

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 446 Session of 2011

INTRODUCED BY YAW, SCARNATI, PILEGGI, VOGEL, FONTANA,
TARTAGLIONE, ERICKSON, SOLOBAY, BAKER, WOZNIAK, PICCOLA,
MENSCH, FERLO AND BREWSTER, FEBRUARY 7, 2011

REFERRED TO JUDICIARY, FEBRUARY 7, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in falsification and intimidation, further
4 providing for failure to comply with registration of sexual
5 offenders requirements; in registration of sexual offenders,
6 defining "habitual locale" and "transient"; in registration
7 of sexual offenders, further providing for registration, for
8 registration procedures and applicability and for sentencing
9 court information; in registration of sexual offenders,
10 providing for registration of transients; and, in
11 registration of sexual offenders, further providing for
12 verification of residence, for victim notification, for other
13 notification, for information made available on the Internet
14 and for duties of the Pennsylvania State Police.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 4915(e)(3) of Title 18 of the
18 Pennsylvania Consolidated Statutes is amended and the section is
19 amended by adding subsections to read:

20 § 4915. Failure to comply with registration of sexual offenders
21 requirements.

22 * * *

23 (a.1) Transients.--An individual who is subject to

1 registration as a transient under 42 Pa.C.S. § 9795.2 commits an
2 offense if the individual knowingly fails to:

3 (1) register with the Pennsylvania State Police as
4 required under 42 Pa.C.S. (Judiciary and Judicial Procedure)
5 of the Pennsylvania Consolidated Statutes;

6 (2) provide the information set forth in 42 Pa.C.S. §
7 9796.1;

8 (3) be photographed; or

9 (4) provide accurate information when complying with 42
10 Pa.C.S. § 9795.2.

11 * * *

12 (c.1) Grading for transient offenders.--

13 (1) Except as set forth under paragraph (2), an
14 individual subject to registration under 42 Pa.C.S. § 9795.2
15 who commits a violation of subsection (a.1) commits a felony
16 of the third degree.

17 (2) An individual subject to registration under 42
18 Pa.C.S. § 9795.2 who commits a violation of subsection (a.1)
19 and who has previously been convicted of an offense under
20 subsection (a.1) or a similar offense commits a felony of the
21 second degree.

22 * * *

23 (e) Arrests for violation.--

24 * * *

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

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

(ii) The individual must provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment, including all employment locations, and all information concerning current or intended enrollment as a student. If the individual is a transient, the transient must provide the Pennsylvania State Police with the information required under 42 Pa.C.S. § 9795.2.

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

* * *

Section 2. Section 9792 of Title 42 is amended by adding definitions to read:

§ 9792. 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:

* * *

"Habitual locale." A place where the transient can be located. The term includes locations a transient frequents during the day and night, such as parks, public buildings, restaurants and libraries.

* * *

"Transient." An individual required to register under this subchapter who does not have a residence.

Section 3. Section 9795.1(a) and (b) of Title 42 are amended by adding paragraphs and the section is amended by adding a subsection to read:

§ 9795.1. Registration.

(a) Ten-year registration.--The following individuals shall

1 be required to register with the Pennsylvania State Police for a
2 period of ten years:

3 * * *

4 (4) Individuals who have moved to this Commonwealth who
5 fail to maintain a residence who have been convicted of
6 offenses similar to the crimes cited under paragraphs (1) and
7 (2) under the laws of the United States or one of the
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 * * *

14 (5) Individuals who have moved to this Commonwealth who
15 fail to maintain a residence who have been convicted of
16 offenses similar to the crimes cited under paragraph (2)
17 under the laws of the United States or one of the territories
18 or possessions, another state, the District of Columbia, the
19 Commonwealth of Puerto Rico or a foreign nation or under a
20 former law of this Commonwealth.

21 * * *

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

26 Section 4. Section 9795.2 of Title 42 is amended to read:

27 § 9795.2. Registration procedures and applicability.

28 (a) Registration.--

29 (1) Offenders and sexually violent predators shall be
30 required to register with the Pennsylvania State Police upon

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

21 (1.1) If an offender or sexually violent predator is
22 required under this subchapter to register, update or verify
23 a residence, an offender or sexually violent predator who is
24 a transient shall be required to register, update or verify
25 his habitual locales. With respect to each habitual locale, a
26 transient shall be required to provide an address unless the
27 habitual locale has no address, in which case a transient
28 shall be required to provide a specific description of the
29 place. A transient shall also provide a place where the
30 transient is able to receive delivery of mail, including a

1 post office box or general delivery post office location. In
2 addition to any other duty imposed under this subchapter, a
3 transient shall appear every 30 days at an approved
4 registration site to complete the forms designated by the
5 Pennsylvania State Police to be used for the purposes of
6 complying with this subchapter, to update or verify
7 registration information and status as a transient and, at
8 the discretion of the approved registration site, to be
9 photographed.

10 (1.2) For purposes of this subsection, offenders and
11 sexually violent predators shall appear at an approved
12 registration site to complete the form designated by the
13 Pennsylvania State Police to be used for purposes of
14 complying with this subchapter. In the case of an offender
15 entering or being released or transferred from a residential
16 reentry or correctional facility, the administrator of the
17 facility or his designee shall assist in completing the forms
18 designated by the Pennsylvania State Police to be used for
19 purposes of complying with this subchapter and, immediately
20 upon collection, forward all the forms to the Pennsylvania
21 State Police.

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 (v) Becoming a transient.

7 (2.1) Registration with a new law enforcement agency
8 shall occur no later than 48 hours after establishing
9 residence in another state or after moving to another state
10 but not establishing a residence there.

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

18 (4) This [paragraph] subsection shall apply to all
19 offenders and sexually violent predators:

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

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

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

24 (b) Individuals convicted or sentenced by a court or
25 adjudicated delinquent in jurisdictions outside this
26 Commonwealth or sentenced by court martial.--

27 (4) An individual who [resides, is employed or is a
28 student] is a transient in this Commonwealth and who has been
29 convicted of or sentenced by a court or court martial for a
30 sexually violent offense or a similar offense under the laws

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

10 (i) If the individual has been classified as a
11 sexually violent predator as defined in section 9792
12 (relating to definitions) or determined under the laws of
13 the other jurisdiction or by reason of court martial to
14 be subject to active notification and lifetime
15 registration on the basis of a statutorily authorized
16 administrative or judicial decision or on the basis of a
17 statute or administrative rule requiring active
18 notification and lifetime registration based solely on
19 the offense for which the individual was convicted,
20 sentenced or court martialled, the individual shall,
21 notwithstanding section 9792, be considered a sexually
22 violent predator and subject to lifetime registration
23 pursuant to section 9795.1(b) (relating to registration).
24 The individual shall also be subject to the provisions of
25 this section and sections 9796 (relating to verification
26 of residence), 9798 (relating to other notification) and
27 9798.1(c)(1) (relating to information made available on
28 the Internet), except that the individual shall not be
29 required to receive counseling unless required to do so
30 by the other jurisdiction or by reason of court martial.

1 (ii) Except as provided in subparagraphs (i) and
2 (iv), if the individual has been convicted or sentenced
3 by a court or court martial for an offense listed in
4 section 9795.1(b) or an equivalent offense, the
5 individual shall, notwithstanding section 9792, be
6 considered an offender and be subject to lifetime
7 registration pursuant to 9795.1(b). The individual shall
8 also be subject to the provisions of this section and
9 sections 9796 and 9798.1(c) (2).

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

26 (iv) Except as provided in subparagraph (i) and
27 notwithstanding subparagraph (v), if the individual is
28 subject to active notification in the other jurisdiction
29 or subject to active notification by reason of court
30 martial, the individual shall, notwithstanding section

1 9792, be considered an offender and subject to this
2 section and sections 9796, 9798 and 9798.1(c)(1). If the
3 individual was convicted of or sentenced in the other
4 jurisdiction or sentenced by court martial for an offense
5 listed in section 9795.1(b) or an equivalent offense, the
6 individual shall be subject to this subchapter for the
7 individual's lifetime. If the individual was convicted of
8 or sentenced in the other jurisdiction or sentenced by
9 court martial for an offense listed in section 9795.1(a)
10 or an equivalent offense, the individual shall be subject
11 to this subchapter for a period of ten years or for a
12 period of time equal to the time for which the individual
13 was required to register in the other jurisdiction or
14 required to register by reason of court martial,
15 whichever is greater, less any credit due to the
16 individual as a result of prior compliance with
17 registration requirements. Otherwise, the individual
18 shall be subject to this subchapter for a period of time
19 equal to the time for which the individual was required
20 to register in the other jurisdiction or required to
21 register by reason of court martial, less any credit due
22 to the individual as a result of prior compliance with
23 registration requirements.

24 (v) Except as provided in subparagraphs (i), (ii),
25 (iii) and (iv), if the individual is subject to passive
26 notification in the other jurisdiction or subject to
27 passive notification by reason of court martial, the
28 individual shall, notwithstanding section 9792, be
29 considered an offender and subject to this section and
30 sections 9796 and 9798.1(c)(2). The individual shall be

1 subject to this subchapter for a period of time equal to
2 the time for which the individual was required to
3 register in the other jurisdiction or required to
4 register by reason of court martial, less any credit due
5 to the individual as a result of prior compliance with
6 registration requirements.

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

19 (i) If the individual has been classified as a
20 sexually violent predator as defined in section 9792 or
21 determined under the laws of the other jurisdiction to be
22 subject to active notification and lifetime registration
23 on the basis of a statutorily authorized administrative
24 or judicial decision or on the basis of a statute or
25 administrative rule requiring active notification and
26 lifetime registration based solely on the offense for
27 which the individual was adjudicated, the individual
28 shall, notwithstanding section 9792, be considered a
29 sexually violent predator and subject to lifetime
30 registration pursuant to section 9795.1(b). The

1 individual shall also be subject to the provisions of
2 this section and sections 9796 and 9798.1(c)(1), except
3 that the individual shall not be required to receive
4 counseling unless required to do so by the other
5 jurisdiction.

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

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

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

29 (1) The Pennsylvania State Police shall provide the
30 information obtained under this section and sections 9795.3

1 (relating to sentencing court information) and 9796 (relating
2 to verification of residence) to the chief law enforcement
3 officers of the police departments of the municipalities in
4 which the individual will reside, be employed or enrolled as
5 a student. In addition, the Pennsylvania State Police shall
6 provide this officer with the address at which the individual
7 will reside, be employed or enrolled as a student following
8 his release from incarceration, parole or probation. If the
9 individual is a transient, the Pennsylvania State Police
10 shall provide information obtained under this section to the
11 chief law enforcement officers of the police departments of
12 the appropriate municipalities.

13 (2) The Pennsylvania State Police shall provide notice
14 to the chief law enforcement officers of the police
15 departments of the municipalities notified pursuant to
16 paragraph (1) when an individual fails to comply with the
17 registration requirements of this section or section 9796 and
18 request, as appropriate, that these police departments assist
19 in locating and apprehending the individual.

20 (3) The Pennsylvania State Police shall provide notice
21 to the chief law enforcement officers of the police
22 departments of the municipalities notified pursuant to
23 paragraph (1) when they are in receipt of information
24 indicating that the individual is no longer a transient or
25 will no longer reside, be transient, be employed or be
26 enrolled as a student in the municipality.

27 (d) Penalty.--An individual subject to registration under
28 [section 9795.1(a) or (b)] former section 9793 (relating to
29 registration of certain offenders for ten years or 9795.1 who
30 fails to register or verify or update registration information

1 with the Pennsylvania State Police as required by this section
2 may be subject to prosecution under 18 Pa.C.S. § 4915 (relating
3 to failure to comply with registration of sexual offenders
4 requirements).

5 (d.1) Transients.--An offender or a sexually violent
6 predator or other individual required to register under this
7 subchapter who is a transient and fails to register with the
8 Pennsylvania State Police as required by this section may be
9 subject to prosecution under 18 Pa.C.S. § 4915.

10 (e) Registration sites.--The following apply:

11 (1) An individual subject to section 9795.1 shall
12 register and submit to fingerprinting and photographing as
13 required by this subchapter at approved registration sites.

14 (2) An offender or sexually violent predator or other
15 individual required to register under this subchapter who is
16 subject to registration as a transient shall register in
17 accordance with this subchapter and submit to fingerprinting
18 and photographing at approved registration sites.

19 Section 5. Sections 9795.3, 9796 heading, (a), (b), (c) and
20 (e), 9797, 9798(a)(1), (b) and (c) and 9798.1(c)(1)(v) and (2)
21 of Title 42 are amended to read:

22 § 9795.3. Sentencing court information.

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

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

1 [residence] registration information).

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

13 (2.1) Specifically inform the offender or sexually
14 violent predator of the duty to inform the Pennsylvania State
15 Police within [ten days] 48 hours of becoming employed or
16 enrolled as a student if the [person] offender or sexually
17 violent predator has not previously provided that information
18 to the Pennsylvania State Police.

19 (2.2) Specifically inform the offender or sexually
20 violent predator of the duty to inform the Pennsylvania State
21 Police that he is a transient if the offender or sexually
22 violent predator does not have or fails to maintain a
23 residence.

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

29 (4) Order the fingerprints and photograph of the
30 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 a transient, 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.

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

§ 9796. Verification of [residence] registration information.

(a) Quarterly verification by sexually violent predators.-- The Pennsylvania State Police shall verify the [residence] registration information 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

1 October 5 and October 15 of each calendar year at an approved
2 registration site to complete a verification form and to be
3 photographed.

4 * * *

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

14 * * *

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

27 * * *

28 (e) Penalty.--An individual subject to registration under
29 former section 9793 or section 9795.1(a) or (b) who fails to
30 verify his [residence] registration information or to be

1 photographed as required by this section may be subject to
2 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
3 comply with registration of sexual offenders requirements).

4 * * *

5 § 9797. Victim notification.

6 (a) Duty to inform victim.--

7 (1) Where the individual is determined to be a sexually
8 violent predator by a court under section 9795.4 (relating to
9 assessments), the local municipal police department or the
10 Pennsylvania State Police where no municipal police
11 jurisdiction exists shall give written notice to the sexually
12 violent predator's victim when the sexually violent predator
13 registers initially and when he notifies the Pennsylvania
14 State Police of any change of residence or habitual locale.

15 This notice shall be given within 72 hours after the sexually
16 violent predator registers or notifies the Pennsylvania State
17 Police of a change of address or habitual locale where he
18 resides or may be found. The notice shall contain the
19 sexually violent predator's name and the address [or],
20 addresses or habitual locale where he resides or may be
21 found.

22 (2) A victim may terminate the duty to inform set forth
23 in paragraph (1) by providing the local municipal police
24 department or the Pennsylvania State Police where no local
25 municipal police department exists with a written statement
26 releasing that agency from the duty to comply with this
27 section as it pertains to that victim.

28 (b) Where an individual is not determined to be a sexually
29 violent predator.--Where an individual is not determined to be a
30 sexually violent predator by a court under section 9795.4 or

1 where an offender is registered as a transient, the victim shall
2 be notified in accordance with section 201 of the act of
3 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
4 Act.

5 § 9798. Other notification.

6 (a) Notice by municipality's chief law enforcement
7 officer.--Notwithstanding any of the provisions of 18 Pa.C.S.
8 Ch. 91 (relating to criminal history record information), the
9 chief law enforcement officer of the full-time or part-time
10 police department of the municipality where a sexually violent
11 predator lives shall be responsible for providing written notice
12 as required under this section.

13 (1) The notice shall contain:

14 (i) The name of the convicted sexually violent
15 predator.

16 (ii) The address or addresses at which [he] the
17 sexually violent predator resides. If the sexually
18 violent predator is a transient, written notice under
19 this subparagraph shall include the municipality and
20 county containing the transient's habitual locale.

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

23 (iii) The offense for which [he] the sexually
24 violent predator was convicted, sentenced by a court,
25 adjudicated delinquent or court martialled.

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

30 (v) A photograph of the sexually violent predator,

1 if available.

2 * * *

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

6 [(1) Neighbors of the sexually violent predator. As
7 used]

8 (1) (i) Neighbors of the sexually violent predator. As
9 used in this paragraph, where the sexually violent
10 predator lives in a common interest community, the term
11 "neighbor" includes the unit owners' association and
12 residents of the common interest community.

13 (ii) As used in this paragraph, where the sexually
14 violent predator is a transient, the term "neighbor"
15 shall mean the community, and the chief law enforcement
16 officer shall determine the appropriate method for
17 providing written notice.

18 (2) The director of the county children and youth
19 service agency of the county where the sexually violent
20 predator resides or, if the sexually violent predator is a
21 transient, each county containing the transient's habitual
22 locale.

23 (3) The superintendent of each school district and the
24 equivalent official for private and parochial schools
25 enrolling students up through grade 12 in the municipality
26 where the sexually violent predator resides or, if the
27 sexually violent predator is a transient, each municipality
28 containing the transient's habitual locale.

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 or, if the sexually violent
7 predator is a transient, each municipality containing the
8 transient's habitual locale.

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

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

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

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

28 * * *

29 § 9798.1. Information made available on the Internet.

30 * * *

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

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

7 * * *

8 (v) the municipality, county and zip code of any
9 employment location and, in the case of a transient, of
10 any habitual locale;

11 * * *

12 (2) For all other lifetime registrants and offenders
13 subject to registration, the information set forth in
14 paragraph (1) shall be posted on the Internet website. If the
15 lifetime registrant or offender is registered as a transient,
16 the information provided under section 9795.2 (relating to
17 registration procedures and applicability) shall be provided
18 in addition to the information under paragraph (1).

19 * * *

20 Section 6. Section 9799.1(4) of Title 42 is amended and the
21 section is amended by adding paragraphs to read:

22 § 9799.1. Duties of Pennsylvania State Police.

23 The Pennsylvania State Police shall:

24 * * *

25 (4) Notify, within five business days of receiving the
26 offender's or the sexually violent predator's registration,
27 the chief law enforcement officers of the police departments
28 having primary jurisdiction of the municipalities in which an
29 offender or sexually violent predator is a transient,
30 resides, is employed or enrolled as a student of the fact

1 that the offender or sexually violent predator has been
2 registered with the Pennsylvania State Police pursuant to
3 sections 9795.2 (relating to registration procedures and
4 applicability) and 9796 (relating to verification of
5 [residence] registration information).

6 * * *

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

9 (i) A proceeding brought by an individual registered
10 under former section 9793 (relating to registration of
11 certain offenders for ten years) or section 9795.1 to be
12 removed from, or contesting their inclusion in, the State
13 registry of sexual offenders and sexually violent
14 predators.

15 (ii) A proceeding to modify a court order concerning
16 the terms of an individual's registration under former
17 section 9793 or section 9795.1.

18 (8) (i) The Pennsylvania State Police may certify and
19 send to an authorized user, by electronic transmission or
20 otherwise, a certification of record or abstract of
21 records maintained by the Pennsylvania State Police
22 regarding the registration of an offender under this
23 subchapter. Permissible uses shall include certifications
24 of an offender's initial registration and verification
25 history and history of nonregistration or
26 nonverification. The Pennsylvania State Police may also
27 certify electronically any documents certified to it
28 electronically.

29 (ii) Authorized users shall include State and local
30 police, district attorneys, agents and employees of the

1 Pennsylvania State Police and the Office of Attorney
2 General and other persons or entities determined by the
3 Pennsylvania State Police and listed by notice in the
4 Pennsylvania Bulletin.

5 (iii) In any proceeding before the courts or
6 administrative bodies of this Commonwealth, documents
7 certified by the Pennsylvania State Police under this
8 section and offered into evidence by an authorized user
9 shall be admissible into evidence.

10 Section 7. This act shall take effect immediately.