

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of 2011

INTRODUCED BY ORIE, GREENLEAF AND RAFFERTY, JUNE 28, 2011

REFERRED TO JUDICIARY, JUNE 28, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations), 42 (Judiciary and Judicial Procedure), 44 (Law
3 and Justice) and 61 (Prisons and Parole) of the Pennsylvania
4 Consolidated Statutes, extensively revising provisions
5 relating to registration of sexual offenders pursuant to
6 Federal mandate; and making editorial changes.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 3130(a) introductory paragraph and (1)
10 and (b), 3141 and 4915 of Title 18 of the Pennsylvania
11 Consolidated Statutes are amended to read:

12 § 3130. Conduct relating to sex offenders.

13 (a) Offense defined.--A person commits a felony of the third
14 degree if the person has reason to believe that a sex offender
15 is not complying with or has not complied with the requirements
16 of the sex offender's probation or parole, imposed by statute or
17 court order, or with the registration requirements of 42 Pa.C.S.
18 [§ 9795.2 (relating to registration procedures and
19 applicability)] Ch. 97 Subch. H (relating to registration of
20 sexual offenders), and the person, with the intent to assist the

1 sex offender in eluding a law enforcement agent or agency that
2 is seeking to find the sex offender to question the sex offender
3 about, or to arrest the sex offender for, noncompliance with the
4 requirements of the sex offender's probation or parole or the
5 requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H:

6 (1) withholds information from or does not notify the
7 law enforcement agent or agency about the sex offender's
8 noncompliance with the requirements of parole, the
9 requirements of 42 Pa.C.S. [§ 9795.2] Ch. 97 Subch. H or, if
10 known, the sex offender's whereabouts;

11 * * *

12 (b) Definition.--As used in this section, the term "sex
13 offender" means a person who is required to register with the
14 Pennsylvania State Police pursuant to the provisions of 42
15 Pa.C.S. [§ 9795.1 (relating to registration)] Ch. 97 Subch. H.
16 § 3141. General rule.

17 A person:

18 (1) convicted under section 3121 (relating to rape),
19 3122.1 (relating to statutory sexual assault), 3123 (relating
20 to involuntary deviate sexual intercourse), 3124.1 (relating
21 to sexual assault), 3125 (relating to aggravated indecent
22 assault) or 3126 (relating to indecent assault); or

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

27 may be required to forfeit property rights in any property or
28 assets used to implement or facilitate commission of the crime
29 or crimes of which the person has been convicted. Such property
30 may include, but is not limited to, a computer or computers,

1 telephone equipment, firearms, licit or illicit prescription
2 drugs or controlled substances, a motor vehicle or such other
3 property or assets as determined by the court of common pleas to
4 have facilitated the person's criminal misconduct.

5 § 4915. Failure to comply with registration of sexual offenders
6 requirements.

7 (a) Offense defined.--An individual who is subject to
8 registration under 42 Pa.C.S. [§ 9795.1(a) (relating to
9 registration) or an individual who is subject to registration
10 under 42 Pa.C.S. § 9795.1(b) (1), (2) or (3)] Ch. 97 Subch. H
11 (relating to registration of sexual offenders) commits an
12 offense if he knowingly fails to:

13 (1) register with the Pennsylvania State Police or
14 report a change in registration information as required under
15 42 Pa.C.S. [§ 9795.2 (relating to registration procedures and
16 applicability)] Ch. 97 Subch. H;

17 (2) verify his address or registration information or be
18 photographed as required under 42 Pa.C.S. [§ 9796 (relating
19 to verification of residence)] Ch. 97 Subch. H; or

20 (3) provide accurate information when registering [under
21 42 Pa.C.S. § 9795.2], reporting a change in registration or
22 verifying an address or registration information as required
23 under 42 Pa.C.S. [§ 9796] Ch. 97 Subch. H.

24 (b) Grading for Class 1 and Class 2 sexual offenders [who
25 must register for ten years].--

26 (2) Except as set forth in paragraph (3), [an individual] a
27 Class 1 sexual offender or Class 2 sexual offender subject to
28 registration under 42 Pa.C.S. [§ 9795.1(a)] Ch. 97 Subch. H who
29 commits a violation of subsection (a) (1) or (2) commits a felony
30 of the third degree.

1 (3) [An individual] A Class 1 sexual offender or Class 2
2 sexual offender subject to registration under 42 Pa.C.S. [§
3 9795.1(a)] Ch. 97 Subch. H who commits a violation of
4 subsection (a)(1) or (2) and who has previously been
5 convicted of an offense under subsection (a)(1) or (2) or a
6 similar offense commits a felony of the second degree.

7 (4) [An individual] A Class 1 sexual offender or Class 2
8 sexual offender subject to registration under 42 Pa.C.S. [§
9 9795.1(a)] Ch. 97 Subch. H who violates subsection (a)(3)
10 commits a felony of the second degree.

11 (c) Grading for Class 3 sexual offenders and sexually
12 violent predators [and others with lifetime registration].--

13 (2) Except as set forth in paragraph (3), [an
14 individual] a Class 3 sexual offender or sexually violent
15 predator subject to registration under 42 Pa.C.S. [§
16 9795.1(b)(1), (2) or (3)] Ch. 97 Subch. H who commits a
17 violation of subsection (a)(1) or (2) commits a felony of the
18 second degree.

19 (3) [An individual] A Class 3 sexual offender or
20 sexually violent predator subject to registration under 42
21 Pa.C.S. [§ 9795.1(b)(1), (2) or (3)] Ch. 97 Subch. H who
22 commits a violation of subsection (a)(1) or (2) and who has
23 previously been convicted of an offense under subsection (a)
24 (1) or (2) or a similar offense commits a felony of the first
25 degree.

26 (4) [An individual] A Class 3 sexual offender or
27 sexually violent predator subject to registration under 42
28 Pa.C.S. [§ 9795.1(b)(1), (2) or (3)] Ch. 97 Subch. H who
29 violates subsection (a)(3) commits a felony of the first
30 degree.

1 (d) Effect of notice.--Neither failure on the part of the
2 Pennsylvania State Police to send nor failure of a sexually
3 violent predator or offender to receive any notice or
4 information pursuant to 42 Pa.C.S. [§ 9796(a.1) or (b.1)] Ch. 97
5 Subch. H shall be a defense to a prosecution commenced against
6 an individual arising from a violation of this section. The
7 provisions of 42 Pa.C.S. § [9796(a.1) and (b.1)] 9799.20
8 (relating to verification of registration information) are not
9 an element of an offense under this section.

10 (e) Arrests for violation.--

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

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

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

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

27 (ii) The [individual must provide the Pennsylvania
28 State Police with all current or intended residences, all
29 information concerning current or intended employment,
30 including all employment locations, and all information

1 concerning current or intended enrollment as a student.]
2 following apply:

3 (A) If an individual previously registered with
4 the Pennsylvania State Police, the individual shall
5 update registration information.

6 (B) If an individual did not previously register
7 with the Pennsylvania State Police, the individual
8 shall register under 42 Pa.C.S. Ch. 97 Subch. H.

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

11 (f) [Definition] Definitions.--As used in this section, [the
12 term "a similar offense" means an offense similar to an offense
13 under either subsection (a) (1) or (2) under the laws of this
14 Commonwealth, the United States or one of its territories or
15 possessions, another state, the District of Columbia, the
16 Commonwealth of Puerto Rico or a foreign nation.] the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Class 1 sexual offender." As defined in 42 Pa.C.S. §
20 9799.12 (relating to definitions). The term includes a Class 1
21 out-of-State offender.

22 "Class 2 sexual offender." As defined in 42 Pa.C.S. §
23 9799.12 (relating to definitions). The term includes a Class 2
24 out-of-State offender.

25 "Class 3 sexual offender." As defined in 42 Pa.C.S. §
26 9799.12 (relating to definitions). The term includes a Class 3
27 out-of-State offender.

28 "Out-of-State offender." As defined in 42 Pa.C.S. § 9799.12
29 (relating to definitions).

30 "Sexually violent predator." As defined in 42 Pa.C.S. §

1 9799.12 (relating to definitions).

2 "Similar offense." An offense similar to an offense under
3 either subsection (a)(1) or (2) under the laws of the United
4 States or one of its territories or possessions, another state,
5 the District of Columbia, a federally recognized Indian tribe or
6 a foreign nation.

7 Section 2. Section 6707(2)(ii) of Title 23 is amended to
8 read:

9 § 6707. Agency use of designated address.

10 State and local government agencies shall accept the
11 substitute address designated on a valid program participation
12 card issued to the program participant by the Office of Victim
13 Advocate as the program participant's address except as follows:

14 * * *

15 (2) when the program participant is any of the
16 following:

17 * * *

18 (ii) a convicted sexual offender who has fulfilled
19 the offender's sentence but must register the offender's
20 community residence as required under 42 Pa.C.S. [§§
21 9795.1 (relating to registration) and 9795.2 (relating to
22 registration procedures and applicability)] Ch. 97 Subch.
23 H (relating to registration of sexual offenders) or any
24 similar registration requirement imposed by any other
25 jurisdiction.

26 Section 3. Sections 9718.1(a) introductory paragraph and
27 (b) (2), 9718.2(a) and 9718.3(a) of Title 42 are amended to read:

28 § 9718.1. Sexual offender treatment.

29 (a) General rule.--A person, including an offender
30 designated as a "sexually violent predator" as defined in

1 section [9792] 9799.12 (relating to definitions), shall attend
2 and participate in a Department of Corrections program of
3 counseling or therapy designed for incarcerated sex offenders if
4 the person is incarcerated in a State institution for any of the
5 following provisions under 18 Pa.C.S. (relating to crimes and
6 offenses):

7 * * *

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

11 * * *

12 (2) Notwithstanding paragraph (1)(iii), an offender who
13 is a sexually violent predator is subject to section [9799.4]
14 9799.31 (relating to counseling of sexually violent
15 predators).

16 * * *

17 § 9718.2. Sentences for sex offenders.

18 (a) Mandatory sentence.--

19 (1) Any person who is convicted in any court of this
20 Commonwealth of an offense [set forth in] subject to section
21 [9795.1(a) or (b)] 9799.13 (relating to registration) shall,
22 if at the time of the commission of the current offense the
23 person had previously been convicted of an offense [set forth
24 in] subject to section [9795.1(a) or (b)] 9799.13 or an
25 equivalent crime under the laws of this Commonwealth in
26 effect at the time of the commission of that offense or an
27 equivalent crime in another jurisdiction, be sentenced to a
28 minimum sentence of at least 25 years of total confinement,
29 notwithstanding any other provision of this title or other
30 statute to the contrary. Upon such conviction, the court

1 shall give the person oral and written notice of the
2 penalties under paragraph (2) for a third conviction. Failure
3 to provide such notice shall not render the offender
4 ineligible to be sentenced under paragraph (2).

5 (2) Where the person had at the time of the commission
6 of the current offense previously been convicted in separate
7 criminal actions of two or more offenses [arising from
8 separate criminal transactions set forth in section 9795.1(a)
9 or (b)] subject to section 9799.13 or equivalent crimes under
10 the laws of this Commonwealth in effect at the time of the
11 commission of the offense or equivalent crimes in another
12 jurisdiction, the person shall be sentenced to a term of life
13 imprisonment, notwithstanding any other provision of this
14 title or other statute to the contrary. Proof that the
15 offender received notice of or otherwise knew or should have
16 known of the penalties under this paragraph shall not be
17 required.

18 * * *

19 § 9718.3. Sentence for failure to comply with registration of
20 sexual offenders.

21 (a) Mandatory sentence.--Mandatory sentencing shall be as
22 follows:

23 (1) Sentencing upon conviction for a first offense shall
24 be as follows:

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

26 (A) was subject to:

27 (I) former section 9795.1(a) (relating to
28 registration);

29 (II) registration as a Class 1 sexual
30 offender or Class 2 sexual offender under Subch.

1 H (relating to registration of sexual offenders);

2 or

3 (III) a similar provision from another
4 jurisdiction; and

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

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

10 (A) was subject to:

11 (I) former section 9795.1(a) [(relating to
12 registration)];

13 (II) registration as a Class 1 sexual
14 offender or Class 2 sexual offender under Subch.
15 H; or

16 (III) a similar provision from another
17 jurisdiction; and

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

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

21 (A) was subject to:

22 (I) former section 9795.1(b);

23 (II) registration as a Class 3 sexual
24 offender or sexually violent predator under
25 Subch. H; or

26 (III) a similar provision from another
27 jurisdiction; and

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

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

30 (A) was subject to:

1 (I) former section 9795.1(b);

2 (II) registration as a Class 3 sexual
3 offender or sexually violent predator under
4 Subch. H; or

5 (III) a similar provision from another
6 jurisdiction; and

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

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

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

11 (A) was subject to:

12 (I) former section 9795.1;

13 (II) registration under Subch. H; or

14 (III) a similar provision from another
15 jurisdiction; and

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

17 (ii) Not less than seven years for an individual
18 who:

19 (A) was subject to:

20 (I) section 9795.1;

21 (II) registration under Subch. H; or

22 (III) a similar provision from another
23 jurisdiction; and

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

25 * * *

26 Section 4. Sections 9791, 9792, 9795.1, 9795.2, 9795.3,
27 9795.4, 9795.5, 9796, 9797, 9798, 9798.1, 9798.2, 9798.3, 9799,
28 9799.1, 9799.2, 9799.3, 9799.4, 9799.7, . 9799.8 and 9799.9 of
29 Title 42 are repealed:

30 [§ 9791. Legislative findings and declaration of policy.

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

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

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

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

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

26 (5) Persons found to have committed such an offense have
27 a reduced expectation of privacy because of the public's
28 interest in public safety and in the effective operation of
29 government.

30 (6) Release of information about sexually violent

1 predators to public agencies and the general public will
2 further the governmental interests of public safety and
3 public scrutiny of the criminal and mental health systems so
4 long as the information released is rationally related to the
5 furtherance of those goals.

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

19 § 9792. Definitions.

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

23 "Active notification." Notification pursuant to section 9798
24 (relating to other notification) or any process whereby law
25 enforcement, pursuant to the laws of the United States or one of
26 its territories or possessions, another state, the District of
27 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
28 notifies persons in the community in which the individual
29 resides, including any person identified in section 9798(b), of
30 the residence, employment or school location of the individual.

1 "Approved registration site." A site in this Commonwealth
2 approved by the Pennsylvania State Police as required by section
3 9799.1(2) (relating to duties of Pennsylvania State Police):

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

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

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

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

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

25 "Commonwealth Photo Imaging Network." The computer network
26 administered by the Commonwealth and used to record and store
27 digital photographs of an individual's face and any scars,
28 marks, tattoos or other unique features of the individual.

29 "Employed." Includes a vocation or employment that is full-
30 time or part-time for a period of time exceeding 14 days or for

1 an aggregate period of time exceeding 30 days during any
2 calendar year, whether financially compensated, volunteered,
3 pursuant to a contract or for the purpose of government or
4 educational benefit.

5 "Integrated Automated Fingerprint Identification System."

6 The national fingerprint and criminal history system maintained
7 by the Federal Bureau of Investigation providing automated
8 fingerprint search capabilities, latent searching capability,
9 electronic image storage and electronic exchange of fingerprints
10 and responses.

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

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

20 "Municipality." A city, borough, incorporated town or
21 township.

22 "Offender." An individual required to register under section
23 9795.1(a), (b) (1) or (2) (relating to registration).

24 "Passive notification." Notification pursuant to section
25 9798.1 (relating to information made available on the Internet)
26 or any process whereby persons, pursuant to the laws of the
27 United States or one of its territories or possessions, another
28 state, the District of Columbia, the Commonwealth of Puerto Rico
29 or a foreign nation, are able to access information pertaining
30 to an individual as a result of the individual having been

1 convicted or sentenced by a court for an offense similar to an
2 offense listed in section 9795.1 (relating to registration).

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

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

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

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

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

27 "Student." A person who is enrolled on a full-time or part-
28 time basis in any public or private educational institution,
29 including any secondary school, trade or professional
30 institution or institution of higher education.

1 § 9795.1. Registration.

2 (a) Ten-year registration.--The following individuals shall
3 be required to register with the Pennsylvania State Police for a
4 period of ten years:

5 (1) Individuals convicted of any of the following
6 offenses:

7 18 Pa.C.S. § 2901 (relating to kidnapping) where the
8 victim is a minor.

9 18 Pa.C.S. § 2910 (relating to luring a child into a
10 motor vehicle or structure).

11 18 Pa.C.S. § 3124.2 (relating to institutional sexual
12 assault).

13 18 Pa.C.S. § 3126 (relating to indecent assault)
14 where the offense is graded as a misdemeanor of the first
15 degree or higher.

16 18 Pa.C.S. § 4302 (relating to incest) where the
17 victim is 12 years of age or older but under 18 years of
18 age.

19 18 Pa.C.S. § 5902(b) (relating to prostitution and
20 related offenses) where the actor promotes the
21 prostitution of a minor.

22 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
23 obscene and other sexual materials and performances)
24 where the victim is a minor.

25 18 Pa.C.S. § 6312 (relating to sexual abuse of
26 children).

27 18 Pa.C.S. § 6318 (relating to unlawful contact with
28 minor).

29 18 Pa.C.S. § 6320 (relating to sexual exploitation of
30 children).

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

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

11 (b) Lifetime registration.--The following individuals shall
12 be subject to lifetime registration:

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

15 (2) Individuals convicted of any of the following
16 offenses:

17 18 Pa.C.S. § 3121 (relating to rape).

18 18 Pa.C.S. § 3123 (relating to involuntary deviate
19 sexual intercourse).

20 18 Pa.C.S. § 3124.1 (relating to sexual assault).

21 18 Pa.C.S. § 3125 (relating to aggravated indecent
22 assault).

23 18 Pa.C.S. § 4302 (relating to incest) when the
24 victim is under 12 years of age.

25 (3) Sexually violent predators.

26 (4) Individuals currently residing in this Commonwealth
27 who have been convicted of offenses similar to the crimes
28 cited in paragraph (2) under the laws of the United States or
29 one of its territories or possessions, another state, the
30 District of Columbia, the Commonwealth of Puerto Rico or a

1 foreign nation or under a former law of this Commonwealth.

2 (c) Natural disaster.--The occurrence of a natural disaster
3 or other event requiring evacuation of residences shall not
4 relieve an individual of the duty to register or any other duty
5 imposed by this chapter.

6 § 9795.2. Registration procedures and applicability.

7 (a) Registration.--

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

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.

22 (ii) Any change of employer or employment location
23 for a period of time that will exceed 14 days or for an
24 aggregate period of time that will exceed 30 days during
25 any calendar year, or termination of employment.

26 (iii) Any change of institution or location at which
27 the person is enrolled as a student, or termination of
28 enrollment.

29 (iv) Becoming employed or enrolled as a student if
30 the person has not previously provided that information

1 to the Pennsylvania State Police.

2 (2.1) Registration with a new law enforcement agency
3 shall occur no later than 48 hours after establishing
4 residence in another state.

5 (3) The ten-year registration period required in section
6 9795.1(a) (relating to registration) shall be tolled when an
7 offender is recommitted for a parole violation or sentenced
8 to an additional term of imprisonment. In such cases, the
9 Department of Corrections or county correctional facility
10 shall notify the Pennsylvania State Police of the admission
11 of the offender.

12 (4) This paragraph shall apply to all offenders and
13 sexually violent predators:

14 (i) Where the offender or sexually violent predator
15 was granted parole by the Pennsylvania Board of Probation
16 and Parole or the court or is sentenced to probation or
17 intermediate punishment, the board or county office of
18 probation and parole shall collect registration
19 information from the offender or sexually violent
20 predator and forward that registration information to the
21 Pennsylvania State Police. The Department of Corrections
22 or county correctional facility shall not release the
23 offender or sexually violent predator until it receives
24 verification from the Pennsylvania State Police that it
25 has received the registration information. Verification
26 by the Pennsylvania State Police may occur by electronic
27 means, including e-mail or facsimile transmission. Where
28 the offender or sexually violent predator is scheduled to
29 be released from a State correctional facility or county
30 correctional facility because of the expiration of the

1 maximum term of incarceration, the Department of
2 Corrections or county correctional facility shall collect
3 the information from the offender or sexually violent
4 predator no later than ten days prior to the maximum
5 expiration date. The registration information shall be
6 forwarded to the Pennsylvania State Police.

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

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

1 individual's arrival in this Commonwealth. The provisions of
2 this subchapter shall apply to the individual 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 martialled, 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), except that the individual shall not be
22 required to receive counseling unless required to do so
23 by the other jurisdiction or by reason of court martial.

24 (ii) Except as provided in subparagraphs (i) and
25 (iv), if the individual has been convicted or sentenced
26 by a court or court martialled for an offense listed in
27 section 9795.1(b) or an equivalent offense, the
28 individual shall, notwithstanding section 9792, be
29 considered an offender and be subject to lifetime
30 registration pursuant to 9795.1(b). The individual shall

1 also be subject to the provisions of this section and
2 sections 9796 and 9798.1(c)(2).

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

19 (iv) Except as provided in subparagraph (i) and
20 notwithstanding subparagraph (v), if the individual is
21 subject to active notification in the other jurisdiction
22 or subject to active notification by reason of court
23 martial, the individual shall, notwithstanding section
24 9792, be considered an offender and subject to this
25 section and sections 9796, 9798 and 9798.1(c)(1). If the
26 individual was convicted of or sentenced in the other
27 jurisdiction or sentenced by court martial for an offense
28 listed in section 9795.1(b) or an equivalent offense, the
29 individual shall be subject to this subchapter for the
30 individual's lifetime. If the individual was convicted of

1 or sentenced in the other jurisdiction or sentenced by
2 court martial for an offense listed in section 9795.1(a)
3 or an equivalent offense, the individual shall be subject
4 to this subchapter for a period of ten years or for a
5 period of time equal to the time for which the individual
6 was required to register in the other jurisdiction or
7 required to register by reason of court martial,
8 whichever is greater, less any credit due to the
9 individual as a result of prior compliance with
10 registration requirements. Otherwise, the individual
11 shall be subject to this subchapter for a period of time
12 equal to the time for which the individual was required
13 to register in the other jurisdiction or required to
14 register by reason of court martial, less any credit due
15 to the individual as a result of prior compliance with
16 registration requirements.

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

30 (5) Notwithstanding the provisions of Chapter 63

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

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

28 (ii) Except as provided in subparagraph (i), if the
29 individual is subject to active notification in the other
30 jurisdiction, the individual shall, notwithstanding

1 section 9792, be considered an offender and subject to
2 registration pursuant to this subchapter. The individual
3 shall also be subject to the provisions of this section
4 and sections 9796, 9798 and 9798.1(c)(1). The individual
5 shall be subject to this subchapter for a period of time
6 equal to the time for which the individual was required
7 to register in the other jurisdiction, less any credit
8 due to the individual as a result of prior compliance
9 with registration requirements.

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

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

21 (1) The Pennsylvania State Police shall provide the
22 information obtained under this section and sections 9795.3
23 (relating to sentencing court information) and 9796 (relating
24 to verification of residence) to the chief law enforcement
25 officers of the police departments of the municipalities in
26 which the individual will reside, be employed or enrolled as
27 a student. In addition, the Pennsylvania State Police shall
28 provide this officer with the address at which the individual
29 will reside, be employed or enrolled as a student following
30 his release from incarceration, parole or probation.

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

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

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

20 (e) Registration sites.--An individual subject to section
21 9795.1 shall register and submit to fingerprinting and
22 photographing as required by this subchapter at approved
23 registration sites.

24 § 9795.3. Sentencing court information.

25 The sentencing court shall inform offenders and sexually
26 violent predators at the time of sentencing of the provisions of
27 this subchapter. The court shall:

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

1 required in section 9796(a) (relating to verification of
2 residence).

3 (2) Specifically inform the offender or sexually violent
4 predator of the duty to inform the Pennsylvania State Police
5 within ten days if the offender or sexually violent predator
6 changes residence or establishes an additional residence or
7 residences, 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 of becoming employed or enrolled as a
16 student if the person has not previously provided that
17 information to the Pennsylvania State Police.

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

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

26 (5) Specifically inform the offender or sexually violent
27 predator of the duty to register with the appropriate
28 authorities in any state in which the offender or sexually
29 violent predator is employed, carries on a vocation or is a
30 student if the state requires such registration.

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

9 § 9795.4. Assessments.

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

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

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

25 (i) Whether the offense involved multiple victims.

26 (ii) Whether the individual exceeded the means
27 necessary to achieve the offense.

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

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

1 (v) Age of the victim.
2 (vi) Whether the offense included a display of
3 unusual cruelty by the individual during the commission
4 of the crime.

5 (vii) The mental capacity of the victim.

6 (2) Prior offense history, including:

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

8 (ii) Whether the individual completed any prior
9 sentences.

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

12 (3) Characteristics of the individual, including:

13 (i) Age of the individual.

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

15 (iii) Any mental illness, mental disability or
16 mental abnormality.

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

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

22 (c) Release of information.--All State, county and local
23 agencies, offices or entities in this Commonwealth, including
24 juvenile probation officers, shall cooperate by providing copies
25 of records and information as requested by the board in
26 connection with the court-ordered assessment and the assessment
27 requested by the Pennsylvania Board of Probation and Parole or
28 the assessment of a delinquent child under section 6358
29 (relating to assessment of delinquent children by the State
30 Sexual Offenders Assessment Board).

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

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

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

10 (2) Whether the victim was a minor.

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

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

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

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

21 (e) Hearing.--

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

28 (2) The individual and district attorney shall be given
29 notice of the hearing and an opportunity to be heard, the
30 right to call witnesses, the right to call expert witnesses

1 and the right to cross-examine witnesses. In addition, the
2 individual shall have the right to counsel and to have a
3 lawyer appointed to represent him if he cannot afford one. If
4 the individual requests another expert assessment, the
5 individual shall provide a copy of the expert assessment to
6 the district attorney prior to the hearing.

7 (3) At the hearing prior to sentencing, the court shall
8 determine whether the Commonwealth has proved by clear and
9 convincing evidence that the individual is a sexually violent
10 predator.

11 (4) A copy of the order containing the determination of
12 the court shall be immediately submitted to the individual,
13 the district attorney, the Pennsylvania Board of Probation
14 and Parole, the Department of Corrections, the board and the
15 Pennsylvania State Police.

16 (f) Presentence investigation.--In all cases where the board
17 has performed an assessment pursuant to this section, copies of
18 the report shall be provided to the agency preparing the
19 presentence investigation.

20 (g) Parole assessment.--The Pennsylvania Board of Probation
21 and Parole may request of the board an assessment of an offender
22 or sexually violent predator be conducted and provide a report
23 to the Pennsylvania Board of Probation and Parole prior to
24 considering an offender or sexually violent predator for parole.

25 (h) Delinquent children.--Except where section 6358(b.1)
26 (relating to assessment of delinquent children by the State
27 Sexual Offenders Assessment Board) is applicable, the probation
28 officer shall notify the board 90 days prior to the 20th
29 birthday of the child of the status of the delinquent child who
30 is committed to an institution or other facility pursuant to

1 section 6352 (relating to disposition of delinquent child) after
2 having been found delinquent for an act of sexual violence which
3 if committed by an adult would be a violation of 18 Pa.C.S. §
4 3121 (relating to rape), 3123 (relating to involuntary deviate
5 sexual intercourse), 3124.1 (relating to sexual assault), 3125
6 (relating to aggravated indecent assault), 3126 (relating to
7 indecent assault) or 4302 (relating to incest), together with
8 the location of the facility where the child is committed. The
9 board shall conduct an assessment of the child, which shall
10 include the board's determination of whether or not the child is
11 in need of commitment due to a mental abnormality as defined in
12 section 6402 (relating to definitions) or a personality
13 disorder, either of which results in serious difficulty in
14 controlling sexually violent behavior, and provide a report to
15 the court within the time frames set forth in section 6358(c).
16 The probation officer shall assist the board in obtaining access
17 to the child and any records or information as requested by the
18 board in connection with the assessment. The assessment shall be
19 conducted pursuant to subsection (b).

20 (i) Other assessments.--Upon receipt from the court of an
21 order for an assessment under section 9795.5 (relating to
22 exemption from certain notification), a member of the board as
23 designated by the administrative officer of the board shall
24 conduct an assessment of the individual to determine if the
25 relief sought, if granted, is likely to pose a threat to the
26 safety of any other person. The board shall establish standards
27 for evaluations and for evaluators conducting these assessments.
28 § 9795.5. Exemption from certain notifications.

29 (a) Lifetime registrants not classified as sexually violent
30 predators.--

1 (1) An individual required to register under section
2 9795.1 (relating to registration) who is not a sexually
3 violent predator may petition the sentencing court to be
4 exempt from the application of section 9798.1 (relating to
5 information made available on the Internet) provided no less
6 than 20 years have passed since the individual has been
7 convicted in this or any other jurisdiction of any offense
8 punishable by imprisonment for more than one year, or the
9 individual's release from custody following the individual's
10 most recent conviction for any such offense, whichever is
11 later.

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

23 (3) Within 120 days of the filing of a petition under
24 paragraph (1), the sentencing court shall hold a hearing to
25 determine whether to exempt the petitioner from the
26 application of section 9798.1. The petitioner and the
27 district attorney shall be given notice of the hearing and an
28 opportunity to be heard, the right to call witnesses, the
29 right to call expert witnesses and the right to cross-examine
30 witnesses. The petitioner shall have the right to counsel and

1 to have a lawyer appointed to represent him if he cannot
2 afford one.

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

8 (b) Sexually violent predators.--

9 (1) An individual required to register under section
10 9795.1 who is a sexually violent predator may petition the
11 sentencing court for release from the application of section
12 9798 (relating to other notification) provided no less than
13 20 years have passed since the individual has been convicted
14 in this or any other jurisdiction of any offense punishable
15 by imprisonment for more than one year, or the individual's
16 release from custody following the individual's most recent
17 conviction for any such offense, whichever is later.

18 (2) Upon receipt of a petition under paragraph (1), the
19 sentencing court shall order the petitioner to be assessed by
20 the board in accordance with the provisions of section
21 9795.4(i). The order for an assessment pursuant to this
22 subsection shall be sent to the administrative officer of the
23 board within ten days of its entry. No later than 90 days
24 following receipt of such an order, the board shall submit a
25 written report containing its assessment to the sentencing
26 court, the district attorney and the attorney for the
27 petitioner.

28 (3) Within 120 days of the filing of a petition under
29 paragraph (1), the sentencing court shall hold a hearing to
30 determine whether to exempt the petitioner from application

1 of section 9798. The petitioner and the district attorney
2 shall be given notice of the hearing and an opportunity to be
3 heard, the right to call witnesses, the right to call expert
4 witnesses and the right to cross-examine witnesses. The
5 petitioner shall have the right to counsel and to have a
6 lawyer appointed to represent him if he cannot afford one.

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

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

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

19 (e) Subsequent conviction for failing to comply.--If an
20 individual is exempt from the application of either section 9798
21 or 9798.1 under this section and the individual is subsequently
22 convicted of an offense under 18 Pa.C.S. § 4915 (relating to
23 failure to comply with registration of sexual offenders
24 requirements), any relief granted under this section shall be
25 void, and the individual shall automatically and immediately
26 again be subject to all applicable provisions of this
27 subchapter, as previously determined by this subchapter.

28 § 9796. Verification of residence.

29 (a) Quarterly verification by sexually violent predators.--
30 The Pennsylvania State Police shall verify the residence and

1 compliance with counseling as provided for in section 9799.4
2 (relating to counseling of sexually violent predators) of
3 sexually violent predators every 90 days through the use of a
4 nonforwardable verification form to the last reported residence.
5 For the period of registration required by section 9795.1
6 (relating to registration), a sexually violent predator shall
7 appear quarterly between January 5 and January 15, April 5 and
8 April 15, July 5 and July 15 and October 5 and October 15 of
9 each calendar year at an approved registration site to complete
10 a verification form and to be photographed.

11 (a.1) Facilitation of quarterly verification.--The
12 Pennsylvania State Police shall facilitate and administer the
13 verification process required by subsection (a) by:

14 (1) sending a notice by first class United States mail
15 to all registered sexually violent predators at their last
16 reported residence addresses. This notice shall be sent not
17 more than 30 days nor less than 15 days prior to each of the
18 quarterly verification periods set forth in subsection (a)
19 and shall remind sexually violent predators of their
20 quarterly verification requirement and provide them with a
21 list of approved registration sites; and

22 (2) providing verification and compliance forms as
23 necessary to each approved registration site not less than
24 ten days before each of the quarterly verification periods.

25 (b) Annual verification by offenders.--The Pennsylvania
26 State Police shall verify the residence of offenders. For the
27 period of registration required by section 9795.1, an offender
28 shall appear within ten days before each annual anniversary date
29 of the offender's initial registration under section 9795.1 at
30 an approved registration site to complete a verification form

1 and to be photographed.

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

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

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

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

25 (d) Failure to provide verification.--Where an offender or
26 sexually violent predator fails to provide verification of
27 residence within the ten-day period as set forth in this
28 section, the Pennsylvania State Police shall immediately notify
29 the municipal police department of the offender's or the
30 sexually violent predator's last verified residence. The local

1 municipal police shall locate the offender or sexually violent
2 predator and arrest him for violating this section. The
3 Pennsylvania State Police shall assume responsibility for
4 locating the offender or sexually violent predator and arresting
5 him in jurisdictions where no municipal police jurisdiction
6 exists. The Pennsylvania State Police shall assist any municipal
7 police department requesting assistance with locating and
8 arresting an offender or sexually violent predator who fails to
9 verify his residence.

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

15 (f) Effect of notice.--Neither failure on the part of the
16 Pennsylvania State Police to send nor failure of a sexually
17 violent predator or offender to receive any notice or
18 information under subsection (a.1) or (b.1) shall relieve that
19 predator or offender from the requirements of this subchapter.
20 § 9797. Victim notification.

21 (a) Duty to inform victim.--

22 (1) Where the individual is determined to be a sexually
23 violent predator by a court under section 9795.4 (relating to
24 assessments), the local municipal police department or the
25 Pennsylvania State Police where no municipal police
26 jurisdiction exists shall give written notice to the sexually
27 violent predator's victim when the sexually violent predator
28 registers initially and when he notifies the Pennsylvania
29 State Police of any change of residence. This notice shall be
30 given within 72 hours after the sexually violent predator

1 registers or notifies the Pennsylvania State Police of a
2 change of address. The notice shall contain the sexually
3 violent predator's name and the address or addresses where he
4 resides.

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

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

17 § 9798. Other notification.

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

25 (1) The notice shall contain:

26 (i) The name of the convicted sexually violent
27 predator.

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

29 (iii) The offense for which he was convicted,
30 sentenced by a court, adjudicated delinquent or

1 courtmartialed.

2 (iv) A statement that he has been determined by
3 court order to be a sexually violent predator, which
4 determination has or has not been terminated as of a date
5 certain.

6 (v) A photograph of the sexually violent predator,
7 if available.

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

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

13 (1) Neighbors of the sexually violent predator. As used
14 in this paragraph, where the sexually violent predator lives
15 in a common interest community, the term "neighbor" includes
16 the unit owners' association and residents of the common
17 interest community.

18 (2) The director of the county children and youth
19 service agency of the county where the sexually violent
20 predator resides.

21 (3) The superintendent of each school district and the
22 equivalent official for private and parochial schools
23 enrolling students up through grade 12 in the municipality
24 where the sexually violent predator resides.

25 (3.1) The superintendent of each school district and the
26 equivalent official for each private and parochial school
27 located within a one-mile radius of where the sexually
28 violent predator resides.

29 (4) The licensee of each certified day care center and
30 licensed preschool program and owner/operator of each

1 registered family day care home in the municipality where the
2 sexually violent predator resides.

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

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

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

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

21 (d) Public notice.--All information provided in accordance
22 with subsection (a) shall be available, upon request, to the
23 general public. The information may be provided by electronic
24 means.

25 (e) Interstate transfers.--The duties of police departments
26 under this section shall also apply to individuals who are
27 transferred to this Commonwealth pursuant to the Interstate
28 Compact for the Supervision of Adult Offenders or the Interstate
29 Compact for Juveniles.

30 § 9798.1. Information made available on the Internet.

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

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

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

30 (2) Ensure that the Internet website contains warnings

1 that any person who uses the information contained therein to
2 threaten, intimidate or harass another or who otherwise
3 misuses that information may be criminally prosecuted.

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

13 (4) Strive to ensure that:

14 (i) the information contained on the Internet
15 website is accurate;

16 (ii) the data therein is revised and updated as
17 appropriate in a timely and efficient manner; and

18 (iii) instructions are included on how to seek
19 correction of information which a person contends is
20 erroneous.

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

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

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 (i) name and all known aliases;

8 (ii) year of birth;

9 (iii) the street address, municipality, county and
10 zip code of all residences, including, where applicable,
11 the name of the prison or other place of confinement;

12 (iv) the street address, municipality, county, zip
13 code and name of any institution or location at which the
14 person is enrolled as a student;

15 (v) the municipality, county and zip code of any
16 employment location;

17 (vi) a photograph of the offender, which shall be
18 updated not less than annually;

19 (vii) a physical description of the offender,
20 including sex, height, weight, eye color, hair color and
21 race;

22 (viii) any identifying marks, including scars,
23 birthmarks and tattoos;

24 (ix) the license plate number and description of any
25 vehicle owned or registered to the offender;

26 (x) whether the offender is currently compliant with
27 registration requirements;

28 (xi) whether the victim is a minor;

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

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

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

6 (d) Duration of Internet posting.--

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

10 (2) The information listed in subsection (c) about an
11 offender who is subject to lifetime registration shall be
12 made available on the Internet for the lifetime of the
13 offender unless the offender is granted relief under section
14 9795.5 (relating to exemption from certain notifications).

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

21 § 9798.2. Administration.

22 The Governor shall direct the Pennsylvania State Police, the
23 Pennsylvania Board of Probation and Parole, the State Sexual
24 Offenders Assessment Board, the Department of Corrections, the
25 Department of Transportation and any other agency of this
26 Commonwealth the Governor deems necessary to collaboratively
27 design, develop and implement an integrated and secure system of
28 communication, storage and retrieval of information to assure
29 the timely, accurate and efficient administration of this
30 subchapter.

1 § 9798.3. Global positioning system technology.

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

6 § 9799. Immunity for good faith conduct.

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

9 (1) The Pennsylvania State Police and local law
10 enforcement agencies and employees of law enforcement
11 agencies.

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

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

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

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

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

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

24 (8) Licensees of certified day care centers and
25 directors of licensed preschool programs and owners/operators
26 of registered family day care homes, and their agents and
27 employees.

28 (9) The Pennsylvania Department of Corrections and its
29 agents and employees.

30 (10) County correctional facilities and their agents and

1 employees.

2 (11) Members of the Sexual Offenders Assessment Board
3 and its agents and employees.

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

9 § 9799.1. Duties of Pennsylvania State Police.

10 The Pennsylvania State Police shall:

11 (1) Create and maintain a State registry of offenders
12 and sexually violent predators.

13 (2) In consultation with the Department of Corrections,
14 the Office of Attorney General, the Pennsylvania Board of
15 Probation and Parole and the chairman and the minority
16 chairman of the Judiciary Committee of the Senate and the
17 chairman and the minority chairman of the Judiciary Committee
18 of the House of Representatives, promulgate guidelines
19 necessary for the general administration of this subchapter.
20 These guidelines shall establish procedures to allow an
21 individual subject to the requirements of sections 9795.1
22 (relating to registration) and 9796 (relating to verification
23 of residence) to fulfill these requirements at approved
24 registration sites throughout this Commonwealth. The
25 Pennsylvania State Police shall publish a list of approved
26 registration sites in the Pennsylvania Bulletin and provide a
27 list of approved registration sites in any notices sent to
28 individuals required to register under section 9795.1. An
29 approved 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 (3) Write regulations regarding neighbor notification of
16 the current residence of sexually violent predators.

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, is employed or
22 enrolled as a student of the fact that the offender or
23 sexually violent predator has been registered with the
24 Pennsylvania State Police pursuant to sections 9795.2
25 (relating to registration procedures and applicability) and
26 9796 (relating to verification of residence).

27 (5) In consultation with the Department of Education and
28 the Pennsylvania Board of Probation and Parole, promulgate
29 guidelines directing licensed day-care centers, licensed
30 preschool programs, schools, universities and colleges,

1 including community colleges, on the proper use and
2 administration of information received under section 9798
3 (relating to other notification).

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

9 § 9799.2. Duties of Pennsylvania Board of Probation and Parole.

10 The Pennsylvania Board of Probation and Parole shall:

11 (1) Create a notification form which will inform State
12 and county prison and probation and parole personnel how to
13 inform offenders and sexually violent predators required to
14 register under this subchapter of their duty under the law.

15 (2) In cooperation with the Department of Corrections
16 and other Commonwealth agencies, obtain the following
17 information regarding offenders and sexually violent
18 predators:

19 (i) Name, including any aliases.

20 (ii) Identifying factors.

21 (iii) Anticipated future residence.

22 (iv) Offense history.

23 (v) Documentation of any treatment received for the
24 mental abnormality or personality disorder.

25 (vi) Photograph of the offender or sexually violent
26 predator.

27 (3) Immediately transmit the information in paragraph
28 (2) to the Pennsylvania State Police for immediate entry into
29 the State registry of offenders and sexually violent
30 predators and the criminal history record of the individual

1 as provided in 18 Pa.C.S. Ch. 91 (relating to criminal
2 history record information).

3 (4) Apply for Federal funding as provided in the Adam
4 Walsh Child Protection and Safety Act of 2006 (Public Law
5 109-248, 120 Stat. 587) to support and enhance programming
6 using satellite global positioning system technology.

7 § 9799.3. Board.

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

12 (b) Appointment.--The Governor shall appoint the board
13 members.

14 (c) Term of office.--Members of the board shall serve four-
15 year terms.

16 (d) Compensation.--The members of the board shall be
17 compensated at a rate of \$350 per assessment and receive
18 reimbursement for their actual and necessary expenses while
19 performing the business of the board. The chairman shall receive
20 \$500 additional compensation per annum.

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

23 § 9799.4. Counseling of sexually violent predators.

24 For the period of registration required by section 9795.1(b)
25 (relating to registration), a sexually violent predator shall be
26 required to attend at least monthly counseling sessions in a
27 program approved by the board and be financially responsible for
28 all fees assessed from such counseling sessions. The board shall
29 monitor the compliance of the sexually violent predator. If the
30 sexually violent predator can prove to the satisfaction of the

1 court that the person cannot afford to pay for the counseling
2 sessions, that person shall still attend the counseling sessions
3 and the parole office shall pay the requisite fees.

4 § 9799.7. Exemption from notification for certain licensees and
5 their employees.

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

11 (1) a sexually violent predator; or

12 (2) an individual who is transferred to this
13 Commonwealth pursuant to the Interstate Compact for the
14 Supervision of Adult Offenders or the Interstate Compact for
15 Juveniles.

16 § 9799.8. Annual performance audit.

17 (a) Duties of the Attorney General.--The Attorney General
18 shall:

19 (1) Conduct a performance audit annually to determine
20 compliance with the requirements of this subchapter and any
21 guidelines promulgated pursuant thereto. The audit shall, at
22 a minimum, include a review of the practices, procedures and
23 records of the Pennsylvania State Police, the Pennsylvania
24 Board of Probation and Parole, the Department of Corrections,
25 the State Sexual Offenders Assessment Board, the
26 Administrative Office of the Pennsylvania Courts and any
27 other State or local agency the Attorney General deems
28 necessary in order to conduct a thorough and accurate
29 performance audit.

30 (2) Prepare an annual report of its findings and any

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

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

20 (b) Cooperation required.--Notwithstanding any other
21 provision of law to the contrary, the Pennsylvania State Police,
22 the Pennsylvania Board of Probation and Parole, the Department
23 of Corrections, the State Sexual Offenders Assessment Board, the
24 Administrative Office of the Pennsylvania Courts, the
25 Pennsylvania Commission on Sentencing and any other State or
26 local agency requested to do so shall fully cooperate with the
27 Attorney General and assist the office in satisfying the
28 requirements of this section. For purposes of this subsection,
29 full cooperation shall include, at a minimum, complete access to
30 unredacted records, files, reports and data systems.

1 § 9799.9. Photographs and fingerprinting.
2 An individual subject to section 9795.1 (relating to
3 registration) shall submit to fingerprinting and photographing
4 as required by this subchapter at approved registration sites.
5 Fingerprinting as required by this subchapter shall, at a
6 minimum, require submission of a full set of fingerprints.
7 Photographing as required by this subchapter shall, at a
8 minimum, require submission to photographs of the face and any
9 scars, marks, tattoos or other unique features of the
10 individual. Fingerprints and photographs obtained under this
11 subchapter may be maintained for use under this subchapter and
12 for general law enforcement purposes.]

13 Section 5. Title 42 is amended by adding sections to read:

14 § 9799.11. Legislative findings and declaration of policy.

15 (a) Legislative findings.--The General Assembly finds as
16 follows:

17 (1) If the public is provided adequate notice and
18 information about certain offenders, the community can
19 develop constructive plans to prepare themselves and their
20 children for the offender's presence in the community. This
21 allows communities to meet with law enforcement to prepare
22 and obtain information about the rights and responsibilities
23 of the community and to provide education and counseling to
24 their children.

25 (2) These offenders pose a high risk of engaging in
26 further offenses, and protection of the public from this type
27 of offender is a paramount governmental interest.

28 (3) The penal and mental health components of our
29 justice system are largely hidden from public view, and lack
30 of information from either may result in failure of both

1 systems to meet this paramount concern of public safety.

2 (4) Overly restrictive confidentiality and liability
3 laws governing the release of information about offenders
4 have reduced the willingness to release information that
5 could be appropriately released under the public disclosure
6 laws and have increased risks to public safety.

7 (5) Persons found to have committed the offenses have a
8 reduced expectation of privacy because of the public's
9 interest in public safety and in the effective operation of
10 government.

11 (6) Release of information about offenders to public
12 agencies and the general public will further the governmental
13 interests of public safety and public scrutiny of the
14 criminal and mental health systems so long as the information
15 released is rationally related to the furtherance of those
16 goals.

17 (7) Public safety will be enhanced by making information
18 regarding offenders and out-of-State offenders available to
19 the public through the Internet and other electronic means.

20 (8) Knowledge of whether a person is an offender or out-
21 of-State offender could be a significant factor in protecting
22 oneself and one's family members, or those in care of a group
23 or community organization, from recidivist acts by offenders.

24 (9) The technology afforded by the Internet and other
25 modern electronic communication methods would make this
26 information readily accessible to parents, minors and private
27 entities, enabling them to undertake appropriate remedial
28 precautions to prevent or avoid placing potential victims at
29 risk.

30 (b) Declaration of policy.--The General Assembly declares as

1 follows:

2 (1) It is the intention of the General Assembly to
3 protect the safety and general welfare of the people of this
4 Commonwealth by providing for registration and community
5 notification regarding offenders.

6 (2) It is the policy of the Commonwealth to require the
7 exchange of relevant information about offenders among public
8 agencies and officials and to authorize the release of
9 necessary and relevant information about offenders to members
10 of the general public as a means of assuring public
11 protection and shall not be construed as punitive.

12 § 9799.12. Definitions.

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

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

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

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

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

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

28 "Class 1 sexual offender." Any individual convicted of a
29 Class 1 sexual offense.

30 "Class 2 sexual offender." Any individual convicted of a

1 Class 2 sexual offense.

2 "Class 3 sexual offender." Any individual convicted of a
3 Class 3 sexual offense.

4 "Class 1 sexual offense." Any of the following offenses or
5 of attempt, solicitation or conspiracy to commit any of the
6 following offenses:

7 18 Pa.C.S. § 2902 (relating to unlawful restraint) if the
8 victim is a minor and the perpetrator is not the victim's
9 parent.

10 18 Pa.C.S. § 2903 (relating to false imprisonment) if the
11 victim is a minor and the perpetrator is not the victim's
12 parent.

13 18 Pa.C.S. § 2904 (relating to interference with custody
14 of children) if the victim is a minor and the perpetrator is
15 not the victim's parent.

16 18 Pa.C.S. § 2910 (relating to luring a child into a
17 motor vehicle or structure).

18 18 Pa.C.S. § 3124.2 (relating to institutional sexual
19 assault) if the victim is not a minor.

20 18 Pa.C.S. § 3126 (relating to indecent assault) if the
21 offense is graded a misdemeanor of the first degree or higher
22 and the punishment is less than one year.

23 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).

24 "Class 2 sexual offense." Any of the following offenses or
25 of attempt, solicitation or conspiracy to commit any of the
26 following offenses:

27 18 Pa.C.S. § 3126 (relating to indecent assault) if the
28 offense is graded as a misdemeanor of the first degree or
29 higher and the punishment is one year or more or if the
30 individual was previously convicted of 18 Pa.C.S. § 3126.

1 18 Pa.C.S. § 5902(b) (relating to prostitution and
2 related offenses) if the actor promoted the prostitution of a
3 minor.

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

7 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

8 18 Pa.C.S. § 6318 (relating to unlawful contact with
9 minor).

10 18 Pa.C.S. § 6320 (relating to sexual exploitation of
11 children).

12 "Class 3 sexual offense." Any of the following offenses or
13 of attempt, solicitation or conspiracy to commit any of the
14 following offenses:

15 18 Pa.C.S. § 2901 (relating to kidnapping) if the victim
16 is a minor.

17 18 Pa.C.S. § 3121 (relating to rape).

18 18 Pa.C.S. § 3122.1 (relating to statutory sexual
19 assault).

20 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
21 intercourse).

22 18 Pa.C.S. § 3124.1 (relating to sexual assault).

23 18 Pa.C.S. § 3124.2 (relating to institutional sexual
24 assault) if the victim is a minor.

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

27 18 Pa.C.S. § 3126 (relating to indecent assault) if the
28 offense is graded as a misdemeanor of the first degree or
29 higher, the victim is less than 13 years of age, and the
30 punishment is one year or more.

1 18 Pa.C.S. § 4302 (relating to incest) if the victim is
2 less than 13 years of age or the victim is 13 to 18 years of
3 age and the offender is at least four years older than the
4 victim.

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

14 "Employed." Includes carrying on a vocation or employment
15 that is full time or part time for a period of time exceeding
16 four days during a seven-day period or for an aggregate period
17 of time exceeding 14 days during any calendar year, whether
18 financially compensated, volunteered, pursuant to a contract or
19 for the purpose of government or educational benefit.

20 "Habitual locale." The public place where a transient can be
21 habitually located, including locations an individual frequents,
22 or intends to frequent, during the day or night, including, but
23 not limited to, parks, buildings, and libraries.

24 "IAFIS." The Integrated Automated Fingerprint Identification
25 System.

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

1 and responses.

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

7 "Minor." Any individual less than 18 years of age.

8 "Municipality." A city, borough, incorporated town or
9 township.

10 "Offender." Any individual required to register under
11 section 9799.13 (relating to registration).

12 "Out-of-State offender." Any individual required to register
13 under section 9799.17 (relating to exemption from registration
14 and public notification for out-of-State offenders) due to a
15 conviction or adjudication of delinquency in another
16 jurisdiction or to a court-martial.

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

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

25 "Present." The location where an offender or out-of-State
26 offender resides, is habitually located, is employed, or is
27 enrolled as a student.

28 "Registration information." All of the following information
29 concerning the offender:

30 (1) Primary given name, including any aliases,

1 nicknames, ethnic or tribal names and any pseudonyms,
2 regardless of the context in which they are used.

3 (2) Valid and purported Social Security number.

4 (3) Actual and purported date of birth.

5 (4) Place of birth.

6 (5) Physical description, including sex, height, weight,
7 eye color, hair color, race and any scars, marks or tattoos.

8 (6) Fingerprints, taken and submitted to IAFIS.

9 (7) Palm prints taken and submitted to the Federal
10 Bureau of Investigation Central Database.

11 (8) DNA sample, taken and submitted to the State DNA
12 Data Base for entry into the Combined DNA Index System
13 (CODIS) in accordance with procedures established by the
14 Pennsylvania State Police. The collection of DNA at time of
15 collecting registration information or updating or verifying
16 registration information is not required if the registering
17 official or approved registration site can confirm that the
18 DNA collection and submission has already occurred.

19 (9) A digitized copy of a valid driver's license or
20 identification card issued to the offender.

21 (10) A digitized copy of the offender's passport and
22 immigration documents.

23 (11) A photograph of the offender's face and any scars,
24 marks, tattoos or other unique features of the individual.

25 (12) Any telephone numbers, including landline and cell
26 phone numbers, and any other designations used by the
27 offender for purposes of routing or self-identification in
28 telephonic communications.

29 (13) Any e-mail addresses, any instant message addresses
30 or identifiers, any designations or monikers used by the

1 offender for purposes of routing or self-identification in
2 Internet communications or postings.

3 (14) The address of each residence at which the offender
4 resides or will reside or, in the case of an offender who
5 does not have a residence, the offender's habitual locale.

6 (15) The location at which the offender receives
7 delivery of mail, including a post office box or general
8 delivery post office location.

9 (16) The name and address of any place where the
10 offender is employed or will be employed, including transient
11 or day labor employment.

12 (17) The name and address of any place where the
13 offender attends school or will attend school.

14 (18) The license plate number, registration number or
15 any other identifier of all vehicles, including land
16 vehicles, aircraft or watercraft owned or operated by the
17 offender, whether for work or personal use, including a
18 description of the vehicle and the permanent or frequent
19 location where the vehicle is kept.

20 (19) Information concerning all licensing, authorizing
21 the offender to engage in an occupation or carry out a trade
22 or business.

23 (20) The offenses requiring registration, including the
24 text of the provision of law defining the offense for which
25 the offender is registered.

26 (21) The dates of all arrests, convictions and
27 outstanding arrest warrants, as well as the status of the
28 offender's parole, probation, supervised release and
29 registration.

30 (22) The date or dates of incarceration and release from

1 incarceration.

2 (23) Forms signed by the offender acknowledging that he
3 or she was advised of his or her registration obligations.
4 The form and signature may be electronic.

5 "Registration start date." The date on which an offender or
6 out-of-State offender's registration information is approved and
7 entered into the State sexual offender registry by the
8 Pennsylvania State Police.

9 "Registry official." The person or entity responsible for
10 obtaining registration information as set forth in this
11 subchapter.

12 "Removal criteria." The offender or out-of-State offender
13 has:

14 (1) fully complied with all registration requirements
15 imposed by this subchapter;

16 (2) not been convicted of any sex offense after the date
17 of registration;

18 (3) not been convicted, after the date of registration,
19 of any offense for which imprisonment for more than one year
20 may be imposed;

21 (4) successfully completed any periods of supervised
22 release, probation or parole; and

23 (5) successfully completed any required treatment
24 program.

25 "Residence." The location of an individual's home or other
26 place where the individual habitually resides or intends to
27 reside for 30 cumulative days or more during a calendar year.
28 The term may include more than one location and be mobile or
29 transitory.

30 "Sexually violent offense." Any Class 1, Class 2 or Class 3

1 sexual offense.

2 "Sexually violent predator." An individual who has been
3 convicted of an offense as set forth in section 9799.13
4 (relating to registration) and who is determined to be a
5 sexually violent predator under section 9799.19 (relating to
6 assessments) due to a mental abnormality or personality disorder
7 that makes the person likely to engage in predatory sexually
8 violent offenses. The term includes:

9 (1) An individual determined to be a sexually violent
10 predator if the determination occurred in the United States
11 or one of its territories or possessions, another state, the
12 District of Columbia, a federally recognized Indian tribe, a
13 foreign nation or a military tribunal.

14 (2) An individual determined to be a sexually violent
15 delinquent child under Chapter 64 (relating to court-ordered
16 involuntary treatment of certain sexually violent persons),
17 regardless of whether the individual has been subsequently
18 discharged from involuntary treatment.

19 "State sexual offender registry." The Statewide registry of
20 offenders and out-of-State offenders maintained by the
21 Pennsylvania State Police.

22 "Student." A person who is enrolled on a full-time or part-
23 time basis in any public or private educational institution,
24 including any secondary school, trade or professional
25 institution or institution of higher education.

26 "Transient." An offender or out-of-State offender who does
27 not have a residence and is present in this Commonwealth.

28 § 9799.13. Registration.

29 The following individuals present in this Commonwealth shall
30 register with the Pennsylvania State Police for life, subject to

1 the provisions of section 9799.15 (relating to exemption from
2 registration and public notification for Pennsylvania offenders)
3 and 9799.17 (relating to exemption from registration and public
4 notification for out-of-State offenders):

5 (1) Individuals who, on or after the effective date of
6 this section, are convicted of a Class 1, Class 2 or Class 3
7 sexual offense or a similar offense under the laws of the
8 United States or one of its territories or possessions,
9 another state, the District of Columbia, a federally
10 recognized Indian tribe or a foreign nation.

11 (2) Individuals who, on or after the effective date of
12 this section, are convicted of any Federal or military
13 offense enumerated in 42 U.S.C. § 16911(5) (A) (iii), (iv) and
14 (v) (relating to relevant definitions, including Amie Zyla
15 expansion of sex offender definition and expanded inclusion
16 of child predator) or who, on the effective date of this
17 section, are required to register under a sexual offender
18 statute in the jurisdiction where the individual was
19 convicted, sentenced, adjudicated delinquent or court
20 martialed.

21 (3) Individuals who, on or after the effective date of
22 this section, are incarcerated, serving a sentence of
23 intermediate punishment or under the supervision of the
24 Pennsylvania Board of Probation and Parole or any Federal or
25 county probation and parole office for a Class 1, Class 2 or
26 Class 3 offense or a similar offense under a former law of
27 this Commonwealth or the laws of the United States or one of
28 its territories or possessions, another state, the District
29 of Columbia, a federally recognized Indian tribe or a foreign
30 nation or for an offense enumerated in 42 U.S.C. § 16911(5)

1 (A) (iii), (iv) and (v).

2 (4) Individuals who, on or after the effective date of
3 this section, are convicted of or incarcerated, serving a
4 sentence of intermediate punishment or under the supervision
5 of the Pennsylvania Board of Probation and Parole or any
6 county probation and parole office for any offense punishable
7 by a maximum term of imprisonment exceeding one year, if the
8 individual was previously convicted at any time of a Class 1,
9 Class 2 or Class 3 sexual offense or a similar offense under
10 a former law of this Commonwealth or the laws of the United
11 States or one of its territories or possessions, another
12 state, the District of Columbia, a federally recognized
13 Indian tribe or a foreign nation or for an offense enumerated
14 in 42 U.S.C. § 16911(5) (A) (iii), (iv) and (v).

15 (5) Individuals who, on or after the effective date of
16 this section, are adjudicated delinquent following a
17 determination by the court that the individual has committed
18 any of the following offenses or similar offenses under the
19 laws of the United States or one of its territories or
20 possessions, another state, the District of Columbia, a
21 federally recognized Indian tribe or a foreign nation:

22 (i) 18 Pa.C.S. § 901 (relating to criminal attempt)
23 if the underlying offense is listed in subparagraph
24 (iii), (iv) or (v).

25 (ii) 18 Pa.C.S. § 903 (relating to criminal
26 conspiracy) if the underlying offense is listed in
27 subparagraph (iii), (iv) or (v).

28 (iii) 18 Pa.C.S. § 3121 (relating to rape).

29 (iv) 18 Pa.C.S. § 3123 (relating to involuntary
30 deviate sexual intercourse).

1 (v) 18 Pa.C.S. § 3125 (relating to aggravated
2 indecent assault).

3 (6) Individuals who, on or after the effective date of
4 this section, are under court-ordered placement in an
5 institution, youth development center, camp, institution
6 operated by the Department of Public Welfare or other
7 facility designed or operated for the benefit of delinquent
8 children, or are on probation or otherwise under the
9 supervision of the court, due to an adjudication of
10 delinquency following a determination by the court that the
11 individual has committed any of the following offenses or
12 similar offenses under the laws of the United States or one
13 of its territories or possessions, another state, the
14 District of Columbia, a federally recognized Indian tribe, or
15 a foreign nation:

16 (i) 18 Pa.C.S. § 901 if the underlying offense is
17 listed in subparagraph (iii), (iv) or (v).

18 (ii) 18 Pa.C.S. § 903 if the underlying offense is
19 listed in subparagraph (iii), (iv) or (v).

20 (iii) 18 Pa.C.S. § 3121.

21 (iv) 18 Pa.C.S. § 3123.

22 (v) 18 Pa.C.S. § 3125.

23 (7) Individuals who, on or after the effective date of
24 this section, are committed to or receiving involuntary
25 treatment in a facility under Chapter 64 (relating to court-
26 ordered involuntary treatment of certain sexually violent
27 persons).

28 (8) Individuals who, on the effective date of this
29 section, are registered in the State sexual offender registry
30 under this subchapter.

1 § 9799.14. Registration procedures for Pennsylvania offenders.

2 (a) Existing offenders.--An offender who, before the
3 effective date of this section, was convicted in this
4 Commonwealth of a Class 1, Class 2 or Class 3 sexual offense and
5 is required to register under section 9799.13 (relating to
6 registration) shall register with the Pennsylvania State Police
7 by providing registration information to the appropriate
8 registering official for inclusion in the State sexual offender
9 registry subject to the following:

10 (1) As follows:

11 (i) If the offender is incarcerated in a State
12 correctional facility or county correctional facility,
13 the correctional facility shall notify the Pennsylvania
14 State Police, not more than 30 days in advance of, but no
15 later than ten days prior to, the offender's release from
16 the correctional facility.

17 (ii) The correctional facility shall collect the
18 registration information from the offender and forward
19 the registration information to the Pennsylvania State
20 Police.

21 (iii) The correctional facility may not release the
22 offender from custody until the correctional facility
23 receives verification from the Pennsylvania State Police
24 that the Pennsylvania State Police has received the
25 registration information. Verification by the
26 Pennsylvania State Police may occur by electronic means.

27 (2) If the offender is serving a sentence of
28 intermediate punishment or is under the supervision of the
29 Board of Pennsylvania Probation and Parole or any county
30 probation and parole office, the probation and parole office

1 shall collect the registration information from the offender
2 and forward the registration information to the Pennsylvania
3 State Police.

4 (b) New offenders.--An offender who, on or after the
5 effective date of this section, is convicted in this
6 Commonwealth of a Class 1, Class 2 or Class 3 offense and is
7 required to register under section 9799.13 shall register with
8 the Pennsylvania State Police by providing the registration
9 information to the appropriate registering official for
10 inclusion in the State sexual offender registry subject to the
11 following:

12 (1) As follows:

13 (i) At the time of sentencing, the court shall
14 require the offender to immediately register under this
15 subchapter.

16 (ii) The county office of probation and parole shall
17 collect the registration information from the offender
18 and forward the registration information to the
19 Pennsylvania State Police.

20 (iii) The court may not release the offender from
21 custody until the court receives verification from the
22 Pennsylvania State Police that the Pennsylvania State
23 Police has received the registration information.
24 Verification by the Pennsylvania State Police may occur
25 by electronic means.

26 (2) As follows:

27 (i) If the offender is incarcerated in a State
28 correctional facility or county correctional facility,
29 the correctional facility shall notify the Pennsylvania
30 State Police, not more than 30 days in advance of, but no

1 later than ten days prior to, the offender's release from
2 the correctional facility.

3 (ii) The correctional facility shall ensure that
4 registration information for the offender has been
5 submitted to the Pennsylvania State Police.

6 (iii) If registration information has not been
7 submitted to the Pennsylvania State Police, the
8 correctional facility shall collect the registration
9 information from the offender and forward the
10 registration information to the Pennsylvania State
11 Police.

12 (iv) The correctional facility shall also report any
13 changes to the registration information on file with the
14 Pennsylvania State Police.

15 (v) The correctional facility may not release the
16 offender until the correctional facility receives
17 verification from the Pennsylvania State Police that the
18 Pennsylvania State Police has received all registration
19 information. Verification by the Pennsylvania State
20 Police may occur by electronic means.

21 (c) Other new offenders.--An offender who, on or after the
22 effective date of this section, is convicted of or incarcerated,
23 serving a sentence of intermediate punishment or is under the
24 supervision of the Pennsylvania Board of Probation and Parole or
25 any county probation and parole office for any offense
26 punishable by a maximum term of imprisonment exceeding one year
27 and is required to register under section 9799.13 due to a prior
28 conviction for a Class 1, Class 2, or Class 3 sexual offense,
29 shall register with the Pennsylvania State Police by providing
30 the registration information to the appropriate registering

1 official for inclusion in the State sexual offender registry
2 subject to the following:

3 (1) As follows:

4 (i) At the time of sentencing for an offense
5 punishable by a maximum term of imprisonment exceeding
6 one year, the court shall require the offender to
7 immediately register under this subchapter.

8 (ii) The county office of probation and parole shall
9 collect the registration information from the offender
10 and forward the registration information to the
11 Pennsylvania State Police.

12 (iii) The court may not release the offender from
13 custody until the court receives verification from the
14 Pennsylvania State Police that the Pennsylvania State
15 Police has received the registration information.
16 Verification by the Pennsylvania State Police may occur
17 by electronic means.

18 (2) As follows:

19 (i) If the offender is incarcerated in a State
20 correctional facility or county correctional facility,
21 the correctional facility shall notify the Pennsylvania
22 State Police, not more than 30 days in advance of, but no
23 later than ten days prior to, the offender's release from
24 the correctional facility.

25 (ii) The correctional facility shall ensure that
26 registration information for the offender has been
27 submitted to the Pennsylvania State Police.

28 (iii) If registration information has not been
29 submitted to the Pennsylvania State Police, the
30 correctional facility shall collect the registration

1 information from the offender and forward the
2 registration information to the Pennsylvania State
3 Police.

4 (iv) The correctional facility shall also report any
5 changes to the registration information on file with the
6 Pennsylvania State Police.

7 (v) The correctional facility may not release the
8 offender from custody until the correctional facility
9 receives verification from the Pennsylvania State Police
10 that the Pennsylvania State Police has received all
11 registration information. Verification by the
12 Pennsylvania State Police may occur by electronic means.

13 (3) If the offender is serving a sentence of
14 intermediate punishment or is under the supervision of the
15 Pennsylvania Board of Probation and Parole or any county
16 probation and parole office for an offense punishable by a
17 maximum term of imprisonment exceeding one year, the
18 probation and parole office shall collect the registration
19 information from the offender and forward the registration
20 information to the Pennsylvania State Police.

21 (d) Delinquency.--

22 (1) This subsection applies to an offender who meets all
23 of the following requirements:

24 (i) Before the effective date of this section, was
25 adjudicated delinquent under section 6341(b) (relating to
26 adjudication) following a determination by the court that
27 the offender committed any of the following offenses:

28 (A) 18 Pa.C.S. § 901 (relating to criminal
29 attempt) if the underlying offense is listed in
30 clause (C), (D) or (E).

1 (B) 18 Pa.C.S. § 903 (relating to criminal
2 conspiracy) if the underlying offense is listed in
3 clause (C), (D) or (E).

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

5 (D) 18 Pa.C.S. § 3123 (relating to involuntary
6 deviate sexual intercourse).

7 (ii) Is required to register under section 9799.13.

8 (2) An offender subject to paragraph (1) shall register
9 with the Pennsylvania State Police by providing registration
10 information to the appropriate registering official for
11 inclusion in the State sexual offender registry. The
12 following apply:

13 (i) At the time of disposition, the court shall
14 require the offender to immediately register under this
15 subchapter. The chief juvenile probation officer shall
16 ensure the collection of the registration information
17 from the offender and forward the registration
18 information to the Pennsylvania State Police. The court
19 shall not release the offender from its custody until it
20 receives verification from the Pennsylvania State Police
21 that it has received the registration information.
22 Verification by the Pennsylvania State Police may occur
23 by electronic means.

24 (ii) If the offender is under court-ordered
25 placement in any institution, youth development center,
26 camp, institution operated by the Department of Public
27 Welfare or other facility designed or operated for the
28 benefit of delinquent children, the facility shall notify
29 the Pennsylvania State Police, no more than 30 days in
30 advance of, but not later than ten days prior to, the

1 offender's release from the facility. The facility, with
2 the assistance of the chief juvenile probation officer,
3 shall ensure the collection of the registration
4 information from the offender and forward the
5 registration information to the Pennsylvania State
6 Police. The facility shall not release the offender until
7 it receives verification from the Pennsylvania State
8 Police that it has received the registration information.
9 Verification by the Pennsylvania State Police may occur
10 by electronic means.

11 (iii) If the offender is on probation or otherwise
12 under the supervision of the court, the chief juvenile
13 probation officer shall ensure collection of the
14 registration information from the offender and forward
15 the registration information to the Pennsylvania State
16 Police.

17 (e) Receiving involuntary treatment.--

18 (1) This subsection applies to an offender who meets all
19 of the following requirements:

20 (i) On the effective date of this section, is
21 receiving involuntary treatment in a facility designated
22 by the department under Chapter 64 (relating to court-
23 ordered involuntary treatment of certain sexually violent
24 persons).

25 (ii) Is required to register under section 9799.13.

26 (2) An offender subject to paragraph (1) shall register
27 with the Pennsylvania State Police by providing registration
28 information to the appropriate registering official for
29 inclusion in the State sexual offender registry. The facility
30 shall notify the Pennsylvania State Police, no more than 30

1 days in advance of, but not later than ten days prior to, the
2 offender's scheduled release from the facility. The facility
3 shall also notify the Pennsylvania State Police of the dates
4 of any review hearing or the filing of a petition for
5 discharge under section 6404 (relating to duration of
6 commitment and review) and any court orders resulting
7 therefrom. The facility, with the assistance of the chief
8 juvenile probation officer, shall ensure the collection of
9 the registration information from the offender and forward
10 the registration information to the Pennsylvania State
11 Police. Notwithstanding section 6404, the facility shall not
12 release the offender until it receives verification from the
13 Pennsylvania State Police that it has received the
14 registration information. Verification by the Pennsylvania
15 State Police may occur by electronic means.

16 (f) Subsequent commitment to involuntary treatment.--

17 (1) This subsection applies to an offender who meets all
18 of the following requirements:

19 (i) On or after the effective date of this section,
20 is committed to involuntary treatment in a facility
21 designated by the Department of Public Welfare under
22 Chapter 64.

23 (ii) Is required to register under section 9799.13.

24 (2) An offender subject to paragraph (1) shall register
25 with the Pennsylvania State Police by providing registration
26 information to the appropriate registering official for
27 inclusion in the State sexual offender registry. The
28 following apply:

29 (i) At the time of the commitment, the court shall
30 require the offender to immediately register under this

1 subchapter. The chief juvenile probation officer shall
2 ensure the collection of the registration information
3 from the offender and forward the registration
4 information to the Pennsylvania State Police.
5 Verification by the Pennsylvania State Police may occur
6 by electronic means.

7 (ii) The facility shall notify the Pennsylvania
8 State Police, no more than 30 days in advance of, but not
9 later than ten days prior to, the offender's scheduled
10 release from the facility. The facility shall also notify
11 the Pennsylvania State Police of the dates of any review
12 hearing or the filing of a petition for discharge under
13 section 6404 and any court orders resulting from the
14 hearing. The facility shall ensure that registration
15 information has been submitted to the Pennsylvania State
16 Police. If the registration information has not been
17 submitted to the Pennsylvania State Police, the facility,
18 with the assistance of the chief juvenile probation
19 officer, shall ensure the collection of the registration
20 information from the offender and forward the
21 registration information to the Pennsylvania State
22 Police. The facility, with the assistance of the chief
23 juvenile probation officer, shall report changes to the
24 registration information on file with the Pennsylvania
25 State Police. Notwithstanding section 6404, the facility
26 shall not release the offender until it receives
27 verification from the Pennsylvania State Police that it
28 has received all registration information. Verification
29 by the Pennsylvania State Police may occur by electronic
30 means.

1 (g) Refusal to provide registration information.--

2 (1) This subsection applies to an offender who is
3 scheduled:

4 (i) to be released from a:

5 (A) State correctional facility;

6 (B) county correctional facility;

7 (C) facility designed or operated for the
8 benefit of delinquent children; or

9 (D) facility designated by the department under
10 Chapter 64; or

11 (ii) to commence a sentence of probation, parole or
12 intermediate punishment.

13 (2) If an offender subject to paragraph (1) refuses to
14 provide registration information or report a change in
15 registration information, the facility or probation and
16 parole office shall notify the Pennsylvania State Police or
17 police department with primary jurisdiction of the location
18 of the offender.

19 (3) The Pennsylvania State Police or police department
20 with primary jurisdiction shall locate and arrest the
21 offender for a violation of 18 Pa.C.S. § 4915 (relating to
22 failure to comply with registration of sexual offenders
23 requirements).

24 (h) Appearance required for change of registration
25 information.--

26 (1) An offender shall appear in person at an approved
27 registration site to complete a change of information form
28 within 72 hours of any change in registration information.

29 (2) When an offender has been reincarcerated or
30 recommitted to a facility referred to in subsection (g)(1)

1 (i), for any reason, the facility shall notify the
2 Pennsylvania State Police within 72 hours of intake.

3 (i) Appearance required after release.--An offender subject
4 to registration under section 9799.13 who has not submitted
5 registration information under the procedures in this section
6 shall appear in person at an approved registration site within
7 72 hours of release from sentencing or release from
8 incarceration.

9 (j) Notice required prior to travel outside Commonwealth.--

10 (1) An offender shall provide notice to the Pennsylvania
11 State Police at least ten days before traveling outside of
12 this Commonwealth and at least 21 days before traveling
13 outside of the United States.

14 (2) The offender shall specify the place at which the
15 offender will be located outside this Commonwealth and the
16 purposes of and the duration of the travel.

17 (k) Appearance required prior to temporary lodgings.--An
18 offender who resides or is habitually located in this
19 Commonwealth and who will travel from the offender's residence
20 or habitual locale to any location for at least seven days
21 shall, not less than ten days in advance of travel, appear at an
22 approved registration site and notify the Pennsylvania State
23 Police of the place at which the offender will be temporarily
24 lodged and the duration of the travel.

25 (l) Registration information to law enforcement.--

26 (1) As follows:

27 (i) The Pennsylvania State Police shall provide the
28 information obtained under this section to the district
29 attorney of the county or counties in which the
30 individual will be present, the chief law enforcement

1 officers of the police departments of the municipalities
2 in which the individual will be present and the probation
3 or parole office where the individual will be present.

4 (ii) The Pennsylvania State Police shall notify the
5 sexual offender registry of any other jurisdiction with
6 which the individual is registered.

7 (2) As follows:

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

15 (ii) The Pennsylvania State Police shall notify the
16 United States Marshals Service of the individual's
17 failure to comply.

18 (3) The Pennsylvania State Police shall provide notice
19 to the chief law enforcement officers of the police
20 departments of the municipalities notified pursuant to
21 paragraph (1) when the Pennsylvania State Police are in
22 receipt of information indicating that the individual will no
23 longer be present in the municipality.

24 (4) As follows:

25 (i) If an offender or out-of-State offender informs
26 the Pennsylvania State Police of the offender's intent to
27 travel outside of or be temporarily lodged outside of
28 this Commonwealth, the Pennsylvania State Police shall,
29 within 72 hours of being notified, inform the
30 jurisdiction where the offender or out-of-State offender

1 intends to travel or be temporarily lodged.

2 (ii) When an offender or out-of-State offender
3 informs the Pennsylvania State Police of the offender's
4 intent to travel outside of or be temporarily lodged
5 outside of the United States, the Pennsylvania State
6 Police shall, within 72 hours of being notified, inform
7 the United States Marshals Service.

8 (m) Penalty.--An offender who fails to comply with the
9 requirements of this subchapter is subject to prosecution under
10 18 Pa.C.S. § 4915.

11 § 9799.15. Exemption from registration and public notification
12 for Pennsylvania offenders.

13 (a) Class 1 sexual offenders.--A Class 1 sexual offender may
14 petition the court of common pleas where the offender was
15 convicted of a registrable offense to be exempt from
16 registration under section 9799.13 (relating to registration)
17 and public notification under section 9799.23 (relating to
18 information made available to the public), if:

19 (1) No less than 15 years have passed since the offender
20 was convicted of the registrable offense, excluding any time
21 that the offender was in custody or civilly committed.

22 (2) During the 15-year period, the offender met all of
23 the removal criteria.

24 (b) Class 2 sexual offenders.--A Class 2 sexual offender may
25 petition the court of common pleas where the offender was
26 convicted of a registrable offense to be exempt from
27 registration under section 9799.13 and public notification under
28 section 9799.23, if:

29 (1) No less than 25 years have passed since the offender
30 was convicted of the registrable offense, excluding any time

1 the offender was in custody or civilly committed.

2 (2) During the 25-year period, the offender met all of
3 the removal criteria.

4 (b.1) Noninvoluntarily committed offenders.--An offender who
5 is subject to registration due to an adjudication of delinquency
6 for a offense listed under section 9799.13, but who has never
7 been subject to a court-ordered involuntary commitment under 42
8 Pa.C.S. Ch. 64 (relating to court-ordered involuntary treatment
9 of certain sexually violent persons), may petition the court of
10 common pleas where he or she was adjudicated delinquent to be
11 exempt from registration under section 9799.13 if:

12 (1) no fewer than 25 years have passed since the
13 individual was adjudicated delinquent on the basis of the
14 registrable offense, excluding any time the individual was in
15 custody or civilly committed; and

16 (2) during that 25-year period, the individual met all
17 the removal criteria.

18 (c) Hearing required.--

19 (1) Within 120 days of the filing of a petition under
20 subsection (a) or (b), the court shall hold a hearing to
21 determine whether to exempt the offender from registration
22 and public notification, if applicable.

23 (2) The offender and the district attorney shall be
24 given notice of the hearing and an opportunity to be heard,
25 the right to call witnesses, the right to call expert
26 witnesses and the right to cross-examine witnesses.

27 (d) Exemption.--The court shall exempt the offender
28 identified in subsection (a) or (b) from registration and public
29 notification, if applicable, upon a finding that the offender
30 meets all of the removal criteria.

1 (e) Notice.--A court that grants relief to an offender under
2 this section shall notify the Pennsylvania State Police in
3 writing within ten days from the date relief is granted.

4 (f) Right to appeal.--

5 (1) The offender and the district attorney shall have
6 the right to appellate review of the actions of the court
7 taken under this section.

8 (2) An appeal by the district attorney shall stay the
9 order of the sentencing court.

10 (g) Subsequent conviction.--Any relief granted under this
11 section shall be void and the offender shall automatically and
12 immediately again be subject to all applicable provisions of
13 this subchapter, if the offender is subsequently convicted of:

14 (1) an offense under 18 Pa.C.S. § 4915 (relating to
15 failure to comply with registration of sexual offenders
16 requirements); or

17 (2) an offense, in this or any other jurisdiction, that
18 is punishable by imprisonment for more than one year.

19 § 9799.16. Registration procedures for out-of-State offenders.

20 (a) General duties.--An out-of-State offender who is
21 required to register under section 9799.13 (relating to
22 registration) shall:

23 (1) Appear in person at an approved registration site
24 within 72 hours of the offender's arrival in this
25 Commonwealth.

26 (2) Submit to fingerprinting and photographing.

27 (3) Provide the required registration information to an
28 appropriate official for inclusion in the State sexual
29 offender registry.

30 (b) Classification.--

1 (1) The Pennsylvania State Police shall classify an out-
2 of-State offender as a Class 1, Class 2 or Class 3 sexual
3 offender or sexually violent predator based on the
4 equivalency of the offender's offenses to those specified in
5 this subchapter or upon the offender's classification in the
6 jurisdiction of conviction or court-martial, whichever is
7 greater.

8 (2) If an individual is registered solely due to the
9 individual's conviction for an offense specified in 42 U.S.C.
10 § 16911(5)(A)(iii) (relating to relevant definitions,
11 including Amie Zyla expansion of sex offender definition and
12 expanded inclusion of child predator) and the conviction does
13 not equate to a Class 1, Class 2 or Class 3 offense, the
14 offender shall be classified based upon the criteria
15 specified in 42 U.S.C. §16911.

16 (3) If an individual registered due to an adjudication
17 of delinquency for an offense equivalent to an offense listed
18 under section 9799.13, the offender shall be classified as a
19 juvenile offender and subject to the same provisions
20 applicable to Pennsylvania juvenile offenders under this
21 subchapter.

22 (c) Appearance required for change of registration
23 information.--

24 (1) An out-of-State offender shall appear in person at
25 an approved registration site to complete a change of
26 information form within 72 hours of any change in
27 registration information.

28 (2) If an out-of-State offender has been
29 incarcerated or committed to a facility in this Commonwealth
30 for any reason, the State correctional facility, county

1 correctional facility, facility designed or operated for the
2 benefit of delinquent children or facility designated by the
3 Department of Public Welfare under 42 Pa.C.S. Ch. 64
4 (relating to court-ordered involuntary treatment of certain
5 sexually violent persons) shall notify the Pennsylvania State
6 Police within 72 hours of intake.

7 (d) Notice required prior to travel outside Commonwealth.--

8 (1) An out-of-State offender registered under this
9 subchapter shall provide notice to the Pennsylvania State
10 Police at least ten days before traveling outside of this
11 Commonwealth and at least 21 days before traveling outside of
12 the United States.

13 (2) The out-of-State offender shall specify the place at
14 which the out-of-State offender will be located outside this
15 Commonwealth and the purposes of and the duration of the
16 travel.

17 (e) Appearance required prior to temporary lodgings.--An
18 out-of-State offender who resides or is habitually located in
19 this Commonwealth who will be away from the offender's residence
20 or habitual locale at any location for at least seven days
21 shall, no less than five days in advance of travel, appear at an
22 approved registration site and notify the Pennsylvania State
23 Police of the place at which the offender will be temporarily
24 lodged and the duration of the travel.

25 (f) Duties for offenders in custody or under supervision.--
26 Notwithstanding the provisions of this section, an out-of-State
27 offender and who is incarcerated in a Pennsylvania correctional
28 facility serving a sentence of intermediate punishment or
29 otherwise under the supervision of the Pennsylvania Board of
30 Probation and Parole or any county probation and parole office

1 shall register in accordance with the provisions of this
2 section.

3 (g) Registration information to law enforcement.--

4 (1) (i) The Pennsylvania State Police shall provide the
5 information obtained under this section to the district
6 attorney of the county or counties in which the
7 individual will be present, the chief law enforcement
8 officers of the police departments of the municipalities
9 in which the individual will be present and the probation
10 or parole office where the individual will be present.

11 (ii) The Pennsylvania State Police shall notify the
12 sexual offender registry of any other jurisdiction with
13 which the individual is registered.

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

21 (ii) The Pennsylvania State Police shall notify the
22 United States Marshals Service of the individual's
23 failure to comply.

24 (3) The Pennsylvania State Police shall provide notice
25 to the chief law enforcement officers of the police
26 departments of the municipalities notified pursuant to
27 paragraph (1) when the Pennsylvania State Police are in
28 receipt of information indicating that the individual will no
29 longer be present in the municipality.

30 (4) (i) If an out-of-State offender informs the

1 Pennsylvania State Police of the offender's intent to
2 travel outside of or be temporarily lodged outside of
3 this Commonwealth, the Pennsylvania State Police shall,
4 within 72 hours of being notified, inform the
5 jurisdiction where the offender or out-of-State offender
6 intends to travel or be temporarily lodged.

7 (ii) When an offender or out-of-State offender
8 informs the Pennsylvania State Police of the offender's
9 intent to travel outside of or be temporarily lodged
10 outside of the United States, the Pennsylvania State
11 Police shall, within 72 hours of being notified, inform
12 the United States Marshals Service.

13 (h) Penalty.--An out-of-State offender who fails to comply
14 with the requirements of this subchapter is subject to
15 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
16 comply with registration of sexual offenders requirements).
17 § 9799.17. Exemption from registration and public notification
18 for out-of-State offenders.

19 (a) Class 1 out-of-State offenders.--A Class 1 out-of-State
20 sexual offender may petition the court of common pleas in the
21 county where the offender resides or is habitually located to be
22 exempt from registration under section 9799.13 (relating to
23 registration) and public notification under section 9799.23
24 (relating to information made available to the public) if:

25 (1) no fewer than 15 years have passed since the
26 offender was convicted of the registrable offense, excluding
27 any time that the offender was in custody or civilly
28 committed; and

29 (2) during that 15-year period, the offender met all the
30 removal criteria.

1 (b) Class 2 out-of-State offenders.--A Class 2 out-of-State
2 sexual offender may petition the court of common pleas in the
3 county where the offender resides or is habitually located to be
4 exempt from registration under section 9799.13 (relating to
5 registration) and public notification under section 9799.23
6 (relating to information made available to the public) if:

7 (1) no fewer than 25 years have passed since the
8 offender was convicted of the registrable offense, excluding
9 any time the offender was in custody or civilly committed;
10 and

11 (2) during that 25-year period, the offender met all the
12 removal criteria.

13 (b.1) Noninvoluntarily committed out-of-State offenders.--An
14 offender who is subject to registration due to an adjudication
15 of delinquency for a offense equivalent to an offense listed
16 under section 9799.13, but who has never been subject to a
17 court-ordered involuntary commitment under 42 Pa.C.S. Ch. 64
18 (relating to court-ordered involuntary treatment of certain
19 sexually violent persons) or equivalent statute in another
20 jurisdiction, may petition the court of common pleas where he or
21 she resides or is habitually located to be exempt from
22 registration under section 9799.13 if:

23 (1) no fewer than 25 years have passed since the
24 individual was adjudicated delinquent on the basis of the
25 registrable offense, excluding any time the individual was in
26 custody or civilly committed; and

27 (2) during that 25-year period, the individual met all
28 the removal criteria.

29 (c) Hearing.--Within 120 days of the filing of a petition
30 under subsection (a) or (b), the court shall hold a hearing to

1 determine whether to exempt the out-of-State offender from
2 registration and community notification, if applicable. The out-
3 of-State offender and the district attorney of the county in
4 which the out-of-State offender resides or is habitually located
5 shall be given notice of the hearing and an opportunity to be
6 heard, the right to call witnesses, the right to call expert
7 witnesses and the right to cross-examine witnesses.

8 (d) Exemption.--The court shall exempt the out-of-State
9 offender identified in subsection (a) or (b) from registration
10 and public notification, if applicable, upon a finding that the
11 offender meets all the removal criteria.

12 (e) Notice.--Any court granting relief to an out-of-State
13 offender under this section shall notify the Pennsylvania State
14 Police in writing within ten days from the date relief is
15 granted.

16 (f) Right to appeal.--The out-of-State offender and the
17 district attorney shall have the right to appellate review of
18 the actions of the sentencing court taken under this section.
19 An appeal by the district attorney shall stay the order of the
20 sentencing court.

21 (g) Subsequent conviction.--Any relief granted under this
22 section shall be void, and the out-of-State offender shall
23 automatically and immediately again be subject to all applicable
24 provisions of this subchapter if the offender is subsequently
25 convicted of:

26 (1) an offense under 18 Pa.C.S. § 4915 (relating to
27 failure to comply with registration of sexual offenders
28 requirements); or

29 (2) an offense, in this or any other jurisdiction, that
30 is punishable by imprisonment for more than one year.

1 (h) Employee or student registrant.--In the case of an out-
2 of-State offender who is registered with the Pennsylvania State
3 Police solely due to the offender being employed or going to
4 school in this Commonwealth, the out-of-State offender may
5 petition the court of common pleas where the offender is
6 employed or goes to school. The out-of-State offender must meet
7 all other requirements of this section.

8 § 9799.18. Sentencing court information.

9 (a) Notice to offenders.--At the time of sentencing or
10 juvenile disposition, the court shall inform offenders of the
11 provisions of this subchapter. The court shall:

12 (1) Specifically inform the offender of the duty to
13 register and require the offender to register immediately
14 following sentencing or disposition in accordance with this
15 subchapter.

16 (2) Specifically inform the offender of the duty to
17 verify the offender's registration in accordance with this
18 subchapter, and the duty to update the offender's
19 registration information with the Pennsylvania State Police
20 within 72 hours of any change in registration information.

21 (3) Specifically inform the offender of the duty to
22 notify the Pennsylvania State Police within 72 hours if the
23 offender intends to leave this Commonwealth or if the
24 offender intends to establish an additional residence, place
25 of employment or attend school in another jurisdiction. The
26 court shall also inform the offender of the duty to register
27 in the new jurisdiction with the relevant law enforcement
28 agency no later than 72 hours after arrival in that
29 jurisdiction.

30 (4) Specifically inform the offender of the duty to

1 register with the appropriate authorities in any state in
2 which the offender is employed, carries on a vocation or is a
3 student if the state requires registration.

4 (5) Require the offender to read and sign a form stating
5 that the duty to register under this subchapter has been
6 explained. If the offender is incapable of speaking, reading
7 or writing the English language, the court shall certify the
8 duty to register was explained to the offender, and the
9 offender indicated an understanding of the duty.

10 (6) Specifically classify the offender as a Class 1,
11 Class 2 or Class 3 sexual offender, sexually violent predator
12 or juvenile offender subject to this chapter.

13 (b) Supplemental notice.--Notice shall also be provided to
14 an individual a court is sentencing for a crime, if that crime
15 is punishable by a maximum term of imprisonment exceeding one
16 year and the individual was previously convicted at any time of
17 a Class 1, Class 2 or Class 3 sexual offense or a similar
18 offense under a former law of this Commonwealth or the laws of
19 the United States or one of its territories or possessions,
20 another state, the District of Columbia, a federally recognized
21 Indian tribe or a foreign nation or was convicted of an offense
22 specified in 42 U.S.C. § 16911(5)(A)(iii), (iv) and (v)
23 (relating to relevant definitions, including Amie Zyla expansion
24 of sex offender definition and expanded inclusion of child
25 predator).

26 (c) Mandatory registration.--All offenders must register in
27 accordance with this subchapter.

28 (1) A failure by a sentencing court to provide the
29 information required in this section, to correctly inform an
30 offender of the offender's obligations or to require an

1 offender to register shall not free an offender from the
2 registration requirements as stated in this subchapter.

3 (2) As registration pursuant to this subchapter is a
4 collateral civil consequence of an offender's conviction and
5 is not to be construed as punitive, no sentencing court shall
6 have the authority to exempt an offender from registration
7 pursuant to this subchapter or otherwise modify the terms of
8 an offender's registration, except as set forth in section
9 9799.15 (relating to exemption from registration and public
10 notification for Pennsylvania offenders) and section 9799.17
11 (relating to exemption from registration and public
12 notification for out-of-State offenders).

13 § 9799.19. Assessments.

14 (a) Order for assessment.--After conviction but before
15 sentencing, a court shall order an individual convicted of a
16 Class 1, Class 2 or Class 3 sexual offense to be assessed by the
17 board. The order for an assessment shall be sent to the
18 administrative officer of the board within ten days of the date
19 of conviction for a Class 1, Class 2 or Class 3 sexual offense.

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

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

29 (i) Whether the offense involved multiple victims.

30 (ii) Whether the individual exceeded the means

1 necessary to achieve the offense.

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

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

5 (v) Age of the victim.

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

9 (vii) The mental capacity of the victim.

10 (2) Prior offense history, including:

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

12 (ii) Whether the individual completed any prior
13 sentences.

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

16 (3) Characteristics of the individual, including:

17 (i) Age.

18 (ii) Use of illegal drugs.

19 (iii) Any mental illness, mental disability or
20 mental abnormality.

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

23 (4) Factors that are supported in a sexual offender
24 assessment field as criteria reasonably related to the risk
25 of re-offense.

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

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

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

9 (d.1) Summary of offense.--The board shall prepare a
10 description of the offense or offenses that trigger the
11 application of this subchapter to include, but not be limited
12 to:

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

14 (2) Whether the victim was a minor.

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

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

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

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

25 (e) Hearing.--

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

1 the board.

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

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

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

22 (f) Presentence investigation.--If the board has performed
23 an assessment under this section, copies of the report shall be
24 provided to the agency preparing the presentence investigation.

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

30 (h) Delinquent children.--Except if section 6358(b.1) is

1 applicable, the probation officer shall notify the board 90 days
2 prior to the 20th birthday of the child of the status of the
3 delinquent child who is committed to an institution or other
4 facility pursuant to section 6352 (relating to disposition of
5 delinquent child) after having been found delinquent for an act
6 of sexual violence that if committed by an adult would be a
7 violation of 18 Pa.C.S. § 3121 (relating to rape), 3123
8 (relating to involuntary deviate sexual intercourse), 3124.1
9 (relating to sexual assault), 3125 (relating to aggravated
10 indecent assault), 3126 (relating to indecent assault) or 4302
11 (relating to incest), together with the location of the facility
12 where the child is committed. The board shall conduct an
13 assessment of the child, which shall include the board's
14 determination of whether or not the child is in need of
15 commitment due to a mental abnormality as defined in section
16 6402 (relating to definitions) or a personality disorder, either
17 of which results in serious difficulty in controlling sexually
18 violent behavior, and provide a report to the court within the
19 time frames set forth in section 6358(c). The probation officer
20 shall assist the board in obtaining access to the child and any
21 records or information as requested by the board in connection
22 with the assessment. The assessment shall be conducted under
23 subsection (b).

24 (i) Other assessments.--Upon receipt from the court of an
25 order for an assessment under section 9799.15 (relating to
26 exemption from registration and public notification for
27 Pennsylvania offenders) or section 9799.17 (relating to
28 exemption from registration and public notification for out-of-
29 State offenders), a member of the board as designated by the
30 administrative officer of the board shall conduct an assessment

1 of the individual to determine if the relief sought, if granted,
2 is likely to pose a threat to the safety of any other person.
3 The board shall establish standards for evaluations and for
4 evaluators conducting these assessments.

5 § 9799.20. Verification of registration information.

6 (a) Quarterly verification.--Sexually violent predators,
7 Class 3 sexual offenders, Class 3 out-of-State sexual offenders,
8 offenders subject to registration under section 9799.13
9 (relating to registration) due to an adjudication of delinquency
10 for a qualifying offense or a civil commitment and all transient
11 offenders and transient out-of-State offenders shall verify
12 their registration information every 90 days after their
13 registration start date by reporting in person to an approved
14 registration site to verify the offender's registration
15 information and be photographed. If the offender or out-of-State
16 offender fails to report on or within ten days prior to the
17 offender's quarterly reporting date, the offender or out-of-
18 State offender will be in violation of this subsection.

19 (b) Facilitation of quarterly verification.--The
20 Pennsylvania State Police shall facilitate and administer the
21 verification process required under subsection (a) by doing all
22 of the following:

23 (1) Sending a nonforwardable verification notice by
24 first class United States mail to all individuals referenced
25 in subsection (a) at their last reported mailing location,
26 residence or habitual locale every 90 days. This notice shall
27 be sent not more than 30 days nor less than 15 days prior to
28 the offender or out-of-State offender's quarterly
29 verification period and shall remind the offender of the
30 offender's quarterly verification requirement and provide the

1 offender with a list of approved registration sites.

2 (2) Providing verification forms as necessary to each
3 approved registration site, the Department of Corrections,
4 county correctional facilities, the Pennsylvania Board of
5 Probation and Parole and county probation and parole
6 departments.

7 (c) Semiannual verification.--All Class 2 sexual offenders
8 and Class 2 out-of-State sexual offenders, except for transient
9 offenders subject to quarterly verification, shall verify their
10 registration information every 180 days after their registration
11 start date by reporting in person to an approved registration
12 site to verify the offender's registration information and to be
13 photographed. If the offender or out-of-State offender fails to
14 report on or within ten days prior to the offender's semiannual
15 reporting date, the offender or out-of-State offender will be in
16 violation of this subsection.

17 (d) Facilitation of semiannual verification.--The
18 Pennsylvania State Police shall facilitate and administer the
19 verification process required under subsection (c) by doing all
20 of the following:

21 (1) Sending a nonforwardable verification notice by
22 first class United States mail to all individuals referenced
23 in subsection (c) at their last reported mailing location,
24 residence or habitual locale every 180 days. This notice
25 shall be sent not more than 30 days nor less than 15 days
26 prior to the offender or out-of-State offender's semiannual
27 verification period and shall remind the offender of the
28 offender's semiannual verification requirement and provide
29 the offender with a list of approved registration sites.

30 (2) Providing verification forms as necessary to each

1 approved registration site, the Department of Corrections,
2 county correctional facilities, the Pennsylvania Board of
3 Probation and Parole and county probation and parole
4 departments.

5 (e) Annual verification.--All Class 1 offenders and Class 1
6 out-of-State offenders, except for transient offenders subject
7 to quarterly verification, shall verify their registration
8 information annually following their registration start date by
9 reporting in person to an approved registration site to verify
10 the offender's registration information and to be photographed.
11 If the offender or out-of-State offender fails to report within
12 ten days before the offender's annual reporting date, the
13 offender or out-of-State offender will be in violation of this
14 subsection.

15 (f) Facilitation of annual verification.--The Pennsylvania
16 State Police shall facilitate and administer the verification
17 process required by subsection (e) by doing the following:

18 (1) Sending a nonforwardable verification notice by
19 first class United States mail to individuals referenced in
20 subsection (e) at their last reported mailing location,
21 residence or habitual locale. This notice shall be sent no
22 more than 30 days and no less than 15 days prior to the
23 offender or out-of-State offender's annual verification
24 period and shall remind the offender of the offender's annual
25 verification requirement and provide the offender with a list
26 of approved registration sites.

27 (2) Providing verification forms as necessary to each
28 approved registration site, the Department of Corrections,
29 county correctional facilities, the Pennsylvania Board of
30 Probation and Parole and county probation and parole

1 departments.

2 (g) Offenders on probation or parole.--If an offender or
3 out-of-State offender is under the supervision of the
4 Pennsylvania Board of Probation and Parole or a county or
5 juvenile probation or parole department, the offender or out-of-
6 State offender shall report in person to the parole or probation
7 office to verify the offender's registration information and to
8 be photographed. The Pennsylvania Board of Probation and Parole
9 and county and juvenile probation and parole departments shall
10 collect the verification information for all offenders and out-
11 of-State offenders under their supervision on a form prescribed
12 by the Pennsylvania State Police and photograph the offender and
13 out-of-State offender. The Pennsylvania Board of Probation and
14 Parole and county and juvenile probation and parole departments
15 shall immediately submit the registration information and
16 photographs to the Pennsylvania State Police.

17 (h) Imprisoned offenders.--If an offender or out-of-State
18 offender is incarcerated or committed in a State or county
19 correctional facility, facility designed or operated for the
20 benefit of delinquent children or facility designated by the
21 Department of Public Welfare under 42 Pa.C.S. Ch. 64 (relating
22 to court-ordered involuntary treatment of certain sexually
23 violent persons), the offender or out-of-State offender shall
24 report to the designated official at the facility to verify the
25 offender's registration information and be photographed. The
26 facilities shall ensure the collection of the verification
27 information for offenders and out-of-State offenders in their
28 custody on a form prescribed by the Pennsylvania State Police
29 and photograph the offenders and out-of-State offenders. The
30 facilities shall immediately submit the information and

1 photographs to the Pennsylvania State Police.

2 (i) Change of registration information.--The Pennsylvania
3 State Police shall report an offender's or out-of-State
4 offender's change of registration information to the appropriate
5 law enforcement agency having jurisdiction. If the offender or
6 out-of-State offender changes residence, habitual locale, place
7 of employment or place of enrollment as a student to another
8 jurisdiction, the Pennsylvania State Police shall notify the
9 appropriate law enforcement agency with which the offender or
10 out-of-State offender must register in the new jurisdiction.

11 (j) Failure to keep the registration current.--If an
12 offender or out-of-State offender fails to verify the offender's
13 registration information within the time periods as set forth in
14 this section, the Pennsylvania State Police shall notify the
15 municipal police department having jurisdiction of the
16 offender's or out-of-State offender's last reported residence,
17 habitual locale, employer or school and of the offender's or
18 out-of-State offender's failure to appear. The Pennsylvania
19 State Police shall also notify the United States Marshals
20 Service of the offender or out-of-State offender's failure to
21 appear. The municipal police shall locate the offender or out-
22 of-State offender and arrest the offender for violating this
23 section. If the municipal police are not able to locate the
24 offender or out-of-State offender, the municipal police shall
25 obtain an arrest warrant for the offender or out-of-State
26 offender and send a copy of the arrest warrant to the
27 Pennsylvania State Police. In jurisdictions where no municipal
28 police jurisdiction exists, the Pennsylvania State Police shall
29 assume responsibility for locating the offender or out-of-State
30 offender, obtaining an arrest warrant and arresting the offender

1 or out-of-State offender. Upon request, the Pennsylvania State
2 Police shall assist any municipal police department with
3 locating and arresting an offender or out-of-State offender who
4 fails to verify registration information.

5 (k) Penalty.--An offender or out-of-State offender who fails
6 to verify registration information or to be photographed as
7 required by this section may be subject to prosecution under 18
8 Pa.C.S. § 4915 (relating to failure to comply with registration
9 of sexual offenders requirements).

10 (l) Effect of notice.--Failure to send or receive notice of
11 information under this section shall not relieve the offender or
12 out-of-State offender from the requirements of this subchapter.

13 § 9799.21. Victim notification.

14 (a) Duty to inform victim.--

15 (1) If an offender is determined to be a sexually
16 violent predator, the municipal police department or the
17 Pennsylvania State Police, if no municipal police
18 jurisdiction exists, shall give written notice to the
19 sexually violent predator's victim when the sexually violent
20 predator registers initially and when he or she notifies the
21 Pennsylvania State Police of a change of residence, habitual
22 locale, employment or school. This notice shall be given
23 within 72 hours after the sexually violent predator registers
24 or notifies the Pennsylvania State Police of a change of
25 residence, habitual locale, employment or school. The notice
26 shall contain the sexually violent predator's name and the
27 address or addresses where the sexually violent predator
28 resides, has the sexually violent predator habitual locales,
29 employment or school.

30 (2) A victim may terminate the duty to inform set forth

1 in paragraph (1) by providing the local municipal police
2 department or the Pennsylvania State Police if no local
3 municipal police department exists with a written statement
4 releasing that agency from the duty to comply with this
5 section as it pertains to that victim.

6 (b) Individual not determined to be a sexually violent
7 predator.--If an individual is not determined to be a sexually
8 violent predator, the victim shall be notified in accordance
9 with section 201 of the act of November 24, 1998 (P.L. 882, No.
10 111), known as the Crime Victims Act.

11 (c) Electronic notification option.--Notwithstanding
12 subsections (a) and (b), the Pennsylvania State Police shall
13 develop and implement a system that allows victims and other
14 members of the public to receive electronic notification in lieu
15 of the notification in subsection (a) and (b) when a sexual
16 offender, out-of-State sexual offender or sexually violent
17 predator changes residence, habitual locale, employment or
18 school.

19 § 9799.22. Other notification.

20 (a) Notice.--Notwithstanding the provisions of 18 Pa.C.S.
21 Ch. 91 (relating to criminal history record information) and 42
22 Pa.C.S. Ch. 63 (relating to juvenile matters), the chief law
23 enforcement officer of the police department of the municipality
24 where a sexually violent predator lives shall be responsible for
25 providing written notice as required under this section.

26 (1) The notice shall contain:

27 (i) The name of the sexually violent predator.

28 (ii) The address or addresses at which the sexually
29 violent predator resides. If the sexually violent
30 predator is a transient, written notice under this

1 subparagraph shall include the municipality and county
2 containing the transient's habitual locale.

3 (iii) The offense for which the sexually violent
4 predator was convicted, sentenced by a court, adjudicated
5 delinquent or court martialled.

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

10 (v) A photograph of the sexually violent predator.

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

13 (b) Written notice recipients.--The chief law enforcement
14 officer shall provide written notice, under subsection (a), to
15 the following persons:

16 (1) Neighbors of the sexually violent predator. As used
17 in this paragraph, where the sexually violent predator lives
18 in a common interest community, the term "neighbor" includes
19 the unit owners' association and residents of the common
20 interest community. As used in this paragraph, where the
21 sexually violent predator is transient, the term "neighbor"
22 shall include the area of the offender's habitual locales,
23 and the chief law enforcement officer shall determine the
24 appropriate method for providing written notice.

25 (2) The director of the county children and youth
26 service agency of the county where the sexually violent
27 predator resides or, if the sexually violent predator is
28 transient, each county containing the sexually violent
29 predator's habitual locale.

30 (3) The superintendent of each school district and the

1 equivalent official for private and parochial schools
2 enrolling students up through 12th grade in the municipality
3 where the sexually violent predator resides or, if the
4 sexually violent predator is transient, each municipality
5 containing the sexually violent predator's habitual locale.

6 (4) The superintendent of each school district and the
7 equivalent official for each private and parochial school
8 located within a one-mile radius of where the sexually
9 violent predator resides or maintains a habitual locale.

10 (5) The licensee of each certified day-care center and
11 licensed preschool program and owner/operator of each
12 registered family day-care home in the municipality where the
13 sexually violent predator resides or, if the sexually violent
14 predator is transient, each municipality containing the
15 sexually violent predator's habitual locale.

16 (6) The president of each college, university and
17 community college located within 1,000 feet of a sexually
18 violent predator's residence or where the sexually violent
19 predator maintains a habitual locale.

20 (c) Notification time frames.--The municipal police
21 department's chief law enforcement officer shall provide notice
22 within the following time frames:

23 (1) To neighbors, notice shall be provided within five
24 days after information of the sexually violent predator's
25 release date and residence has been received by the chief law
26 enforcement officer. Notwithstanding the provisions of
27 subsections (a) and (b), verbal notification may be used if
28 written notification would delay meeting this time
29 requirement.

30 (2) To the persons specified in subsection (b) (2), (3),

1 (4), (5) and (6), notice shall be provided within seven days
2 after the chief law enforcement officer receives information
3 regarding the sexually violent predator's release date and
4 residence.

5 (d) Public notice.--Information provided in accordance with
6 subsection (a) shall be available to the general public upon
7 request. The information may be provided by electronic means.

8 (e) Interstate transfers.--The duties of police departments
9 under this section shall also apply to individuals who are
10 transferred to this Commonwealth under 61 Pa.C.S. Ch. 71 Subch.
11 B (relating to Interstate Compact for the Supervision of Adult
12 Offenders) or the act of July 2, 2004 (P.L.468, No.54), known as
13 the Interstate Compact for Juveniles Act.

14 § 9799.23. Information made available to the public.

15 (a) Internet website.--The Commissioner of the Pennsylvania
16 State Police shall do the following:

17 (1) Develop and maintain a system for making the
18 information described in subsection (b) publicly available by
19 electronic means so that the public may, without limitation,
20 obtain access to the information via an Internet website to
21 view an individual record or the records of offenders and
22 out-of-State offenders and registered with the Pennsylvania
23 State Police.

24 (2) Ensure the Internet website contains warnings that a
25 person who uses the information contained therein to
26 threaten, intimidate or harass another or who otherwise
27 misuses that information may be criminally prosecuted.

28 (3) Ensure the Internet website contains an explanation
29 of its limitations, including statements advising that:

30 (i) A positive identification of an offender or out-

1 of-State offender whose record has been made available
2 may be confirmed only by fingerprints.

3 (ii) Some information contained on the Internet
4 website may be outdated or inaccurate.

5 (iii) The Internet website is not a comprehensive
6 listing of every person who has ever committed a sex
7 offense in Pennsylvania.

8 (4) Strive to ensure the information contained on the
9 Internet website is accurate and that the data therein is
10 revised and updated within 72 hours of a change in
11 registration information.

12 (5) Provide on the Internet website general information
13 designed to inform and educate the public about sex offenders
14 and the operation of this subchapter as well as pertinent and
15 appropriate information concerning crime prevention and
16 personal safety, with appropriate links to other relevant
17 Internet websites operated by the Commonwealth.

18 (b) Required information.--Notwithstanding 18 Pa.C.S. Ch. 91
19 (relating to criminal history record information) and 42 Pa.C.S.
20 Ch. 63 (relating to juvenile matters), the Internet website
21 shall contain the following information for individuals
22 registered with the Pennsylvania State Police:

23 (1) Name and aliases.

24 (2) Year of birth.

25 (3) Street address, city, county and zip code of
26 residences and intended residences.

27 (4) Street address, city, county and zip code of any
28 institution or location at which the person is enrolled as a
29 student.

30 (5) Street address, city, county and zip code of an

1 employment location.

2 (6) Photograph of the offender or out-of-State offender,
3 that shall be updated no less than every year.

4 (7) Physical description of the offender or out-of-State
5 offender.

6 (8) License plate number and a description of a vehicle
7 owned or operated by the offender or out-of-State offender.

8 (9) Text of the statutory provision defining the
9 criminal offense for which the offender or out-of-State
10 offender is registered.

11 (10) Date of the offense and conviction.

12 (11) Date the offender or out-of-State offender last
13 verified the offender's registration information.

14 (12) Compliance status.

15 (13) Abstract of criminal history record indicating
16 convictions for Class 1, Class 2 and Class 3 sexual offenses.

17 (14) Other information required by Federal law.

18 (c) (Reserved).

19 (d) Duration of posting.--The information listed in
20 subsection (b) shall be made available on the Internet unless
21 the offender or out-of-State offender is granted relief under
22 section 9799.15 (relating to exemption from registration and
23 public notification for Pennsylvania offenders) or section
24 9799.17 (relating to exemption from registration and public
25 notification for out-of-State offenders). When an offender or
26 out-of-State offender is deceased or no longer present in this
27 Commonwealth, the posting shall remain on the website for a
28 period of 60 days along with a notice of the offender or out-of-
29 State offender's change in status and the date the posting will
30 be removed from the website.

1 (e) Duty of Pennsylvania State Police.--Notwithstanding 18
2 Pa.C.S. Ch. 91, the Pennsylvania State Police shall develop and
3 implement a process that allows members of the public to receive
4 electronic notification when any registered offender is present
5 or no longer present within a zip code or geographic radius
6 specified by the requester.

7 (f) Chief law enforcement officer.--Notwithstanding any of
8 the provisions of 18 Pa.C.S. Ch. 91, the chief law enforcement
9 officer of the police department with primary jurisdiction over
10 the municipality where an offender or out-of-State offender is
11 present may disseminate all information in subsection (c) to the
12 public through any available means it deems necessary including,
13 but not limited to, newspaper, television, radio and community
14 meetings. This information shall be available, upon request, to
15 the general public.

16 (g) Exception.--Unless the offender or out-of-State offender
17 has been subject to a court-ordered involuntary commitment under
18 42 Pa.C.S. Ch. 64 (relating to court-ordered involuntary
19 treatment of certain sexually violent persons) or equivalent
20 statute in another jurisdiction, offenders and out-of-State
21 offenders who are required to register under section 9799.13
22 (relating to registration) because of an adjudication of
23 delinquency for a qualifying offense shall not be subject to
24 public notification under the requirements of this section.

25 § 9799.24. Administration.

26 The Governor shall direct the Pennsylvania State Police, the
27 Pennsylvania Board of Probation and Parole, the board, the
28 Department of Corrections, the Department of Transportation and
29 any other agency of the Commonwealth the Governor deems
30 necessary to collaboratively design, develop and implement an

1 integrated and secure system of communication, storage and
2 retrieval of information to assure the timely, accurate and
3 efficient administration of this subchapter.

4 § 9799.25. Global positioning system technology.

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

9 § 9799.26. Immunity for good faith conduct.

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

12 (1) Agents and employees of the Pennsylvania State
13 Police and local law enforcement agencies.

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

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

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

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

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

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

26 (8) Licensees of certified day-care centers and
27 directors of licensed preschool programs and owners and
28 operators of registered family day-care homes and their
29 agents and employees.

30 (9) The Department of Corrections and its agents and

1 employees.

2 (10) County correctional facilities and their agents and
3 employees.

4 (11) The board and its agents and employees.

5 (12) Juvenile probation offices and their agents and
6 employees.

7 (13) The Department of Public Welfare and its agents and
8 employees.

9 (14) Institutions, youth development centers, camps or
10 other facilities designed or operated for the benefit of
11 delinquent children and their agents and employees.

12 § 9799.27. Pennsylvania State Police.

13 (a) Duties.--The Pennsylvania State Police have the
14 following duties:

15 (1) Create and maintain a State sexual offender
16 registry.

17 (2) Participate in the National Sex Offender Public
18 Registry maintained by the United States Department of
19 Justice, including the National Sex Offender Public Website.

20 (3) Promulgate guidelines necessary for the general
21 administration of this subchapter and for complying with
22 Federal law.

23 (4) Notify, within 72 hours of receiving and verifying
24 the offender's or out-of-State offender's registration, the
25 chief law enforcement officer of the police departments
26 having primary jurisdiction of the municipalities in which an
27 offender or out-of-State offender is present of the fact that
28 the offender or out-of-State offender has been registered
29 with the Pennsylvania State Police.

30 (5) In consultation with the Department of Education,

1 promulgate guidelines directing licensed day-care centers,
2 licensed preschool programs, schools, universities and
3 colleges, including community colleges, on the proper use and
4 administration of information received under section 9799.22
5 (relating to other notification).

6 (6) In consultation with the Department of Corrections
7 and the Pennsylvania Board of Probation and Parole,
8 promulgate guidelines directing State and county correctional
9 facilities and State and county probation and parole offices
10 on the completion of registration information, updating of
11 registration information and verification of registration
12 information for all offenders or out-of-State offenders in
13 their custody or under their supervision.

14 (7) In consultation with the Department of Public
15 Welfare and the Juvenile Court Judges Commission, promulgate
16 guidelines directing institutions, youth development centers,
17 camps or other facilities designed or operated for the
18 benefit of delinquent children on the completion of
19 registration information, updating of registration
20 information and verification of registration information for
21 all offenders or out-of-State offenders in their custody or
22 under their supervision.

23 (b) Powers.--The Pennsylvania State Police may certify and
24 send to an authorized user, by electronic transmission or
25 otherwise, certified copies of an offender's sex offender
26 registration file. Authorized users shall include State and
27 local police, district attorneys, agents and employees of the
28 Pennsylvania State Police and the Office of Attorney General and
29 other persons or entities determined by the Pennsylvania State
30 Police and listed by notice in the Pennsylvania Bulletin. In any

1 proceeding before the courts or administrative bodies of this
2 Commonwealth, documents certified by the Pennsylvania State
3 Police under this section and offered into evidence by an
4 authorized user shall be admissible into evidence.

5 § 9799.28. Pennsylvania Board of Probation and Parole, county
6 probation and parole departments and juvenile
7 probation departments.

8 (a) Duties.--The Pennsylvania Board of Probation and Parole,
9 county probation and parole departments and juvenile probation
10 departments have the following duties:

11 (1) Obtain, verify and update an offender's or out-of-
12 State offender's registration information in accordance with
13 this subchapter.

14 (2) Immediately transmit the criminal history record of
15 the offender or out-of-State offender as provided in 18
16 Pa.C.S. Ch. 91 (relating to criminal history record
17 information) along with the registration information to the
18 Pennsylvania State Police for immediate entry into the State
19 sexual offender registry.

20 (3) Require the offender or out-of-State offender to
21 report to the State or county parole and probation office or
22 juvenile probation office to complete a change of information
23 form within 72 hours of when an offender's or out-of-State
24 offender's registration information changes. This information
25 shall be immediately transmitted to the Pennsylvania State
26 Police.

27 (4) Require the offender or out-of-State offender to
28 report to the State or county parole and probation office or
29 juvenile probation office to verify the offender's
30 registration information. This information shall be

1 immediately transmitted to the Pennsylvania State Police.

2 (5) On a form prescribed by the Pennsylvania State
3 Police, notify the Pennsylvania State Police each time an
4 offender or out-of-State offender is arrested or is
5 incarcerated.

6 (b) Supervision conditions.--The Pennsylvania Board of
7 Probation and Parole and county and juvenile probation
8 authorities may impose supervision conditions that include
9 offender or out-of-State offender tracking through global
10 positioning system technology.

11 § 9799.29. Department of Corrections, county correctional
12 facilities and facilities designed or operated for
13 the benefit of delinquent children.

14 The Department of Corrections, county correctional facilities
15 and facilities designed or operated for the benefit of
16 delinquent children have the following duties:

17 (1) Obtain, verify and update an offender's or out-of-
18 State offender's registration information in accordance with
19 this subchapter.

20 (2) Immediately transmit the criminal history record of
21 the offender or out-of-State offender as provided in 18
22 Pa.C.S. Ch. 91 (relating to criminal history record
23 information) along with the registration information to the
24 Pennsylvania State Police for immediate entry into the State
25 sexual offender registry.

26 (3) On a form prescribed by the Pennsylvania State
27 Police, notify the Pennsylvania State Police each time an
28 offender or out-of-State offender is incarcerated in or
29 released from their respective facilities or transferred
30 between correctional facilities or residential reentry

1 facilities.

2 (4) Assist offenders and out-of-State offenders
3 registering pursuant to this subchapter, as well as updating
4 and verifying registration information pursuant to this
5 subchapter.

6 § 9799.30. Board.

7 (a) Composition.--The board shall be composed of
8 psychiatrists, psychologists and criminal justice experts, each
9 of whom is an expert in the field of the behavior and treatment
10 of sexual offenders.

11 (b) Appointment.--The Governor shall appoint the board
12 members.

13 (c) Term of office.--Members of the board shall serve four-
14 year terms.

15 (d) Compensation.--The members of the board shall be
16 compensated at a rate of \$350 per assessment and receive
17 reimbursement for their actual and necessary expenses while
18 performing the business of the board. The chairman shall receive
19 \$500 additional compensation annually.

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

22 § 9799.31. Counseling of sexually violent predators.

23 A sexually violent predator shall be required to attend at
24 least monthly counseling sessions in a program approved by the
25 board and be financially responsible for all fees assessed from
26 the counseling sessions. The board shall monitor the compliance
27 of the sexually violent predator. If the sexually violent
28 predator can prove to the satisfaction of the court that the
29 sexually violent predator cannot afford to pay for the
30 counseling sessions, the offender shall nonetheless attend the

1 counseling sessions, and the parole office shall pay the
2 requisite fees.

3 § 9799.32. Exemption from notification for certain licensees
4 and their employees.

5 Nothing in this subchapter shall be construed as imposing a
6 duty upon a person licensed under the act of February 19, 1980
7 (P.L.15, No.9), known as the Real Estate Licensing and
8 Registration Act, or an employee of the person, to disclose any
9 information regarding an individual required to register with
10 the State sexual offender registry pursuant to this subchapter.

11 § 9799.33. Annual performance audit.

12 (a) Duties of the Attorney General.--The Attorney General
13 has the following duties:

14 (1) Conduct a performance audit annually to determine
15 compliance with the requirements of this subchapter and any
16 guidelines promulgated under this subchapter. The audit
17 shall, at a minimum, include a review of the practices,
18 procedures and records of the Pennsylvania State Police, the
19 Pennsylvania Board of Probation and Parole, the Department of
20 Corrections, the board, the Administrative Office of
21 Pennsylvania Courts and any other State or local agency the
22 Attorney General deems necessary in order to conduct a
23 thorough and accurate performance audit.

24 (2) Prepare an annual report of its findings and any
25 action it recommends be taken by the Pennsylvania State
26 Police, the Pennsylvania Board of Probation and Parole, the
27 Department of Corrections, the board, the Administrative
28 Office of Pennsylvania Courts, other State or local agencies
29 and the General Assembly to ensure compliance with this
30 subchapter. The first report shall be released to the general

1 public no fewer than 18 months following the effective date
2 of this section.

3 (3) Provide a copy of its report to the Pennsylvania
4 State Police, the Pennsylvania Board of Probation and Parole,
5 the Department of Corrections, the board, the Administrative
6 Office of Pennsylvania Courts, State or local agencies
7 referenced in the report, the chairman and the minority
8 chairman of the Judiciary Committee of the Senate and the
9 chairman and the minority chairman of the Judiciary Committee
10 of the House of Representatives no fewer than 30 days prior
11 to its release to the general public.

12 (b) Cooperation required.--Notwithstanding any other
13 provision of law to the contrary, the Pennsylvania State Police,
14 the Pennsylvania Board of Probation and Parole, the Department
15 of Corrections, the board, the Administrative Office of
16 Pennsylvania Courts, the Pennsylvania Commission on Sentencing
17 and any other State or local agency requested to do so shall
18 fully cooperate with the Attorney General and assist the Office
19 of Attorney General in satisfying the requirements of this
20 section. For purposes of this subsection, full cooperation shall
21 include, at a minimum, complete access to unredacted records,
22 files, reports and data systems.

23 § 9799.34. Photographs and fingerprinting.

24 An individual subject to registration shall submit to
25 fingerprinting and photographing as required by this subchapter.
26 Fingerprinting as required by this subchapter shall, at a
27 minimum, require submission of a full set of fingerprints and
28 palm prints. Photographing as required by this subchapter shall,
29 at a minimum, require submission to photographs of the face and
30 any scars, marks, tattoos or other unique features of the

1 individual. Fingerprints and photographs obtained under this
2 subchapter may be maintained for use under this subchapter and
3 for general law enforcement purposes.

4 Section 6. The definition of "other specified offense" in
5 section 2303 of Title 44 is amended to read:

6 § 2303. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 * * *

11 "Other specified offense." Any of the following:

12 (1) A felony offense [or an].

13 (2) An offense under 18 Pa.C.S. § 2910 (relating to
14 luring a child into a motor vehicle) or 3126 (relating to
15 indecent assault) or an attempt to commit such an offense.

16 (3) An offense subject to 42 Pa.C.S. Ch. 97 Subch. H
17 (relating to registration of sexual offenders).

18 * * *

19 Section 7. Paragraph (4) of the definition of "eligible
20 offender" in section 4503 of Title 61 is amended to read:

21 § 4503. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 * * *

26 "Eligible offender." A defendant or inmate convicted of a
27 criminal offense who will be committed to the custody of the
28 department and who meets all of the following eligibility
29 requirements:

30 * * *

1 (4) Has not been found guilty or previously convicted or
2 adjudicated delinquent for violating any of the following
3 provisions or an equivalent offense under the laws of the
4 United States or one of its territories or possessions,
5 another state, the District of Columbia, the Commonwealth of
6 Puerto Rico or a foreign nation:

7 18 Pa.C.S. § 4302 (relating to incest).

8 18 Pa.C.S. § 5901 (relating to open lewdness).

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

11 18 Pa.C.S. § 6318 (relating to unlawful contact with
12 minor).

13 18 Pa.C.S. § 6320 (relating to sexual exploitation of
14 children).

15 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
16 child pornography).

17 Received a criminal sentence pursuant to 42 Pa.C.S. §
18 9712.1 (relating to sentences for certain drug offenses
19 committed with firearms).

20 Any Class 1 sexual offense, Class 2 sexual offense or
21 Class 3 sexual offense [listed under 42 Pa.C.S. § 9795.1
22 (relating to registration)], as defined in 42 Pa.C.S. §
23 9799.12 (relating to definitions).

24 * * *

25 Section 8. Section 6137(a)(3.1)(ii) of Title 61 is amended
26 to read:

27 § 6137. Parole power.

28 (a) General criteria for parole.--

29 * * *

30 (3.1) * * *

1 (ii) This paragraph shall not apply to offenders who
2 are currently serving a term of imprisonment for a crime
3 of violence as defined in 42 Pa.C.S. § 9714 (relating to
4 sentences for second and subsequent offenses) or for a
5 crime requiring registration under 42 Pa.C.S. § [9795.1]
6 9799.13 (relating to registration).

7 * * *

8 Section 9. This act shall take effect in 60 days.