) IN 1995 THE GENERAL ASSEMBLY ENACTED THE ACT OF
18 OCTOBER 24, 1995 (1ST SP.SESS. P.L.1079, NO.24), COMMONLY
19 REFERRED TO AS MEGAN'S LAW. THROUGH THIS ENACTMENT, THE
20 GENERAL ASSEMBLY INTENDED TO COMPLY WITH LEGISLATION ENACTED
21 BY CONGRESS REQUIRING THAT STATES PROVIDE FOR THE
22 REGISTRATION OF SEXUAL OFFENDERS. THE FEDERAL STATUTE, THE
23 JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT
24 OFFENDER REGISTRATION ACT (PUBLIC LAW 103-322, 42 U.S.C.
25 14071 ET SEQ.), HAS BEEN SUPERSEDED BY THE ADAM WALSH CHILD
26 PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW 109-248, 120
27 STAT. 597)).

28 (2) THIS COMMONWEALTH'S LAWS REGARDING REGISTRATION OF
29 SEXUAL OFFENDERS NEED TO BE STRENGTHENED. THE ADAM WALSH
30 CHILD PROTECTION AND SAFETY ACT OF 2006 PROVIDES A MECHANISM

1 FOR THE COMMONWEALTH TO INCREASE ITS REGULATION OF SEXUAL
2 OFFENDERS IN A MANNER WHICH IS NONPUNITIVE BUT OFFERS AN
3 INCREASED MEASURE OF PROTECTION TO THE CITIZENS OF THIS
4 COMMONWEALTH.

5 (3) IF THE PUBLIC IS PROVIDED ADEQUATE NOTICE AND
6 INFORMATION ABOUT SEXUAL OFFENDERS, THE COMMUNITY CAN DEVELOP
7 CONSTRUCTIVE PLANS TO PREPARE FOR THE PRESENCE OF SEXUAL
8 OFFENDERS IN THE COMMUNITY. THIS ALLOWS COMMUNITIES TO MEET
9 WITH LAW ENFORCEMENT TO PREPARE AND OBTAIN INFORMATION ABOUT
10 THE RIGHTS AND RESPONSIBILITIES OF THE COMMUNITY AND TO
11 PROVIDE EDUCATION AND COUNSELING TO RESIDENTS, PARTICULARLY
12 CHILDREN.

13 (4) SEXUAL OFFENDERS POSE A HIGH RISK OF COMMITTING
14 ADDITIONAL SEXUAL OFFENSES, AND PROTECTION OF THE PUBLIC FROM
15 THIS TYPE OF OFFENDER IS A PARAMOUNT GOVERNMENTAL INTEREST.

16 (5) SEXUAL OFFENDERS HAVE A REDUCED EXPECTATION OF
17 PRIVACY BECAUSE OF THE PUBLIC'S INTEREST IN PUBLIC SAFETY AND
18 IN THE EFFECTIVE OPERATION OF GOVERNMENT.

19 (6) RELEASE OF INFORMATION ABOUT SEXUAL OFFENDERS TO
20 PUBLIC AGENCIES AND THE GENERAL PUBLIC WILL FURTHER THE
21 GOVERNMENTAL INTERESTS OF PUBLIC SAFETY AND PUBLIC SCRUTINY
22 OF THE CRIMINAL AND MENTAL HEALTH SYSTEMS SO LONG AS THE
23 INFORMATION RELEASED IS RATIONALLY RELATED TO THE FURTHERANCE
24 OF THOSE GOALS.

25 (7) KNOWLEDGE OF WHETHER A PERSON IS A SEXUAL OFFENDER
26 COULD BE A SIGNIFICANT FACTOR IN PROTECTING ONESELF AND ONE'S
27 FAMILY MEMBERS, OR THOSE IN CARE OF A GROUP OR COMMUNITY
28 ORGANIZATION, FROM RECIDIVIST ACTS BY SUCH OFFENDERS.

29 (8) THE TECHNOLOGY AFFORDED BY THE INTERNET AND OTHER
30 MODERN ELECTRONIC COMMUNICATION METHODS MAKES THIS

1 INFORMATION READILY ACCESSIBLE TO PARENTS, MINORS AND PRIVATE
2 ENTITIES, ENABLING THEM TO UNDERTAKE APPROPRIATE REMEDIAL
3 PRECAUTIONS TO PREVENT OR AVOID PLACING POTENTIAL VICTIMS AT
4 RISK.

5 (B) DECLARATION OF POLICY.--THE GENERAL ASSEMBLY DECLARES AS
6 FOLLOWS:

7 (1) IT IS THE INTENTION OF THE GENERAL ASSEMBLY TO
8 SUBSTANTIALLY COMPLY WITH THE ADAM WALSH CHILD PROTECTION AND
9 SAFETY ACT OF 2006 AND TO FURTHER PROTECT THE SAFETY AND
10 GENERAL WELFARE OF THE CITIZENS OF THIS COMMONWEALTH BY
11 PROVIDING FOR INCREASED REGULATION OF SEXUAL OFFENDERS,
12 SPECIFICALLY AS THAT REGULATION RELATES TO REGISTRATION OF
13 SEXUAL OFFENDERS AND COMMUNITY NOTIFICATION ABOUT SEXUAL
14 OFFENDERS.

15 (2) IT IS THE POLICY OF THE COMMONWEALTH TO REQUIRE THE
16 EXCHANGE OF RELEVANT INFORMATION ABOUT SEXUAL OFFENDERS AMONG
17 PUBLIC AGENCIES AND OFFICIALS AND TO AUTHORIZE THE RELEASE OF
18 NECESSARY AND RELEVANT INFORMATION ABOUT SEXUAL OFFENDERS TO
19 MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF ASSURING PUBLIC
20 PROTECTION AND SHALL NOT BE CONSTRUED AS PUNITIVE.

21 § 9799.12. DEFINITIONS.

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

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

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

30 (2) WHICH IS CAPABLE OF SUBMITTING FINGERPRINTS

1 UTILIZING THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION
2 SYSTEM OR IN ANOTHER MANNER AND IN THE FORM AS THE
3 PENNSYLVANIA STATE POLICE SHALL REQUIRE; AND

4 (3) WHICH IS CAPABLE OF SUBMITTING PHOTOGRAPHS IN THE
5 FORM AS THE PENNSYLVANIA STATE POLICE SHALL REQUIRE.

6 "BOARD." THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD.

7 "COMMON INTEREST COMMUNITY." INCLUDES A COOPERATIVE, A
8 CONDOMINIUM AND A PLANNED COMMUNITY WHERE AN INDIVIDUAL BY
9 VIRTUE OF AN OWNERSHIP INTEREST IN ANY PORTION OF REAL ESTATE IS
10 OR MAY BECOME OBLIGATED BY COVENANT, EASEMENT OR AGREEMENT
11 IMPOSED UPON THE OWNER'S INTEREST TO PAY ANY AMOUNT FOR REAL
12 PROPERTY TAXES, INSURANCE, MAINTENANCE, REPAIR, IMPROVEMENT,
13 MANAGEMENT, ADMINISTRATION OR REGULATION OF ANY PART OF THE REAL
14 ESTATE OTHER THAN THE PORTION OR INTEREST OWNED SOLELY BY THE
15 INDIVIDUAL.

16 "CONVICTED." INCLUDES CONVICTION BY ENTRY OF PLEA OF GUILTY
17 OR NOLO CONTENDERE, CONVICTION AFTER TRIAL AND A FINDING OF NOT
18 GUILTY DUE TO INSANITY OR OF GUILTY BUT MENTALLY ILL.

19 "EMPLOYED." INCLUDES A VOCATION OR EMPLOYMENT THAT IS FULL
20 TIME OR PART TIME FOR A PERIOD OF TIME EXCEEDING FOUR DAYS
21 DURING A SEVEN-DAY PERIOD OR FOR AN AGGREGATE PERIOD OF TIME
22 EXCEEDING 14 DAYS DURING ANY CALENDAR YEAR, WHETHER SELF-
23 EMPLOYED, VOLUNTEERED, FINANCIALLY COMPENSATED, PURSUANT TO A
24 CONTRACT OR FOR THE PURPOSE OF GOVERNMENTAL OR EDUCATIONAL
25 BENEFIT.

26 "FOREIGN COUNTRY." INCLUDES CANADA, THE UNITED KINGDOM,
27 AUSTRALIA, NEW ZEALAND AND A FOREIGN COUNTRY WHERE THE UNITED
28 STATES DEPARTMENT OF STATE IN THE COUNTRY REPORTS ON HUMAN
29 RIGHTS PRACTICES HAS CONCLUDED THAT AN INDEPENDENT JUDICIARY
30 ENFORCED THE RIGHT TO A FAIR TRIAL IN THAT COUNTRY DURING THE

1 CALENDAR YEAR IN WHICH THE INDIVIDUAL'S CONVICTION OCCURRED.

2 "IAFIS." THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION
3 SYSTEM.

4 "INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM."
5 THE NATIONAL FINGERPRINT AND CRIMINAL HISTORY SYSTEM MAINTAINED
6 BY THE FEDERAL BUREAU OF INVESTIGATION PROVIDING AUTOMATED
7 FINGERPRINT SEARCH CAPABILITIES, LATENT SEARCHING CAPABILITY,
8 ELECTRONIC IMAGE STORAGE AND ELECTRONIC EXCHANGE OF FINGERPRINTS
9 AND RESPONSES.

10 "JURISDICTION." A STATE, THE DISTRICT OF COLUMBIA, THE
11 COMMONWEALTH OF PUERTO RICO, GUAM, AMERICAN SAMOA, THE NORTHERN
12 MARIANA ISLANDS, THE UNITED STATES VIRGIN ISLANDS AND A
13 FEDERALLY RECOGNIZED INDIAN TRIBE AS PROVIDED IN SECTION 127 OF
14 THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC
15 LAW 109-248, 42 U.S.C. § 16927).

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, INCLUDING
30 COMMITMENT TO AN INSTITUTION OR FACILITY SET FORTH IN

1 SECTION 6352(A)(3) (RELATING TO A DISPOSITION OF
2 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 THE TERM DOES NOT INCLUDE A SEXUALLY VIOLENT DELINQUENT CHILD.

11 "MENTAL ABNORMALITY." A CONGENITAL OR ACQUIRED CONDITION OF
12 A PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF
13 THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE
14 COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE
15 PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

16 "MILITARY OFFENSE." AN OFFENSE SPECIFIED BY THE UNITED
17 STATES SECRETARY OF DEFENSE UNDER 10 U.S.C. § 951 (RELATING TO
18 ESTABLISHMENT; ORGANIZATION; ADMINISTRATION).

19 "MINOR." ANY INDIVIDUAL UNDER 18 YEARS OF AGE.

20 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN OR
21 TOWNSHIP.

22 "NCIC." THE NATIONAL CRIME INFORMATION CENTER.

23 "PENETRATION." INCLUDES ANY PENETRATION, HOWEVER SLIGHT, OF
24 THE GENITALS OR ANUS OR MOUTH OF ANOTHER PERSON WITH A PART OF
25 THE PERSON'S BODY OR A FOREIGN OBJECT FOR ANY PURPOSE OTHER THAN
26 GOOD FAITH MEDICAL, HYGIENIC OR LAW ENFORCEMENT PROCEDURES.

27 "PREDATORY." AN ACT DIRECTED AT A STRANGER OR AT A PERSON
28 WITH WHOM A RELATIONSHIP HAS BEEN INITIATED, ESTABLISHED,
29 MAINTAINED OR PROMOTED, IN WHOLE OR IN PART, IN ORDER TO
30 FACILITATE OR SUPPORT VICTIMIZATION.

1 "REGISTRY." THE STATEWIDE REGISTRY OF SEXUAL OFFENDERS
2 ESTABLISHED IN SECTION 9799.16(A) (RELATING TO REGISTRY).

3 "RESIDENCE." A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
4 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS OR
5 MORE DURING A CALENDAR YEAR. THE TERM INCLUDES A RESIDENCE WHICH
6 IS MOBILE, INCLUDING A HOUSEBOAT, MOBILE HOME, TRAILER OR
7 RECREATIONAL VEHICLE.

8 "SEXUAL OFFENDER." AN INDIVIDUAL REQUIRED TO REGISTER UNDER
9 THIS SUBCHAPTER.

10 "SEXUALLY VIOLENT DELINQUENT CHILD." AS DEFINED IN SECTION
11 6402 (RELATING TO DEFINITIONS).

12 "SEXUALLY VIOLENT OFFENSE." AN OFFENSE SPECIFIED IN SECTION
13 9799.14 (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM) AS A TIER
14 I, TIER II OR TIER III SEXUAL OFFENSE.

15 "SEXUALLY VIOLENT PREDATOR." AN INDIVIDUAL CONVICTED OF AN
16 OFFENSE SPECIFIED IN:

17 (1) SECTION 9799.14(B) (1), (2), (3), (4), (5), (6), (7),
18 (8), (9) OR (10) (RELATING TO SEXUAL OFFENSES AND TIER
19 SYSTEM) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT
20 ANY OFFENSE UNDER SECTION 9799.14(B) (1), (2), (3), (4), (5),
21 (6), (7), (8), (9) OR (10);

22 (2) SECTION 9799.14(C) (1), (2), (3), (4), (5) OR (6) OR
23 AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN OFFENSE
24 UNDER SECTION 9799.14(C) (1), (2), (3), (4), (5) OR (6); OR

25 (3) SECTION 9799.14(D) (1), (2), (3), (4), (5), (6), (7)
26 OR (8) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN
27 OFFENSE UNDER SECTION 9799.14(D) (1), (2), (3), (4), (5), (6),
28 (7) OR (8)

29 WHO IS DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER
30 SECTION 9799.24 (RELATING TO ASSESSMENTS) DUE TO A MENTAL

1 ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE INDIVIDUAL
2 LIKELY TO ENGAGE IN PREDATORY SEXUALLY VIOLENT OFFENSES. THE
3 TERM INCLUDES AN INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT
4 PREDATOR WHERE THE DETERMINATION OCCURRED IN ANOTHER
5 JURISDICTION, A FOREIGN COUNTRY OR BY COURT MARTIAL.

6 "STUDENT." AN INDIVIDUAL WHO IS ENROLLED IN OR ATTENDS A
7 PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION WITHIN THIS
8 COMMONWEALTH ON A FULL-TIME OR PART-TIME BASIS, INCLUDING A
9 SECONDARY SCHOOL, TRADE OR PROFESSIONAL INSTITUTION OR
10 INSTITUTION OF HIGHER EDUCATION. THE TERM DOES NOT INCLUDE AN
11 INDIVIDUAL ENROLLED IN AN EDUCATIONAL INSTITUTION EXCLUSIVELY
12 THROUGH THE INTERNET OR VIA CORRESPONDENCE COURSES.

13 "TEMPORARY LODGING." THE SPECIFIC LOCATION, INCLUDING STREET
14 ADDRESS, WHERE A SEXUAL OFFENDER IS STAYING WHEN AWAY FROM THE
15 SEXUAL OFFENDER'S RESIDENCE FOR SEVEN OR MORE DAYS.

16 "TIER I SEXUAL OFFENSE." AN OFFENSE SPECIFIED IN SECTION
17 9799.14(B) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM).

18 "TIER II SEXUAL OFFENSE." AN OFFENSE SPECIFIED IN SECTION
19 9799.14(C) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM).

20 "TIER III SEXUAL OFFENSE." AN OFFENSE SPECIFIED IN SECTION
21 9799.14(D) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM).

22 "TRANSIENT." AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS
23 SUBCHAPTER WHO DOES NOT HAVE A RESIDENCE BUT NEVERTHELESS
24 RESIDES IN THIS COMMONWEALTH IN A TEMPORARY HABITAT OR OTHER
25 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A HOMELESS
26 SHELTER OR PARK.

27 § 9799.13. APPLICABILITY.

28 THE FOLLOWING INDIVIDUALS SHALL REGISTER WITH THE
29 PENNSYLVANIA STATE POLICE AS PROVIDED IN SECTIONS 9799.15
30 (RELATING TO PERIOD OF REGISTRATION), 9799.19 (RELATING TO

1 INITIAL REGISTRATION) AND 9799.25 (RELATING TO VERIFICATION BY
2 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE) AND OTHERWISE
3 COMPLY WITH THE PROVISIONS OF THIS SUBCHAPTER:

4 (1) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
5 THIS SECTION, HAS BEEN CONVICTED OF A SEXUALLY VIOLENT
6 OFFENSE AND WHO HAS A RESIDENCE WITHIN THIS COMMONWEALTH OR
7 IS A TRANSIENT.

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

16 (3) AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE
17 PENNSYLVANIA STATE POLICE UNDER THIS SUBCHAPTER PRIOR TO THE
18 EFFECTIVE DATE OF THIS SECTION WHO HAS NOT FULFILLED THE
19 PERIOD OF REGISTRATION AS OF THE EFFECTIVE DATE OF THIS
20 SECTION.

21 (4) AN INDIVIDUAL WHO WAS REQUIRED TO REGISTER WITH THE
22 PENNSYLVANIA STATE POLICE PURSUANT TO FORMER SECTION 9795.1
23 AND:

24 (I) HAS FULFILLED THE PERIOD OF REGISTRATION
25 PROVIDED IN FORMER SECTION 9795.1(A) (RELATING TO
26 REGISTRATION) OR HAS BEEN REMOVED FROM THE REGISTRY UNDER
27 FORMER SECTION 9795.5 (RELATING TO EXEMPTION FROM CERTAIN
28 NOTIFICATIONS); AND

29 (II) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION,
30 IS CONVICTED OF A SEXUALLY VIOLENT OFFENSE OR CONVICTED

1 OF AN OFFENSE GRADED AS A FELONY.

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

5 (I) HAS FULFILLED THE PERIOD OF REGISTRATION
6 PROVIDED IN THIS SUBCHAPTER; AND

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

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

12 (I) HAS BEEN REMOVED FROM THE REGISTRY PURSUANT TO
13 SECTION 9799.17 (RELATING TO REDUCTION OF PERIOD OF
14 REGISTRATION); AND

15 (II) IS SUBSEQUENTLY CONVICTED OF AN OFFENSE GRADED
16 AS A FELONY.

17 (7) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
18 THIS SECTION, IS REQUIRED TO REGISTER IN A SEXUAL OFFENDER
19 REGISTRY IN ANOTHER JURISDICTION OR IN A FOREIGN COUNTRY
20 BASED UPON A CONVICTION FOR A SEXUALLY VIOLENT OFFENSE AND:

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

23 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

24 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

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

29 (I) HAS A RESIDENCE WITHIN THIS COMMONWEALTH;

30 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

1 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

2 (9) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
3 THIS SECTION, IS A SEXUALLY VIOLENT DELINQUENT CHILD WHO IS
4 COMMITTED FOR INVOLUNTARY TREATMENT OR, ON THE EFFECTIVE DATE
5 OF THIS SECTION, IS UNDER COMMITMENT RECEIVING INVOLUNTARY
6 TREATMENT IN THE STATE-OWNED FACILITY OR UNIT AS SET FORTH IN
7 CHAPTER 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT
8 OF CERTAIN SEXUALLY VIOLENT PERSONS).

9 § 9799.14. SEXUAL OFFENSES AND TIER SYSTEM.

10 (A) TIER SYSTEM ESTABLISHED.--SEXUAL OFFENSES SHALL BE
11 CLASSIFIED IN A THREE-TIERED SYSTEM COMPOSED OF TIER I SEXUAL
12 OFFENSES, TIER II SEXUAL OFFENSES AND TIER III SEXUAL OFFENSES.

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

15 (1) 18 PA.C.S. § 2902(B) (RELATING TO UNLAWFUL
16 RESTRAINT).

17 (2) 18 PA.C.S. § 2903(B) (RELATING TO FALSE
18 IMPRISONMENT).

19 (3) 18 PA.C.S. § 2904 (RELATING TO INTERFERENCE WITH
20 CUSTODY OF CHILDREN) IF THE VICTIM IS A MINOR AND THE SEXUAL
21 OFFENDER IS NOT THE VICTIM'S PARENT OR GUARDIAN.

22 (4) 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD INTO A
23 MOTOR VEHICLE OR STRUCTURE).

24 (5) 18 PA.C.S. § 3124.2(A) (RELATING TO INSTITUTIONAL
25 SEXUAL ASSAULT).

26 (6) 18 PA.C.S. § 3126(A)(1) (RELATING TO INDECENT
27 ASSAULT).

28 (7) (RESERVED).

29 (8) 18 PA.C.S. § 6301(A)(1)(II) (RELATING TO CORRUPTION
30 OF MINORS).

1 (9) 18 PA.C.S. § 6312(D) (RELATING TO SEXUAL ABUSE OF
2 CHILDREN) .

3 (10) 18 PA.C.S. § 7507.1. (RELATING TO INVASION OF
4 PRIVACY) .

5 (11) 18 U.S.C. § 1801 (RELATING TO VIDEO VOYEURISM) .

6 (12) 18 U.S.C. § 2252 (RELATING TO CERTAIN ACTIVITIES
7 RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF
8 MINORS) .

9 (13) 18 U.S.C. § 2252A (RELATING TO CERTAIN ACTIVITIES
10 RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD
11 PORNOGRAPHY) .

12 (14) 18 U.S.C. § 2252B (RELATING TO MISLEADING DOMAIN
13 NAMES ON THE INTERNET) .

14 (15) 18 U.S.C. § 2252C (RELATING TO MISLEADING WORDS OR
15 DIGITAL IMAGES ON THE INTERNET) .

16 (16) 18 U.S.C. § 2422(A) (RELATING TO COERCION AND
17 ENTICEMENT) .

18 (17) 18 U.S.C. § 2423(B) (RELATING TO TRANSPORTATION OF
19 MINORS) .

20 (18) 18 U.S.C. § 2423(C) .

21 (19) 18 U.S.C. § 2424 (RELATING TO FILING FACTUAL
22 STATEMENT ABOUT ALIEN INDIVIDUAL) .

23 (20) 18 U.S.C. § 2425 (RELATING TO USE OF INTERSTATE
24 FACILITIES TO TRANSMIT INFORMATION ABOUT A MINOR) .

25 (21) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
26 UNDER THE LAWS OF ANOTHER JURISDICTION OR FOREIGN COUNTRY. .

27 (22) AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN
28 OFFENSE LISTED IN PARAGRAPH (1), (2), (3), (4), (5), (6),
29 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16),
30 (17), (18), (19), (20) OR (21) .

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

3 (1) 18 PA.C.S. § 3126(A)(2), (3), (4), (5), (6) OR (8).

4 (2) 18 PA.C.S. § 5902(B) (RELATING TO PROSTITUTION AND
5 RELATED OFFENSES) IF THE SEXUAL OFFENDER PROMOTES THE
6 PROSTITUTION OF A MINOR.

7 (3) 18 PA.C.S. § 5903(A)(3)(II), (4)(II), (5)(II) OR (6)
8 (RELATING TO OBSCENE AND OTHER SEXUAL MATERIALS AND
9 PERFORMANCES).

10 (4) 18 PA.C.S. § 6312(B) AND (C) (RELATING TO SEXUAL
11 ABUSE OF CHILDREN).

12 (5) 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
13 MINOR).

14 (6) 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION
15 OF CHILDREN).

16 (7) 18 U.S.C. § 1591 (RELATING TO SEX TRAFFICKING OF
17 CHILDREN BY FORCE, FRAUD, OR COERCION).

18 (8) 18 U.S.C. § 2243 (RELATING TO SEXUAL ABUSE OF A
19 MINOR OR WARD).

20 (9) 18 U.S.C. § 2244 (RELATING TO ABUSIVE SEXUAL
21 CONTACT).

22 (10) 18 U.S.C. § 2251 (RELATING TO SEXUAL EXPLOITATION
23 OF CHILDREN).

24 (11) 18 U.S.C. § 2251A (RELATING TO SELLING OR BUYING OF
25 CHILDREN).

26 (12) 18 U.S.C. § 2252.

27 (13) 18 U.S.C. § 2260 (RELATING TO PRODUCTION OF
28 SEXUALLY EXPLICIT DEPICTIONS OF A MINOR FOR IMPORTATION INTO
29 THE UNITED STATES).

30 (14) 18 U.S.C. § 2421 (RELATING TO TRANSPORTATION

1 GENERALLY).

2 (15) 18 U.S.C. § 2422(B).

3 (16) 18 U.S.C. § 2423(A).

4 (17) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
5 UNDER THE LAWS OF ANOTHER JURISDICTION OR FOREIGN COUNTRY.

6 (18) AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN
7 OFFENSE LISTED IN PARAGRAPH (1), (2), (3), (4), (5), (6),
8 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16) OR
9 (17).

10 (19) AN OFFENSE SPECIFIED AS A TIER I SEXUAL OFFENSE
11 WHERE THERE IS A SUBSEQUENT CONVICTION FOR AN OFFENSE GRADED
12 AS A FELONY.

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

15 (1) 18 PA.C.S. § 2901(A.1) (RELATING TO KIDNAPPING).

16 (2) 18 PA.C.S. § 3121 (RELATING TO RAPE).

17 (3) 18 PA.C.S. § 3122.1(B) (RELATING TO STATUTORY SEXUAL
18 ASSAULT).

19 (4) 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
20 SEXUAL INTERCOURSE).

21 (5) 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

22 (6) 18 PA.C.S. § 3124.2 IF THE VICTIM IS A MINOR.

23 (7) 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
24 ASSAULT).

25 (8) 18 PA.C.S. § 3126(A)(7) (RELATING TO INDECENT
26 ASSAULT).

27 (9) 18 PA.C.S. § 4302(B) (RELATING TO INCEST).

28 (10) 18 U.S.C. § 2241 (RELATING TO AGGRAVATED SEXUAL
29 ABUSE).

30 (11) 18 U.S.C. § 2242 (RELATING TO SEXUAL ABUSE).

1 (12) 18 U.S.C. § 2244.

2 (13) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
3 UNDER THE LAWS OF ANOTHER JURISDICTION OR COUNTRY.

4 (14) AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN
5 OFFENSE LISTED IN PARAGRAPH (1), (2), (3), (4), (5), (6),
6 (7), (8), (9), (10), (11), (12) OR (13).

7 (15) AN OFFENSE LISTED AS A TIER II SEXUAL OFFENSE WHERE
8 THERE IS A SUBSEQUENT CONVICTION FOR AN OFFENSE GRADED AS A
9 FELONY.

10 § 9799.15. PERIOD OF REGISTRATION.

11 (A) PERIOD OF REGISTRATION.--SUBJECT TO SUBSECTION (C), AN
12 INDIVIDUAL SPECIFIED IN SECTION 9799.13 (RELATING TO
13 APPLICABILITY) SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE
14 AS FOLLOWS:

15 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE
16 SHALL REGISTER FOR A PERIOD OF 15 YEARS.

17 (2) AN INDIVIDUAL CONVICTED OF A TIER II SEXUAL OFFENSE
18 SHALL REGISTER FOR A PERIOD OF 25 YEARS.

19 (3) AN INDIVIDUAL CONVICTED OF A TIER III SEXUAL OFFENSE
20 SHALL REGISTER FOR THE LIFE OF THE INDIVIDUAL.

21 (4) A JUVENILE OFFENDER SHALL REGISTER FOR THE LIFE OF
22 THE INDIVIDUAL.

23 (5) A SEXUALLY VIOLENT DELINQUENT CHILD SHALL REGISTER
24 FOR THE LIFE OF THE INDIVIDUAL.

25 (6) A SEXUALLY VIOLENT PREDATOR SHALL REGISTER FOR THE
26 LIFE OF THE INDIVIDUAL.

27 (B) COMMENCEMENT OF REGISTRATION.--THE FOLLOWING APPLY:

28 (1) THE PERIOD OF REGISTRATION SET FORTH IN SUBSECTION
29 (A) SHALL COMMENCE AS FOLLOWS:

30 (I) FOR AN INDIVIDUAL CONVICTED OF A SEXUALLY

1 VIOLENT OFFENSE IN THIS COMMONWEALTH, THE PERIOD OF
2 REGISTRATION SHALL COMMENCE UPON:

3 (A) RELEASE FROM INCARCERATION IN A STATE OR
4 COUNTY CORRECTIONAL FACILITY, INCLUDING RELEASE TO A
5 COMMUNITY CORRECTION CENTER OR COMMUNITY CONTRACT
6 FACILITY;

7 (B) PAROLE OR A SENTENCE OF PROBATION; OR

8 (C) A SENTENCE OF STATE OR COUNTY INTERMEDIATE
9 PUNISHMENT IN WHICH THE PERSON IS NOT SENTENCED TO A
10 PERIOD OF INCARCERATION.

11 (II) FOR AN INDIVIDUAL WHO IS A JUVENILE OFFENDER,
12 THE PERIOD OF REGISTRATION SHALL COMMENCE UPON:

13 (A) RELEASE FROM AN INSTITUTION OR FACILITY SET
14 FORTH IN SECTION 6352(A)(3) (RELATING TO DISPOSITION
15 OF DELINQUENT CHILD), IF THE JUVENILE OFFENDER IS, ON
16 OR AFTER THE EFFECTIVE DATE OF THIS SECTION, SUBJECT
17 TO THE JURISDICTION OF A COURT PURSUANT TO A
18 DISPOSITION ENTERED UNDER SECTION 6352 AND IS UNDER
19 COURT-ORDERED PLACEMENT IN AN INSTITUTION OR FACILITY
20 SET FORTH IN SECTION 6352(A)(3); OR

21 (B) PROBATION, IF THE JUVENILE OFFENDER IS, ON
22 OR AFTER THE EFFECTIVE DATE OF THIS SECTION, SUBJECT
23 TO THE JURISDICTION OF A COURT PURSUANT TO A
24 DISPOSITION ENTERED UNDER SECTION 6352 AND IS PLACED
25 ON PROBATION OR IS OTHERWISE SUBJECT TO JURISDICTION
26 OF A COURT PURSUANT TO A DISPOSITION UNDER SECTION
27 6352 THAT DID NOT INVOLVE OUT-OF-HOME PLACEMENT.

28 (III) FOR A SEXUALLY VIOLENT DELINQUENT CHILD, THE
29 PERIOD OF REGISTRATION SHALL COMMENCE UPON THE EARLIER
30 OF:

1 (A) TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT
2 PURSUANT TO SECTION 6401.1 (RELATING TO TRANSFER TO
3 INVOLUNTARY OUTPATIENT TREATMENT); OR

4 (B) DISCHARGE FROM COMMITMENT TO THE SEPARATE,
5 STATE-OWNED FACILITY OR UNIT ESTABLISHED UNDER
6 SECTION 6406 (RELATING TO DUTY OF DEPARTMENT OF
7 PUBLIC WELFARE).

8 (IV) FOR AN INDIVIDUAL WHO IS CONVICTED OF A
9 SEXUALLY VIOLENT OFFENSE IN ANOTHER JURISDICTION OR
10 FOREIGN COUNTRY OR A COMPARABLE MILITARY OFFENSE, THE
11 PERIOD OF REGISTRATION SHALL COMMENCE UPON ESTABLISHMENT
12 OF A RESIDENCE OR COMMENCEMENT OF EMPLOYMENT OR
13 ENROLLMENT AS A STUDENT WITHIN THIS COMMONWEALTH.

14 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1), AN
15 INDIVIDUAL SPECIFIED IN SECTION 9799.13 SHALL INITIALLY
16 REGISTER WITH THE PENNSYLVANIA STATE POLICE AS SET FORTH IN
17 SECTION 9799.19 (RELATING TO INITIAL REGISTRATION).

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

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

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

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

29 (III) COMMITTED TO AN INSTITUTION OR FACILITY SET
30 FORTH IN SECTION 6352(A)(3); OR

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

6 (2) THIS SUBSECTION SHALL APPLY TO AN INDIVIDUAL
7 SPECIFIED IN SECTION 9799.13 WHO IS RECOMMITTED TO A STATE OR
8 COUNTY CORRECTIONAL INSTITUTION FOR A PAROLE VIOLATION OR WHO
9 HAS BEEN SENTENCED TO AN ADDITIONAL TERM OF IMPRISONMENT. IN
10 THE CASE OF RECOMMITMENT, THE DEPARTMENT OF CORRECTIONS OR
11 THE COUNTY CORRECTIONAL FACILITY SHALL NOTIFY THE
12 PENNSYLVANIA STATE POLICE OF THE ADMISSION OF THE INDIVIDUAL.

13 (D) SEXUALLY VIOLENT PREDATORS.--AN INDIVIDUAL CONVICTED OF
14 A TIER I SEXUAL OFFENSE, A TIER II SEXUAL OFFENSE OR A TIER III
15 SEXUAL OFFENSE WHO IS DETERMINED TO BE A SEXUALLY VIOLENT
16 PREDATOR UNDER SECTION 9799.24 (RELATING TO ASSESSMENTS) SHALL
17 REGISTER FOR THE LIFE OF THE INDIVIDUAL.

18 (E) PERIODIC IN-PERSON APPEARANCE REQUIRED.--EXCEPT AS
19 PROVIDED IN SUBSECTION (F) AND SUBJECT TO SUBSECTIONS (G) AND
20 (H), AN INDIVIDUAL SPECIFIED IN SECTION 9799.13 SHALL APPEAR IN
21 PERSON AT AN APPROVED REGISTRATION SITE TO PROVIDE OR VERIFY THE
22 INFORMATION SET FORTH IN SECTION 9799.16(B) (RELATING TO
23 REGISTRY) AND TO BE PHOTOGRAPHED AS FOLLOWS:

24 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE
25 SHALL APPEAR ANNUALLY.

26 (2) AN INDIVIDUAL CONVICTED OF A TIER II SEXUAL OFFENSE
27 SHALL APPEAR SEMIANNUALLY.

28 (3) AN INDIVIDUAL CONVICTED OF A TIER III SEXUAL OFFENSE
29 SHALL APPEAR QUARTERLY.

30 (F) SEXUALLY VIOLENT PREDATORS.--AN INDIVIDUAL CONVICTED OF

A TIER I SEXUAL OFFENSE, A TIER II SEXUAL OFFENSE OR A TIER III SEXUAL OFFENSE WHO IS DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER SECTION 9799.24 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE TO PROVIDE OR VERIFY THE INFORMATION SET FORTH IN SECTION 9799.16(B) AND TO BE PHOTOGRAPHED EVERY 90 DAYS.

(G) IN-PERSON APPEARANCE TO UPDATE INFORMATION.--IN ADDITION TO THE PERIODIC IN-PERSON APPEARANCE REQUIRED IN SUBSECTION (E), AN INDIVIDUAL SPECIFIED IN SECTION 9799.13 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE WITHIN THREE BUSINESS DAYS TO PROVIDE CURRENT INFORMATION RELATING TO:

(1) A CHANGE IN NAME.

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

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

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

(5) A CHANGE IN TELEPHONE NUMBER, INCLUDING A CELL PHONE NUMBER, OR A TERMINATION OF TELEPHONE NUMBER, INCLUDING A CELL PHONE NUMBER.

(6) A CHANGE IN OR TERMINATION OF A MOTOR VEHICLE OWNED OR OPERATED, INCLUDING WATERCRAFT OR AIRCRAFT. IN ORDER TO FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE INDIVIDUAL MUST PROVIDE ANY LICENSE PLATE NUMBERS AND REGISTRATION NUMBERS OR OTHER IDENTIFIERS.

(7) A COMMENCEMENT OF TEMPORARY LODGING, A CHANGE IN TEMPORARY LODGING OR A TERMINATION OF TEMPORARY LODGING. IN

1 ORDER TO FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE
2 INDIVIDUAL MUST PROVIDE THE SPECIFIC LENGTH OF TIME AND THE
3 DATES DURING WHICH THE INDIVIDUAL WILL BE TEMPORARILY LODGED.

4 (8) A CHANGE IN OR TERMINATION OF E-MAIL ADDRESS,
5 INSTANT MESSAGE ADDRESS OR ANY OTHER DESIGNATIONS USED IN
6 INTERNET COMMUNICATIONS OR POSTINGS.

7 (H) TRANSIENTS, JUVENILE OFFENDERS AND SEXUALLY VIOLENT
8 DELINQUENT CHILDREN.--IF THE INDIVIDUAL SPECIFIED IN SECTION
9 9799.13 IS A TRANSIENT, A JUVENILE OFFENDER OR A SEXUALLY
10 VIOLENT DELINQUENT CHILD, THE FOLLOWING APPLY:

11 (1) IF THE INDIVIDUAL IS A TRANSIENT, THE INDIVIDUAL
12 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE TO
13 PROVIDE OR TO VERIFY THE INFORMATION SET FORTH IN SECTION
14 9799.16(B) AND TO BE PHOTOGRAPHED EVERY 30 DAYS. THE DUTY TO
15 APPEAR IN PERSON EVERY 30 DAYS AND TO BE PHOTOGRAPHED SHALL
16 APPLY UNTIL A TRANSIENT ESTABLISHES A RESIDENCE. IN THE EVENT
17 A TRANSIENT ESTABLISHES A RESIDENCE, THE REQUIREMENT OF
18 PERIODIC IN-PERSON APPEARANCES SET FORTH IN SUBSECTION (C)
19 SHALL APPLY.

20 (2) IF THE INDIVIDUAL IS A JUVENILE OFFENDER, THE
21 INDIVIDUAL SHALL APPEAR AT AN APPROVED REGISTRATION SITE TO
22 PROVIDE OR VERIFY THE INFORMATION SET FORTH IN SECTION
23 9799.16(B) AND TO BE PHOTOGRAPHED EVERY 90 DAYS.

24 (3) IF THE INDIVIDUAL IS A SEXUALLY VIOLENT DELINQUENT
25 CHILD, 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 EVERY 90
28 DAYS.

29 (I) INTERNATIONAL TRAVEL.--IN ADDITION TO THE PERIODIC IN-
30 PERSON APPEARANCE REQUIRED IN SUBSECTION (C), AN INDIVIDUAL

1 SPECIFIED IN SECTION 9799.13 SHALL APPEAR IN PERSON AT AN
2 APPROVED REGISTRATION SITE NO LESS THAN 21 DAYS IN ADVANCE OF
3 TRAVELING OUTSIDE OF THE UNITED STATES. THE INDIVIDUAL SHALL
4 PROVIDE THE FOLLOWING INFORMATION:

5 (1) DATES OF TRAVEL, INCLUDING DATE OF RETURN TO THE
6 UNITED STATES.

7 (2) DESTINATIONS.

8 (3) TEMPORARY LODGING.

9 § 9799.16. REGISTRY.

10 (A) ESTABLISHMENT.--THERE IS ESTABLISHED A STATEWIDE
11 REGISTRY OF SEXUAL OFFENDERS IN ORDER TO CARRY OUT THE
12 PROVISIONS OF THIS SUBCHAPTER. THE PENNSYLVANIA STATE POLICE
13 SHALL CREATE AND MAINTAIN THE REGISTRY. THE REGISTRY SHALL
14 MAINTAIN A COMPLETE AND SYSTEMATIC INDEX OF ALL RECORDS REQUIRED
15 REGARDING SEXUAL OFFENDERS IN ORDER TO COMPLY WITH THE ADAM
16 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW
17 109-248, 120 STAT. 597). THE REGISTRY SHALL:

18 (1) BE COMPOSED OF AN ELECTRONIC DATABASE AND DIGITIZED
19 RECORDS.

20 (2) BE ABLE TO COMMUNICATE WITH THE SEX OFFENDER
21 REGISTRATION AND NOTIFICATION ACT EXCHANGE PORTAL DEVELOPED
22 BY THE UNITED STATES DEPARTMENT OF JUSTICE, THE NATIONAL SEX
23 OFFENDER REGISTRY OR ANY SUCCESSOR DATABASE WHICH IS
24 MAINTAINED BY THE DEPARTMENT OF JUSTICE AND THE DRU SJODIN
25 NATIONAL SEX OFFENDER PUBLIC WEBSITE MAINTAINED BY THE
26 DEPARTMENT OF JUSTICE.

27 (3) BE ABLE TO COMMUNICATE WITH SEXUAL OFFENDER
28 REGISTRIES ESTABLISHED IN OTHER JURISDICTIONS.

29 (B) INFORMATION PROVIDED BY SEXUAL OFFENDER.--AN INDIVIDUAL
30 SPECIFIED IN SECTION 9799.13 (RELATING TO APPLICABILITY) SHALL

1 PROVIDE THE FOLLOWING INFORMATION WHICH SHALL BE INCLUDED IN THE
2 REGISTRY:

3 (1) PRIMARY OR GIVEN NAME, INCLUDING AN ALIAS USED BY
4 THE INDIVIDUAL, NICKNAME, PSEUDONYM, ETHNIC OR TRIBAL NAME,
5 REGARDLESS OF THE CONTEXT USED AND ANY DESIGNATIONS OR
6 MONIKERS USED FOR SELF-IDENTIFICATION IN INTERNET
7 COMMUNICATIONS OR POSTINGS.

8 (2) DESIGNATION USED BY THE INDIVIDUAL FOR PURPOSES OF
9 ROUTING OR SELF-IDENTIFICATION IN INTERNET COMMUNICATIONS OR
10 POSTINGS.

11 (3) TELEPHONE NUMBER, INCLUDING CELL PHONE NUMBER, AND
12 ANY OTHER DESIGNATION USED BY THE INDIVIDUAL FOR PURPOSES OF
13 ROUTING OR SELF-IDENTIFICATION IN TELEPHONIC COMMUNICATIONS.

14 (4) VALID SOCIAL SECURITY NUMBER ISSUED TO THE
15 INDIVIDUAL BY THE FEDERAL GOVERNMENT AND PURPORTED SOCIAL
16 SECURITY NUMBER.

17 (5) ADDRESS OF EACH RESIDENCE OR INTENDED RESIDENCE. IF
18 THE INDIVIDUAL ENTERS THIS COMMONWEALTH AND FAILS TO MAINTAIN
19 A RESIDENCE AND IS THEREFORE A TRANSIENT, THE INDIVIDUAL
20 SHALL PROVIDE INFORMATION FOR THE REGISTRY AS SET FORTH IN
21 PARAGRAPH (6).

22 (6) IF THE INDIVIDUAL IS A TRANSIENT, THE INDIVIDUAL
23 SHALL PROVIDE INFORMATION ABOUT THE TRANSIENT'S TEMPORARY
24 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
25 INCLUDING A HOMELESS SHELTER OR PARK. IN ADDITION, THE
26 TRANSIENT SHALL PROVIDE A LIST OF PLACES THE TRANSIENT EATS,
27 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES AND ANY PLANNED
28 DESTINATIONS, INCLUDING THOSE OUTSIDE THIS COMMONWEALTH. IF
29 THE TRANSIENT CHANGES OR ADDS TO THE PLACES LISTED UNDER THIS
30 PARAGRAPH DURING A 30-DAY PERIOD, THE TRANSIENT SHALL LIST

1 THESE WHEN REGISTERING AS A TRANSIENT DURING THE NEXT 30-DAY
2 PERIOD. IN ADDITION, THE TRANSIENT SHALL PROVIDE THE PLACE
3 THE TRANSIENT RECEIVES MAIL, INCLUDING A POST OFFICE BOX. IF
4 THE TRANSIENT HAS BEEN DESIGNATED AS A SEXUALLY VIOLENT
5 PREDATOR, THE TRANSIENT SHALL STATE WHETHER HE IS IN
6 COMPLIANCE WITH SECTION 9799.36 (RELATING TO COUNSELING OF
7 SEXUALLY VIOLENT PREDATORS). THE DUTY TO PROVIDE THE
8 INFORMATION SET FORTH IN THIS PARAGRAPH SHALL APPLY UNTIL THE
9 TRANSIENT ESTABLISHES A RESIDENCE. IN THE EVENT A TRANSIENT
10 ESTABLISHES A RESIDENCE, THE REQUIREMENTS OF SECTION
11 9799.15(E) (RELATING TO PERIOD OF REGISTRATION) SHALL APPLY.

12 (7) TEMPORARY LODGING. IN ORDER TO FULFILL THE
13 REQUIREMENTS OF THIS PARAGRAPH, THE INDIVIDUAL MUST PROVIDE
14 THE SPECIFIC LENGTH OF TIME AND THE DATES DURING WHICH THE
15 INDIVIDUAL WILL BE TEMPORARILY LODGED.

16 (8) A PASSPORT AND DOCUMENTS ESTABLISHING IMMIGRATION
17 STATUS, WHICH SHALL BE COPIED IN A DIGITIZED FORMAT FOR
18 INCLUSION IN THE REGISTRY.

19 (9) NAME AND ADDRESS WHERE THE INDIVIDUAL IS EMPLOYED OR
20 WILL BE EMPLOYED. IN ORDER TO FULFILL THE REQUIREMENTS OF
21 THIS PARAGRAPH, IF THE INDIVIDUAL IS NOT EMPLOYED IN A FIXED
22 WORKPLACE, THE INDIVIDUAL SHALL PROVIDE INFORMATION REGARDING
23 GENERAL TRAVEL ROUTES AND GENERAL AREAS WHERE THE INDIVIDUAL
24 WORKS.

25 (10) INFORMATION RELATING TO OCCUPATIONAL AND
26 PROFESSIONAL LICENSING, INCLUDING TYPE OF LICENSE HELD AND
27 THE LICENSE NUMBER.

28 (11) NAME AND ADDRESS WHERE THE INDIVIDUAL IS A STUDENT
29 OR WILL BE A STUDENT.

30 (12) INFORMATION RELATING TO MOTOR VEHICLES OWNED OR

1 OPERATED BY THE INDIVIDUAL, INCLUDING WATERCRAFT AND
2 AIRCRAFT. IN ORDER TO FULFILL THE REQUIREMENTS OF THIS
3 PARAGRAPH, THE INDIVIDUAL SHALL PROVIDE A DESCRIPTION OF EACH
4 MOTOR VEHICLE, WATERCRAFT OR AIRCRAFT. THE INDIVIDUAL SHALL
5 PROVIDE A LICENSE PLATE NUMBER, REGISTRATION NUMBER OR OTHER
6 IDENTIFICATION NUMBER AND THE ADDRESS OF THE PLACE WHERE A
7 VEHICLE IS STORED. IN ADDITION, THE INDIVIDUAL SHALL PROVIDE
8 THE INDIVIDUAL'S LICENSE TO OPERATE A MOTOR VEHICLE OR OTHER
9 IDENTIFICATION CARD ISSUED BY THE COMMONWEALTH, ANOTHER
10 JURISDICTION OR A FOREIGN COUNTRY SO THAT THE PENNSYLVANIA
11 STATE POLICE CAN FULFILL ITS RESPONSIBILITIES UNDER
12 SUBSECTION (C) (7).

13 (13) ACTUAL DATE OF BIRTH AND PURPORTED DATE OF BIRTH.

14 (14) FORM SIGNED BY THE INDIVIDUAL ACKNOWLEDGING THE
15 INDIVIDUAL'S OBLIGATIONS UNDER THIS SUBCHAPTER PROVIDED IN
16 ACCORDANCE WITH SECTION 9799.23 (RELATING TO COURT
17 NOTIFICATION AND CLASSIFICATION REQUIREMENTS).

18 (C) CRIMINAL JUSTICE INFORMATION.--THE PENNSYLVANIA STATE
19 POLICE SHALL ENSURE THAT THE FOLLOWING INFORMATION IS INCLUDED
20 IN THE REGISTRY:

21 (1) PHYSICAL DESCRIPTION OF THE INDIVIDUAL, INCLUDING A
22 GENERAL PHYSICAL DESCRIPTION AND TATTOOS, SCARS AND OTHER
23 IDENTIFYING MARKS.

24 (2) TEXT OF THE STATUTE DEFINING THE CRIMINAL OFFENSE
25 FOR WHICH THE INDIVIDUAL IS REGISTERED.

26 (3) CRIMINAL HISTORY RECORD INFORMATION OF THE
27 INDIVIDUAL, INCLUDING:

28 (I) DATES OF ARRESTS AND CONVICTIONS.

29 (II) STATUS OF PROBATION, PAROLE OR SUPERVISED
30 RELEASE.

1 (III) WHETHER THE INDIVIDUAL IS IN COMPLIANCE WITH
2 REQUIREMENTS REGARDING THIS SUBCHAPTER OR HAS ABSCONDED.

3 (IV) EXISTENCE OF ANY OUTSTANDING WARRANTS.

4 (4) CURRENT PHOTOGRAPH OF THE INDIVIDUAL. IN ORDER TO
5 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, IN ADDITION TO
6 THE TAKING OF PHOTOGRAPHS PURSUANT TO SECTION 9799.15(E), THE
7 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT ADDITIONAL
8 PHOTOGRAPHS ARE TAKEN AS NEEDED WHEN THERE IS A SIGNIFICANT
9 CHANGE IN APPEARANCE OF THE INDIVIDUAL, INCLUDING THE TAKING
10 OF A CURRENT PHOTOGRAPH BEFORE THE INDIVIDUAL IS RELEASED
11 FROM A STATE OR COUNTY CORRECTIONAL INSTITUTION OR AN
12 INSTITUTION OR FACILITY SET FORTH IN SECTION 6352(A)(3)
13 (RELATING TO DISPOSITION OF DELINQUENT CHILD) OR DISCHARGED
14 FROM THE STATE-OWNED FACILITY OR UNIT SET FORTH IN CHAPTER 64
15 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN
16 SEXUALLY VIOLENT PERSONS), DUE TO:

17 (I) THE EXPIRATION OF SENTENCE, PERIOD OF COMMITMENT
18 OR INVOLUNTARY TREATMENT;

19 (II) PAROLE OR OTHER SUPERVISED RELEASE, INCLUDING
20 RELEASE TO A COMMUNITY CORRECTIONS CENTER OR A COMMUNITY
21 CONTRACT FACILITY;

22 (III) COMMENCEMENT OF A SENTENCE OF INTERMEDIATE
23 PUNISHMENT; OR

24 (IV) ANY OTHER FORM OF SUPERVISED RELEASE.

25 (5) SET OF FINGERPRINTS AND PALM PRINTS OF THE
26 INDIVIDUAL. IN ORDER TO FULFILL THE REQUIREMENTS OF THIS
27 PARAGRAPH, THE PALM PRINTS SHALL BE TAKEN FOR THE PURPOSE OF
28 SUBMISSION TO THE FEDERAL BUREAU OF INVESTIGATION CENTRAL
29 DATABASE. THE PALM PRINTS SHALL BE SUBMITTED FOR ENTRY INTO
30 THE DATABASE.

1 (6) DNA SAMPLE OF THE INDIVIDUAL. IN ORDER TO FULFILL
2 THE REQUIREMENTS OF THIS PARAGRAPH, THE SAMPLE SHALL BE TAKEN
3 FOR THE PURPOSE OF ANALYSIS AND ENTRY INTO THE COMBINED DNA
4 INDEX SYSTEM (CODIS). IN ADDITION, THE SAMPLE SHALL BE
5 ANALYZED AND SUBMITTED FOR ENTRY INTO CODIS.

6 (7) PHOTOCOPY OF VALID DRIVER'S LICENSE OR
7 IDENTIFICATION CARD ISSUED TO THE INDIVIDUAL BY THE
8 COMMONWEALTH, ANOTHER JURISDICTION OR A FOREIGN COUNTRY.

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

17 § 9799.17. REDUCTION OF PERIOD OF REGISTRATION.

18 (A) GENERAL RULE.--THE PERIOD OF REGISTRATION SET FORTH IN
19 SECTION 9799.15(A)(1) (RELATING TO PERIOD OF REGISTRATION) SHALL
20 BE REDUCED FOR AN INDIVIDUAL WHO WAS CONVICTED OF A SEXUALLY
21 VIOLENT OFFENSE AND IS REQUIRED TO REGISTER FOR A PERIOD OF 15
22 YEARS IF ALL OF THE FOLLOWING APPLY:

23 (1) A PERIOD OF TEN YEARS HAS ELAPSED SINCE THE
24 INDIVIDUAL WAS CONVICTED OF THE SEXUALLY VIOLENT OFFENSE,
25 EXCLUDING:

26 (I) TIME SPENT INCARCERATED IN A STATE OR COUNTY
27 CORRECTIONAL FACILITY OF THIS COMMONWEALTH OR ANOTHER
28 JURISDICTION OR FOREIGN COUNTRY.

29 (II) TIME SPENT SUPERVISED BY THE PENNSYLVANIA BOARD
30 OF PROBATION AND PAROLE OR THE COUNTY OFFICE OF PROBATION

1 OR PAROLE OR PROBATION OR PAROLE OFFICE OF ANOTHER
2 JURISDICTION OR FOREIGN COUNTRY.

3 (III) TIME SPENT COMPLETING A SENTENCE OF
4 INTERMEDIATE PUNISHMENT OR COMPLETING ANOTHER TYPE OF
5 SUPERVISION, INCLUDING TIME SPENT IN A COMMUNITY
6 CORRECTIONS CENTER OR COMMUNITY CONTRACT FACILITY OF THIS
7 COMMONWEALTH, ANOTHER JURISDICTION OR FOREIGN COUNTRY.

8 (2) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A
9 SUBSEQUENT OFFENSE GRADED AS A MISDEMEANOR OF THE SECOND
10 DEGREE OR HIGHER OR AN OFFENSE PUNISHABLE BY MORE THAN ONE
11 YEAR'S IMPRISONMENT.

12 (3) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A
13 SUBSEQUENT SEXUALLY VIOLENT OFFENSE.

14 (4) THE INDIVIDUAL SUCCESSFULLY COMPLETED SUPERVISED
15 RELEASE, INCLUDING PROBATION, PAROLE OR OTHER FORM OF
16 SUPERVISION.

17 (5) THE INDIVIDUAL SUCCESSFULLY COMPLETED TREATMENT
18 PROVIDED UNDER SECTION 9718.1 (RELATING TO SEXUAL OFFENDER
19 TREATMENT) OR TREATMENT RECOGNIZED BY ANOTHER JURISDICTION OR
20 FOREIGN COUNTRY OR THE UNITED STATES ATTORNEY GENERAL UNDER
21 SECTION 115(B)(1) OF THE ADAM WALSH CHILD PROTECTION AND
22 SAFETY ACT OF 2006 (PUBLIC LAW 109-248, 42 U.S.C. § 16915(B)
23 (1)).

24 (B) JUVENILE OFFENDER.--AN INDIVIDUAL WHO IS A JUVENILE
25 OFFENDER SHALL HAVE THE REQUIREMENT TO REGISTER TERMINATED IF
26 ALL OF THE FOLLOWING APPLY:

27 (1) AT LEAST 25 YEARS HAVE ELAPSED SINCE THE INDIVIDUAL
28 WAS:

29 (I) ADJUDICATED DELINQUENT FOR AN OFFENSE WHICH, IF
30 COMMITTED BY AN ADULT, WOULD BE CLASSIFIED AS AN OFFENSE

1 UNDER 18 PA.C.S. § 3121 (RELATING TO RAPE), 3123
2 (RELATING TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE) OR
3 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT) OR AN
4 ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT AN OFFENSE
5 UNDER 18 PA.C.S. § 3121, 3123 OR 3125, EXCLUDING TIME
6 SPENT UNDER THE SUPERVISION OF THE COURT, INCLUDING
7 COMMITMENT TO AN INSTITUTION OR FACILITY SET FORTH IN
8 SECTION 6352(A) (3) (RELATING TO DEPOSITION OF DELINQUENT
9 CHILD); OR

10 (II) ADJUDICATED DELINQUENT FOR AN OFFENSE IN
11 ANOTHER JURISDICTION WHICH IS SIMILAR TO THAT WHICH IF
12 COMMITTED BY AN ADULT IN THIS COMMONWEALTH WOULD BE
13 CLASSIFIED AS AN OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR
14 3125 OR AN ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT
15 AN OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR 3125.

16 (2) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A
17 SUBSEQUENT OFFENSE:

18 (I) GRADED AS A MISDEMEANOR OF THE SECOND DEGREE OR
19 HIGHER; OR

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

22 (3) THE INDIVIDUAL SUCCESSFULLY COMPLETED COURT-ORDERED
23 SUPERVISION.

24 (4) THE INDIVIDUAL SUCCESSFULLY COMPLETED A TREATMENT
25 PROGRAM FOR SEXUAL OFFENDERS RECOGNIZED BY THE JUVENILE COURT
26 IN THIS COMMONWEALTH OR ANOTHER JURISDICTION OR THE UNITED
27 STATES ATTORNEY GENERAL UNDER SECTION 115(B) (1) OF THE ADAM
28 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (42 U.S.C. §
29 16915(B) (1)).

30 (C) PROCEDURE.--AN INDIVIDUAL WHO SEEKS TO REDUCE THE PERIOD

1 OF REGISTRATION TO TEN YEARS PURSUANT TO SUBSECTION (A) AND AN
2 INDIVIDUAL WHO SEEKS TO TERMINATE THE OBLIGATION TO REGISTER
3 PURSUANT TO SUBSECTION (B) MAY PETITION THE SENTENCING COURT FOR
4 REDUCTION OR TERMINATION, AS APPROPRIATE. THE COURT SHALL:

5 (1) ENTER AN ORDER DIRECTING THE PETITIONER BE ASSESSED
6 BY THE BOARD IN ACCORDANCE WITH SECTION 9799.24 (RELATING TO
7 ASSESSMENTS). THE ORDER FOR ASSESSMENT SHALL BE SENT TO THE
8 ADMINISTRATIVE OFFICER OF THE BOARD WITHIN TEN DAYS OF ITS
9 ENTRY. NO LATER THAN 90 DAYS FOLLOWING RECEIPT OF SUCH AN
10 ORDER, THE BOARD SHALL SUBMIT A WRITTEN REPORT CONTAINING ITS
11 ASSESSMENT TO THE SENTENCING COURT, DISTRICT ATTORNEY AND THE
12 ATTORNEY FOR THE PETITIONER.

13 (2) WITHIN 120 DAYS OF THE FILING OF THE PETITION UNDER
14 PARAGRAPH (1), THE SENTENCING COURT SHALL HOLD A HEARING TO
15 DETERMINE WHETHER TO REDUCE THE PERIOD OF REGISTRATION TO TEN
16 YEARS OR TO TERMINATE THE OBLIGATION TO REGISTER, AS
17 APPROPRIATE. THE PETITIONER AND THE DISTRICT ATTORNEY SHALL
18 BE GIVEN NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE
19 HEARD, THE RIGHT TO CALL WITNESSES, THE RIGHT TO CALL EXPERT
20 WITNESSES AND THE RIGHT TO CROSS-EXAMINE WITNESSES. THE
21 PETITIONER SHALL HAVE THE RIGHT TO COUNSEL AND TO HAVE A
22 LAWYER APPOINTED IF THE PETITIONER CANNOT AFFORD ONE.

23 (3) THE SENTENCING COURT SHALL REDUCE THE PERIOD OF
24 REGISTRATION TO TEN YEARS OR TERMINATE THE OBLIGATION TO
25 REGISTER, AS APPROPRIATE, ONLY UPON A FINDING OF CLEAR AND
26 CONVINCING EVIDENCE THAT ALLOWING THE PETITIONER TO REDUCE
27 THE PERIOD OF REGISTRATION OR TO TERMINATE THE OBLIGATION TO
28 REGISTER, AS APPROPRIATE, IS NOT LIKELY TO POSE A THREAT TO
29 THE SAFETY OF ANY OTHER PERSON.

30 (D) NOTICE.--A COURT GRANTING RELIEF UNDER THIS SECTION

1 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE IN WRITING WITHIN TEN
2 DAYS FROM THE DATE RELIEF IS GRANTED.

3 (E) RIGHT TO APPEAL.--THE PETITIONER AND THE COMMONWEALTH
4 SHALL HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTIONS OF THE
5 SENTENCING COURT TAKEN UNDER THIS SECTION. AN APPEAL BY THE
6 COMMONWEALTH SHALL STAY THE ORDER OF THE SENTENCING COURT.

7 (F) PROHIBITION.--THIS SECTION SHALL NOT APPLY TO AN
8 INDIVIDUAL WHO:

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

10 (2) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE WHO
11 IS REQUIRED TO REGISTER FOR A PERIOD OF 25 YEARS.

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

14 (4) IS A SEXUALLY VIOLENT DELINQUENT CHILD.

15 § 9799.18. INFORMATION SHARING.

16 (A) GENERAL RULE.--THE PENNSYLVANIA STATE POLICE SHALL,
17 WITHIN THREE BUSINESS DAYS, TRANSFER INFORMATION PROVIDED BY AN
18 INDIVIDUAL SET FORTH IN SECTION 9799.13 (RELATING TO
19 APPLICABILITY) UNDER SECTIONS 9799.15(G) AND (I) (RELATING TO
20 PERIOD OF REGISTRATION), 9799.16(B) (RELATING TO REGISTRY) AND
21 9799.19 (RELATING TO INITIAL REGISTRATION) TO:

22 (1) A JURISDICTION IN WHICH THE INDIVIDUAL IS REQUIRED
23 TO REGISTER THE INDIVIDUAL'S RESIDENCE, EMPLOYMENT OR
24 ENROLLMENT AS A STUDENT.

25 (2) A JURISDICTION IN WHICH THE INDIVIDUAL HAS
26 TERMINATED THE INDIVIDUAL'S RESIDENCE, EMPLOYMENT OR
27 ENROLLMENT AS A STUDENT.

28 (3) THE UNITED STATES ATTORNEY GENERAL, THE DEPARTMENT
29 OF JUSTICE AND THE UNITED STATES MARSHALS SERVICE FOR
30 INCLUSION IN THE NATIONAL SEX OFFENDER REGISTRY, NCIC AND ANY

1 OTHER DATABASE ESTABLISHED BY SUCH FEDERAL AGENCIES.

2 (4) THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH THE
3 INDIVIDUAL:

4 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
5 RESIDENCE;

6 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;

7 OR

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

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

12 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
13 RESIDENCE;

14 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;

15 OR

16 (III) ENROLLS AS A STUDENT OR TERMINATES ENROLLMENT
17 AS A STUDENT.

18 (6) THE COUNTY OFFICE OF PROBATION AND PAROLE FOR THE
19 COUNTY IN WHICH THE INDIVIDUAL:

20 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
21 RESIDENCE;

22 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;

23 OR

24 (III) ENROLLS AS A STUDENT OR TERMINATES ENROLLMENT
25 AS A STUDENT.

26 (B) WHEN SEXUAL OFFENDER FAILS TO APPEAR.--WHEN ANOTHER
27 JURISDICTION NOTIFIES THIS COMMONWEALTH THAT A SEXUAL OFFENDER
28 HAS TERMINATED HIS RESIDENCE, EMPLOYMENT OR ENROLLMENT AS A
29 STUDENT IN THAT JURISDICTION AND INTENDS TO ESTABLISH A
30 RESIDENCE IN THIS COMMONWEALTH, COMMENCE EMPLOYMENT IN THIS

1 COMMONWEALTH OR COMMENCE ENROLLMENT AS A STUDENT IN THIS
2 COMMONWEALTH AND THAT SEXUAL OFFENDER FAILS TO APPEAR IN THIS
3 COMMONWEALTH TO REGISTER, THE PENNSYLVANIA STATE POLICE SHALL
4 NOTIFY THE OTHER JURISDICTION THAT THE SEXUAL OFFENDER FAILED TO
5 APPEAR.

6 (C) INTERNATIONAL RESIDENCE.--THE PENNSYLVANIA STATE POLICE
7 SHALL, WITHIN THREE BUSINESS DAYS, TRANSFER INFORMATION THAT A
8 SEXUAL OFFENDER INTENDS TO ESTABLISH RESIDENCE IN ANOTHER
9 COUNTRY TO:

10 (1) A JURISDICTION IN WHICH THE SEXUAL OFFENDER IS
11 REQUIRED TO REGISTER RESIDENCE, EMPLOYMENT OR ENROLLMENT AS A
12 STUDENT.

13 (2) THE UNITED STATES MARSHALS SERVICE.

14 (3) THE DEPARTMENT OF JUSTICE FOR INCLUSION IN THE
15 NATIONAL SEX OFFENDER REGISTRY AND NCIC.

16 (D) INTERNATIONAL TRAVEL.--THE PENNSYLVANIA STATE POLICE
17 SHALL, WITHIN THREE BUSINESS DAYS, TRANSFER INFORMATION ABOUT
18 INTERNATIONAL TRAVEL PROVIDED BY THE SEXUAL OFFENDER UNDER
19 SECTION 9799.15(I) TO:

20 (1) A JURISDICTION IN WHICH THE SEXUAL OFFENDER IS
21 REQUIRED TO REGISTER THE SEXUAL OFFENDER'S RESIDENCE,
22 EMPLOYMENT OR ENROLLMENT AS A STUDENT.

23 (2) THE UNITED STATES MARSHALS SERVICE.

24 (3) THE DEPARTMENT OF JUSTICE FOR INCLUSION IN THE
25 NATIONAL SEX OFFENDER REGISTRY AND NCIC.

26 (E) NATIONAL CHILD PROTECTION ACT AGENCIES.--THE
27 PENNSYLVANIA STATE POLICE SHALL, WITHIN THREE BUSINESS DAYS,
28 TRANSFER SUCH CRIMINAL HISTORY RECORD INFORMATION ABOUT A SEXUAL
29 OFFENDER IN THE REGISTRY NECESSARY TO ENABLE AN AGENCY
30 RESPONSIBLE FOR CONDUCTING EMPLOYMENT-RELATED BACKGROUND CHECKS

1 UNDER SECTION 3 OF THE NATIONAL CHILD PROTECTION ACT OF 1993
2 (PUBLIC LAW 103-209, 42 U.S.C. 5119A) TO CONDUCT THE BACKGROUND
3 CHECKS.

4 § 9799.19. INITIAL REGISTRATION.

5 (A) GENERAL RULE.--AN INDIVIDUAL SET FORTH IN SECTION
6 9799.13 (RELATING TO APPLICABILITY) SHALL INITIALLY REGISTER
7 WITH THE PENNSYLVANIA STATE POLICE AS SET FORTH IN THIS SECTION.

8 (B) INITIAL REGISTRATION IF INCARCERATED WITHIN COMMONWEALTH
9 ON EFFECTIVE DATE OF SECTION.--THE FOLLOWING APPLY:

10 (1) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
11 SECTION, INCARCERATED IN A STATE OR COUNTY CORRECTIONAL
12 FACILITY, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION SET
13 FORTH IN SECTION 9799.16(B) (RELATING TO REGISTRY) TO THE
14 APPROPRIATE OFFICIAL OF THE STATE OR COUNTY CORRECTIONAL
15 FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE
16 FOR INCLUSION IN THE REGISTRY BEFORE BEING RELEASED DUE TO:

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

20 (II) PAROLE;

21 (III) STATE OR COUNTY INTERMEDIATE PUNISHMENT WHERE
22 THE SENTENCE IS RESTRICTIVE AND THE INDIVIDUAL IS
23 SENTENCED TO A PERIOD OF INCARCERATION IN A STATE OR
24 COUNTY CORRECTIONAL INSTITUTION OR A WORK RELEASE
25 FACILITY; OR

26 (IV) SPECIAL PROBATION SUPERVISED BY THE
27 PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

28 (2) FOR INDIVIDUALS SET FORTH IN PARAGRAPH (1), THE
29 APPROPRIATE OFFICIAL OF THE STATE OR COUNTY CORRECTIONAL
30 FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

1 SHALL COLLECT AND FORWARD THE INFORMATION IN SECTION
2 9799.16(B) TO THE PENNSYLVANIA STATE POLICE. THE APPROPRIATE
3 OFFICIAL SHALL, IN ADDITION, ENSURE THAT THE INFORMATION SET
4 FORTH IN SECTION 9799.16(C) IS COLLECTED AND FORWARDED TO THE
5 PENNSYLVANIA STATE POLICE. THE INFORMATION IN SECTION
6 9799.16(B) AND (C) SHALL BE INCLUDED IN THE REGISTRY. WITH
7 RESPECT TO INDIVIDUALS RELEASED UNDER PARAGRAPHS (1)(II),
8 (III) OR (IV), THE STATE OR COUNTY CORRECTIONAL FACILITY
9 SHALL NOT RELEASE THE INDIVIDUAL UNTIL IT RECEIVES
10 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT IT HAS
11 RECEIVED THE INFORMATION SET FORTH IN SECTION 9799.16(B) AND
12 (C). VERIFICATION MAY TAKE PLACE BY ELECTRONIC MEANS. WITH
13 RESPECT TO INDIVIDUALS RELEASED UNDER PARAGRAPH (1)(I), IF
14 THE INDIVIDUAL REFUSES TO PROVIDE THE INFORMATION SET FORTH
15 IN SECTION 9799.16(B), THE STATE OR COUNTY CORRECTIONAL
16 INSTITUTION SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OR THE
17 MUNICIPAL POLICE DEPARTMENT WITH JURISDICTION OVER THE
18 FACILITY OF THE FAILURE TO PROVIDE THE INFORMATION AND OF THE
19 EXPECTED DATE, TIME AND LOCATION OF THE RELEASE OF THE
20 INDIVIDUAL.

21 (B.1) INITIAL REGISTRATION IF SENTENCED TO A COUNTY OR STATE
22 CORRECTIONAL FACILITY AFTER EFFECTIVE DATE OF SECTION.--IF THE
23 INDIVIDUAL IS, AFTER THE EFFECTIVE DATE OF THIS SECTION,
24 SENTENCED TO A PERIOD OF INCARCERATION IN A COUNTY OR STATE
25 CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL PROVIDE THE
26 INFORMATION SET FORTH IN SECTION 9799.16(B) AS FOLLOWS:

27 (1) AT THE TIME OF SENTENCING, THE COURT SHALL REQUIRE
28 THE INDIVIDUAL TO IMMEDIATELY REPORT TO THE OFFICE OF
29 PROBATION AND PAROLE SERVING THAT COUNTY TO REGISTER UNDER
30 THIS SUBCHAPTER. THE APPROPRIATE OFFICE OF PROBATION AND

1 PAROLE SHALL COLLECT THE INFORMATION SET FORTH IN SECTION
2 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE INFORMATION TO
3 THE PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICE OF
4 PROBATION AND PAROLE SHALL, IN ADDITION, ENSURE THE
5 INFORMATION SET FORTH IN 9799.16(C) IS COLLECTED AND
6 FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE INFORMATION
7 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
8 REGISTRY.

9 (2) IF THE INDIVIDUAL IS INCARCERATED IN A STATE
10 CORRECTIONAL FACILITY OR COUNTY CORRECTIONAL FACILITY, THE
11 CORRECTIONAL FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE
12 POLICE, NOT MORE THAN 30 DAYS IN ADVANCE OF, BUT NOT LATER
13 THAN TEN DAYS PRIOR TO, THE INDIVIDUAL'S RELEASE FROM THE
14 CORRECTIONAL FACILITY. THE FOLLOWING APPLY:

15 (I) THE CORRECTIONAL FACILITY SHALL ENSURE THAT THE
16 INFORMATION SET FORTH IN SECTION 9799.16(B) AND (C) FOR
17 THE INDIVIDUAL HAS BEEN SUBMITTED TO THE PENNSYLVANIA
18 STATE POLICE.

19 (II) IF THE INFORMATION HAS NOT BEEN SUBMITTED TO
20 THE PENNSYLVANIA STATE POLICE, THE CORRECTIONAL FACILITY
21 SHALL COLLECT THE INFORMATION SET FORTH IN SECTION
22 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE
23 INFORMATION TO THE PENNSYLVANIA STATE POLICE.

24 (III) THE CORRECTIONAL FACILITY SHALL ALSO REPORT
25 ANY CHANGES TO THE INFORMATION SET FORTH IN SECTION
26 9799.16(B) AND (C) ON FILE WITH THE PENNSYLVANIA STATE
27 POLICE.

28 (IV) IN THE CASE OF PAROLE, STATE OR COUNTY
29 INTERMEDIATE PUNISHMENT WHERE THE SENTENCE IS RESTRICTIVE
30 AND THE INDIVIDUAL IS SENTENCED TO A PERIOD OF

1 INCARCERATION IN A STATE OR COUNTY CORRECTIONAL
2 INSTITUTION OR WORK RELEASE FACILITY OR SPECIAL PROBATION
3 SUPERVISED BY THE PENNSYLVANIA BOARD OF PROBATION AND
4 PAROLE, THE CORRECTIONAL FACILITY MAY NOT RELEASE THE
5 INDIVIDUAL UNTIL THE CORRECTIONAL FACILITY RECEIVES
6 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
7 PENNSYLVANIA STATE POLICE HAS RECEIVED THE INFORMATION
8 SET FORTH IN SECTION 9799.16(B) AND (C). VERIFICATION BY
9 THE PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC
10 MEANS.

11 (V) IF THE INDIVIDUAL IS SCHEDULED TO BE RELEASED
12 FROM A STATE OR COUNTY CORRECTIONAL INSTITUTION DUE TO
13 THE EXPIRATION OF SENTENCE AND THE INDIVIDUAL REFUSES TO
14 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B),
15 THE STATE OR COUNTY CORRECTIONAL INSTITUTION SHALL NOTIFY
16 THE PENNSYLVANIA STATE POLICE OR THE MUNICIPAL POLICE
17 DEPARTMENT WITH JURISDICTION OVER THE FACILITY OF THE
18 FAILURE TO PROVIDE THE INFORMATION AND OF THE EXPECTED
19 DATE, TIME AND LOCATION OF THE RELEASE OF THE INDIVIDUAL.

20 (C) INITIAL REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE
21 PUNISHMENT ON EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL IS,
22 ON THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO COUNTY
23 INTERMEDIATE PUNISHMENT WHICH IS RESTORATIVE WHERE THE
24 INDIVIDUAL IS NOT SENTENCED TO INCARCERATION OR TO A WORK
25 RELEASE FACILITY, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION
26 SET FORTH IN SECTION 9799.16(B) BY APPEARING AT AN APPROVED
27 REGISTRATION SITE WITHIN 48 HOURS OF THE EFFECTIVE DATE OF THIS
28 SECTION. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
29 PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS
30 APPEARED AT AN APPROVED REGISTRATION SITE AS SET FORTH IN THIS

1 SUBSECTION. IF THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE
2 OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND PAROLE SHALL
3 NOTIFY THE PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE
4 POLICE SHALL ENSURE THE INFORMATION SET FORTH IN SECTION
5 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS COLLECTED AND
6 ENTERED IN THE REGISTRY.

7 (D) INITIAL REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE
8 PUNISHMENT AFTER EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL
9 IS, AFTER THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO
10 COUNTY INTERMEDIATE PUNISHMENT, THE FOLLOWING APPLY:

11 (1) IF THE INDIVIDUAL IS SENTENCED TO COUNTY
12 INTERMEDIATE PUNISHMENT WHICH IS RESTORATIVE, THE INDIVIDUAL
13 SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
14 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
15 OF BEING SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY
16 OFFICE OF PROBATION AND PAROLE SHALL ENSURE THAT THE
17 INDIVIDUAL HAS APPEARED AT AN APPROVED REGISTRATION SITE AS
18 SET FORTH IN THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO
19 APPEAR, THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
20 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE
21 POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THE
22 INFORMATION SET FORTH IN SECTION 9799.16(C) WITH RESPECT TO
23 THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

24 (2) IF THE INDIVIDUAL IS SENTENCED TO COUNTY
25 INTERMEDIATE PUNISHMENT WHICH IS RESTRICTIVE WHERE THE
26 INDIVIDUAL IS NOT SENTENCED TO INCARCERATION OR TO A WORK
27 RELEASE FACILITY, THE INDIVIDUAL SHALL PROVIDE THE
28 INFORMATION SET FORTH IN SECTION 9799.16(B) BY APPEARING AT
29 AN APPROVED REGISTRATION SITE WITHIN 48 HOURS OF BEING
30 SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF

1 PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS
2 APPEARED AT AN APPROVED REGISTRATION SITE AS SET FORTH IN
3 THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO APPEAR, THE
4 APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND
5 PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE POLICE. THE
6 PENNSYLVANIA STATE POLICE SHALL ENSURE THE INFORMATION SET
7 FORTH IN SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
8 COLLECTED AND ENTERED IN THE REGISTRY.

9 (E) INITIAL REGISTRATION IF SENTENCED TO COUNTY PROBATION ON
10 OR AFTER EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL IS, ON OR
11 AFTER THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO COUNTY
12 PROBATION, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION SET
13 FORTH IN SECTION 9799.16(B) BY APPEARING AT AN APPROVED
14 REGISTRATION SITE WITHIN 48 HOURS OF BEING SENTENCED. THE
15 APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND
16 PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS APPEARED AT AN
17 APPROVED REGISTRATION SITE AS SET FORTH IN THIS PARAGRAPH. IF
18 THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE OFFICIAL OF THE
19 COUNTY OFFICE OF PROBATION AND PAROLE SHALL NOTIFY THE
20 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL
21 ENSURE THE INFORMATION SET FORTH IN SECTION 9799.16(C) WITH
22 RESPECT TO THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE
23 REGISTRY.

24 (F) INITIAL REGISTRATION IF BEING SUPERVISED BY
25 COMMONWEALTH UNDER INTERSTATE COMPACT FOR ADULT OFFENDER
26 SUPERVISION.--IF AN INDIVIDUAL IS IN THIS COMMONWEALTH AND IS
27 BEING SUPERVISED BY THE STATE BOARD OF PROBATION AND PAROLE OR
28 THE COUNTY OFFICE OF PROBATION AND PAROLE PURSUANT TO THE
29 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION, THE FOLLOWING
30 APPLY:

1 (1) IF THE INDIVIDUAL IS BEING SUPERVISED UNDER THE
2 COMPACT AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
3 INDIVIDUAL SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION
4 9799.16(B) TO THE APPROPRIATE OFFICIAL OF THE STATE BOARD OF
5 PROBATION AND PAROLE OR THE COUNTY OFFICE OF PROBATION AND
6 PAROLE FOR INCLUSION IN THE REGISTRY. THE APPROPRIATE
7 OFFICIAL SHALL COLLECT THE INFORMATION SET FORTH IN SECTION
8 9799.16(B) AND FORWARD THE INFORMATION TO THE PENNSYLVANIA
9 STATE POLICE. THE APPROPRIATE OFFICIAL SHALL, IN ADDITION,
10 ENSURE THAT THE INFORMATION SET FORTH IN SECTION 9799.16(C)
11 IS COLLECTED AND FORWARDED TO THE PENNSYLVANIA STATE POLICE.
12 IF THE INDIVIDUAL FAILS TO PROVIDE THE INFORMATION IN SECTION
13 9799.16(B), THE APPROPRIATE OFFICIAL OF THE STATE BOARD OF
14 PROBATION AND PAROLE OR COUNTY OFFICE OF PROBATION AND PAROLE
15 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE.

16 (2) IF THE INDIVIDUAL IS BEING SUPERVISED UNDER THE
17 COMPACT ON THE EFFECTIVE DATE OF THIS SECTION, THE INDIVIDUAL
18 SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
19 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
20 OF THE EFFECTIVE DATE OF THIS SECTION. THE APPROPRIATE
21 OFFICIAL OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR
22 THE COUNTY OFFICE OF PROBATION AND PAROLE SHALL ENSURE THAT
23 THE INDIVIDUAL HAS APPEARED AT AN APPROVED REGISTRATION SITE
24 AS SET FORTH IN THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO
25 APPEAR, THE APPROPRIATE OFFICIAL SHALL NOTIFY THE
26 PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICIAL SHALL, IN
27 ADDITION, ENSURE THE INFORMATION SET FORTH IN SECTION
28 9799.16(C) IS COLLECTED AND FORWARDED TO THE PENNSYLVANIA
29 STATE POLICE.

30 (G) SUPERVISION OF INDIVIDUAL CONVICTED IN COMMONWEALTH WHO

1 DOES NOT INTEND TO RESIDE IN COMMONWEALTH.--ON OR AFTER THE
2 EFFECTIVE DATE OF THIS SECTION, AN INDIVIDUAL CONVICTED OF A
3 SEXUALLY VIOLENT OFFENSE WITHIN THIS COMMONWEALTH WHO SEEKS
4 TRANSFER OF SUPERVISION TO ANOTHER JURISDICTION PURSUANT TO THE
5 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION, SHALL NOT
6 HAVE SUPERVISION TRANSFERRED TO ANOTHER JURISDICTION PRIOR TO
7 THE INDIVIDUAL'S REGISTRATION WITH THE PENNSYLVANIA STATE POLICE
8 AS SET FORTH IN THIS SECTION.

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 COURT SHALL REQUIRE THE INDIVIDUAL
16 TO PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B) TO
17 THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AT THE TIME
18 OF DISPOSITION UNDER SECTION 6352 (RELATING TO DISPOSITION OF
19 DELINQUENT CHILD). THE CHIEF JUVENILE PROBATION OFFICER SHALL
20 COLLECT THE INFORMATION IN SECTION 9799.16(B) AND (C) AND
21 FORWARD IT TO THE PENNSYLVANIA STATE POLICE FOR INCLUSION IN
22 THE REGISTRY AS DIRECTED BY THE PENNSYLVANIA STATE POLICE. IF
23 THE JUVENILE OFFENDER IS UNDER COURT-ORDERED PLACEMENT IN AN
24 INSTITUTION OR FACILITY SET FORTH IN SECTION 6352(A)(3), THE
25 INSTITUTION OR FACILITY SHALL ENSURE THE INFORMATION PROVIDED
26 BY THE JUVENILE OFFENDER PURSUANT TO SECTION 9799.16(B) IS
27 UPDATED TO REFLECT ACCURATE INFORMATION PRIOR TO RELEASE. THE
28 INSTITUTION OR FACILITY MAY NOT RELEASE THE JUVENILE OFFENDER
29 UNTIL IT RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE
30 POLICE THAT THE INFORMATION REQUIRED UNDER SECTION 9799.16(B)

1 AND (C) HAS BEEN ENTERED IN THE REGISTRY.

2 (2) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
3 SECTION, A JUVENILE OFFENDER AND IS SUBJECT TO THE
4 JURISDICTION OF THE COURT PURSUANT TO A DISPOSITION ENTERED
5 UNDER SECTION 6352 AND IS ON PROBATION, THE INDIVIDUAL SHALL
6 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B) TO
7 THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT WITHIN 30
8 DAYS OF THE EFFECTIVE DATE OF THIS SECTION. THE CHIEF
9 JUVENILE PROBATION OFFICER SHALL COLLECT THE INFORMATION SET
10 FORTH IN SECTION 9799.16(B) AND (C) AND FORWARD IT TO THE
11 PENNSYLVANIA STATE POLICE FOR INCLUSION IN THE REGISTRY, AS
12 DIRECTED BY THE PENNSYLVANIA STATE POLICE.

13 (3) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
14 SECTION, A JUVENILE OFFENDER AND IS SUBJECT TO THE
15 JURISDICTION OF A COURT PURSUANT TO A DISPOSITION ENTERED
16 UNDER SECTION 6352 AND IS UNDER COURT-ORDERED PLACEMENT IN AN
17 INSTITUTION OR FACILITY SET FORTH IN SECTION 6352, THE
18 DIRECTOR OF THE INSTITUTION OR FACILITY OR A DESIGNEE SHALL
19 MAKE THE JUVENILE OFFENDER AVAILABLE FOR AND FACILITATE THE
20 COLLECTION OF THE INFORMATION SET FORTH IN SECTION 9799.16(B)
21 AND (C) AS DIRECTED BY THE PENNSYLVANIA STATE POLICE FOR
22 INCLUSION IN THE REGISTRY. THE PENNSYLVANIA STATE POLICE MAY
23 REQUIRE THE INSTITUTION OR FACILITY TO TRANSPORT THE JUVENILE
24 OFFENDER TO AND FROM AN APPROVED REGISTRATION SITE IN ORDER
25 TO FULFILL THE REQUIREMENT OF THIS PARAGRAPH. IN ORDER TO
26 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE CHIEF
27 JUVENILE PROBATION OFFICER OF THE COURT SHALL, WITHIN TEN
28 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, NOTIFY THE
29 DIRECTOR OF THE INSTITUTION OR FACILITY AND THE PENNSYLVANIA
30 STATE POLICE THAT THE JUVENILE OFFENDER IS REQUIRED TO

1 REGISTER UNDER THIS SUBCHAPTER. IN ADDITION, THE INSTITUTION
2 OR FACILITY SHALL ENSURE THAT THE INFORMATION PROVIDED BY THE
3 JUVENILE OFFENDER PURSUANT TO SECTION 9799.16(B) IS UPDATED
4 TO REFLECT ACCURATE INFORMATION PRIOR TO RELEASE. THE
5 JUVENILE OFFENDER MAY NOT BE RELEASED UNTIL THE INSTITUTION
6 OR FACILITY RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE
7 POLICE THAT THE INFORMATION REQUIRED UNDER SECTION 9799.16(B)
8 AND (C) HAS BEEN ENTERED INTO THE REGISTRY.

9 (4) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
10 SECTION, A SEXUALLY VIOLENT DELINQUENT CHILD AND RECEIVING
11 INVOLUNTARY TREATMENT IN THE STATE-OWNED FACILITY OR UNIT
12 UNDER CHAPTER 64 (RELATING TO COURT-ORDERED INVOLUNTARY
13 TREATMENT OF CERTAIN SEXUALLY VIOLENT PERSONS), THE DIRECTOR
14 OF THE FACILITY OR UNIT OR A DESIGNEE SHALL MAKE THE SEXUALLY
15 VIOLENT DELINQUENT CHILD AVAILABLE FOR AND FACILITATE THE
16 COLLECTION OF THE INFORMATION SET FORTH IN SECTION 9799.16(B)
17 AND (C) AS DIRECTED BY THE PENNSYLVANIA STATE POLICE FOR
18 INCLUSION IN THE REGISTRY. THE PENNSYLVANIA STATE POLICE MAY
19 REQUIRE THE FACILITY OR UNIT TO TRANSPORT THE SEXUALLY
20 VIOLENT DELINQUENT CHILD TO AND FROM AN APPROVED REGISTRATION
21 SITE IN ORDER TO FULFILL THE REQUIREMENT OF THIS PARAGRAPH.
22 IN ADDITION, THE FACILITY OR UNIT SHALL ENSURE THAT THE
23 INFORMATION PROVIDED BY THE SEXUALLY VIOLENT DELINQUENT CHILD
24 PURSUANT TO SECTION 9799.16(B) IS UPDATED TO REFLECT ACCURATE
25 INFORMATION PRIOR TO RELEASE. THE FACILITY OR UNIT MAY NOT
26 RELEASE THE SEXUALLY VIOLENT DELINQUENT CHILD UNTIL IT HAS
27 RECEIVED VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT
28 IT HAS RECEIVED THE INFORMATION SET FORTH IN SECTION
29 9799.16(B) AND (C).

30 (5) IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE DATE

1 OF THIS SECTION, DETERMINED BY THE COURT TO BE A SEXUALLY
2 VIOLENT DELINQUENT CHILD AND COMMITTED FOR INVOLUNTARY
3 TREATMENT TO THE STATE-OWNED FACILITY OR UNIT UNDER CHAPTER
4 64, THE FOLLOWING APPLY:

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

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

1 REGISTRY.

2 (I) INITIAL REGISTRATION IF CONVICTED OUTSIDE
3 COMMONWEALTH.--IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE
4 DATE OF THIS SECTION, CONVICTED OF A SEXUALLY VIOLENT OFFENSE IN
5 ANOTHER JURISDICTION OR A FOREIGN COUNTRY OR OF A COMPARABLE
6 MILITARY OFFENSE, THE INDIVIDUAL SHALL APPEAR IN PERSON AT AN
7 APPROVED REGISTRATION SITE TO PROVIDE THE INFORMATION SET FORTH
8 IN SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE WITHIN
9 THREE BUSINESS DAYS OF ESTABLISHING RESIDENCE, COMMENCING
10 EMPLOYMENT OR COMMENCING ENROLLMENT AS A STUDENT WITHIN THIS
11 COMMONWEALTH. IN ADDITION, THE INDIVIDUAL SHALL COMPLY WITH THE
12 OTHER PROVISIONS OF THIS SUBCHAPTER, INCLUDING SECTION 9799.15
13 (RELATING TO PERIOD OF REGISTRATION). IF THE INDIVIDUAL FAILS TO
14 ESTABLISH A RESIDENCE BUT NEVERTHELESS RESIDES IN THIS
15 COMMONWEALTH, THE INDIVIDUAL SHALL REGISTER AS A TRANSIENT. THE
16 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION SET
17 FORTH IN SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
18 COLLECTED AND ENTERED IN THE REGISTRY.

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

1 INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

2 § 9799.20. DUTY TO INFORM.

3 IN ORDER TO IMPLEMENT THE PROVISIONS OF SECTION 9799.19
4 (RELATING TO INITIAL REGISTRATION), THE PENNSYLVANIA STATE
5 POLICE, THE COURT HAVING JURISDICTION OVER THE SEXUAL OFFENDER,
6 THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AND THE
7 APPROPRIATE OFFICIAL OF THE PENNSYLVANIA BOARD OF PROBATION AND
8 PAROLE, COUNTY OFFICE OF PROBATION AND PAROLE, THE DEPARTMENT OF
9 PUBLIC WELFARE OR A STATE OR COUNTY CORRECTIONAL INSTITUTION
10 SHALL:

11 (1) INFORM THE INDIVIDUAL REQUIRED TO REGISTER OF THE
12 INDIVIDUAL'S DUTIES UNDER THIS SUBCHAPTER.

13 (2) REQUIRE THE INDIVIDUAL TO READ AND SIGN A FORM
14 STATING THAT THE DUTY TO REGISTER HAS BEEN EXPLAINED AND THAT
15 THE INDIVIDUAL UNDERSTANDS THE REGISTRATION REQUIREMENT.

16 (3) COLLECT THE INFORMATION REQUIRED UNDER SECTION
17 9799.16 (B) AND (C) (RELATING TO REGISTRY) AND FORWARD THE
18 INFORMATION TO THE PENNSYLVANIA STATE POLICE FOR INCLUSION IN
19 THE REGISTRY AS SET FORTH IN THIS SUBCHAPTER.

20 § 9799.21. PENALTY.

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

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

30 (2) VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL OR

1 BE PHOTOGRAPHED AS PROVIDED IN SECTIONS 9799.15, 9799.19 AND
2 9799.25; OR

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

5 § 9799.22. ENFORCEMENT.

6 (A) FAILURE TO COMPLY.--WHEN AN INDIVIDUAL SET FORTH IN
7 SECTION 9799.13 (RELATING TO APPLICABILITY) FAILS TO COMPLY WITH
8 SECTION 9799.21(1), (2) OR (3) (RELATING TO PENALTY), THE
9 PENNSYLVANIA STATE POLICE SHALL:

10 (1) LOCATE AND ARREST THE INDIVIDUAL FOR VIOLATING THIS
11 SECTION; OR

12 (2) NOTIFY THE MUNICIPAL POLICE DEPARTMENT WHERE THE
13 INDIVIDUAL HAS A RESIDENCE, IS EMPLOYED OR IS ENROLLED AS A
14 STUDENT. THE MUNICIPAL POLICE SHALL LOCATE AND ARREST THE
15 INDIVIDUAL FOR VIOLATING THIS SECTION. IN MUNICIPALITIES
16 WHERE NO MUNICIPAL POLICE DEPARTMENT EXISTS, THE PENNSYLVANIA
17 STATE POLICE SHALL PROCEED UNDER PARAGRAPH (1).

18 (B) WHEN INDIVIDUAL CANNOT BE FOUND.--IN THE EVENT THE
19 INDIVIDUAL CANNOT BE LOCATED, THE PENNSYLVANIA STATE POLICE
20 SHALL:

21 (1) ENTER INFORMATION ON THE INTERNET WEBSITE OF SEXUAL
22 OFFENDERS AND IN THE REGISTRY INDICATING THAT THE INDIVIDUAL
23 CANNOT BE LOCATED.

24 (2) PROVIDE INFORMATION TO THE NATIONAL SEX OFFENDER
25 REGISTRY AND NCIC TO REFLECT THAT THE INDIVIDUAL CANNOT BE
26 LOCATED.

27 (3) NOTIFY THE UNITED STATES MARSHALS SERVICE.

28 (4) IN COOPERATION WITH THE DISTRICT ATTORNEY, SEEK
29 ISSUANCE OF A WARRANT FOR THE ARREST OF THE INDIVIDUAL. IF A
30 WARRANT IS ISSUED PURSUANT TO THIS PARAGRAPH, THE

1 PENNSYLVANIA STATE POLICE SHALL PROVIDE INFORMATION TO THE
2 NATIONAL CRIME INFORMATION CENTER WANTED PERSON FILE TO
3 REFLECT THAT A WARRANT HAS BEEN ISSUED FOR THE INDIVIDUAL'S
4 ARREST.

5 (C) NOTICE FROM ANOTHER JURISDICTION.--WHEN ANOTHER
6 JURISDICTION NOTIFIES THE COMMONWEALTH THAT A SEXUAL OFFENDER
7 HAS TERMINATED RESIDENCE, EMPLOYMENT OR ENROLLMENT AS A STUDENT
8 IN THAT JURISDICTION AND INTENDS TO ESTABLISH A RESIDENCE IN
9 THIS COMMONWEALTH, COMMENCE EMPLOYMENT IN THIS COMMONWEALTH OR
10 COMMENCE ENROLLMENT AS A STUDENT IN THIS COMMONWEALTH, AND THAT
11 SEXUAL OFFENDER FAILS TO APPEAR IN THIS COMMONWEALTH TO REGISTER
12 AS PROVIDED IN SECTION 9799.15 (RELATING TO PERIOD OF
13 REGISTRATION), THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE
14 OTHER JURISDICTION THAT THE SEXUAL OFFENDER FAILED TO APPEAR.

15 (D) DUTY TO INFORM PENNSYLVANIA STATE POLICE.--IN ORDER TO
16 IMPLEMENT THE PROVISIONS OF SECTION 9799.15 AND SECTION 9799.19
17 (RELATING TO INITIAL REGISTRATION), THE COURT WITH JURISDICTION
18 OVER THE SEXUAL OFFENDER, THE CHIEF JUVENILE PROBATION OFFICER
19 OF THE COURT AND THE APPROPRIATE OFFICIAL OF THE PENNSYLVANIA
20 BOARD OF PROBATION AND PAROLE, THE COUNTY OFFICE OF PROBATION
21 AND PAROLE, THE DEPARTMENT OF PUBLIC WELFARE OR A STATE OR
22 COUNTY CORRECTIONAL INSTITUTION SHALL INFORM THE PENNSYLVANIA
23 STATE POLICE IF THE INDIVIDUAL REFUSES TO PROVIDE THE
24 INFORMATION REQUIRED. THE PENNSYLVANIA STATE POLICE SHALL LOCATE
25 AND ARREST THE INDIVIDUAL FOR A VIOLATION OF 18 PA.C.S. § 4915.1
26 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
27 OFFENDERS REQUIREMENTS).

28 § 9799.23. COURT NOTIFICATION AND CLASSIFICATION REQUIREMENTS.

29 (A) NOTICE TO SEXUAL OFFENDERS.--AT THE TIME OF SENTENCING
30 OR DISPOSITION, IN THE CASE OF A JUVENILE OFFENDER OR SEXUALLY

VIOLENT DELINQUENT CHILD, THE COURT SHALL INFORM THE SEXUAL
OFFENDER OF THE PROVISIONS OF THIS SUBCHAPTER. THE COURT SHALL:

(1) SPECIFICALLY INFORM THE SEXUAL OFFENDER OF THE DUTY
TO REGISTER UNDER THIS SUBCHAPTER.

(2) SPECIFICALLY INFORM THE SEXUAL OFFENDER OF THE DUTY
TO REGISTER IN ACCORDANCE WITH SECTIONS 9799.15 (RELATING TO
PERIOD OF REGISTRATION), 9799.16(B) (RELATING TO REGISTRY),
9799.19 (RELATING TO INITIAL REGISTRATION) AND 9799.25
(RELATING TO VERIFICATION BY SEXUAL OFFENDERS AND
PENNSYLVANIA STATE POLICE).

(3) SPECIFICALLY INFORM THE SEXUAL OFFENDER OF THE DUTY
TO REGISTER WITH AUTHORITIES IN ANOTHER JURISDICTION WITHIN
THREE BUSINESS DAYS OF:

(I) COMMENCEMENT OF RESIDENCE, CHANGE OF RESIDENCE,
TERMINATION OF RESIDENCE OR FAILURE TO MAINTAIN A
RESIDENCE, THUS MAKING THE SEXUAL OFFENDER A TRANSIENT.

(II) COMMENCEMENT OF EMPLOYMENT, A CHANGE IN THE
LOCATION OR ENTITY IN WHICH THE SEXUAL OFFENDER IS
EMPLOYED OR TERMINATION OF EMPLOYMENT.

(III) COMMENCEMENT OF ENROLLMENT AS A STUDENT, A
CHANGE IN ENROLLMENT AS A STUDENT OR TERMINATION OF
ENROLLMENT AS A STUDENT.

(4) IN ACCORDANCE WITH SECTION 9799.16(C), ORDER THAT
THE FINGERPRINTS, PALM PRINTS, DNA SAMPLE AND PHOTOGRAPH OF
THE SEXUAL OFFENDER BE PROVIDED TO THE PENNSYLVANIA STATE
POLICE UPON SENTENCING.

(5) REQUIRE THE SEXUAL OFFENDER TO READ AND SIGN A FORM
STATING THAT THE DUTY TO REGISTER UNDER THIS SUBCHAPTER HAS
BEEN EXPLAINED. IF THE SEXUAL OFFENDER IS INCAPABLE OF
SPEAKING, READING OR WRITING THE ENGLISH LANGUAGE, THE COURT

1 SHALL CERTIFY THE DUTY TO REGISTER WAS EXPLAINED TO THE
2 SEXUAL OFFENDER, AND THE SEXUAL OFFENDER INDICATED AN
3 UNDERSTANDING OF THE DUTY.

4 (6) SPECIFICALLY CLASSIFY THE INDIVIDUAL AS ONE OF THE
5 FOLLOWING:

6 (I) AN INDIVIDUAL CONVICTED OF A TIER I OFFENSE.

7 (II) AN INDIVIDUAL CONVICTED OF A TIER II OFFENSE.

8 (III) AN INDIVIDUAL CONVICTED OF A TIER III OFFENSE.

9 (IV) A SEXUALLY VIOLENT PREDATOR.

10 (V) A JUVENILE OFFENDER.

11 (VI) A SEXUALLY VIOLENT DELINQUENT CHILD.

12 (B) MANDATORY REGISTRATION.--ALL SEXUAL OFFENDERS MUST
13 REGISTER IN ACCORDANCE WITH THIS SUBCHAPTER. THE FOLLOWING
14 APPLY:

15 (1) FAILURE BY THE COURT TO PROVIDE THE INFORMATION
16 REQUIRED IN THIS SECTION, TO CORRECTLY INFORM A SEXUAL
17 OFFENDER OF THE SEXUAL OFFENDER'S OBLIGATIONS OR TO REQUIRE A
18 SEXUAL OFFENDER TO REGISTER SHALL NOT RELIEVE THE SEXUAL
19 OFFENDER FROM THE REQUIREMENTS OF THIS SUBCHAPTER.

20 (2) EXCEPT AS PROVIDED IN SECTION 9799.17 (RELATING TO
21 REDUCTION OF PERIOD OF REGISTRATION), THE COURT SHALL HAVE NO
22 AUTHORITY TO RELIEVE A SEXUAL OFFENDER FROM THE DUTY TO
23 REGISTER UNDER THIS SUBCHAPTER OR TO MODIFY THE REQUIREMENTS
24 OF THIS SUBCHAPTER AS THEY RELATE TO THE SEXUAL OFFENDER.

25 § 9799.24. ASSESSMENTS.

26 (A) ORDER FOR ASSESSMENT.--AFTER CONVICTION BUT BEFORE
27 SENTENCING, A COURT SHALL ORDER AN INDIVIDUAL CONVICTED OF A
28 SEXUALLY VIOLENT OFFENSE TO BE ASSESSED BY THE BOARD. THE ORDER
29 FOR AN ASSESSMENT SHALL BE SENT TO THE ADMINISTRATIVE OFFICER OF
30 THE BOARD WITHIN TEN DAYS OF THE DATE OF CONVICTION FOR THE

1 SEXUALLY VIOLENT OFFENSE.

2 (B) ASSESSMENT.--UPON RECEIPT FROM THE COURT OF AN ORDER FOR
3 AN ASSESSMENT, A MEMBER OF THE BOARD AS DESIGNATED BY THE
4 ADMINISTRATIVE OFFICER OF THE BOARD SHALL CONDUCT AN ASSESSMENT
5 OF THE INDIVIDUAL TO DETERMINE IF THE INDIVIDUAL SHOULD BE
6 CLASSIFIED AS A SEXUALLY VIOLENT PREDATOR. THE BOARD SHALL
7 ESTABLISH STANDARDS FOR EVALUATIONS AND FOR EVALUATORS
8 CONDUCTING THE ASSESSMENTS. AN ASSESSMENT SHALL INCLUDE, BUT NOT
9 BE LIMITED TO, AN EXAMINATION OF THE FOLLOWING:

10 (1) FACTS OF THE CURRENT OFFENSE, INCLUDING:

11 (I) WHETHER THE OFFENSE INVOLVED MULTIPLE VICTIMS.

12 (II) WHETHER THE INDIVIDUAL EXCEEDED THE MEANS
13 NECESSARY TO ACHIEVE THE OFFENSE.

14 (III) THE NATURE OF THE SEXUAL CONTACT WITH THE
15 VICTIM.

16 (IV) RELATIONSHIP OF THE INDIVIDUAL TO THE VICTIM.

17 (V) AGE OF THE VICTIM.

18 (VI) WHETHER THE OFFENSE INCLUDED A DISPLAY OF
19 UNUSUAL CRUELTY BY THE INDIVIDUAL DURING THE COMMISSION
20 OF THE CRIME.

21 (VII) THE MENTAL CAPACITY OF THE VICTIM.

22 (2) PRIOR OFFENSE HISTORY, INCLUDING:

23 (I) THE INDIVIDUAL'S PRIOR CRIMINAL RECORD.

24 (II) WHETHER THE INDIVIDUAL COMPLETED ANY PRIOR
25 SENTENCES.

26 (III) WHETHER THE INDIVIDUAL PARTICIPATED IN
27 AVAILABLE PROGRAMS FOR SEXUAL OFFENDERS.

28 (3) CHARACTERISTICS OF THE INDIVIDUAL, INCLUDING:

29 (I) AGE.

30 (II) USE OF ILLEGAL DRUGS.

1 (III) ANY MENTAL ILLNESS, MENTAL DISABILITY OR
2 MENTAL ABNORMALITY.

3 (IV) BEHAVIORAL CHARACTERISTICS THAT CONTRIBUTE TO
4 THE INDIVIDUAL'S CONDUCT.

5 (4) FACTORS THAT ARE SUPPORTED IN A SEXUAL OFFENDER
6 ASSESSMENT FIELD AS CRITERIA REASONABLY RELATED TO THE RISK
7 OF REOFFENSE.

8 (C) RELEASE OF INFORMATION.--ALL STATE, COUNTY AND LOCAL
9 AGENCIES, OFFICES AND ENTITIES IN THIS COMMONWEALTH, INCLUDING
10 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING COPIES
11 OF RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN
12 CONNECTION WITH THE COURT-ORDERED ASSESSMENT AND THE ASSESSMENT
13 REQUESTED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR
14 THE ASSESSMENT OF A DELINQUENT CHILD UNDER SECTION 6358
15 (RELATING TO ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE
16 SEXUAL OFFENDERS ASSESSMENT BOARD).

17 (D) SUBMISSION OF REPORT BY BOARD.--THE BOARD SHALL HAVE 90
18 DAYS FROM THE DATE OF CONVICTION OF THE INDIVIDUAL TO SUBMIT A
19 WRITTEN REPORT CONTAINING ITS ASSESSMENT TO THE DISTRICT
20 ATTORNEY.

21 (D.1) SUMMARY OF OFFENSE.--THE BOARD SHALL PREPARE A
22 DESCRIPTION OF THE OFFENSE OR OFFENSES THAT TRIGGER THE
23 APPLICATION OF THIS SUBCHAPTER TO INCLUDE, BUT NOT BE LIMITED
24 TO:

25 (1) A CONCISE NARRATIVE OF THE INDIVIDUAL'S CONDUCT.

26 (2) WHETHER THE VICTIM WAS A MINOR.

27 (3) THE MANNER OF WEAPON OR PHYSICAL FORCE USED OR
28 THREATENED.

29 (4) IF THE OFFENSE INVOLVED UNAUTHORIZED ENTRY INTO A
30 ROOM OR VEHICLE OCCUPIED BY THE VICTIM.

1 (5) IF THE OFFENSE WAS PART OF A COURSE OR PATTERN OF
2 CONDUCT INVOLVING MULTIPLE INCIDENTS OR VICTIMS.

3 (6) PREVIOUS INSTANCES IN WHICH THE INDIVIDUAL WAS
4 DETERMINED GUILTY OF AN OFFENSE SUBJECT TO THIS SUBCHAPTER OR
5 OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 9714(G)
6 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

7 (E) HEARING.--

8 (1) A HEARING TO DETERMINE WHETHER THE INDIVIDUAL IS A
9 SEXUALLY VIOLENT PREDATOR SHALL BE SCHEDULED UPON THE
10 PRAECIPE FILED BY THE DISTRICT ATTORNEY. THE DISTRICT
11 ATTORNEY UPON FILING A PRAECIPE SHALL SERVE A COPY OF THE
12 PRAECIPE UPON DEFENSE COUNSEL TOGETHER WITH A COPY OF THE
13 REPORT OF THE BOARD.

14 (2) THE INDIVIDUAL AND DISTRICT ATTORNEY SHALL BE GIVEN
15 NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD, THE
16 RIGHT TO CALL WITNESSES, THE RIGHT TO CALL EXPERT WITNESSES
17 AND THE RIGHT TO CROSS-EXAMINE WITNESSES. IN ADDITION, THE
18 INDIVIDUAL SHALL HAVE THE RIGHT TO COUNSEL AND TO HAVE AN
19 ATTORNEY APPOINTED TO REPRESENT THE INDIVIDUAL IF THE
20 INDIVIDUAL CANNOT AFFORD ONE. IF THE INDIVIDUAL REQUESTS
21 ANOTHER EXPERT ASSESSMENT, THE INDIVIDUAL SHALL PROVIDE A
22 COPY OF THE EXPERT ASSESSMENT TO THE DISTRICT ATTORNEY PRIOR
23 TO THE HEARING.

24 (3) AT THE HEARING PRIOR TO SENTENCING, THE COURT SHALL
25 DETERMINE WHETHER THE COMMONWEALTH HAS PROVED BY CLEAR AND
26 CONVINCING EVIDENCE THAT THE INDIVIDUAL IS A SEXUALLY VIOLENT
27 PREDATOR.

28 (4) A COPY OF THE ORDER CONTAINING THE DETERMINATION OF
29 THE COURT SHALL BE IMMEDIATELY SUBMITTED TO THE INDIVIDUAL,
30 THE DISTRICT ATTORNEY, THE PENNSYLVANIA BOARD OF PROBATION

1 AND PAROLE, THE DEPARTMENT OF CORRECTIONS, THE BOARD AND THE
2 PENNSYLVANIA STATE POLICE.

3 (F) PRESENTENCE INVESTIGATION.--IN ALL CASES WHERE THE BOARD
4 HAS PERFORMED AN ASSESSMENT UNDER THIS SECTION, COPIES OF THE
5 REPORT SHALL BE PROVIDED TO THE AGENCY PREPARING THE PRESENTENCE
6 INVESTIGATION.

7 (G) PAROLE ASSESSMENT.--THE PENNSYLVANIA BOARD OF PROBATION
8 AND PAROLE MAY REQUEST OF THE BOARD THAT AN ASSESSMENT OF A
9 SEXUAL OFFENDER BE CONDUCTED AND THAT A REPORT BE PROVIDED TO
10 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE PRIOR TO
11 CONSIDERING A SEXUAL OFFENDER FOR PAROLE.

12 (H) DELINQUENT CHILDREN.--THE PROBATION OFFICER SHALL NOTIFY
13 THE BOARD 90 DAYS PRIOR TO THE 20TH BIRTHDAY OF THE CHILD OF THE
14 STATUS OF THE DELINQUENT CHILD WHO IS COMMITTED TO AN
15 INSTITUTION OR OTHER FACILITY PURSUANT TO SECTION 6352 (RELATING
16 TO DISPOSITION OF DELINQUENT CHILD) AFTER HAVING BEEN FOUND
17 DELINQUENT FOR AN ACT OF SEXUAL VIOLENCE THAT IF COMMITTED BY AN
18 ADULT WOULD BE A VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO
19 RAPE), 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
20 INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT), 3125
21 (RELATING TO AGGRAVATED INDECENT ASSAULT), 3126 (RELATING TO
22 INDECENT ASSAULT) OR 4302 (RELATING TO INCEST), TOGETHER WITH
23 THE LOCATION OF THE FACILITY WHERE THE CHILD IS COMMITTED. THE
24 BOARD SHALL CONDUCT AN ASSESSMENT OF THE CHILD, WHICH SHALL
25 INCLUDE THE BOARD'S DETERMINATION OF WHETHER OR NOT THE CHILD IS
26 IN NEED OF COMMITMENT DUE TO A MENTAL ABNORMALITY AS DEFINED IN
27 SECTION 6402 (RELATING TO DEFINITIONS) OR A PERSONALITY
28 DISORDER, EITHER OF WHICH RESULTS IN SERIOUS DIFFICULTY IN
29 CONTROLLING SEXUALLY VIOLENT BEHAVIOR, AND PROVIDE A REPORT TO
30 THE COURT WITHIN THE TIME FRAMES SET FORTH IN SECTION 6358 (C).

1 THE PROBATION OFFICER SHALL ASSIST THE BOARD IN OBTAINING ACCESS
2 TO THE CHILD AND ANY RECORDS OR INFORMATION AS REQUESTED BY THE
3 BOARD IN CONNECTION WITH THE ASSESSMENT. THE ASSESSMENT SHALL BE
4 CONDUCTED UNDER SUBSECTION (B).

5 (I) OTHER ASSESSMENTS.--UPON RECEIPT FROM THE COURT OF AN
6 ORDER FOR AN ASSESSMENT UNDER SECTION 9799.17 (RELATING TO
7 REDUCTION OF PERIOD OF REGISTRATION), A MEMBER OF THE BOARD AS
8 DESIGNATED BY THE ADMINISTRATIVE OFFICER OF THE BOARD SHALL
9 CONDUCT AN ASSESSMENT OF THE INDIVIDUAL TO DETERMINE IF THE
10 RELIEF SOUGHT, IF GRANTED, IS LIKELY TO POSE A THREAT TO THE
11 SAFETY OF ANY OTHER PERSON. THE BOARD SHALL ESTABLISH STANDARDS
12 FOR EVALUATIONS AND FOR EVALUATORS CONDUCTING THESE ASSESSMENTS.
13 § 9799.25. VERIFICATION BY SEXUAL OFFENDERS AND PENNSYLVANIA
14 STATE POLICE.

15 (A) PERIODIC VERIFICATION.--EXCEPT FOR INITIAL REGISTRATION
16 AS PROVIDED IN SECTION 9799.19 (RELATING TO INITIAL
17 REGISTRATION) AND IN ACCORDANCE WITH SECTION 9799.15(A)
18 (RELATING TO PERIOD OF REGISTRATION), SEXUAL OFFENDERS SHALL
19 VERIFY THE INFORMATION PROVIDED IN SECTION 9799.16(B) (RELATING
20 TO REGISTRY) AND BE PHOTOGRAPHED AS FOLLOWS:

21 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE
22 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE ONCE
23 PER CALENDAR YEAR.

24 (2) AN INDIVIDUAL CONVICTED OF A TIER II SEXUAL OFFENSE
25 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE EVERY
26 180 DAYS.

27 (3) AN INDIVIDUAL CONVICTED OF A TIER III SEXUAL OFFENSE
28 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE EVERY
29 90 DAYS.

30 (4) AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT

1 PREDATOR SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION
2 SITE EVERY 90 DAYS.

3 (5) A JUVENILE OFFENDER SHALL APPEAR IN PERSON AT AN
4 APPROVED REGISTRATION SITE EVERY 90 DAYS.

5 (6) A SEXUALLY VIOLENT DELINQUENT CHILD SHALL APPEAR IN
6 PERSON AT AN APPROVED REGISTRATION SITE EVERY 90 DAYS.

7 (7) A TRANSIENT SHALL APPEAR IN PERSON AT AN APPROVED
8 REGISTRATION SITE EVERY 30 DAYS.

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

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

16 (2) IN THE CASE OF A SEXUAL OFFENDER WHO FAILS TO APPEAR
17 AS REQUIRED UNDER THIS SECTION, THE PENNSYLVANIA STATE POLICE
18 SHALL NOTIFY THE MUNICIPAL POLICE DEPARTMENT WHERE THE SEXUAL
19 OFFENDER HAS A RESIDENCE, IS EMPLOYED OR IS ENROLLED AS A
20 STUDENT. THE MUNICIPAL POLICE SHALL LOCATE THE SEXUAL
21 OFFENDER AND ARREST THE SEXUAL OFFENDER FOR VIOLATING THIS
22 SECTION. A MUNICIPAL POLICE DEPARTMENT MAY REQUEST ASSISTANCE
23 LOCATING OR ARRESTING A SEXUAL OFFENDER FROM THE PENNSYLVANIA
24 STATE POLICE. IN MUNICIPALITIES WHERE NO MUNICIPAL POLICE
25 DEPARTMENT EXISTS, THE PENNSYLVANIA STATE POLICE SHALL LOCATE
26 THE OFFENDER AND ARREST THE SEXUAL OFFENDER FOR VIOLATING
27 THIS SECTION.

28 (3) IN THE CASE OF A SEXUAL OFFENDER WHO FAILS TO APPEAR
29 AS REQUIRED UNDER THIS SECTION, THE PENNSYLVANIA STATE POLICE
30 SHALL NOTIFY THE UNITED STATES MARSHALS SERVICE IN ACCORDANCE

1 WITH SECTION 9799.22(B)(3) (RELATING TO ENFORCEMENT).

2 (C) FACILITATION OF VERIFICATION.--THE PENNSYLVANIA STATE
3 POLICE SHALL ADMINISTER AND FACILITATE THE PROCESS OF
4 VERIFICATION OF INFORMATION, INCLUDING COMPLIANCE WITH
5 COUNSELING IN THE CASE OF SEXUALLY VIOLENT PREDATORS, AND
6 PHOTOGRAPHING THE SEXUAL OFFENDER BY:

7 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
8 TO EACH SEXUAL OFFENDER AT THE OFFENDER'S LAST REPORTED
9 RESIDENCE OR LOCATION, INCLUDING A POST OFFICE BOX. THE
10 NOTICE SHALL BE SENT NOT MORE THAN 30 DAYS NOR LESS THAN 15
11 DAYS PRIOR TO THE DATE A SEXUAL OFFENDER IS REQUIRED TO
12 APPEAR PURSUANT TO SUBSECTION (A). THE NOTICE SHALL REMIND
13 THE SEXUAL OFFENDER OF THE SEXUAL OFFENDER'S RESPONSIBILITIES
14 UNDER THIS SUBCHAPTER, INCLUDING COUNSELING IN THE CASE OF
15 SEXUALLY VIOLENT PREDATORS, AND PROVIDE A LIST OF APPROVED
16 REGISTRATION SITES.

17 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS
18 NECESSARY AT EACH APPROVED REGISTRATION SITE.

19 (D) EFFECT OF NOTICE.--FAILURE TO SEND OR RECEIVE NOTICE OF
20 INFORMATION UNDER THIS SECTION SHALL NOT RELIEVE THE SEXUAL
21 OFFENDER FROM THE REQUIREMENTS OF THIS SUBCHAPTER.

22 (E) NATURAL DISASTER.--THE OCCURRENCE OF A NATURAL DISASTER
23 OR OTHER EVENT REQUIRING EVACUATION OF RESIDENCES SHALL NOT
24 RELIEVE THE SEXUAL OFFENDER OF THE DUTY TO REGISTER OR ANY OTHER
25 DUTY IMPOSED BY THIS SUBCHAPTER.

26 § 9799.26. VICTIM NOTIFICATION.

27 (A) DUTY TO INFORM VICTIM.--

28 (1) IF AN OFFENDER IS DETERMINED TO BE A SEXUALLY
29 VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD, THE
30 MUNICIPAL POLICE DEPARTMENT OR THE PENNSYLVANIA STATE POLICE,

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

13 (I) NAME.

14 (II) RESIDENCE. THIS SUBPARAGRAPH INCLUDES WHETHER
15 THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
16 DELINQUENT CHILD IS A TRANSIENT, IN WHICH CASE THE NOTICE
17 SHALL CONTAIN INFORMATION ABOUT THE TRANSIENT'S TEMPORARY
18 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
19 INCLUDING A HOMELESS SHELTER OR PARK. IN ADDITION, THE
20 NOTICE SHALL CONTAIN A LIST OF PLACES THE TRANSIENT EATS,
21 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES.

22 (III) THE ADDRESS OF EMPLOYMENT.

23 (IV) THE ADDRESS WHERE THE SEXUALLY VIOLENT PREDATOR
24 OR SEXUALLY VIOLENT DELINQUENT CHILD IS ENROLLED AS A
25 STUDENT.

26 (2) A VICTIM MAY TERMINATE THE DUTY TO INFORM SET FORTH
27 IN PARAGRAPH (1) BY PROVIDING THE LOCAL MUNICIPAL POLICE
28 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE, IF NO LOCAL
29 MUNICIPAL POLICE DEPARTMENT EXISTS, WITH A WRITTEN STATEMENT
30 RELEASING THAT AGENCY FROM THE DUTY TO COMPLY WITH THIS

1 SECTION AS IT PERTAINS TO THAT VICTIM.

2 (B) INDIVIDUAL NOT DETERMINED TO BE SEXUALLY VIOLENT
3 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD.--IF AN INDIVIDUAL
4 IS NOT DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR OR A
5 SEXUALLY VIOLENT DELINQUENT CHILD, THE VICTIM SHALL BE NOTIFIED
6 IN ACCORDANCE WITH SECTION 201 OF THE ACT OF NOVEMBER 24, 1998
7 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

8 (C) ELECTRONIC NOTIFICATION OPTION.--IN ADDITION TO
9 SUBSECTIONS (A) AND (B), THE PENNSYLVANIA STATE POLICE SHALL
10 DEVELOP AND IMPLEMENT A SYSTEM THAT ALLOWS A VICTIM TO RECEIVE
11 ELECTRONIC NOTIFICATION INSTEAD OF THE NOTIFICATION IN
12 SUBSECTIONS (A) AND (B) WHEN A SEXUAL OFFENDER PROVIDES CURRENT
13 INFORMATION TO THE PENNSYLVANIA STATE POLICE UNDER SUBSECTION
14 (A).

15 § 9799.27. OTHER NOTIFICATION.

16 (A) NOTICE.--NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
17 (RELATING TO JUVENILE MATTERS) AND 18 PA.C.S. CH. 91 (RELATING
18 TO CRIMINAL HISTORY RECORD INFORMATION), THE CHIEF LAW
19 ENFORCEMENT OFFICER OF THE POLICE DEPARTMENT OF THE MUNICIPALITY
20 WHERE A SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
21 CHILD LIVES OR, IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR
22 SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO ESTABLISH A
23 RESIDENCE AND BEING A TRANSIENT, THE CHIEF LAW ENFORCEMENT
24 OFFICER OF THE POLICE DEPARTMENT OF THE TRANSIENT'S LAST KNOWN
25 HABITAT, SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE AS
26 REQUIRED UNDER THIS SECTION. THE NOTICE SHALL CONTAIN:

27 (1) THE NAME OF THE INDIVIDUAL.

28 (2) THE ADDRESS OF THE RESIDENCE OF THE INDIVIDUAL. IF
29 THE INDIVIDUAL IS A TRANSIENT, WRITTEN NOTICE UNDER THIS
30 PARAGRAPH SHALL CONSIST OF INFORMATION ABOUT THE TRANSIENT'S

1 TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR
2 DWELLING, INCLUDING A HOMELESS SHELTER OR PARK AND A LIST OF
3 THE PLACES THE TRANSIENT EATS, FREQUENTS AND ENGAGES IN
4 LEISURE ACTIVITIES.

5 (3) THE OFFENSE FOR WHICH THE INDIVIDUAL WAS CONVICTED,
6 SENTENCED BY A COURT, ADJUDICATED DELINQUENT OR COURT
7 MARTIALED.

8 (4) A STATEMENT THAT THE INDIVIDUAL HAS BEEN DETERMINED
9 TO BE A SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
10 DELINQUENT CHILD, WHICH DETERMINATION HAS OR HAS NOT BEEN
11 TERMINATED AS OF A DATE CERTAIN.

12 (5) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR OR
13 SEXUALLY VIOLENT DELINQUENT CHILD.

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

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

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

21 (I) IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR
22 SEXUALLY VIOLENT DELINQUENT CHILD BEING A TRANSIENT,
23 "NEIGHBOR" INCLUDES RESIDENTS IN THE AREA OF THE
24 TRANSIENT'S LAST KNOWN TEMPORARY HABITAT OR OTHER
25 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
26 HOMELESS SHELTER OR PARK.

27 (II) WHERE THE SEXUALLY VIOLENT PREDATOR LIVES IN A
28 COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES
29 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON
30 INTEREST COMMUNITY.

1 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH AGENCY
2 OF THE COUNTY WHERE THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY
3 VIOLENT DELINQUENT CHILD HAS A RESIDENCE OR, IN THE CASE OF A
4 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
5 CHILD FAILING TO ESTABLISH A RESIDENCE AND BEING A TRANSIENT,
6 THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH AGENCY OF THE
7 COUNTY OF THE SEXUALLY VIOLENT PREDATOR'S OR SEXUALLY VIOLENT
8 DELINQUENT CHILD'S LAST KNOWN TEMPORARY HABITAT OR OTHER
9 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A HOMELESS
10 SHELTER OR PARK.

11 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
12 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
13 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY
14 WHERE THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
15 DELINQUENT CHILD HAS A RESIDENCE OR, IN THE CASE OF A
16 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
17 CHILD FAILING TO ESTABLISH A RESIDENCE AND BEING A TRANSIENT,
18 THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE EQUIVALENT
19 OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS ENROLLING STUDENTS
20 UP THROUGH GRADE 12 IN THE MUNICIPALITY OF THE SEXUALLY
21 VIOLENT PREDATOR'S OR SEXUALLY VIOLENT DELINQUENT CHILD'S
22 LAST KNOWN TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF
23 ABODE OR DWELLING, INCLUDING A HOMELESS SHELTER OR PARK.

24 (4) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
25 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
26 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
27 VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD HAS A
28 RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR
29 SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO ESTABLISH A
30 RESIDENCE AND BEING A TRANSIENT, THE SUPERINTENDENT OF EACH

1 SCHOOL DISTRICT AND THE EQUIVALENT OFFICIAL FOR EACH PRIVATE
2 AND PAROCHIAL SCHOOL WITHIN A ONE-MILE RADIUS OF THE SEXUALLY
3 VIOLENT PREDATOR'S OR SEXUALLY VIOLENT DELINQUENT CHILD'S
4 LAST KNOWN TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF
5 ABODE OR DWELLING, INCLUDING A HOMELESS SHELTER OR PARK.

6 (5) THE LICENSEE OF EACH CERTIFIED DAY-CARE CENTER AND
7 LICENSED PRESCHOOL PROGRAM AND OWNER OR OPERATOR OF EACH
8 REGISTERED FAMILY DAY-CARE HOME IN THE MUNICIPALITY WHERE THE
9 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
10 CHILD HAS A RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT
11 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO
12 ESTABLISH A RESIDENCE AND BEING A TRANSIENT, THE LICENSEE OF
13 EACH CERTIFIED DAY-CARE CENTER AND LICENSED PRESCHOOL PROGRAM
14 AND OWNER OR OPERATOR OF EACH REGISTERED FAMILY DAY-CARE HOME
15 IN THE MUNICIPALITY OF THE SEXUALLY VIOLENT PREDATOR'S OR
16 SEXUALLY VIOLENT DELINQUENT CHILD'S LAST KNOWN TEMPORARY
17 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
18 INCLUDING A HOMELESS SHELTER OR PARK.

19 (6) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND
20 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF WHERE THE
21 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
22 CHILD HAS A RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT
23 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO
24 ESTABLISH A RESIDENCE AND BEING A TRANSIENT, THE PRESIDENT OF
25 EACH COLLEGE, UNIVERSITY AND COMMUNITY COLLEGE LOCATED WITHIN
26 1,000 FEET OF THE SEXUALLY VIOLENT PREDATOR'S OR SEXUALLY
27 VIOLENT DELINQUENT CHILD'S LAST KNOWN TEMPORARY HABITAT OR
28 OTHER TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
29 HOMELESS SHELTER OR PARK.

30 (C) NOTIFICATION TIME FRAMES.--THE MUNICIPAL POLICE

1 DEPARTMENT'S CHIEF LAW ENFORCEMENT OFFICER SHALL PROVIDE NOTICE
2 WITHIN THE FOLLOWING TIME FRAMES:

3 (1) TO NEIGHBORS, NOTICE SHALL BE PROVIDED WITHIN FIVE
4 DAYS AFTER INFORMATION OF THE SEXUALLY VIOLENT PREDATOR'S OR
5 SEXUALLY VIOLENT DELINQUENT CHILD'S RELEASE DATE AND
6 RESIDENCE HAS BEEN RECEIVED BY THE CHIEF LAW ENFORCEMENT
7 OFFICER. NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A)
8 AND (B), VERBAL NOTIFICATION MAY BE USED IF WRITTEN
9 NOTIFICATION WOULD DELAY MEETING THE REQUIREMENT OF THIS
10 PARAGRAPH.

11 (2) TO THE PERSONS SPECIFIED IN SUBSECTION (B) (2), (3),
12 (4), (5) AND (6), NOTICE SHALL BE PROVIDED WITHIN SEVEN DAYS
13 AFTER THE CHIEF LAW ENFORCEMENT OFFICER RECEIVES INFORMATION
14 REGARDING THE SEXUALLY VIOLENT PREDATOR'S OR SEXUALLY VIOLENT
15 DELINQUENT CHILD'S RELEASE DATE AND RESIDENCE.

16 (D) PUBLIC NOTICE.--INFORMATION PROVIDED IN ACCORDANCE WITH
17 SUBSECTION (A) SHALL BE AVAILABLE TO THE GENERAL PUBLIC UPON
18 REQUEST. THE INFORMATION MAY BE PROVIDED BY ELECTRONIC MEANS.
19 § 9799.28. PUBLIC INTERNET WEBSITE.

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

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

30 (I) CONTAINS A FEATURE TO PERMIT A MEMBER OF THE

1 PUBLIC TO OBTAIN RELEVANT INFORMATION FOR AN INDIVIDUAL
2 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY
3 VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD
4 BY A SINGLE QUERY FOR ANY GIVEN ZIP CODE OR GEOGRAPHIC
5 RADIUS SET BY THE USER.

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

13 (III) INCLUDES IN ITS DESIGN ALL FIELD SEARCH
14 CAPABILITIES NEEDED FOR FULL PARTICIPATION IN THE DRU
15 SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE. THE
16 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE WEBSITE
17 IS ABLE TO PARTICIPATE IN THE DRU SJODIN NATIONAL SEX
18 OFFENDER PUBLIC WEBSITE AS THE UNITED STATES ATTORNEY
19 GENERAL MAY DIRECT.

20 (IV) IS UPDATED WITHIN THREE BUSINESS DAYS WITH THE
21 INFORMATION REQUIRED.

22 (2) INCLUDE ON THE INTERNET WEBSITE THE FOLLOWING:

23 (I) INSTRUCTIONS ON HOW TO SEEK CORRECTION OF
24 INFORMATION THAT AN INDIVIDUAL CONTENDS IS ERRONEOUS.

25 (II) A WARNING THAT THE INFORMATION ON THE INTERNET
26 WEBSITE SHOULD NOT BE USED TO UNLAWFULLY INJURE, HARASS
27 OR COMMIT A CRIME AGAINST AN INDIVIDUAL CONVICTED OF A
28 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR
29 A SEXUALLY VIOLENT DELINQUENT CHILD AND THAT ANY SUCH
30 ACTION COULD RESULT IN CRIMINAL OR CIVIL PENALTIES.

1 (3) INCLUDE ON THE INTERNET WEBSITE AN EXPLANATION OF
2 ITS LIMITATIONS, INCLUDING STATEMENTS ADVISING THAT:

3 (I) A POSITIVE IDENTIFICATION OF AN INDIVIDUAL
4 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, SEXUALLY VIOLENT
5 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD MAY BE
6 CONFIRMED ONLY BY FINGERPRINTS.

7 (II) SOME INFORMATION CONTAINED ON THE INTERNET
8 WEBSITE MAY BE OUTDATED OR INACCURATE.

9 (III) THE INTERNET WEBSITE IS NOT A COMPREHENSIVE
10 LISTING OF EVERY PERSON WHO HAS EVER COMMITTED A SEXUAL
11 OFFENSE IN PENNSYLVANIA.

12 (4) STRIVE TO ENSURE THAT THE INFORMATION CONTAINED ON
13 THE INTERNET WEBSITE IS ACCURATE AND THAT THE DATA THEREIN IS
14 REVISED AND UPDATED AS PROVIDED IN PARAGRAPH (1) (IV).

15 (5) PROVIDE ON THE INTERNET WEBSITE GENERAL INFORMATION
16 DESIGNED TO INFORM AND EDUCATE THE PUBLIC ABOUT SEXUAL
17 OFFENDERS AND THE OPERATION OF THIS SUBCHAPTER AS WELL AS
18 PERTINENT AND APPROPRIATE INFORMATION CONCERNING CRIME
19 PREVENTION AND PERSONAL SAFETY, WITH APPROPRIATE LINKS TO
20 OTHER RELEVANT INTERNET WEBSITES OPERATED BY THE
21 COMMONWEALTH.

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

28 (1) NAME AND ALIASES.

29 (2) YEAR OF BIRTH.

30 (3) STREET ADDRESS, CITY, COUNTY AND ZIP CODE OF

1 RESIDENCES AND INTENDED RESIDENCES. IN THE CASE OF AN
2 INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A
3 SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT
4 CHILD WHO FAILS TO ESTABLISH A RESIDENCE AND IS THEREFORE A
5 TRANSIENT, THE INTERNET WEBSITE SHALL CONTAIN INFORMATION
6 ABOUT THE TRANSIENT'S TEMPORARY HABITAT OR OTHER TEMPORARY
7 PLACE OF ABODE OR DWELLING, INCLUDING A HOMELESS SHELTER OR
8 PARK. IN ADDITION, THE INTERNET WEBSITE SHALL CONTAIN A LIST
9 OF PLACES THE TRANSIENT EATS, FREQUENTS AND ENGAGES IN
10 LEISURE ACTIVITIES.

11 (4) STREET ADDRESS, CITY, COUNTY AND ZIP CODE OF ANY
12 LOCATION AT WHICH AN INDIVIDUAL CONVICTED OF A SEXUALLY
13 VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY
14 VIOLENT DELINQUENT CHILD IS ENROLLED AS A STUDENT.

15 (5) STREET ADDRESS, CITY, COUNTY AND ZIP CODE OF A FIXED
16 LOCATION WHERE AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
17 OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT
18 DELINQUENT CHILD IS EMPLOYED. IF AN INDIVIDUAL CONVICTED OF A
19 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A
20 SEXUALLY VIOLENT DELINQUENT CHILD IS NOT EMPLOYED AT A FIXED
21 ADDRESS, THE INFORMATION SHALL INCLUDE GENERAL TRAVEL ROUTES
22 AND GENERAL AREAS OF WORK.

23 (6) CURRENT PHOTOGRAPH OF AN INDIVIDUAL CONVICTED OF A
24 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A
25 SEXUALLY VIOLENT DELINQUENT CHILD.

26 (7) PHYSICAL DESCRIPTION OF AN INDIVIDUAL CONVICTED OF A
27 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A
28 SEXUALLY VIOLENT DELINQUENT CHILD.

29 (8) LICENSE PLATE NUMBER AND A DESCRIPTION OF A VEHICLE
30 OWNED OR OPERATED BY AN INDIVIDUAL CONVICTED OF A SEXUALLY

1 VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY
2 VIOLENT DELINQUENT CHILD.

3 (9) THE SEXUALLY VIOLENT OFFENSE FOR WHICH AN INDIVIDUAL
4 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT
5 PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD IS REGISTERED
6 UNDER THIS SUBCHAPTER.

7 (10) A STATEMENT WHETHER AN INDIVIDUAL CONVICTED OF A
8 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A
9 SEXUALLY VIOLENT DELINQUENT CHILD IS IN COMPLIANCE WITH
10 REGISTRATION.

11 (11) A STATEMENT WHETHER THE VICTIM IS A MINOR.

12 (C) PROHIBITED INFORMATION.--THE PUBLIC INTERNET WEBSITE
13 ESTABLISHED UNDER THIS SECTION SHALL NOT CONTAIN:

14 (1) THE IDENTITY OF ANY VICTIM.

15 (2) THE SOCIAL SECURITY NUMBER OF AN INDIVIDUAL
16 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT
17 PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD.

18 (3) ANY INFORMATION RELATING TO ARRESTS OF AN INDIVIDUAL
19 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT
20 PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD THAT DID NOT
21 RESULT IN CONVICTION.

22 (4) TRAVEL AND IMMIGRATION DOCUMENT NUMBERS.

23 (D) (RESERVED).

24 (E) DURATION OF POSTING.--THE INFORMATION LISTED IN
25 SUBSECTION (B) SHALL BE MADE AVAILABLE ON THE INTERNET WEBSITE
26 UNLESS:

27 (1) AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
28 OFFENSE AND WHO IS REQUIRED TO REGISTER FOR A PERIOD OF 15
29 YEARS IS GRANTED RELIEF UNDER SECTION 9799.17 (RELATING TO
30 REDUCTION OF PERIOD OF REGISTRATION).

1 (2) AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
2 OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT
3 DELINQUENT CHILD IS DECEASED, IN WHICH CASE THE INTERNET
4 WEBSITE SHALL CONTAIN A NOTICE OF THE DEATH.

5 (3) AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
6 OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT
7 DELINQUENT CHILD HAS TERMINATED RESIDENCE, HAS TERMINATED
8 EMPLOYMENT OR HAS TERMINATED ENROLLMENT AS A STUDENT WITHIN
9 THIS COMMONWEALTH, IN WHICH CASE THE INTERNET WEBSITE SHALL
10 CONTAIN A NOTICE INDICATING SUCH INFORMATION.

11 § 9799.29. ADMINISTRATION.

12 THE GOVERNOR SHALL DIRECT THE PENNSYLVANIA STATE POLICE, THE
13 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE BOARD, THE
14 DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF TRANSPORTATION AND
15 ANY OTHER AGENCY OF THE COMMONWEALTH THAT THE GOVERNOR DEEMS
16 NECESSARY TO COLLABORATIVELY DESIGN, DEVELOP AND IMPLEMENT AN
17 INTEGRATED AND SECURE SYSTEM OF COMMUNICATION, STORAGE AND
18 RETRIEVAL OF INFORMATION TO ASSURE THE TIMELY, ACCURATE AND
19 EFFICIENT ADMINISTRATION OF THIS SUBCHAPTER.

20 § 9799.30. GLOBAL POSITIONING SYSTEM TECHNOLOGY.

21 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND COUNTY
22 PROBATION AUTHORITIES MAY IMPOSE SUPERVISION CONDITIONS THAT
23 INCLUDE TRACKING THROUGH GLOBAL POSITIONING SYSTEM TECHNOLOGY.

24 § 9799.31. IMMUNITY FOR GOOD FAITH CONDUCT.

25 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
26 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

27 (1) AGENTS AND EMPLOYEES OF THE PENNSYLVANIA STATE
28 POLICE AND LOCAL LAW ENFORCEMENT AGENCIES.

29 (2) DISTRICT ATTORNEYS AND THEIR AGENTS AND EMPLOYEES.

30 (3) SUPERINTENDENTS, ADMINISTRATORS, TEACHERS, EMPLOYEES

1 AND VOLUNTEERS ENGAGED IN THE SUPERVISION OF CHILDREN OF ANY
2 PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.

3 (4) DIRECTORS AND EMPLOYEES OF COUNTY CHILDREN AND YOUTH
4 AGENCIES.

5 (5) PRESIDENTS OR SIMILAR OFFICERS OF UNIVERSITIES AND
6 COLLEGES, INCLUDING COMMUNITY COLLEGES.

7 (6) THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND
8 ITS AGENTS AND EMPLOYEES.

9 (7) COUNTY PROBATION AND PAROLE OFFICES AND THEIR AGENTS
10 AND EMPLOYEES.

11 (8) LICENSEES OF CERTIFIED DAY-CARE CENTERS AND
12 DIRECTORS OF LICENSED PRESCHOOL PROGRAMS AND OWNERS AND
13 OPERATORS OF REGISTERED FAMILY DAY-CARE HOMES AND THEIR
14 AGENTS AND EMPLOYEES.

15 (9) THE DEPARTMENT OF CORRECTIONS AND ITS AGENTS AND
16 EMPLOYEES.

17 (10) COUNTY CORRECTIONAL FACILITIES AND THEIR AGENTS AND
18 EMPLOYEES.

19 (11) THE BOARD AND ITS MEMBERS, AGENTS AND EMPLOYEES.

20 (12) JUVENILE PROBATION OFFICES AND THEIR AGENTS AND
21 EMPLOYEES.

22 (13) THE DEPARTMENT OF PUBLIC WELFARE AND ITS AGENTS AND
23 EMPLOYEES.

24 (14) INSTITUTIONS OR FACILITIES SET FORTH IN SECTION
25 6352(A)(3) (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND
26 THEIR AGENTS AND EMPLOYEES.

27 (15) THE UNIT OWNERS' ASSOCIATION OF A COMMON INTEREST
28 COMMUNITY AND ITS AGENTS AND EMPLOYEES AS IT RELATES TO
29 DISTRIBUTING INFORMATION REGARDING SECTION 9799.27(B)(1)
30 (RELATING TO OTHER NOTIFICATION).

1 § 9799.32. PENNSYLVANIA STATE POLICE.

2 THE PENNSYLVANIA STATE POLICE HAVE THE FOLLOWING DUTIES:

3 (1) TO CREATE AND MAINTAIN THE STATEWIDE REGISTRY OF
4 SEXUAL OFFENDERS IN CONFORMITY WITH THE PROVISIONS OF THIS
5 SUBCHAPTER.

6 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,
7 THE OFFICE OF ATTORNEY GENERAL, THE JUVENILE COURT JUDGES'
8 COMMISSION, THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS,
9 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND THE
10 CHAIRMAN AND MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE OF
11 THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
12 JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES, TO
13 PROMULGATE GUIDELINES NECESSARY FOR THE GENERAL
14 ADMINISTRATION OF THIS SUBCHAPTER. THESE GUIDELINES SHALL
15 ESTABLISH PROCEDURES TO ALLOW AN INDIVIDUAL SUBJECT TO THE
16 REQUIREMENTS OF THIS SUBCHAPTER, INCLUDING A TRANSIENT, TO
17 FULFILL THESE REQUIREMENTS AT APPROVED REGISTRATION SITES
18 THROUGHOUT THIS COMMONWEALTH. THE PENNSYLVANIA STATE POLICE
19 SHALL PUBLISH A LIST OF APPROVED REGISTRATION SITES IN THE
20 PENNSYLVANIA BULLETIN AND PROVIDE A LIST OF APPROVED
21 REGISTRATION SITES IN ANY NOTICE SENT TO INDIVIDUALS REQUIRED
22 TO REGISTER UNDER THIS SUBCHAPTER. AN APPROVED REGISTRATION
23 SITE SHALL BE CAPABLE OF SUBMITTING FINGERPRINTS, PALM
24 PRINTS, DNA SAMPLES AND ANY OTHER INFORMATION REQUIRED
25 ELECTRONICALLY TO THE PENNSYLVANIA STATE POLICE. THE
26 PENNSYLVANIA STATE POLICE SHALL REQUIRE THAT APPROVED
27 REGISTRATION SITES SUBMIT FINGERPRINTS UTILIZING THE
28 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR IN
29 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
30 POLICE SHALL REQUIRE. APPROVED REGISTRATION SITES SHALL NOT

1 BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE
2 AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT
3 AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION
4 SITES SET FORTH IN THIS PARAGRAPH.

5 (3) TO WRITE REGULATIONS REGARDING NEIGHBOR NOTIFICATION
6 UNDER SECTION 9799.27(B)(1) (RELATING TO OTHER NOTIFICATION).

7 (4) WITHIN THREE BUSINESS DAYS, TO TRANSFER INFORMATION
8 AS SET FORTH IN SECTION 9799.18 (RELATING TO INFORMATION
9 SHARING).

10 (5) TO ENFORCE THE PROVISIONS OF THIS SUBCHAPTER AS SET
11 FORTH IN SECTION 9799.22 (RELATING TO ENFORCEMENT).

12 (6) TO FACILITATE VERIFICATION OF INFORMATION FROM
13 INDIVIDUALS REQUIRED TO REGISTER UNDER THIS SUBCHAPTER AS
14 PROVIDED IN SECTION 9799.25 (RELATING TO VERIFICATION BY
15 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE).

16 (7) IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION AND
17 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, TO PROMULGATE
18 GUIDELINES DIRECTING LICENSED DAY-CARE CENTERS, LICENSED
19 PRESCHOOL PROGRAMS, SCHOOLS, UNIVERSITIES AND COLLEGES,
20 INCLUDING COMMUNITY COLLEGES, ON THE PROPER USE AND
21 ADMINISTRATION OF INFORMATION RECEIVED UNDER SECTION 9799.27.

22 (8) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS
23 AND THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, TO
24 PROMULGATE GUIDELINES DIRECTING STATE AND COUNTY CORRECTIONAL
25 FACILITIES AND STATE AND COUNTY PROBATION AND PAROLE OFFICES
26 REGARDING THE COMPLETION OF INFORMATION, INCLUDING THE TAKING
27 OF PHOTOGRAPHS, REQUIRED BY SEXUAL OFFENDERS UNDER THIS
28 SUBCHAPTER.

29 (9) IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF
30 PENNSYLVANIA COURTS, THE DEPARTMENT OF PUBLIC WELFARE AND THE

1 JUVENILE COURT JUDGES' COMMISSION, TO PROMULGATE GUIDELINES
2 REGARDING THE COMPLETION OF INFORMATION REQUIRED BY JUVENILE
3 OFFENDERS AND SEXUALLY VIOLENT DELINQUENT CHILDREN UNDER THIS
4 SUBCHAPTER.

5 § 9799.33. DUTIES OF PROBATION AND PAROLE OFFICIALS.

6 (A) DUTIES.--THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
7 THE COUNTY OFFICE OF PROBATION AND PAROLE AND THE CHIEF JUVENILE
8 PROBATION OFFICER OF THE COURT SHALL:

9 (1) PERFORM THEIR RESPECTIVE DUTIES SET FORTH FOR THE
10 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE COUNTY OFFICE
11 OF PROBATION AND PAROLE AND THE CHIEF JUVENILE PROBATION
12 OFFICER OF THE COURT IN ACCORDANCE WITH SECTION 9799.19
13 (RELATING TO INITIAL REGISTRATION).

14 (2) ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE
15 POLICE, NOTIFY THE PENNSYLVANIA STATE POLICE EACH TIME A
16 SEXUAL OFFENDER IS ARRESTED, RECOMMITTED TO A STATE OR COUNTY
17 CORRECTIONAL INSTITUTION FOR A PAROLE VIOLATION OR
18 INCARCERATED.

19 (B) NOTIFICATION FORM.--THE PENNSYLVANIA BOARD OF PROBATION
20 AND PAROLE SHALL CREATE A NOTIFICATION FORM WHICH WILL INFORM
21 STATE AND COUNTY PRISON AND PROBATION AND PAROLE PERSONNEL HOW
22 TO INFORM SEXUAL OFFENDERS OF THEIR DUTIES UNDER THIS
23 SUBCHAPTER. IN ADDITION, THE PENNSYLVANIA BOARD OF PROBATION AND
24 PAROLE SHALL APPLY FOR FEDERAL FUNDING AS PROVIDED IN THE ADAM
25 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW
26 109-248, 120 STAT. 597) TO SUPPORT AND ENHANCE PROGRAMMING USING
27 GLOBAL SATELLITE POSITIONING SYSTEM TECHNOLOGY.

28 § 9799.34. DUTIES OF FACILITIES HOUSING SEXUAL OFFENDERS.

29 THE DEPARTMENT OF CORRECTIONS, A COUNTY CORRECTIONAL
30 FACILITY, AN INSTITUTION OR FACILITY SET FORTH IN SECTION

1 6352(A)(3) (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND THE
2 SEPARATE, STATE-OWNED FACILITY OR UNIT ESTABLISHED UNDER CHAPTER
3 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN
4 SEXUALLY VIOLENT PERSONS), SHALL HAVE THE FOLLOWING DUTIES:

5 (1) TO PERFORM THEIR RESPECTIVE DUTIES IN ACCORDANCE
6 WITH SECTION 9799.19 (RELATING TO INITIAL REGISTRATION). THIS
7 PARAGRAPH INCLUDES TAKING A CURRENT PHOTOGRAPH OF THE
8 INDIVIDUAL REQUIRED TO REGISTER UNDER THIS SUBCHAPTER BEFORE
9 THE INDIVIDUAL IS RELEASED FROM CONFINEMENT OR COMMITMENT OR
10 IS DISCHARGED.

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

19 (3) TO ASSIST SEXUAL OFFENDERS REGISTERING UNDER THIS
20 SUBCHAPTER.

21 § 9799.35. BOARD.

22 (A) COMPOSITION.--THE BOARD SHALL BE COMPOSED OF
23 PSYCHIATRISTS, PSYCHOLOGISTS AND CRIMINAL JUSTICE EXPERTS, EACH
24 OF WHOM IS AN EXPERT IN THE FIELD OF THE BEHAVIOR AND TREATMENT
25 OF SEXUAL OFFENDERS.

26 (B) APPOINTMENT.--THE GOVERNOR SHALL APPOINT THE BOARD
27 MEMBERS.

28 (C) TERM OF OFFICE.--MEMBERS OF THE BOARD SHALL SERVE FOUR-
29 YEAR TERMS.

30 (D) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL BE

1 COMPENSATED AT A RATE OF \$350 PER ASSESSMENT AND RECEIVE
2 REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE
3 PERFORMING THE BUSINESS OF THE BOARD. THE CHAIRMAN SHALL RECEIVE
4 \$500 ADDITIONAL COMPENSATION ANNUALLY.

5 (E) STAFF.--SUPPORT STAFF FOR THE BOARD SHALL BE PROVIDED BY
6 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.
7 § 9799.36. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

8 (A) GENERAL RULE.--A SEXUALLY VIOLENT PREDATOR SHALL BE
9 REQUIRED TO ATTEND AT LEAST MONTHLY COUNSELING SESSIONS IN A
10 PROGRAM APPROVED BY THE BOARD AND BE FINANCIALLY RESPONSIBLE FOR
11 ALL FEES ASSESSED FROM THE COUNSELING SESSIONS. THE BOARD SHALL
12 MONITOR THE COMPLIANCE OF THE SEXUALLY VIOLENT PREDATOR. IF THE
13 SEXUALLY VIOLENT PREDATOR CAN PROVE TO THE SATISFACTION OF THE
14 COURT THAT THE SEXUALLY VIOLENT PREDATOR CANNOT AFFORD TO PAY
15 FOR THE COUNSELING SESSIONS, THE SEXUALLY VIOLENT PREDATOR SHALL
16 NONETHELESS ATTEND THE COUNSELING SESSIONS, AND THE PAROLE
17 OFFICE SHALL PAY THE REQUISITE FEES.

18 (B) DESIGNATION IN ANOTHER JURISDICTION.--IF AN INDIVIDUAL
19 REQUIRED TO REGISTER UNDER THIS SUBCHAPTER HAS BEEN DESIGNATED
20 AS A SEXUALLY VIOLENT PREDATOR IN ANOTHER JURISDICTION AND WAS
21 REQUIRED TO UNDERGO COUNSELING, THE INDIVIDUAL SHALL BE SUBJECT
22 TO THE PROVISIONS OF THIS SECTION.

23 (C) PENALTY.--A SEXUALLY VIOLENT PREDATOR WHO KNOWINGLY
24 FAILS TO ATTEND COUNSELING SESSIONS AS PROVIDED IN THIS SECTION
25 MAY BE SUBJECT TO PROSECUTION UNDER 18 PA.C.S. § 4915.1
26 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
27 OFFENDERS REQUIREMENTS).

28 § 9799.37. EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES
29 AND THEIR EMPLOYEES.

30 NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED AS IMPOSING A

1 DUTY UPON A PERSON LICENSED UNDER THE ACT OF FEBRUARY 19, 1980
2 (P.L.15, NO.9), KNOWN AS THE REAL ESTATE LICENSING AND
3 REGISTRATION ACT, OR AN EMPLOYEE OF THE PERSON, TO DISCLOSE ANY
4 INFORMATION REGARDING AN INDIVIDUAL REQUIRED TO BE INCLUDED IN
5 THE REGISTRY PURSUANT TO THIS SUBCHAPTER.

6 § 9799.38. ANNUAL PERFORMANCE AUDIT.

7 (A) DUTIES OF THE ATTORNEY GENERAL.--THE ATTORNEY GENERAL
8 HAS THE FOLLOWING DUTIES:

9 (1) TO CONDUCT A PERFORMANCE AUDIT ANNUALLY TO DETERMINE
10 COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBCHAPTER AND ANY
11 GUIDELINES PROMULGATED UNDER THIS SUBCHAPTER. THE AUDIT
12 SHALL, AT A MINIMUM, INCLUDE A REVIEW OF THE PRACTICES,
13 PROCEDURES AND RECORDS OF THE PENNSYLVANIA STATE POLICE, THE
14 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT OF
15 CORRECTIONS, THE BOARD, THE ADMINISTRATIVE OFFICE OF
16 PENNSYLVANIA COURTS AND ANY OTHER STATE OR LOCAL AGENCY THE
17 ATTORNEY GENERAL DEEMS NECESSARY IN ORDER TO CONDUCT A
18 THOROUGH AND ACCURATE PERFORMANCE AUDIT.

19 (2) TO PREPARE AN ANNUAL REPORT OF ITS FINDINGS AND ANY
20 ACTION THAT IT RECOMMENDS BE TAKEN BY THE PENNSYLVANIA STATE
21 POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE
22 DEPARTMENT OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE
23 OFFICE OF PENNSYLVANIA COURTS, OTHER STATE OR LOCAL AGENCIES
24 AND THE GENERAL ASSEMBLY TO ENSURE COMPLIANCE WITH THIS
25 SUBCHAPTER. THE FIRST REPORT SHALL BE RELEASED TO THE GENERAL
26 PUBLIC NO FEWER THAN 18 MONTHS FOLLOWING THE EFFECTIVE DATE
27 OF THIS SECTION.

28 (3) TO PROVIDE A COPY OF ITS REPORT TO THE PENNSYLVANIA
29 STATE POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
30 THE DEPARTMENT OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE

1 OFFICE OF PENNSYLVANIA COURTS, STATE OR LOCAL AGENCIES
2 REFERENCED IN THE REPORT, THE CHAIRMAN AND THE MINORITY
3 CHAIRMAN OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
4 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE
5 OF THE HOUSE OF REPRESENTATIVES NO FEWER THAN 30 DAYS PRIOR
6 TO ITS RELEASE TO THE GENERAL PUBLIC.

7 (B) COOPERATION REQUIRED.--NOTWITHSTANDING ANY OTHER
8 PROVISION OF LAW TO THE CONTRARY, THE PENNSYLVANIA STATE POLICE,
9 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT
10 OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE OFFICE OF
11 PENNSYLVANIA COURTS, THE PENNSYLVANIA COMMISSION ON SENTENCING
12 AND ANY OTHER STATE OR LOCAL AGENCY REQUESTED TO DO SO SHALL
13 FULLY COOPERATE WITH THE ATTORNEY GENERAL AND ASSIST THE OFFICE
14 OF ATTORNEY GENERAL IN SATISFYING THE REQUIREMENTS OF THIS
15 SECTION. FOR PURPOSES OF THIS SUBSECTION, FULL COOPERATION SHALL
16 INCLUDE, AT A MINIMUM, COMPLETE ACCESS TO UNREDACTED RECORDS,
17 FILES, REPORTS AND DATA SYSTEMS.

18 § 9799.39. PHOTOGRAPHS AND FINGERPRINTING.

19 AN INDIVIDUAL SUBJECT TO REGISTRATION SHALL SUBMIT TO
20 FINGERPRINTING AND PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER.
21 FINGERPRINTING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A
22 MINIMUM, REQUIRE SUBMISSION OF A FULL SET OF FINGERPRINTS AND
23 PALM PRINTS. PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER SHALL,
24 AT A MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE FACE AND
25 ANY SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF THE
26 INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS
27 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND
28 FOR GENERAL LAW ENFORCEMENT PURPOSES.

29 § 9799.40. DUTIES OF PENNSYLVANIA COMMISSION ON SENTENCING.

30 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL ESTABLISH

PROCEDURES TO ENABLE COURTS TO CLASSIFY SEXUAL OFFENDERS AS
PROVIDED IN SECTION 9799.23 (RELATING TO COURT NOTIFICATION AND
CLASSIFICATION REQUIREMENTS).

§ 9799.41. EXPIRATION.

THE FOLLOWING PROVISIONS SHALL EXPIRE ONE YEAR AFTER THE
EFFECTIVE DATE OF THIS SECTION:

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

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

SECTION 9792 (RELATING TO DEFINITIONS).

SECTION 9795.1 (RELATING TO REGISTRATION).

SECTION 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
APPLICABILITY).

SECTION 9795.3 (RELATING TO SENTENCING COURT
INFORMATION).

SECTION 9795.4 (RELATING TO ASSESSMENTS).

SECTION 9795.5 (RELATING TO EXEMPTION FROM CERTAIN
NOTIFICATIONS).

SECTION 9796 (RELATING TO VERIFICATION OF REGISTRATION
INFORMATION).

SECTION 9797 (RELATING TO VICTIM NOTIFICATION).

SECTION 9798 (RELATING TO OTHER NOTIFICATION).

SECTION 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON
THE INTERNET).

SECTION 9798.2 (RELATING TO ADMINISTRATION).

SECTION 9798.3 (RELATING TO GLOBAL POSITIONING SYSTEM
TECHNOLOGY).

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

1 SECTION 9799.1 (RELATING TO DUTIES OF PENNSYLVANIA STATE
2 POLICE).

3 SECTION 9799.2 (RELATING TO DUTIES OF PENNSYLVANIA BOARD
4 OF PROBATION AND PAROLE).

5 SECTION 9799.3 (RELATING TO BOARD).

6 SECTION 9799.4 (RELATING TO COUNSELING OF SEXUALLY
7 VIOLENT PREDATORS).

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

10 SECTION 9799.8 (RELATING TO ANNUAL PERFORMANCE AUDIT).

11 SECTION 9799.9 (RELATING TO PHOTOGRAPHS AND
12 FINGERPRINTING).

13 SECTION 13. THE DEFINITION OF "OTHER SPECIFIED OFFENSE" IN
14 SECTION 2303 OF TITLE 44 IS AMENDED TO READ:

15 § 2303. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 * * *

20 "OTHER SPECIFIED OFFENSE." ANY OF THE FOLLOWING:

21 (1) A FELONY OFFENSE [OR AN].

22 (2) AN OFFENSE UNDER 18 PA.C.S. § 2910 (RELATING TO
23 LURING A CHILD INTO A MOTOR VEHICLE OR STRUCTURE) OR 3126
24 (RELATING TO INDECENT ASSAULT) OR AN ATTEMPT TO COMMIT SUCH
25 AN OFFENSE.

26 (3) AN OFFENSE SUBJECT TO 42 PA.C.S. CH. 97 SUBCH. H
27 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

28 * * *

29 SECTION 14. PARAGRAPH (4) OF THE DEFINITION OF "ELIGIBLE
30 OFFENDER" IN SECTION 4503 OF TITLE 61 IS AMENDED TO READ:

1 § 4503. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
3 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 * * *

6 "ELIGIBLE OFFENDER." A DEFENDANT OR INMATE CONVICTED OF A
7 CRIMINAL OFFENSE WHO WILL BE COMMITTED TO THE CUSTODY OF THE
8 DEPARTMENT AND WHO MEETS ALL OF THE FOLLOWING ELIGIBILITY
9 REQUIREMENTS:

10 * * *

11 (4) HAS NOT BEEN FOUND GUILTY OR PREVIOUSLY CONVICTED OR
12 ADJUDICATED DELINQUENT FOR VIOLATING ANY OF THE FOLLOWING
13 PROVISIONS OR AN EQUIVALENT OFFENSE UNDER THE LAWS OF THE
14 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
15 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
16 PUERTO RICO OR A FOREIGN NATION:

17 18 PA.C.S. § 4302 (RELATING TO INCEST) .

18 18 PA.C.S. § 5901 (RELATING TO OPEN LEWDNESS) .

19 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN) .

20 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
21 MINOR) .

22 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF
23 CHILDREN) .

24 18 PA.C.S. CH. 76 SUBCH. C (RELATING TO INTERNET CHILD
25 PORNOGRAPHY) .

26 RECEIVED A CRIMINAL SENTENCE PURSUANT TO 42 PA.C.S.
27 § 9712.1 (RELATING TO SENTENCES FOR CERTAIN DRUG OFFENSES
28 COMMITTED WITH FIREARMS) .

29 ANY SEXUALLY VIOLENT OFFENSE [LISTED UNDER 42 PA.C.S.
30 § 9795.1 (RELATING TO REGISTRATION)] , AS DEFINED IN 42

1 PA.C.S. CH. 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL
2 OFFENDERS).

3 * * *

4 SECTION 15. SECTION 6137(A) (3.1) (II) OF TITLE 61 IS AMENDED
5 TO READ:

6 § 6137. PAROLE POWER.

7 (A) GENERAL CRITERIA FOR PAROLE.--

8 * * *

9 (3.1) * * *

10 (II) THIS PARAGRAPH SHALL NOT APPLY TO OFFENDERS WHO
11 ARE CURRENTLY SERVING A TERM OF IMPRISONMENT FOR A CRIME
12 OF VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714 (RELATING TO
13 SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES) OR FOR A
14 CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S. [§ 9795.1
15 (RELATING TO REGISTRATION)] CH. 97 SUBCH. H (RELATING TO
16 REGISTRATION OF SEXUAL OFFENDERS).

17 * * *

18 SECTION 16. ANY REFERENCE IN ANY ACT OR PART OF AN ACT TO 42
19 PA.C.S. § 9795.1 SHALL BE DEEMED A REFERENCE TO 42 PA.C.S.
20 § 9799.15 AS IF FULLY SET FORTH IN THAT ACT OR PART OF THAT ACT.

21 SECTION 17. THIS ACT SHALL APPLY AS FOLLOWS:

22 (1) THE ADDITION OF 42 PA.C.S. § 9799.28(B) (11) SHALL
23 APPLY TO PERSONS CONVICTED AFTER NOVEMBER 30, 2006, OF AN
24 OFFENSE WHICH REQUIRED REGISTRATION UNDER FORMER 42 PA.C.S. §
25 9795.1 AND TO PERSONS REQUIRED TO REGISTER UNDER 42 PA.C.S.
26 CH. 97 SUBCH. H ON OR AFTER THE EFFECTIVE DATE OF THIS
27 SECTION.

28 (2) ALL INDIVIDUALS REQUIRED TO REGISTER UNDER 42
29 PA.C.S. CH. 97 SUBCH. H ON OR AFTER THE EFFECTIVE DATE OF
30 THIS PARAGRAPH.

1 (3) ALL INDIVIDUALS REQUIRED TO REGISTER UNDER 42
2 PA.C.S. CH. 97 SUBCH. H OR FORMER 42 PA.C.S. § 9793 PRIOR TO
3 THE EFFECTIVE DATE OF THIS PARAGRAPH AND WHOSE REGISTRATION
4 HAS NOT EXPIRED PRIOR TO THE EFFECTIVE DATE OF THIS
5 PARAGRAPH.

6 SECTION 18. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

7 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
8 IMMEDIATELY:

9 (I) THIS SECTION.

10 (II) THE ADDITION OF 18 PA.C.S. § 4915(G).

11 (III) THE AMENDMENT OF 42 PA.C.S. § 9791.

12 (IV) THE AMENDMENT OF 42 PA.C.S. § 9795.1(A) AND

13 (B).

14 (V) THE AMENDMENT OF 42 PA.C.S. § 9798.1(A) AND

15 (B)(7).

16 (VI) THE AMENDMENT OF 42 PA.C.S. § 9799.1(2).

17 (VII) THE ADDITION OF 42 PA.C.S. § 9799.41.

18 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN ONE
19 YEAR:

20 (I) THE AMENDMENT OF 18 PA.C.S. § 3130(A)

21 INTRODUCTORY PARAGRAPH AND (1) AND (B).

22 (II) THE AMENDMENT OF 18 PA.C.S. § 3141.

23 (III) THE ADDITION OF 18 PA.C.S. § 4915.1.

24 (IV) THE AMENDMENT OF 23 PA.C.S. § 6707(2)(II).

25 (V) THE AMENDMENT OF 42 PA.C.S. § 6358(A) AND (B).

26 (VI) THE AMENDMENT OF 42 PA.C.S. § 6403(A)(2), (B)

27 (3) AND (D).

28 (VII) THE AMENDMENT OF 42 PA.C.S. § 6404.

29 (VIII) THE ADDITION OF 42 PA.C.S. § 6404.1.

30 (IX) THE ADDITION OF 42 PA.C.S. § 6404.2.

(X) THE AMENDMENT OF 42 PA.C.S. § 6406(A) .

(XI) THE AMENDMENT OF 42 PA.C.S. § 6409.

(XII) THE AMENDMENT OF 42 PA.C.S. § 9718.1(A)
INTRODUCTORY PARAGRAPH AND (B) (2) .

(XIII) THE AMENDMENT OF 42 PA.C.S. § 9718.2(A) AND
(D) .

(XIV) THE ADDITION OF 42 PA.C.S. § 9718.4

(XV) THE ADDITION OF 42 PA.C.S. § 9799.10.

(XVI) THE ADDITION OF 42 PA.C.S. § 9799.11.

(XVII) THE ADDITION OF 42 PA.C.S. § 9799.12.

(XVIII) THE ADDITION OF 42 PA.C.S. § 9799.13.

(XIX) THE ADDITION OF 42 PA.C.S. § 9799.14.

(XX) THE ADDITION OF 42 PA.C.S. § 9799.15.

(XXI) THE ADDITION OF 42 PA.C.S. § 9799.16.

(XXII) THE ADDITION OF 42 PA.C.S. § 9799.17.

(XXIII) THE ADDITION OF 42 PA.C.S. § 9799.18.

(XXIV) THE ADDITION OF 42 PA.C.S. § 9799.19.

(XXV) THE ADDITION OF 42 PA.C.S. § 9799.20.

(XXVI) THE ADDITION OF 42 PA.C.S. § 9799.21.

(XXVII) THE ADDITION OF 42 PA.C.S. § 9799.22.

(XXVIII) THE ADDITION OF 42 PA.C.S. § 9799.23.

(XXIX) THE ADDITION OF 42 PA.C.S. § 9799.24.

(XXX) THE ADDITION OF 42 PA.C.S. § 9799.25.

(XXXI) THE ADDITION OF 42 PA.C.S. § 9799.26.

(XXXII) THE ADDITION OF 42 PA.C.S. § 9799.27.

(XXXIII) THE ADDITION OF 42 PA.C.S. § 9799.28.

(XXXIV) THE ADDITION OF 42 PA.C.S. § 9799.29.

(XXXV) THE ADDITION OF 42 PA.C.S. § 9799.30.

(XXXVI) THE ADDITION OF 42 PA.C.S. § 9799.31.

(XXXVII) THE ADDITION OF 42 PA.C.S. § 9799.32.

(XXXVIII) THE ADDITION OF 42 PA.C.S. § 9799.33.

(XXXIX) THE ADDITION OF 42 PA.C.S. § 9799.34.

(XL) THE ADDITION OF 42 PA.C.S. § 9799.35.

(XLI) THE ADDITION OF 42 PA.C.S. § 9799.36.

(XLII) THE ADDITION OF 42 PA.C.S. § 9799.37.

(XLIII) THE ADDITION OF 42 PA.C.S. § 9799.38.

(XLIV) THE ADDITION OF 42 PA.C.S. § 9799.39.

(XLV) THE ADDITION OF 42 PA.C.S. § 9799.40.

(XLVI) THE AMENDMENT OF THE DEFINITION OF "OTHER
SPECIFIED OFFENSE" IN 44 PA.C.S. § 2303.

(XLVII) THE AMENDMENT OF PARAGRAPH (4) OF THE
DEFINITION OF "ELIGIBLE OFFENDER" IN 44 PA.C.S. § 4503.

(XLVIII) THE AMENDMENT OF 61 PA.C.S. § 6137(A) (3.1)
(II).

(XLIX) THE AMENDMENT OF 61 PA.C.S. § 6137(A) (3.1)
(II).

(L) SECTION 16 OF THIS ACT.

(LI) SECTION 17 OF THIS ACT.

(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
DAYS.