

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 818 Session of 2011

INTRODUCED BY BAKER, YUDICHAK, ARGALL, BROWNE, COSTA, ERICKSON, FERLO, FONTANA, GREENLEAF, McILHINNEY, RAFFERTY, SMUCKER, WASHINGTON, WOZNIAK, YAW, PILEGGI, WILLIAMS AND FARNESE, MARCH 11, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 25, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 providing for disposition information; IN REGISTRATION OF
4 SEXUAL OFFENDERS, FURTHER PROVIDING FOR LEGISLATIVE FINDINGS
5 AND DECLARATION OF POLICY, FOR DEFINITIONS, FOR REGISTRATION,
6 FOR REGISTRATION PROCEDURES AND APPLICABILITY, FOR SENTENCING
7 COURT INFORMATION, FOR VERIFICATION OF RESIDENCE, FOR VICTIM
8 NOTIFICATION, FOR OTHER NOTIFICATION, FOR INFORMATION MADE
9 AVAILABLE ON THE INTERNET AND FOR DUTIES OF PENNSYLVANIA
10 STATE POLICE; AND MAKING EDITORIAL CHANGES.



11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 6352 of Title 42 of the Pennsylvania
14 Consolidated Statutes is amended by adding a subsection to read:
15 § 6352. Disposition of delinquent child.

16 * * *

17 (c) Required statement of reasons.--Prior to entering an
18 order of disposition under subsection (a), the court shall state
19 the reasons for its disposition on the record in open court,
20 together with the goals, terms and conditions of that

1 disposition. If the child is to be committed to out-of-home
2 placement, the court shall also state the name of the specific
3 facility, or type of facility, to which the child will be
4 committed and the reasons why commitment to that facility, or
5 type of facility, was determined to be the least restrictive
6 placement that is consistent with the protection of the public
7 interest and best suited to the child's treatment, supervision,
8 rehabilitation and welfare.

9 ~~Section 2. This act shall take effect in 60 days.~~ ←

10 SECTION 2. SECTION 9791 OF TITLE 42 IS AMENDED TO READ: ←

11 § 9791. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY.

12 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DETERMINED AND
13 DECLARED AS A MATTER OF LEGISLATIVE FINDING:

14 (1) IF THE PUBLIC IS PROVIDED ADEQUATE NOTICE AND
15 INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AND CERTAIN
16 OTHER OFFENDERS, INCLUDING THOSE SEXUALLY VIOLENT PREDATORS
17 AND OFFENDERS WHO DO NOT HAVE A FIXED PLACE OF HABITATION OR
18 ABODE, THE COMMUNITY CAN DEVELOP CONSTRUCTIVE PLANS TO
19 PREPARE THEMSELVES AND THEIR CHILDREN FOR THE OFFENDER'S
20 RELEASE. THIS ALLOWS COMMUNITIES TO MEET WITH LAW ENFORCEMENT
21 TO PREPARE AND OBTAIN INFORMATION ABOUT THE RIGHTS AND
22 RESPONSIBILITIES OF THE COMMUNITY AND TO PROVIDE EDUCATION
23 AND COUNSELING TO THEIR CHILDREN.

24 (2) THESE SEXUALLY VIOLENT PREDATORS POSE A HIGH RISK OF
25 ENGAGING IN FURTHER OFFENSES EVEN AFTER BEING RELEASED FROM
26 INCARCERATION OR COMMITMENTS AND THAT PROTECTION OF THE
27 PUBLIC FROM THIS TYPE OF OFFENDER IS A PARAMOUNT GOVERNMENTAL
28 INTEREST.

29 (3) THE PENAL AND MENTAL HEALTH COMPONENTS OF OUR
30 JUSTICE SYSTEM ARE LARGELY HIDDEN FROM PUBLIC VIEW AND LACK

1 OF INFORMATION FROM EITHER MAY RESULT IN FAILURE OF BOTH
2 SYSTEMS TO MEET THIS PARAMOUNT CONCERN OF PUBLIC SAFETY.

3 (4) OVERLY RESTRICTIVE CONFIDENTIALITY AND LIABILITY
4 LAWS GOVERNING THE RELEASE OF INFORMATION ABOUT SEXUALLY
5 VIOLENT PREDATORS HAVE REDUCED THE WILLINGNESS TO RELEASE
6 INFORMATION THAT COULD BE APPROPRIATELY RELEASED UNDER THE
7 PUBLIC DISCLOSURE LAWS AND HAVE INCREASED RISKS TO PUBLIC
8 SAFETY.

9 (5) PERSONS FOUND TO HAVE COMMITTED SUCH AN OFFENSE HAVE
10 A REDUCED EXPECTATION OF PRIVACY BECAUSE OF THE PUBLIC'S
11 INTEREST IN PUBLIC SAFETY AND IN THE EFFECTIVE OPERATION OF
12 GOVERNMENT.

13 (6) RELEASE OF INFORMATION ABOUT SEXUALLY VIOLENT
14 PREDATORS TO PUBLIC AGENCIES AND THE GENERAL PUBLIC WILL
15 FURTHER THE GOVERNMENTAL INTERESTS OF PUBLIC SAFETY AND
16 PUBLIC SCRUTINY OF THE CRIMINAL AND MENTAL HEALTH SYSTEMS SO
17 LONG AS THE INFORMATION RELEASED IS RATIONALLY RELATED TO THE
18 FURTHERANCE OF THOSE GOALS.

19 [(B) DECLARATION OF POLICY.--IT IS HEREBY DECLARED TO BE THE
20 INTENTION OF THE GENERAL ASSEMBLY TO PROTECT THE SAFETY AND
21 GENERAL WELFARE OF THE PEOPLE OF THIS COMMONWEALTH BY PROVIDING
22 FOR REGISTRATION AND COMMUNITY NOTIFICATION REGARDING SEXUALLY
23 VIOLENT PREDATORS WHO ARE ABOUT TO BE RELEASED FROM CUSTODY AND
24 WILL LIVE IN OR NEAR THEIR NEIGHBORHOOD. IT IS FURTHER DECLARED
25 TO BE THE POLICY OF THIS COMMONWEALTH TO REQUIRE THE EXCHANGE OF
26 RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AMONG
27 PUBLIC AGENCIES AND OFFICIALS AND TO AUTHORIZE THE RELEASE OF
28 NECESSARY AND RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT
29 PREDATORS TO MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF
30 ASSURING PUBLIC PROTECTION AND SHALL NOT BE CONSTRUED AS

1 PUNITIVE.]

2 (B) DECLARATION OF POLICY.--IT IS HEREBY DECLARED TO BE THE
3 INTENTION OF THE GENERAL ASSEMBLY TO:

4 (1) PROTECT THE SAFETY AND GENERAL WELFARE OF THE PEOPLE
5 OF THIS COMMONWEALTH BY PROVIDING FOR REGISTRATION AND
6 COMMUNITY NOTIFICATION REGARDING SEXUALLY VIOLENT PREDATORS
7 WHO ARE ABOUT TO BE RELEASED FROM CUSTODY AND WILL LIVE IN OR
8 NEAR THEIR NEIGHBORHOOD.

9 (2) REQUIRE THE EXCHANGE OF RELEVANT INFORMATION ABOUT
10 SEXUALLY VIOLENT PREDATORS AMONG PUBLIC AGENCIES AND
11 OFFICIALS AND TO AUTHORIZE THE RELEASE OF NECESSARY AND
12 RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS TO
13 MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF ASSURING PUBLIC
14 PROTECTION AND SHALL NOT BE CONSTRUED AS PUNITIVE.

15 (3) ADDRESS THE SUPERIOR COURT'S OPINION IN THE CASE OF
16 COMMONWEALTH V. WILGUS, 975 A.2D 1183 (2009) BY REQUIRING
17 OFFENDERS AND SEXUALLY VIOLENT PREDATORS WITHOUT A FIXED
18 PLACE OF HABITATION OR ABODE TO REGISTER UNDER THIS
19 SUBCHAPTER.

20 SECTION 3. THE DEFINITIONS OF "PASSIVE NOTIFICATION" AND
21 "RESIDENCE" IN SECTION 9792 OF TITLE 42 ARE AMENDED TO READ:
22 § 9792. DEFINITIONS.

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

26 * * *

27 "PASSIVE NOTIFICATION." NOTIFICATION PURSUANT TO SECTION
28 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON THE INTERNET
29 AND ELECTRONIC NOTIFICATION) OR ANY PROCESS WHEREBY PERSONS,
30 PURSUANT TO THE LAWS OF THE UNITED STATES OR ONE OF ITS

1 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
2 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION,
3 ARE ABLE TO ACCESS INFORMATION PERTAINING TO AN INDIVIDUAL AS A
4 RESULT OF THE INDIVIDUAL HAVING BEEN CONVICTED OR SENTENCED BY A
5 COURT FOR AN OFFENSE SIMILAR TO AN OFFENSE LISTED IN SECTION
6 9795.1 (RELATING TO REGISTRATION) .

7 * * *

8 "RESIDENCE." [A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
9 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS OR
10 MORE DURING A CALENDAR YEAR.] WITH RESPECT TO AN INDIVIDUAL
11 REQUIRED TO REGISTER UNDER THIS SUBCHAPTER, ANY OF THE
12 FOLLOWING:

13 (1) A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
14 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS
15 OR MORE DURING A CALENDAR YEAR.

16 (2) IN THE CASE OF AN INDIVIDUAL WHO FAILS TO ESTABLISH
17 A RESIDENCE AS SET FORTH IN PARAGRAPH (1), A TEMPORARY
18 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
19 INCLUDING A HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS
20 LODGED.

21 * * *

22 SECTION 4. SECTIONS 9795.1(A) AND (B), 9795.2(A)(2)(I), (B)
23 (4) INTRODUCTORY PARAGRAPH AND (I) AND (5) INTRODUCTORY
24 PARAGRAPH AND (C)(1) AND (3), 9795.3(2), (2.1) AND (3) AND
25 9795.5(A)(1) OF TITLE 42 ARE AMENDED TO READ:

26 § 9795.1. REGISTRATION.

27 (A) TEN-YEAR REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL
28 BE REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE FOR A
29 PERIOD OF TEN YEARS:

30 (1) INDIVIDUALS CONVICTED OF ANY OF THE FOLLOWING

1 OFFENSES:

2 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING) WHERE THE
3 VICTIM IS A MINOR.

4 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD INTO A
5 MOTOR VEHICLE OR STRUCTURE).

6 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
7 ASSAULT).

8 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT)
9 WHERE THE OFFENSE IS GRADED AS A MISDEMEANOR OF THE FIRST
10 DEGREE OR HIGHER.

11 18 PA.C.S. § 4302 (RELATING TO INCEST) WHERE THE
12 VICTIM IS 12 YEARS OF AGE OR OLDER BUT UNDER 18 YEARS OF
13 AGE.

14 18 PA.C.S. § 5902(B) (RELATING TO PROSTITUTION AND
15 RELATED OFFENSES) WHERE THE ACTOR PROMOTES THE
16 PROSTITUTION OF A MINOR.

17 18 PA.C.S. § 5903(A) (3), (4), (5) OR (6) (RELATING TO
18 OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES)
19 WHERE THE VICTIM IS A MINOR.

20 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF
21 CHILDREN).

22 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
23 MINOR).

24 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF
25 CHILDREN).

26 (2) INDIVIDUALS CONVICTED OF AN ATTEMPT, CONSPIRACY OR
27 SOLICITATION TO COMMIT ANY OF THE OFFENSES UNDER PARAGRAPH
28 (1) OR SUBSECTION (B) (2).

29 (3) INDIVIDUALS [CURRENTLY RESIDING] WHO CURRENTLY HAVE
30 A RESIDENCE IN THIS COMMONWEALTH WHO HAVE BEEN CONVICTED OF

1 OFFENSES SIMILAR TO THE CRIMES CITED IN PARAGRAPHS (1) AND
2 (2) UNDER THE LAWS OF THE UNITED STATES OR ONE OF ITS
3 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
4 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION
5 OR UNDER A FORMER LAW OF THIS COMMONWEALTH.

6 (B) LIFETIME REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL
7 BE SUBJECT TO LIFETIME REGISTRATION:

8 (1) AN INDIVIDUAL WITH TWO OR MORE CONVICTIONS OF ANY OF
9 THE OFFENSES SET FORTH IN SUBSECTION (A).

10 [(2) INDIVIDUALS CONVICTED OF ANY OF THE FOLLOWING
11 OFFENSES:

12 18 PA.C.S. § 3121 (RELATING TO RAPE).

13 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
14 SEXUAL INTERCOURSE).

15 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

16 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
17 ASSAULT).

18 18 PA.C.S. § 4302 (RELATING TO INCEST) WHEN THE
19 VICTIM IS UNDER 12 YEARS OF AGE.

20 (3) SEXUALLY VIOLENT PREDATORS.

21 (4) INDIVIDUALS CURRENTLY RESIDING IN THIS COMMONWEALTH
22 WHO HAVE BEEN CONVICTED OF OFFENSES SIMILAR TO THE CRIMES
23 CITED IN PARAGRAPH (2) UNDER THE LAWS OF THE UNITED STATES OR
24 ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
25 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A
26 FOREIGN NATION OR UNDER A FORMER LAW OF THIS COMMONWEALTH.]

27 (2) INDIVIDUALS CONVICTED:

28 (I) IN THIS COMMONWEALTH OF THE FOLLOWING OFFENSES:

29 18 PA.C.S. § 3121 (RELATING TO RAPE).

30 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE

1 SEXUAL INTERCOURSE).

2 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

3 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
4 ASSAULT).

5 18 PA.C.S. § 4302 (RELATING TO INCEST) WHEN THE
6 VICTIM IS UNDER 12 YEARS OF AGE.

7 (II) OF OFFENSES SIMILAR TO THE CRIMES CITED IN
8 PARAGRAPH (2) (I) UNDER THE LAWS OF THE UNITED STATES OR
9 ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
10 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR
11 A FOREIGN NATION OR UNDER A FORMER LAW OF THIS
12 COMMONWEALTH WHO CURRENTLY RESIDE IN THIS COMMONWEALTH.

13 (3) SEXUALLY VIOLENT PREDATORS.

14 * * *

15 § 9795.2. REGISTRATION PROCEDURES AND APPLICABILITY.

16 (A) REGISTRATION.--

17 * * *

18 (2) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL
19 INFORM THE PENNSYLVANIA STATE POLICE WITHIN 48 HOURS OF:

20 (I) ANY CHANGE OF RESIDENCE OR ESTABLISHMENT OF AN
21 ADDITIONAL RESIDENCE OR RESIDENCES. IN THE CASE OF AN
22 INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH
23 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION
24 9792 (RELATING TO DEFINITIONS), THE INDIVIDUAL SHALL
25 INFORM THE PENNSYLVANIA STATE POLICE OF THE FOLLOWING:

26 (A) THE LOCATION OF A TEMPORARY HABITAT OR OTHER
27 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
28 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS
29 LODGED;

30 (B) A LIST OF PLACES THE INDIVIDUAL EATS,

1 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES AND ANY
2 PLANNED DESTINATIONS, INCLUDING THOSE OUTSIDE THIS
3 COMMONWEALTH; AND

4 (C) THE PLACE THE INDIVIDUAL RECEIVES MAIL,
5 INCLUDING A POST OFFICE BOX.

6 THE DUTY TO PROVIDE THE INFORMATION SET FORTH IN THIS
7 SUBPARAGRAPH SHALL APPLY UNTIL THE INDIVIDUAL ESTABLISHES
8 A RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION
9 OF "RESIDENCE" SET FORTH IN SECTION 9792. IF THE
10 INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH
11 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION
12 9792 CHANGES OR ADDS TO THE PLACES LISTED IN THIS
13 SUBPARAGRAPH DURING A 30-DAY PERIOD, THE INDIVIDUAL SHALL
14 LIST THESE WHEN RE-REGISTERING DURING THE NEXT 30-DAY
15 PERIOD.

16 * * *

17 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR
18 ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS
19 COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

20 (4) AN INDIVIDUAL WHO [RESIDES] HAS A RESIDENCE, IS
21 EMPLOYED OR IS A STUDENT IN THIS COMMONWEALTH AND WHO HAS
22 BEEN CONVICTED OF OR SENTENCED BY A COURT OR COURT MARTIALED
23 FOR A SEXUALLY VIOLENT OFFENSE OR A SIMILAR OFFENSE UNDER THE
24 LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR
25 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
26 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION, OR WHO WAS
27 REQUIRED TO REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE
28 JURISDICTION WHERE CONVICTED, SENTENCED OR COURT MARTIALED,
29 SHALL REGISTER AT AN APPROVED REGISTRATION SITE WITHIN 48
30 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE

1 PROVISIONS OF THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL
2 AS FOLLOWS:

3 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A
4 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9792
5 (RELATING TO DEFINITIONS) OR DETERMINED UNDER THE LAWS OF
6 THE OTHER JURISDICTION OR BY REASON OF COURT MARTIAL TO
7 BE SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME
8 REGISTRATION ON THE BASIS OF A STATUTORILY AUTHORIZED
9 ADMINISTRATIVE OR JUDICIAL DECISION OR ON THE BASIS OF A
10 STATUTE OR ADMINISTRATIVE RULE REQUIRING ACTIVE
11 NOTIFICATION AND LIFETIME REGISTRATION BASED SOLELY ON
12 THE OFFENSE FOR WHICH THE INDIVIDUAL WAS CONVICTED,
13 SENTENCED OR COURT MARTIALED, THE INDIVIDUAL SHALL,
14 NOTWITHSTANDING SECTION 9792, BE CONSIDERED A SEXUALLY
15 VIOLENT PREDATOR AND SUBJECT TO LIFETIME REGISTRATION
16 PURSUANT TO SECTION 9795.1(B) (RELATING TO REGISTRATION).
17 THE INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF
18 THIS SECTION AND SECTIONS 9796 (RELATING TO VERIFICATION
19 OF RESIDENCE), 9798 (RELATING TO OTHER NOTIFICATION) AND
20 9798.1(C) (1) (RELATING TO INFORMATION MADE AVAILABLE ON
21 THE INTERNET AND ELECTRONIC NOTIFICATION), EXCEPT THAT
22 THE INDIVIDUAL SHALL NOT BE REQUIRED TO RECEIVE
23 COUNSELING UNLESS REQUIRED TO DO SO BY THE OTHER
24 JURISDICTION OR BY REASON OF COURT MARTIAL.

25 * * *

26 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
27 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN
28 PARAGRAPH (4), AN INDIVIDUAL WHO [RESIDES] HAS A RESIDENCE,
29 IS EMPLOYED OR IS A STUDENT IN THIS COMMONWEALTH AND WHO IS
30 REQUIRED TO REGISTER AS A SEX OFFENDER UNDER THE LAWS OF THE

1 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
2 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
3 PUERTO RICO OR A FOREIGN NATION AS A RESULT OF A JUVENILE
4 ADJUDICATION SHALL REGISTER AT AN APPROVED REGISTRATION SITE
5 WITHIN 48 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS
6 COMMONWEALTH. THE PROVISIONS OF THIS SUBCHAPTER SHALL APPLY
7 TO THE INDIVIDUAL AS FOLLOWS:

8 * * *

9 (C) REGISTRATION INFORMATION TO LOCAL POLICE.--

10 (1) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THE
11 INFORMATION OBTAINED UNDER THIS SECTION AND SECTIONS 9795.3
12 (RELATING TO SENTENCING COURT INFORMATION) AND 9796 (RELATING
13 TO VERIFICATION OF RESIDENCE) TO THE CHIEF LAW ENFORCEMENT
14 OFFICERS OF THE POLICE DEPARTMENTS OF THE MUNICIPALITIES IN
15 WHICH THE INDIVIDUAL WILL [RESIDE,] ESTABLISH A RESIDENCE OR
16 BE EMPLOYED OR ENROLLED AS A STUDENT. IN ADDITION, THE
17 PENNSYLVANIA STATE POLICE SHALL PROVIDE THIS OFFICER WITH THE
18 ADDRESS AT WHICH THE INDIVIDUAL WILL [RESIDE,] ESTABLISH A
19 RESIDENCE OR BE EMPLOYED OR ENROLLED AS A STUDENT FOLLOWING
20 HIS RELEASE FROM INCARCERATION, PAROLE OR PROBATION.

21 * * *

22 (3) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE
23 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
24 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED PURSUANT TO
25 PARAGRAPH (1) WHEN THEY ARE IN RECEIPT OF INFORMATION
26 INDICATING THAT THE INDIVIDUAL WILL NO LONGER [RESIDE] HAVE A
27 RESIDENCE, BE EMPLOYED OR BE ENROLLED AS A STUDENT IN THE
28 MUNICIPALITY.

29 * * *

30 § 9795.3. SENTENCING COURT INFORMATION.

1 THE SENTENCING COURT SHALL INFORM OFFENDERS AND SEXUALLY
2 VIOLENT PREDATORS AT THE TIME OF SENTENCING OF THE PROVISIONS OF
3 THIS SUBCHAPTER. THE COURT SHALL:

4 * * *

5 (2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
6 PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE POLICE
7 WITHIN [TEN DAYS] 48 HOURS IF THE OFFENDER OR SEXUALLY
8 VIOLENT PREDATOR CHANGES RESIDENCE OR ESTABLISHES AN
9 ADDITIONAL RESIDENCE OR RESIDENCES, CHANGES EMPLOYER OR
10 EMPLOYMENT LOCATION FOR A PERIOD OF TIME THAT WILL EXCEED 14
11 DAYS OR FOR AN AGGREGATE PERIOD OF TIME THAT WILL EXCEED 30
12 DAYS DURING ANY CALENDAR YEAR OR TERMINATES EMPLOYMENT OR
13 CHANGES INSTITUTION OR LOCATION AT WHICH THE PERSON IS
14 ENROLLED AS A STUDENT OR TERMINATES ENROLLMENT. IN ORDER TO
15 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE SENTENCING
16 COURT SHALL SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
17 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
18 POLICE OF:

19 (I) THE LOCATION OF A TEMPORARY HABITAT OR OTHER
20 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
21 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS LODGED;

22 (II) THE PLACES THE INDIVIDUAL EATS, FREQUENTS AND
23 ENGAGES IN LEISURE ACTIVITIES AND ANY PLANNED
24 DESTINATIONS, INCLUDING THOSE OUTSIDE THIS COMMONWEALTH;
25 AND

26 (III) THE PLACE THE INDIVIDUAL RECEIVES MAIL,
27 INCLUDING A POST OFFICE BOX,
28 IF THE INDIVIDUAL FAILS TO ESTABLISH A RESIDENCE AS DEFINED
29 IN PARAGRAPH (1) OF THE DEFINITION OF "RESIDENCE" SET FORTH
30 IN SECTION 9792.

1 (2.1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
2 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
3 POLICE WITHIN [TEN DAYS] 48 HOURS OF BECOMING EMPLOYED OR
4 ENROLLED AS A STUDENT IF THE PERSON HAS NOT PREVIOUSLY
5 PROVIDED THAT INFORMATION TO THE PENNSYLVANIA STATE POLICE.

6 (3) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
7 PREDATOR OF THE DUTY TO REGISTER WITH A NEW LAW ENFORCEMENT
8 AGENCY IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR MOVES TO
9 ANOTHER STATE NO LATER THAN [TEN DAYS] 48 HOURS AFTER
10 ESTABLISHING RESIDENCE IN ANOTHER STATE.

11 * * *

12 § 9795.5. EXEMPTION FROM CERTAIN NOTIFICATIONS.

13 (A) LIFETIME REGISTRANTS NOT CLASSIFIED AS SEXUALLY VIOLENT
14 PREDATORS.--

15 (1) AN INDIVIDUAL REQUIRED TO REGISTER UNDER SECTION
16 9795.1 (RELATING TO REGISTRATION) WHO IS NOT A SEXUALLY
17 VIOLENT PREDATOR MAY PETITION THE SENTENCING COURT TO BE
18 EXEMPT FROM THE APPLICATION OF SECTION 9798.1 (RELATING TO
19 INFORMATION MADE AVAILABLE ON THE INTERNET AND ELECTRONIC
20 NOTIFICATION) PROVIDED NO LESS THAN 20 YEARS HAVE PASSED
21 SINCE THE INDIVIDUAL HAS BEEN CONVICTED IN THIS OR ANY OTHER
22 JURISDICTION OF ANY OFFENSE PUNISHABLE BY IMPRISONMENT FOR
23 MORE THAN ONE YEAR, OR THE INDIVIDUAL'S RELEASE FROM CUSTODY
24 FOLLOWING THE INDIVIDUAL'S MOST RECENT CONVICTION FOR ANY
25 SUCH OFFENSE, WHICHEVER IS LATER.

26 * * *

27 SECTION 5. SECTION 9796(D) AND (F) OF TITLE 42 ARE AMENDED
28 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

29 § 9796. VERIFICATION OF RESIDENCE.

30 * * *

1 (B.2) MONTHLY VERIFICATION BY INDIVIDUALS WITH TEMPORARY
2 HABITATS LOCATED WITHIN THIS COMMONWEALTH.--THE PENNSYLVANIA
3 STATE POLICE SHALL VERIFY THE RESIDENCE OF INDIVIDUALS REQUIRED
4 TO REGISTER UNDER THIS SUBCHAPTER WHO HAVE A RESIDENCE AS
5 DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" SET
6 FORTH IN SECTION 9792 (RELATING TO DEFINITIONS) EVERY 30 DAYS
7 THROUGH THE USE OF A NONFORWARDABLE VERIFICATION FORM TO THE
8 LAST REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL. THE
9 INDIVIDUAL SHALL APPEAR EVERY 30 DAYS AT AN APPROVED
10 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE
11 PHOTOGRAPHED. THE INDIVIDUAL SHALL APPEAR WITHIN 48 HOURS OF THE
12 DATE DESIGNATED BY THE PENNSYLVANIA STATE POLICE.

13 (B.3) FACILITATION OF MONTHLY VERIFICATION.--THE
14 PENNSYLVANIA STATE POLICE SHALL FACILITATE AND ADMINISTER THE
15 VERIFICATION PROCESS REQUIRED BY SUBSECTION (B.2) BY:

16 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
17 TO AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS SUBCHAPTER
18 WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
19 DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792 AT THE
20 LAST REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL.
21 THIS NOTICE SHALL BE SENT NOT MORE THAN TEN DAYS NOR LESS
22 THAN FIVE DAYS PRIOR TO EACH OF THE MONTHLY VERIFICATION
23 PERIODS AND SHALL REMIND THE INDIVIDUAL OF THE MONTHLY
24 VERIFICATION REQUIREMENT AND PROVIDE A LIST OF APPROVED
25 REGISTRATION SITES; AND

26 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS
27 NECESSARY TO EACH APPROVED REGISTRATION SITE.

28 * * *

29 (D) FAILURE TO PROVIDE VERIFICATION.--WHERE AN OFFENDER OR
30 SEXUALLY VIOLENT PREDATOR FAILS TO PROVIDE VERIFICATION OF

1 RESIDENCE DEFINED IN PARAGRAPH (1) OF THE DEFINITION OF
2 "RESIDENCE" SET FORTH IN SECTION 9792 WITHIN THE TEN-DAY PERIOD
3 OR THE 48-HOUR PERIOD IN THE CASE OF AN OFFENDER OR SEXUALLY
4 VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2)
5 OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792, AS
6 SET FORTH IN THIS SECTION, THE PENNSYLVANIA STATE POLICE SHALL
7 IMMEDIATELY NOTIFY THE MUNICIPAL POLICE DEPARTMENT OF THE
8 OFFENDER'S OR THE SEXUALLY VIOLENT PREDATOR'S LAST VERIFIED
9 RESIDENCE. THE LOCAL MUNICIPAL POLICE SHALL LOCATE THE OFFENDER
10 OR SEXUALLY VIOLENT PREDATOR AND ARREST HIM FOR VIOLATING THIS
11 SECTION. THE PENNSYLVANIA STATE POLICE SHALL ASSUME
12 RESPONSIBILITY FOR LOCATING THE OFFENDER OR SEXUALLY VIOLENT
13 PREDATOR AND ARRESTING HIM IN JURISDICTIONS WHERE NO MUNICIPAL
14 POLICE JURISDICTION EXISTS. THE PENNSYLVANIA STATE POLICE SHALL
15 ASSIST ANY MUNICIPAL POLICE DEPARTMENT REQUESTING ASSISTANCE
16 WITH LOCATING AND ARRESTING AN OFFENDER OR SEXUALLY VIOLENT
17 PREDATOR WHO FAILS TO VERIFY HIS RESIDENCE.

18 * * *

19 (F) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
20 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
21 VIOLENT PREDATOR OR OFFENDER TO RECEIVE ANY NOTICE OR
22 INFORMATION UNDER SUBSECTION (A.1) [OR (B.1)], (B.1) OR (B.3)
23 SHALL RELIEVE THAT PREDATOR OR OFFENDER FROM THE REQUIREMENTS OF
24 THIS SUBCHAPTER.

25 SECTION 6. SECTIONS 9797, 9798(A)(1)(II) AND (B), 9798.1 AND
26 9799.1(2) AND (4) OF TITLE 42 ARE AMENDED TO READ:

27 § 9797. VICTIM NOTIFICATION.

28 (A) DUTY TO INFORM VICTIM.--

29 (1) WHERE THE INDIVIDUAL IS DETERMINED TO BE A SEXUALLY
30 VIOLENT PREDATOR BY A COURT UNDER SECTION 9795.4 (RELATING TO

1 ASSESSMENTS), THE LOCAL MUNICIPAL POLICE DEPARTMENT OR THE
2 PENNSYLVANIA STATE POLICE WHERE NO MUNICIPAL POLICE
3 JURISDICTION EXISTS SHALL GIVE WRITTEN NOTICE TO THE SEXUALLY
4 VIOLENT PREDATOR'S VICTIM WHEN THE SEXUALLY VIOLENT PREDATOR
5 REGISTERS INITIALLY AND WHEN HE NOTIFIES THE PENNSYLVANIA
6 STATE POLICE OF ANY CHANGE OF RESIDENCE. [THIS] IN THE CASE
7 OF A SEXUALLY VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED
8 IN PARAGRAPH (1) OF THE DEFINITION OF "RESIDENCE" SET FORTH
9 IN SECTION 9792 (RELATING TO DEFINITIONS), NOTICE SHALL BE
10 GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT PREDATOR
11 REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE OF A
12 CHANGE OF ADDRESS. THE NOTICE SHALL CONTAIN THE SEXUALLY
13 VIOLENT PREDATOR'S NAME AND THE ADDRESS OR ADDRESSES WHERE
14 [HE RESIDES.] THE INDIVIDUAL HAS A RESIDENCE. IN THE CASE OF
15 A SEXUALLY VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED IN
16 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN
17 SECTION 9792, THE NOTICE SHALL CONTAIN THE SEXUALLY VIOLENT
18 PREDATOR'S NAME AND THE INFORMATION SET FORTH IN SECTION
19 9795.2(A)(2)(I)(A) AND (B) (RELATING TO REGISTRATION
20 PROCEDURES AND APPLICABILITY). THE NOTICE SHALL BE GIVEN TO
21 THE VICTIM WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT
22 PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE
23 OF A CHANGE OF RESIDENCE.

24 (2) A VICTIM MAY TERMINATE THE DUTY TO INFORM SET FORTH
25 IN PARAGRAPH (1) BY PROVIDING THE LOCAL MUNICIPAL POLICE
26 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE WHERE NO LOCAL
27 MUNICIPAL POLICE DEPARTMENT EXISTS WITH A WRITTEN STATEMENT
28 RELEASING THAT AGENCY FROM THE DUTY TO COMPLY WITH THIS
29 SECTION AS IT PERTAINS TO THAT VICTIM.

30 (B) WHERE AN INDIVIDUAL IS NOT DETERMINED TO BE A SEXUALLY

1 VIOLENT PREDATOR.--WHERE AN INDIVIDUAL IS NOT DETERMINED TO BE A
2 SEXUALLY VIOLENT PREDATOR BY A COURT UNDER SECTION 9795.4, THE
3 VICTIM SHALL BE NOTIFIED IN ACCORDANCE WITH SECTION 201 OF THE
4 ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME
5 VICTIMS ACT. THIS SUBSECTION INCLUDES THE CIRCUMSTANCE OF AN
6 OFFENDER HAVING A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
7 DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792.

8 § 9798. OTHER NOTIFICATION.

9 (A) NOTICE BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT
10 OFFICER.--NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S.
11 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE
12 CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME
13 POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT
14 PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE
15 AS REQUIRED UNDER THIS SECTION.

16 (1) THE NOTICE SHALL CONTAIN:

17 * * *

18 (II) THE ADDRESS OR ADDRESSES AT WHICH [HE RESIDES]
19 THE SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE. IF,
20 HOWEVER, THE SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE AS
21 DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE"
22 SET FORTH IN SECTION 9792 (RELATING TO DEFINITIONS), THE
23 NOTICE SHALL BE LIMITED TO THAT SET FORTH IN SECTION
24 9795.2(A)(2)(I)(C) (RELATING TO REGISTRATION PROCEDURES
25 AND APPLICABILITY).

26 * * *

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

30 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR. AS USED

1 IN THIS PARAGRAPH, WHERE THE SEXUALLY VIOLENT PREDATOR LIVES
2 IN A COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES
3 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON
4 INTEREST COMMUNITY.

5 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH
6 SERVICE AGENCY OF THE COUNTY WHERE THE SEXUALLY VIOLENT
7 PREDATOR [RESIDES] HAS A RESIDENCE.

8 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
9 EQUIVALENT OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS
10 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY
11 WHERE THE SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A
12 RESIDENCE.

13 (3.1) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
14 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
15 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
16 VIOLENT PREDATOR [RESIDES] HAS A RESIDENCE.

17 (4) THE LICENSEE OF EACH CERTIFIED DAY CARE CENTER AND
18 LICENSED PRESCHOOL PROGRAM AND OWNER/OPERATOR OF EACH
19 REGISTERED FAMILY DAY CARE HOME IN THE MUNICIPALITY WHERE THE
20 SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A RESIDENCE.

21 (5) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND
22 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF A SEXUALLY
23 VIOLENT PREDATOR'S RESIDENCE.

24 * * *

25 § 9798.1. INFORMATION MADE AVAILABLE ON THE INTERNET AND
26 ELECTRONIC NOTIFICATION.

27 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DECLARED TO BE THE
28 FINDING OF THE GENERAL ASSEMBLY THAT PUBLIC SAFETY WILL BE
29 ENHANCED BY MAKING INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS,
30 LIFETIME REGISTRANTS AND OTHER SEX OFFENDERS AVAILABLE TO THE

1 PUBLIC THROUGH THE INTERNET AND ELECTRONIC NOTIFICATION.
2 KNOWLEDGE OF WHETHER A PERSON IS A SEXUALLY VIOLENT PREDATOR,
3 LIFETIME REGISTRANT OR OTHER SEX OFFENDER COULD BE A SIGNIFICANT
4 FACTOR IN PROTECTING ONESELF AND ONE'S FAMILY MEMBERS, OR THOSE
5 IN CARE OF A GROUP OR COMMUNITY ORGANIZATION, FROM RECIDIVIST
6 ACTS BY SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND
7 OTHER SEX OFFENDERS. THE TECHNOLOGY AFFORDED BY THE INTERNET AND
8 ELECTRONIC NOTIFICATION WOULD MAKE THIS INFORMATION READILY
9 ACCESSIBLE TO PARENTS AND PRIVATE ENTITIES, ENABLING THEM TO
10 UNDERTAKE APPROPRIATE REMEDIAL PRECAUTIONS TO PREVENT OR AVOID
11 PLACING POTENTIAL VICTIMS AT RISK. PUBLIC ACCESS TO INFORMATION
12 ABOUT SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER
13 SEX OFFENDERS IS INTENDED SOLELY AS A MEANS OF PUBLIC PROTECTION
14 AND SHALL NOT BE CONSTRUED AS PUNITIVE.

15 (B) INTERNET POSTING OF SEXUALLY VIOLENT PREDATORS, LIFETIME
16 REGISTRANTS [AND], OTHER OFFENDERS AND ELECTRONIC
17 NOTIFICATION.--THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE
18 SHALL, IN THE MANNER AND FORM DIRECTED BY THE GOVERNOR:

19 (1) DEVELOP AND MAINTAIN A SYSTEM FOR MAKING THE
20 INFORMATION DESCRIBED IN SUBSECTION (C) PUBLICLY AVAILABLE BY
21 ELECTRONIC MEANS SO THAT THE PUBLIC MAY, WITHOUT LIMITATION,
22 OBTAIN ACCESS TO THE INFORMATION VIA AN INTERNET WEBSITE TO
23 VIEW AN INDIVIDUAL RECORD OR THE RECORDS OF ALL SEXUALLY
24 VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER OFFENDERS
25 WHO ARE REGISTERED WITH THE PENNSYLVANIA STATE POLICE.

26 (2) ENSURE THAT THE INTERNET WEBSITE CONTAINS WARNINGS
27 THAT ANY PERSON WHO USES THE INFORMATION CONTAINED THEREIN TO
28 THREATEN, INTIMIDATE OR HARASS ANOTHER OR WHO OTHERWISE
29 MISUSES THAT INFORMATION MAY BE CRIMINALLY PROSECUTED.

30 (3) ENSURE THAT THE INTERNET WEBSITE CONTAINS AN

1 EXPLANATION OF ITS LIMITATIONS, INCLUDING STATEMENTS ADVISING
2 THAT A POSITIVE IDENTIFICATION OF A SEXUALLY VIOLENT
3 PREDATOR, LIFETIME REGISTRANT OR OTHER OFFENDER WHOSE RECORD
4 HAS BEEN MADE AVAILABLE MAY BE CONFIRMED ONLY BY
5 FINGERPRINTS; THAT SOME INFORMATION CONTAINED ON THE INTERNET
6 WEBSITE MAY BE OUTDATED OR INACCURATE; AND THAT THE INTERNET
7 WEBSITE IS NOT A COMPREHENSIVE LISTING OF EVERY PERSON WHO
8 HAS EVER COMMITTED A SEX OFFENSE IN PENNSYLVANIA.

9 (4) STRIVE TO ENSURE THAT:

10 (I) THE INFORMATION CONTAINED ON THE INTERNET
11 WEBSITE IS ACCURATE;

12 (II) THE DATA THEREIN IS REVISED AND UPDATED AS
13 APPROPRIATE IN A TIMELY AND EFFICIENT MANNER; AND

14 (III) INSTRUCTIONS ARE INCLUDED ON HOW TO SEEK
15 CORRECTION OF INFORMATION WHICH A PERSON CONTENDS IS
16 ERRONEOUS.

17 (5) PROVIDE ON THE INTERNET WEBSITE GENERAL INFORMATION
18 DESIGNED TO INFORM AND EDUCATE THE PUBLIC ABOUT SEX OFFENDERS
19 AND SEXUALLY VIOLENT PREDATORS AND THE OPERATION OF THIS
20 SUBCHAPTER AS WELL AS PERTINENT AND APPROPRIATE INFORMATION
21 CONCERNING CRIME PREVENTION AND PERSONAL SAFETY, WITH
22 APPROPRIATE LINKS TO OTHER RELEVANT INTERNET WEBSITES
23 OPERATED BY THE COMMONWEALTH OF PENNSYLVANIA.

24 (6) IDENTIFY WHEN THE VICTIM IS A MINOR WITH A SPECIAL
25 DESIGNATION. THE IDENTITY OF A VICTIM OF A SEX OFFENSE SHALL
26 NOT BE PUBLISHED OR POSTED ON THE INTERNET WEBSITE.

27 (7) NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO
28 CRIMINAL HISTORY RECORD INFORMATION), DEVELOP, IMPLEMENT AND
29 MAINTAIN A PROCESS WHICH ALLOWS MEMBERS OF THE PUBLIC TO
30 RECEIVE ELECTRONIC NOTIFICATION WHEN AN INDIVIDUAL REQUIRED

1 TO REGISTER UNDER THIS SUBCHAPTER MOVES INTO OR OUT OF A
2 USER-DESIGNATED LOCATION.

3 (C) INFORMATION PERMITTED TO BE DISCLOSED REGARDING
4 INDIVIDUALS.--NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO
5 CRIMINAL HISTORY RECORD INFORMATION), THE INTERNET WEBSITE SHALL
6 CONTAIN THE FOLLOWING INFORMATION ON EACH INDIVIDUAL:

7 (1) FOR SEXUALLY VIOLENT PREDATORS, THE FOLLOWING
8 INFORMATION SHALL BE POSTED ON THE INTERNET WEBSITE:

9 (I) NAME AND ALL KNOWN ALIASES;

10 (II) YEAR OF BIRTH;

11 (III) IN THE CASE OF AN INDIVIDUAL WHO HAS A
12 RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION
13 OF "RESIDENCE" SET FORTH IN SECTION 9792 (RELATING TO
14 DEFINITIONS), THE STREET ADDRESS, MUNICIPALITY, COUNTY
15 AND ZIP CODE OF ALL RESIDENCES, INCLUDING, WHERE
16 APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF
17 CONFINEMENT;

18 (IV) THE STREET ADDRESS, MUNICIPALITY, COUNTY, ZIP
19 CODE AND NAME OF ANY INSTITUTION OR LOCATION AT WHICH THE
20 PERSON IS ENROLLED AS A STUDENT;

21 (V) THE MUNICIPALITY, COUNTY AND ZIP CODE OF ANY
22 EMPLOYMENT LOCATION;

23 (VI) A PHOTOGRAPH OF THE OFFENDER, WHICH SHALL BE
24 UPDATED NOT LESS THAN ANNUALLY;

25 (VII) A PHYSICAL DESCRIPTION OF THE OFFENDER,
26 INCLUDING SEX, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR AND
27 RACE;

28 (VIII) ANY IDENTIFYING MARKS, INCLUDING SCARS,
29 BIRTHMARKS AND TATTOOS;

30 (IX) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY

1 VEHICLE OWNED OR REGISTERED TO THE OFFENDER;

2 (X) WHETHER THE OFFENDER IS CURRENTLY COMPLIANT WITH
3 REGISTRATION REQUIREMENTS;

4 (XI) WHETHER THE VICTIM IS A MINOR;

5 (XII) A DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH
6 TRIGGERED THE APPLICATION OF THIS SUBCHAPTER; [AND]

7 (XIII) THE DATE OF THE OFFENSE AND CONVICTION, IF
8 AVAILABLE; AND

9 (XIV) IN THE CASE OF AN INDIVIDUAL WHO HAS A
10 RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE DEFINITION
11 OF "RESIDENCE" SET FORTH IN SECTION 9792, THE INFORMATION
12 LISTED IN SECTION 9795.2 (A) (2) (I) (C) (RELATING TO
13 REGISTRATION PROCEDURES AND APPLICABILITY), INCLUDING,
14 WHERE APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE
15 OF CONFINEMENT.

16 (2) FOR ALL OTHER LIFETIME REGISTRANTS AND OFFENDERS
17 SUBJECT TO REGISTRATION, THE INFORMATION SET FORTH IN
18 PARAGRAPH (1) SHALL BE POSTED ON THE INTERNET WEBSITE.

19 (D) DURATION OF INTERNET POSTING.--

20 (1) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT A
21 SEXUALLY VIOLENT PREDATOR SHALL BE MADE AVAILABLE ON THE
22 INTERNET FOR THE LIFETIME OF THE SEXUALLY VIOLENT PREDATOR.

23 (2) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT AN
24 OFFENDER WHO IS SUBJECT TO LIFETIME REGISTRATION SHALL BE
25 MADE AVAILABLE ON THE INTERNET FOR THE LIFETIME OF THE
26 OFFENDER UNLESS THE OFFENDER IS GRANTED RELIEF UNDER SECTION
27 9795.5 (RELATING TO EXEMPTION FROM CERTAIN NOTIFICATIONS).

28 (3) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT ANY
29 OTHER OFFENDER SUBJECT TO REGISTRATION SHALL BE MADE
30 AVAILABLE ON THE INTERNET FOR THE ENTIRE PERIOD DURING WHICH

1 THE OFFENDER IS REQUIRED TO REGISTER, INCLUDING ANY EXTENSION
2 OF THIS PERIOD PURSUANT TO 9795.2 (A) (3) (RELATING TO
3 REGISTRATION PROCEDURES AND APPLICABILITY).

4 § 9799.1. DUTIES OF PENNSYLVANIA STATE POLICE.

5 THE PENNSYLVANIA STATE POLICE SHALL:

6 * * *

7 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,
8 THE OFFICE OF ATTORNEY GENERAL, THE PENNSYLVANIA BOARD OF
9 PROBATION AND PAROLE AND THE CHAIRMAN AND THE MINORITY
10 CHAIRMAN OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
11 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE
12 OF THE HOUSE OF REPRESENTATIVES, PROMULGATE GUIDELINES
13 NECESSARY FOR THE GENERAL ADMINISTRATION OF THIS SUBCHAPTER.
14 THESE GUIDELINES SHALL ESTABLISH PROCEDURES TO ALLOW AN
15 INDIVIDUAL SUBJECT TO THE REQUIREMENTS OF SECTIONS 9795.1
16 (RELATING TO REGISTRATION) AND 9796 (RELATING TO VERIFICATION
17 OF RESIDENCE) TO FULFILL THESE REQUIREMENTS AT APPROVED
18 REGISTRATION SITES THROUGHOUT THIS COMMONWEALTH. THIS
19 PARAGRAPH INCLUDES THE DUTY TO ESTABLISH PROCEDURES TO ALLOW
20 AN INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2)
21 OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792
22 (RELATING TO DEFINITIONS) TO FULFILL THE REQUIREMENTS
23 REGARDING REGISTRATION AT APPROVED REGISTRATION SITES
24 THROUGHOUT THIS COMMONWEALTH. THE PENNSYLVANIA STATE POLICE
25 SHALL PUBLISH A LIST OF APPROVED REGISTRATION SITES IN THE
26 PENNSYLVANIA BULLETIN AND PROVIDE A LIST OF APPROVED
27 REGISTRATION SITES IN ANY NOTICES SENT TO INDIVIDUALS
28 REQUIRED TO REGISTER UNDER SECTION 9795.1. AN APPROVED
29 REGISTRATION SITE SHALL BE CAPABLE OF SUBMITTING
30 FINGERPRINTS, PHOTOGRAPHS AND ANY OTHER INFORMATION REQUIRED

1 ELECTRONICALLY TO THE PENNSYLVANIA STATE POLICE. THE
2 PENNSYLVANIA STATE POLICE SHALL REQUIRE THAT APPROVED
3 REGISTRATION SITES SUBMIT FINGERPRINTS UTILIZING THE
4 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR IN
5 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
6 POLICE SHALL REQUIRE. THE PENNSYLVANIA STATE POLICE SHALL
7 REQUIRE THAT APPROVED REGISTRATION SITES SUBMIT PHOTOGRAPHS
8 UTILIZING THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN
9 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
10 POLICE SHALL REQUIRE. APPROVED REGISTRATION SITES SHALL NOT
11 BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE
12 AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT
13 AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION
14 SITES SET FORTH IN THIS PARAGRAPH.

15 * * *

16 (4) NOTIFY, WITHIN FIVE DAYS OF RECEIVING THE OFFENDER'S
17 OR THE SEXUALLY VIOLENT PREDATOR'S REGISTRATION, THE CHIEF
18 LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS HAVING
19 PRIMARY JURISDICTION OF THE MUNICIPALITIES IN WHICH AN
20 OFFENDER OR SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A
21 RESIDENCE, IS EMPLOYED OR ENROLLED AS A STUDENT OF THE FACT
22 THAT THE OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS BEEN
23 REGISTERED WITH THE PENNSYLVANIA STATE POLICE PURSUANT TO
24 SECTIONS 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
25 APPLICABILITY) AND 9796 (RELATING TO VERIFICATION OF
26 RESIDENCE).

27 * * *

28 SECTION 7. THIS ACT SHALL APPLY AS FOLLOWS:

29 (1) THE FOLLOWING PROVISIONS SHALL APPLY TO INDIVIDUALS
30 INCARCERATED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION:

- 1 (I) THE AMENDMENT OF 42 PA.C.S. § 9791.
- 2 (II) THE AMENDMENT OF THE DEFINITION OF "RESIDENCE"
3 IN 42 PA.C.S. § 9792.
- 4 (III) THE AMENDMENT OF 42 PA.C.S. § 9795.1(A) AND
5 (B).
- 6 (IV) THE AMENDMENT OF 42 PA.C.S. § 9795.2(A)(2)(I),
7 (B)(4) INTRODUCTORY PARAGRAPH AND (I) AND (5)
8 INTRODUCTORY PARAGRAPH AND (C)(1) AND (3).
- 9 (V) THE AMENDMENT OF 42 PA.C.S. § 9795.3(2), (2.1)
10 AND (3).
- 11 (VI) THE AMENDMENT OR ADDITION OF 42 PA.C.S. §
12 9796(B.2), (B.3), (D) AND (F).
- 13 (VII) THE AMENDMENT OF 42 PA.C.S. § 9797.
- 14 (VIII) THE AMENDMENT OF 42 PA.C.S. § 9798(A)(1)(II)
15 AND (B).
- 16 (IX) THE AMENDMENT OF 42 PA.C.S. § 9798.1.
- 17 (X) THE AMENDMENT OF 42 PA.C.S. § 9799.1(2) AND (4).
- 18 (2) THIS ACT SHALL NOT AFFECT THE REQUIREMENTS FOR
19 INDIVIDUALS REGISTERED PURSUANT TO 42 PA.C.S. CH. 97 SUBCH. H
20 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.
- 21 SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:
- 22 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
23 IMMEDIATELY:
- 24 (I) THIS SECTION.
- 25 (II) THE AMENDMENT OF 42 PA.C.S. § 9791.
- 26 (III) THE AMENDMENT OF 42 PA.C.S. § 9795.1(A) AND
27 (B).
- 28 (IV) THE AMENDMENT OF 42 PA.C.S. § 9798.1(A) AND
29 (B)(7).
- 30 (V) THE AMENDMENT OF 42 PA.C.S. § 9799.1(2).

1 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
2 DAYS.