

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

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JANUARY 17, 2012

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~~ FURTHER PROVIDING ←
11 FOR DISPOSITION OF DELINQUENT CHILD.

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

14 Section 1. Section 6352 of Title 42 of the Pennsylvania
15 Consolidated Statutes is amended by adding a subsection to read:
16 § 6352. Disposition of delinquent child.

17 * * *

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

1 conditions of that disposition. If the child is to be committed
2 to out-of-home placement, the court shall also state the name of
3 the specific facility, or type of facility, to which the child
4 will be committed and ITS FINDINGS AND CONCLUSIONS OF LAW THAT ←
5 FORMED THE BASIS OF ITS DECISION CONSISTENT WITH SUBSECTION (A)
6 AND SECTION 6301, INCLUDING the reasons why commitment to that
7 facility, or type of facility, was determined to be the least
8 restrictive placement that is consistent with the protection of
9 the public interest and best suited to the child's treatment,
10 supervision, rehabilitation and welfare.

11 ~~Section 2. Section 9791 of Title 42 is amended to read:~~ ←
12 ~~§ 9791. Legislative findings and declaration of policy.~~

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

15 ~~(1) If the public is provided adequate notice and~~
16 ~~information about sexually violent predators and certain~~
17 ~~other offenders, including those sexually violent predators~~
18 ~~and offenders who do not have a fixed place of habitation or~~
19 ~~abode, the community can develop constructive plans to~~
20 ~~prepare themselves and their children for the offender's~~
21 ~~release. This allows communities to meet with law enforcement~~
22 ~~to prepare and obtain information about the rights and~~
23 ~~responsibilities of the community and to provide education~~
24 ~~and counseling to their children.~~

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

30 ~~(3) The penal and mental health components of our~~

1 ~~justice system are largely hidden from public view and lack-~~
2 ~~of information from either may result in failure of both-~~
3 ~~systems to meet this paramount concern of public safety.~~

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

10 ~~(5) Persons found to have committed such an offense have-~~
11 ~~a reduced expectation of privacy because of the public's~~
12 ~~interest in public safety and in the effective operation of-~~
13 ~~government.~~

14 ~~(6) Release of information about sexually violent~~
15 ~~predators to public agencies and the general public will~~
16 ~~further the governmental interests of public safety and~~
17 ~~public scrutiny of the criminal and mental health systems so~~
18 ~~long as the information released is rationally related to the~~
19 ~~furtherance of those goals.~~

20 ~~{(b) Declaration of policy. It is hereby declared to be the-~~
21 ~~intention of the General Assembly to protect the safety and~~
22 ~~general welfare of the people of this Commonwealth by providing~~
23 ~~for registration and community notification regarding sexually~~
24 ~~violent predators who are about to be released from custody and~~
25 ~~will live in or near their neighborhood. It is further declared~~
26 ~~to be the policy of this Commonwealth to require the exchange of-~~
27 ~~relevant information about sexually violent predators among~~
28 ~~public agencies and officials and to authorize the release of-~~
29 ~~necessary and relevant information about sexually violent~~
30 ~~predators to members of the general public as a means of-~~

1 ~~assuring public protection and shall not be construed as~~
2 ~~punitive.]~~

3 ~~(b) Declaration of policy. It is hereby declared to be the~~
4 ~~intention of the General Assembly to:~~

5 ~~(1) Protect the safety and general welfare of the people~~
6 ~~of this Commonwealth by providing for registration and~~
7 ~~community notification regarding sexually violent predators~~
8 ~~who are about to be released from custody and will live in or~~
9 ~~near their neighborhood.~~

10 ~~(2) Require the exchange of relevant information about~~
11 ~~sexually violent predators among public agencies and~~
12 ~~officials and to authorize the release of necessary and~~
13 ~~relevant information about sexually violent predators to~~
14 ~~members of the general public as a means of assuring public~~
15 ~~protection and shall not be construed as punitive.~~

16 ~~(3) Address the Superior Court's opinion in the case of~~
17 ~~*Commonwealth v. Wilgus*, 975 A.2d 1183 (2009) by requiring~~
18 ~~offenders and sexually violent predators without a fixed~~
19 ~~place of habitation or abode to register under this~~
20 ~~subchapter.~~

21 ~~Section 3. The definitions of "passive notification" and~~
22 ~~"residence" in section 9792 of Title 42 are amended to read:~~
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 ~~* * *~~

28 ~~"Passive notification." Notification pursuant to section~~
29 ~~9798.1 (relating to information made available on the Internet~~
30 ~~and electronic notification) or any process whereby persons,~~

1 ~~pursuant to the laws of the United States or one of its~~
2 ~~territories or possessions, another state, the District of~~
3 ~~Columbia, the Commonwealth of Puerto Rico or a foreign nation,~~
4 ~~are able to access information pertaining to an individual as a~~
5 ~~result of the individual having been convicted or sentenced by a~~
6 ~~court for an offense similar to an offense listed in section~~
7 ~~9795.1 (relating to registration).~~

8 * * *

9 ~~"Residence." [A location where an individual resides or is~~
10 ~~domiciled or intends to be domiciled for 30 consecutive days or~~
11 ~~more during a calendar year.] With respect to an individual~~
12 ~~required to register under this subchapter, any of the~~
13 ~~following:~~

14 ~~(1) A location where an individual resides or is~~
15 ~~domiciled or intends to be domiciled for 30 consecutive days~~
16 ~~or more during a calendar year.~~

17 ~~(2) In the case of an individual who fails to establish~~
18 ~~a residence as set forth in paragraph (1), a temporary~~
19 ~~habitat or other temporary place of abode or dwelling,~~
20 ~~including a homeless shelter or park, where the individual is~~
21 ~~lodged.~~

22 * * *

23 ~~Section 4. Sections 9795.1(a) and (b), 9795.2(a)(2)(i), (b)~~
24 ~~(4) introductory paragraph and (i) and (5) introductory~~
25 ~~paragraph and (c)(1) and (3), 9795.3(2), (2.1) and (3) and~~
26 ~~9795.5(a)(1) of Title 42 are amended to read:~~

27 ~~§ 9795.1. Registration.~~

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

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

3 ~~18 Pa.C.S. § 2901 (relating to kidnapping) where the~~
4 ~~victim is a minor.~~

5 ~~18 Pa.C.S. § 2910 (relating to luring a child into a~~
6 ~~motor vehicle or structure).~~

7 ~~18 Pa.C.S. § 3124.2 (relating to institutional sexual~~
8 ~~assault).~~

9 ~~18 Pa.C.S. § 3126 (relating to indecent assault)~~
10 ~~where the offense is graded as a misdemeanor of the first~~
11 ~~degree or higher.~~

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

15 ~~18 Pa.C.S. § 5902(b) (relating to prostitution and~~
16 ~~related offenses) where the actor promotes the~~
17 ~~prostitution of a minor.~~

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

21 ~~18 Pa.C.S. § 6312 (relating to sexual abuse of~~
22 ~~children).~~

23 ~~18 Pa.C.S. § 6318 (relating to unlawful contact with~~
24 ~~minor).~~

25 ~~18 Pa.C.S. § 6320 (relating to sexual exploitation of~~
26 ~~children).~~

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

30 ~~(3) Individuals [currently residing] who currently have~~

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

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

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

11 ~~[(2) Individuals convicted of any of the following~~
12 ~~offenses:~~

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

14 ~~18 Pa.C.S. § 3123 (relating to involuntary deviate~~
15 ~~sexual intercourse).~~

16 ~~18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

17 ~~18 Pa.C.S. § 3125 (relating to aggravated indecent~~
18 ~~assault).~~

19 ~~18 Pa.C.S. § 4302 (relating to incest) when the~~
20 ~~victim is under 12 years of age.~~

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

22 ~~(4) Individuals currently residing in this Commonwealth~~
23 ~~who have been convicted of offenses similar to the crimes~~
24 ~~cited in paragraph (2) under the laws of the United States or~~
25 ~~one of its territories or possessions, another state, the~~
26 ~~District of Columbia, the Commonwealth of Puerto Rico or a~~
27 ~~foreign nation or under a former law of this Commonwealth.]~~

28 ~~(2) Individuals convicted:~~

29 ~~(i) in this Commonwealth of the following offenses:~~

30 ~~18 Pa.C.S. § 3121 (relating to rape).~~

1 ~~18 Pa.C.S. § 3123 (relating to involuntary deviate~~
2 ~~sexual intercourse).~~

3 ~~18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

4 ~~18 Pa.C.S. § 3125 (relating to aggravated indecent~~
5 ~~assault).~~

6 ~~18 Pa.C.S. § 4302 (relating to incest) when the~~
7 ~~victim is under 12 years of age.~~

8 ~~(ii) of offenses similar to the crimes cited in~~
9 ~~paragraph (2) (i) under the laws of the United States or~~
10 ~~one of its territories or possessions, another state, the~~
11 ~~District of Columbia, the Commonwealth of Puerto Rico or~~
12 ~~a foreign nation or under a former law of this~~
13 ~~Commonwealth who currently reside in this Commonwealth.~~

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

15 * * *

16 ~~§ 9795.2. Registration procedures and applicability.~~

17 ~~(a) Registration.~~

18 * * *

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

21 ~~(i) Any change of residence or establishment of an~~
22 ~~additional residence or residences. In the case of an~~
23 ~~individual who has a residence as defined in paragraph~~
24 ~~(2) of the definition of "residence" set forth in section~~
25 ~~9792 (relating to definitions), the individual shall~~
26 ~~inform the Pennsylvania State Police of the following:~~

27 ~~(A) the location of a temporary habitat or other~~
28 ~~temporary place of abode or dwelling, including a~~
29 ~~homeless shelter or park, where the individual is~~
30 ~~lodged;~~

1 ~~(B) a list of places the individual eats,~~
2 ~~frequents and engages in leisure activities and any~~
3 ~~planned destinations, including those outside this~~
4 ~~Commonwealth; and~~

5 ~~(C) the place the individual receives mail,~~
6 ~~including a post office box.~~

7 ~~The duty to provide the information set forth in this~~
8 ~~subparagraph shall apply until the individual establishes~~
9 ~~a residence as defined in paragraph (1) of the definition~~
10 ~~of "residence" set forth in section 9792. If the~~
11 ~~individual who has a residence as defined in paragraph~~
12 ~~(2) of the definition of "residence" set forth in section~~
13 ~~9792 changes or adds to the places listed in this~~
14 ~~subparagraph during a 30 day period, the individual shall~~
15 ~~list these when re registering during the next 30 day~~
16 ~~period.~~

17 ~~* * *~~

18 ~~(b) Individuals convicted or sentenced by a court or~~
19 ~~adjudicated delinquent in jurisdictions outside this~~
20 ~~Commonwealth or sentenced by court martial.~~

21 ~~(4) An individual who [resides] has a residence, is~~
22 ~~employed or is a student in this Commonwealth and who has~~
23 ~~been convicted of or sentenced by a court or court martial~~
24 ~~for a sexually violent offense or a similar offense under the~~
25 ~~laws of the United States or one of its territories or~~
26 ~~possessions, another state, the District of Columbia, the~~
27 ~~Commonwealth of Puerto Rico or a foreign nation, or who was~~
28 ~~required to register under a sexual offender statute in the~~
29 ~~jurisdiction where convicted, sentenced or court martial~~
30 ~~ed, shall register at an approved registration site within 48~~

1 ~~hours of the individual's arrival in this Commonwealth. The~~
2 ~~provisions of this subchapter shall apply to the individual~~
3 ~~as follows:~~

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

26 ~~* * *~~

27 ~~(5) Notwithstanding the provisions of Chapter 63~~
28 ~~(relating to juvenile matters) and except as provided in~~
29 ~~paragraph (4), an individual who [resides] has a residence,~~
30 ~~is employed or is a student in this Commonwealth and who is~~

1 ~~required to register as a sex offender under the laws of the~~
2 ~~United States or one of its territories or possessions,~~
3 ~~another state, the District of Columbia, the Commonwealth of~~
4 ~~Puerto Rico or a foreign nation as a result of a juvenile~~
5 ~~adjudication shall register at an approved registration site~~
6 ~~within 48 hours of the individual's arrival in this~~
7 ~~Commonwealth. The provisions of this subchapter shall apply~~
8 ~~to the individual as follows:~~

9 * * *

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

11 ~~(1) The Pennsylvania State Police shall provide the~~
12 ~~information obtained under this section and sections 9795.3~~
13 ~~(relating to sentencing court information) and 9796 (relating~~
14 ~~to verification of residence) to the chief law enforcement~~
15 ~~officers of the police departments of the municipalities in~~
16 ~~which the individual will [reside,] establish a residence or~~
17 ~~be employed or enrolled as a student. In addition, the~~
18 ~~Pennsylvania State Police shall provide this officer with the~~
19 ~~address at which the individual will [reside,] establish a~~
20 ~~residence or be employed or enrolled as a student following~~
21 ~~his release from incarceration, parole or probation.~~

22 * * *

23 ~~(3) The Pennsylvania State Police shall provide notice~~
24 ~~to the chief law enforcement officers of the police~~
25 ~~departments of the municipalities notified pursuant to~~
26 ~~paragraph (1) when they are in receipt of information~~
27 ~~indicating that the individual will no longer [reside] have a~~
28 ~~residence, be employed or be enrolled as a student in the~~
29 ~~municipality.~~

30 * * *

1 ~~§ 9795.3. Sentencing court information.~~

2 ~~The sentencing court shall inform offenders and sexually~~
3 ~~violent predators at the time of sentencing of the provisions of~~
4 ~~this subchapter. The court shall:~~

5 ~~* * *~~

6 ~~(2) Specifically inform the offender or sexually violent~~
7 ~~predator of the duty to inform the Pennsylvania State Police~~
8 ~~within [ten days] 48 hours if the offender or sexually~~
9 ~~violent predator changes residence or establishes an~~
10 ~~additional residence or residences, changes employer or~~
11 ~~employment location for a period of time that will exceed 14~~
12 ~~days or for an aggregate period of time that will exceed 30~~
13 ~~days during any calendar year or terminates employment or~~
14 ~~changes institution or location at which the person is~~
15 ~~enrolled as a student or terminates enrollment. In order to~~
16 ~~fulfill the requirements of this paragraph, the sentencing~~
17 ~~court shall specifically inform the offender or sexually~~
18 ~~violent predator of the duty to inform the Pennsylvania State~~
19 ~~Police of:~~

20 ~~(i) the location of a temporary habitat or other~~
21 ~~temporary place of abode or dwelling, including a~~
22 ~~homeless shelter or park, where the individual is lodged;~~

23 ~~(ii) the places the individual eats, frequents and~~
24 ~~engages in leisure activities and any planned~~
25 ~~destinations, including those outside this Commonwealth;~~
26 ~~and~~

27 ~~(iii) the place the individual receives mail,~~
28 ~~including a post office box,~~
29 ~~if the individual fails to establish a residence as defined~~
30 ~~in paragraph (1) of the definition of "residence" set forth~~

1 ~~in section 9792.~~

2 ~~(2.1) Specifically inform the offender or sexually~~
3 ~~violent predator of the duty to inform the Pennsylvania State~~
4 ~~Police within [ten days] 48 hours of becoming employed or~~
5 ~~enrolled as a student if the person has not previously~~
6 ~~provided that information to the Pennsylvania State Police.~~

7 ~~(3) Specifically inform the offender or sexually violent~~
8 ~~predator of the duty to register with a new law enforcement~~
9 ~~agency if the offender or sexually violent predator moves to~~
10 ~~another state no later than [ten days] 48 hours after~~
11 ~~establishing residence in another state.~~

12 * * *

13 ~~§ 9795.5. Exemption from certain notifications.~~

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

16 ~~(1) An individual required to register under section~~
17 ~~9795.1 (relating to registration) who is not a sexually~~
18 ~~violent predator may petition the sentencing court to be~~
19 ~~exempt from the application of section 9798.1 (relating to~~
20 ~~information made available on the Internet and electronic~~
21 ~~notification) provided no less than 20 years have passed~~
22 ~~since the individual has been convicted in this or any other~~
23 ~~jurisdiction of any offense punishable by imprisonment for~~
24 ~~more than one year, or the individual's release from custody~~
25 ~~following the individual's most recent conviction for any~~
26 ~~such offense, whichever is later.~~

27 * * *

28 ~~Section 5. Section 9796(d) and (f) of Title 42 are amended~~
29 ~~and the section is amended by adding subsections to read:~~

30 ~~§ 9796. Verification of residence.~~

1 * * *

2 ~~(b.2) Monthly verification by individuals with temporary~~
3 ~~habitats located within this Commonwealth. The Pennsylvania~~
4 ~~State Police shall verify the residence of individuals required~~
5 ~~to register under this subchapter who have a residence as~~
6 ~~defined in paragraph (2) of the definition of "residence" set~~
7 ~~forth in section 9792 (relating to definitions) every 30 days~~
8 ~~through the use of a nonforwardable verification form to the~~
9 ~~last reported location where the individual receives mail. The~~
10 ~~individual shall appear every 30 days at an approved~~
11 ~~registration site to complete a verification form and to be~~
12 ~~photographed. The individual shall appear within 48 hours of the~~
13 ~~date designated by the Pennsylvania State Police.~~

14 ~~(b.3) Facilitation of monthly verification. The~~
15 ~~Pennsylvania State Police shall facilitate and administer the~~
16 ~~verification process required by subsection (b.2) by:~~

17 ~~(1) sending a notice by first class United States mail~~
18 ~~to an individual required to register under this subchapter~~
19 ~~who has a residence as defined in paragraph (2) of the~~
20 ~~definition of "residence" set forth in section 9792 at the~~
21 ~~last reported location where the individual receives mail.~~
22 ~~This notice shall be sent not more than ten days nor less~~
23 ~~than five days prior to each of the monthly verification~~
24 ~~periods and shall remind the individual of the monthly~~
25 ~~verification requirement and provide a list of approved~~
26 ~~registration sites; and~~

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

29 * * *

30 ~~(d) Failure to provide verification. Where an offender or~~

1 ~~sexually violent predator fails to provide verification of~~
2 ~~residence defined in paragraph (1) of the definition of~~
3 ~~"residence" set forth in section 9792 within the ten day period~~
4 ~~or the 48 hour period in the case of an offender or sexually~~
5 ~~violent predator who has a residence as defined in paragraph (2)~~
6 ~~of the definition of "residence" set forth in section 9792, as~~
7 ~~set forth in this section, the Pennsylvania State Police shall~~
8 ~~immediately notify the municipal police department of the~~
9 ~~offender's or the sexually violent predator's last verified~~
10 ~~residence. The local municipal police shall locate the offender~~
11 ~~or sexually violent predator and arrest him for violating this~~
12 ~~section. The Pennsylvania State Police shall assume~~
13 ~~responsibility for locating the offender or sexually violent~~
14 ~~predator and arresting him in jurisdictions where no municipal~~
15 ~~police jurisdiction exists. The Pennsylvania State Police shall~~
16 ~~assist any municipal police department requesting assistance~~
17 ~~with locating and arresting an offender or sexually violent~~
18 ~~predator who fails to verify his residence.~~

19 * * *

20 ~~(f) Effect of notice. Neither failure on the part of the~~
21 ~~Pennsylvania State Police to send nor failure of a sexually~~
22 ~~violent predator or offender to receive any notice or~~
23 ~~information under subsection (a.1) [or (b.1)], (b.1) or (b.3)~~
24 ~~shall relieve that predator or offender from the requirements of~~
25 ~~this subchapter.~~

26 ~~Section 6. Sections 9797, 9798(a)(1)(ii) and (b), 9798.1 and~~
27 ~~9799.1(2) and (4) of Title 42 are amended to read:~~

28 ~~§ 9797. Victim notification.~~

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

30 ~~(1) Where the individual is determined to be a sexually~~

1 ~~violent predator by a court under section 9795.4 (relating to~~
2 ~~assessments), the local municipal police department or the~~
3 ~~Pennsylvania State Police where no municipal police~~
4 ~~jurisdiction exists shall give written notice to the sexually~~
5 ~~violent predator's victim when the sexually violent predator~~
6 ~~registers initially and when he notifies the Pennsylvania~~
7 ~~State Police of any change of residence. [This] In the case~~
8 ~~of a sexually violent predator who has a residence as defined~~
9 ~~in paragraph (1) of the definition of "residence" set forth~~
10 ~~in section 9792 (relating to definitions), notice shall be~~
11 ~~given within 72 hours after the sexually violent predator~~
12 ~~registers or notifies the Pennsylvania State Police of a~~
13 ~~change of address. The notice shall contain the sexually~~
14 ~~violent predator's name and the address or addresses where~~
15 ~~[he resides.] the individual has a residence. In the case of~~
16 ~~a sexually violent predator who has a residence as defined in~~
17 ~~paragraph (2) of the definition of "residence" set forth in~~
18 ~~section 9792, the notice shall contain the sexually violent~~
19 ~~predator's name and the information set forth in section~~
20 ~~9795.2(a)(2)(i)(A) and (B) (relating to registration~~
21 ~~procedures and applicability). The notice shall be given to~~
22 ~~the victim within 72 hours after the sexually violent~~
23 ~~predator registers or notifies the Pennsylvania State Police~~
24 ~~of a change of residence.~~

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

1 ~~(b) Where an individual is not determined to be a sexually~~
2 ~~violent predator. Where an individual is not determined to be a~~
3 ~~sexually violent predator by a court under section 9795.4, the~~
4 ~~victim shall be notified in accordance with section 201 of the~~
5 ~~act of November 24, 1998 (P.L.882, No.111), known as the Crime~~
6 ~~Victims Act. This subsection includes the circumstance of an~~
7 ~~offender having a residence as defined in paragraph (2) of the~~
8 ~~definition of "residence" set forth in section 9792.~~

9 ~~§ 9798. Other notification.~~

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

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

18 ~~* * *~~

19 ~~(ii) The address or addresses at which [he resides]~~
20 ~~the sexually violent predator has a residence. If,~~
21 ~~however, the sexually violent predator has a residence as~~
22 ~~defined in paragraph (2) of the definition of "residence"~~
23 ~~set forth in section 9792 (relating to definitions), the~~
24 ~~notice shall be limited to that set forth in section~~
25 ~~9795.2(a)(2)(i)(C) (relating to registration procedures~~
26 ~~and applicability).~~

27 ~~* * *~~

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

1 ~~(1) Neighbors of the sexually violent predator. As used~~
2 ~~in this paragraph, where the sexually violent predator lives~~
3 ~~in a common interest community, the term "neighbor" includes~~
4 ~~the unit owners' association and residents of the common~~
5 ~~interest community.~~

6 ~~(2) The director of the county children and youth~~
7 ~~service agency of the county where the sexually violent~~
8 ~~predator [resides] has a residence.~~

9 ~~(3) The superintendent of each school district and the~~
10 ~~equivalent official for private and parochial schools~~
11 ~~enrolling students up through grade 12 in the municipality~~
12 ~~where the sexually violent predator [resides] has a~~
13 ~~residence.~~

14 ~~(3.1) The superintendent of each school district and the~~
15 ~~equivalent official for each private and parochial school~~
16 ~~located within a one mile radius of where the sexually~~
17 ~~violent predator [resides] has a residence.~~

18 ~~(4) The licensee of each certified day care center and~~
19 ~~licensed preschool program and owner/operator of each~~
20 ~~registered family day care home in the municipality where the~~
21 ~~sexually violent predator [resides] has a residence.~~

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

25 ~~* * *~~

26 ~~§ 9798.1. Information made available on the Internet and~~
27 ~~electronic notification.~~

28 ~~(a) Legislative findings. It is hereby declared to be the~~
29 ~~finding of the General Assembly that public safety will be~~
30 ~~enhanced by making information about sexually violent predators,~~

1 ~~lifetime registrants and other sex offenders available to the~~
2 ~~public through the Internet and electronic notification.~~
3 ~~Knowledge of whether a person is a sexually violent predator,~~
4 ~~lifetime registrant or other sex offender could be a significant~~
5 ~~factor in protecting oneself and one's family members, or those~~
6 ~~in care of a group or community organization, from recidivist~~
7 ~~acts by sexually violent predators, lifetime registrants and~~
8 ~~other sex offenders. The technology afforded by the Internet and~~
9 ~~electronic notification would make this information readily~~
10 ~~accessible to parents and private entities, enabling them to~~
11 ~~undertake appropriate remedial precautions to prevent or avoid~~
12 ~~placing potential victims at risk. Public access to information~~
13 ~~about sexually violent predators, lifetime registrants and other~~
14 ~~sex offenders is intended solely as a means of public protection~~
15 ~~and shall not be construed as punitive.~~

16 ~~(b) Internet posting of sexually violent predators, lifetime~~
17 ~~registrants [and], other offenders and electronic~~
18 ~~notification. The Commissioner of the Pennsylvania State Police~~
19 ~~shall, in the manner and form directed by the Governor:~~

20 ~~(1) Develop and maintain a system for making the~~
21 ~~information described in subsection (c) publicly available by~~
22 ~~electronic means so that the public may, without limitation,~~
23 ~~obtain access to the information via an Internet website to~~
24 ~~view an individual record or the records of all sexually~~
25 ~~violent predators, lifetime registrants and other offenders~~
26 ~~who are registered with the Pennsylvania State Police.~~

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

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

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

11 ~~(i) the information contained on the Internet~~
12 ~~website is accurate;~~

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

15 ~~(iii) instructions are included on how to seek~~
16 ~~correction of information which a person contends is~~
17 ~~erroneous.~~

18 ~~(5) Provide on the Internet website general information~~
19 ~~designed to inform and educate the public about sex offenders~~
20 ~~and sexually violent predators and the operation of this~~
21 ~~subchapter as well as pertinent and appropriate information~~
22 ~~concerning crime prevention and personal safety, with~~
23 ~~appropriate links to other relevant Internet websites~~
24 ~~operated by the Commonwealth of Pennsylvania.~~

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

28 ~~(7) Notwithstanding 18 Pa.C.S. Ch. 91 (relating to~~
29 ~~criminal history record information), develop, implement and~~
30 ~~maintain a process which allows members of the public to~~

1 ~~receive electronic notification when an individual required~~
2 ~~to register under this subchapter moves into or out of a~~
3 ~~user designated location.~~

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

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

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

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

12 ~~(iii) in the case of an individual who has a~~
13 ~~residence as defined in paragraph (1) of the definition~~
14 ~~of "residence" set forth in section 9792 (relating to~~
15 ~~definitions), the street address, municipality, county~~
16 ~~and zip code of all residences, including, where~~
17 ~~applicable, the name of the prison or other place of~~
18 ~~confinement;~~

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

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

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

26 ~~(vii) a physical description of the offender,~~
27 ~~including sex, height, weight, eye color, hair color and~~
28 ~~race;~~

29 ~~(viii) any identifying marks, including scars,~~
30 ~~birthmarks and tattoos;~~

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

3 ~~(x) whether the offender is currently compliant with~~
4 ~~registration requirements;~~

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

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

8 ~~(xiii) the date of the offense and conviction, if~~
9 ~~available; and~~

10 ~~(xiv) in the case of an individual who has a~~
11 ~~residence as defined in paragraph (2) of the definition~~
12 ~~of "residence" set forth in section 9792, the information~~
13 ~~listed in section 9795.2(a)(2)(i)(C) (relating to~~
14 ~~registration procedures and applicability), including,~~
15 ~~where applicable, the name of the prison or other place~~
16 ~~of confinement.~~

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

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

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

24 ~~(2) The information listed in subsection (c) about an~~
25 ~~offender who is subject to lifetime registration shall be~~
26 ~~made available on the Internet for the lifetime of the~~
27 ~~offender unless the offender is granted relief under section~~
28 ~~9795.5 (relating to exemption from certain notifications).~~

29 ~~(3) The information listed in subsection (c) about any~~
30 ~~other offender subject to registration shall be made~~

1 available on the Internet for the entire period during which
2 the offender is required to register, including any extension
3 of this period pursuant to 9795.2(a)(3) (relating to
4 registration procedures and applicability).

5 ~~§ 9799.1. Duties of Pennsylvania State Police.~~

6 The Pennsylvania State Police shall:

7 * * *

8 (2) ~~In consultation with the Department of Corrections,~~
9 ~~the Office of Attorney General, the Pennsylvania Board of~~
10 ~~Probation and Parole and the chairman and the minority~~
11 ~~chairman of the Judiciary Committee of the Senate and the~~
12 ~~chairman and the minority chairman of the Judiciary Committee~~
13 ~~of the House of Representatives, promulgate guidelines~~
14 ~~necessary for the general administration of this subchapter.~~
15 ~~These guidelines shall establish procedures to allow an~~
16 ~~individual subject to the requirements of sections 9795.1~~
17 ~~(relating to registration) and 9796 (relating to verification~~
18 ~~of residence) to fulfill these requirements at approved~~
19 ~~registration sites throughout this Commonwealth. This~~
20 ~~paragraph includes the duty to establish procedures to allow~~
21 ~~an individual who has a residence as defined in paragraph (2)~~
22 ~~of the definition of "residence" set forth in section 9792~~
23 ~~(relating to definitions) to fulfill the requirements~~
24 ~~regarding registration at approved registration sites~~
25 ~~throughout this Commonwealth. The Pennsylvania State Police~~
26 ~~shall publish a list of approved registration sites in the~~
27 ~~Pennsylvania Bulletin and provide a list of approved~~
28 ~~registration sites in any notices sent to individuals~~
29 ~~required to register under section 9795.1. An approved~~
30 ~~registration site shall be capable of submitting~~

1 ~~fingerprints, photographs and any other information required~~
2 ~~electronically to the Pennsylvania State Police. The~~
3 ~~Pennsylvania State Police shall require that approved~~
4 ~~registration sites submit fingerprints utilizing the~~
5 ~~Integrated Automated Fingerprint Identification System or in~~
6 ~~another manner and in such form as the Pennsylvania State~~
7 ~~Police shall require. The Pennsylvania State Police shall~~
8 ~~require that approved registration sites submit photographs~~
9 ~~utilizing the Commonwealth Photo Imaging Network or in~~
10 ~~another manner and in such form as the Pennsylvania State~~
11 ~~Police shall require. Approved registration sites shall not~~
12 ~~be limited to sites managed by the Pennsylvania State Police~~
13 ~~and shall include sites managed by local law enforcement~~
14 ~~agencies that meet the criteria for approved registration~~
15 ~~sites set forth in this paragraph.~~

16 ~~* * *~~

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

28 ~~* * *~~

29 ~~Section 7. This act shall apply as follows:~~

30 ~~(1) The following provisions shall apply to individuals~~

1 ~~incarcerated on or after the effective date of this section:~~

2 ~~(i) The amendment of 42 Pa.C.S. § 9791.~~

3 ~~(ii) The amendment of the definition of "residence"~~
4 ~~in 42 Pa.C.S. § 9792.~~

5 ~~(iii) The amendment of 42 Pa.C.S. § 9795.1(a) and~~
6 ~~(b).~~

7 ~~(iv) The amendment of 42 Pa.C.S. § 9795.2(a)(2)(i),~~
8 ~~(b)(4) introductory paragraph and (i) and (5)~~
9 ~~introductory paragraph and (c)(1) and (3).~~

10 ~~(v) The amendment of 42 Pa.C.S. § 9795.3(2), (2.1)~~
11 ~~and (3).~~

12 ~~(vi) The amendment or addition of 42 Pa.C.S. §~~
13 ~~9796(b.2), (b.3), (d) and (f).~~

14 ~~(vii) The amendment of 42 Pa.C.S. § 9797.~~

15 ~~(viii) The amendment of 42 Pa.C.S. § 9798(a)(1)(ii)~~
16 ~~and (b).~~

17 ~~(ix) The amendment of 42 Pa.C.S. § 9798.1.~~

18 ~~(x) The amendment of 42 Pa.C.S. § 9799.1(2) and (4).~~

19 ~~(2) This act shall not affect the requirements for~~
20 ~~individuals registered pursuant to 42 Pa.C.S. Ch. 97 Subch. H~~
21 ~~prior to the effective date of this section.~~

22 ~~Section 8. This act shall take effect as follows:~~

23 ~~(1) The following provisions shall take effect~~
24 ~~immediately:~~

25 ~~(i) This section.~~

26 ~~(ii) The amendment of 42 Pa.C.S. § 9791.~~

27 ~~(iii) The amendment of 42 Pa.C.S. § 9795.1(a) and~~
28 ~~(b).~~

29 ~~(iv) The amendment of 42 Pa.C.S. § 9798.1(a) and~~
30 ~~(b)(7).~~

1 ~~(v) The amendment of 42 Pa.C.S. § 9799.1(2).~~
2 ~~(2) The remainder of this act shall take effect in 60~~
3 ~~days.~~

4 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

