

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of 2011

INTRODUCED BY ORIE, RAFFERTY, WARD, ALLOWAY, FONTANA, BROWNE, BOSCOLA, MENSCH, SCARNATI, FARNESE, TARTAGLIONE AND BLAKE, JUNE 28, 2011

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

AN ACT

~~Amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to the treatment, classification, sentencing and registration of sexual offenders; further providing for obscene and other sexual materials and performances; and making editorial changes.~~



AMENDING TITLES 18 (CRIMES AND OFFENSES), 23 (DOMESTIC RELATIONS), 42 (JUDICIARY AND JUDICIAL PROCEDURE), 44 (LAW AND JUSTICE) AND 61 (PRISONS AND PAROLE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, EXTENSIVELY REVISING PROVISIONS RELATING TO REGISTRATION OF SEXUAL OFFENDERS PURSUANT TO FEDERAL MANDATE; AND MAKING EDITORIAL CHANGES.



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

~~Section 1. Sections 2901, 2902, 2903, 3122.1, 3124.2, 3130(a) introductory paragraph and (1) and (b), 3141 and 4302 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:~~



~~§ 2901. Kidnapping.~~

~~(a) Offense defined. [A] Except as provided for in~~

1 ~~subsection (a.1), a person is guilty of kidnapping if he~~
2 ~~unlawfully removes another a substantial distance under the~~
3 ~~circumstances from the place where he is found, or if he~~
4 ~~unlawfully confines another for a substantial period in a place~~
5 ~~of isolation, with any of the following intentions:~~

6 ~~(1) To hold for ransom or reward, or as a shield or~~
7 ~~hostage.~~

8 ~~(2) To facilitate commission of any felony or flight~~
9 ~~thereafter.~~

10 ~~(3) To inflict bodily injury on or to terrorize the~~
11 ~~victim or another.~~

12 ~~(4) To interfere with the performance by public~~
13 ~~officials of any governmental or political function.~~

14 ~~(a.1) Kidnapping of a minor. A person is guilty of~~
15 ~~kidnapping of a minor if he unlawfully removes a person under 18~~
16 ~~years of age a substantial distance under the circumstances from~~
17 ~~the place where he is found, or if he unlawfully confines~~
18 ~~another for a substantial period in a place of isolation, with~~
19 ~~any of the following intentions:~~

20 ~~(1) To hold for ransom or reward, or as a shield or~~
21 ~~hostage.~~

22 ~~(2) To facilitate commission of any felony or flight~~
23 ~~thereafter.~~

24 ~~(3) To inflict bodily injury on or to terrorize the~~
25 ~~victim or another.~~

26 ~~(4) To interfere with the performance by public~~
27 ~~officials of any governmental or political function.~~

28 ~~(b) Grading. Kidnapping [is a felony] and kidnapping of a~~
29 ~~minor are both felonies of the first degree. A removal or~~
30 ~~confinement is unlawful within the meaning of this section if it~~

1 ~~is accomplished by force, threat or deception, or, in the case~~
2 ~~of a person who is under the age of 14 years or an incapacitated~~
3 ~~person, if it is accomplished without the consent of a parent,~~
4 ~~guardian or other person responsible for general supervision of~~
5 ~~his welfare.~~

6 ~~§ 2902. Unlawful restraint.~~

7 ~~(a) Offense defined. [A person commits an offense] Except~~
8 ~~as provided for under subsection (b), a person commits a~~
9 ~~misdemeanor of the first degree if he knowingly:~~

10 ~~(1) restrains another unlawfully in circumstances~~
11 ~~exposing him to risk of serious bodily injury; or~~

12 ~~(2) holds another in a condition of involuntary~~
13 ~~servitude.~~

14 ~~[(b) Grading.—~~

15 ~~(1) Except as provided in paragraph (2), an offense~~
16 ~~under subsection (a) is a misdemeanor of the first degree.~~

17 ~~(2) If the victim of the offense is an individual under~~
18 ~~18 years of age, an offense under subsection (a) is a felony~~
19 ~~of the second degree.]~~

20 ~~(b) Unlawful restraint of a minor. If the victim is a~~
21 ~~person under 18 years of age, a person who is not the victim's~~
22 ~~parent commits a felony of the second degree if he knowingly:~~

23 ~~(1) restrains another unlawfully in circumstances~~
24 ~~exposing him to risk of serious bodily injury; or~~

25 ~~(2) holds another in a condition of involuntary~~
26 ~~servitude.~~

27 ~~§ 2903. False imprisonment.~~

28 ~~(a) Offense defined. [A person commits an offense] Except~~
29 ~~as provided for under subsection (b), a person commits a~~
30 ~~misdemeanor of the second degree if he knowingly restrains~~

1 ~~another unlawfully so as to interfere substantially with his~~
2 ~~liberty.~~

3 ~~[(b) Grading.—~~

4 ~~(1) Except as provided in paragraph (2), an offense~~
5 ~~under subsection (a) is a misdemeanor of the second degree.~~

6 ~~(2) If the victim of the offense is an individual under~~
7 ~~18 years of age, an offense under subsection (a) is a felony~~
8 ~~of the second degree.]~~

9 ~~(b) False imprisonment of a minor. If the victim is a~~
10 ~~person under 18 years of age, a person who is not the victim's~~
11 ~~parent commits a felony of the second degree if he knowingly~~
12 ~~restrains another unlawfully so as to interfere substantially~~
13 ~~with his liberty.~~

14 ~~§ 3122.1. Statutory sexual assault.~~

15 ~~(a) Felony of the second degree.—Except as provided in~~
16 ~~section 3121 (relating to rape), a person commits a felony of~~
17 ~~the second degree when that person engages in sexual intercourse~~
18 ~~with a complainant to whom the person is not married who is~~
19 ~~under the age of 16 years and that person is either:~~

20 ~~(1) four [or more] years older but not more than seven~~
21 ~~years older than the complainant [and the complainant and the~~
22 ~~person are not married to each other.]; or~~

23 ~~(2) eight years older but not more than ten years older~~
24 ~~than the complainant.~~

25 ~~(b) Felony of the first degree.—A person commits a felony~~
26 ~~of the first degree when that person engages in sexual~~
27 ~~intercourse with a complainant under the age of 16 years and~~
28 ~~that person is 11 or more years older than the complainant and~~
29 ~~the complainant and the person are not married to each other.~~

30 ~~§ 3124.2. Institutional sexual assault.~~

1 ~~(a) General rule. Except as provided under subsection (a.1)~~
2 ~~and in sections 3121 (relating to rape), 3122.1 (relating to~~
3 ~~statutory sexual assault), 3123 (relating to involuntary deviate~~
4 ~~sexual intercourse), 3124.1 (relating to sexual assault) and~~
5 ~~3125 (relating to aggravated indecent assault), a person who is~~
6 ~~an employee or agent of the Department of Corrections or a~~
7 ~~county correctional authority, youth development center, youth~~
8 ~~forestry camp, State or county juvenile detention facility,~~
9 ~~other licensed residential facility serving children and youth,~~
10 ~~or mental health or mental retardation facility or institution~~
11 ~~commits a felony of the third degree when that person engages in~~
12 ~~sexual intercourse, deviate sexual intercourse or indecent~~
13 ~~contact with an inmate, detainee, patient or resident.~~

14 ~~(a.1) Institutional sexual assault of a minor. If the~~
15 ~~inmate, detainee, patient or resident is a person under 18 years~~
16 ~~of age, a person who is an employee or agent of the Department~~
17 ~~of Corrections or a county correctional authority, youth~~
18 ~~development center, youth forestry camp, State or county~~
19 ~~juvenile detention facility, other licensed residential facility~~
20 ~~serving children and youth or a mental health or a mental~~
21 ~~retardation facility or institution commits a felony of the~~
22 ~~third degree when that person engages in sexual intercourse,~~
23 ~~deviate sexual intercourse or indecent contact with an inmate,~~
24 ~~detainee, patient or resident.~~

25 ~~(b) Definition. As used in this section, the term "agent"~~
26 ~~means a person who is assigned to work in a State or county~~
27 ~~correctional or juvenile detention facility, a youth development~~
28 ~~center, youth forestry camp, other licensed residential facility~~
29 ~~serving children and youth, or mental health or mental~~
30 ~~retardation facility or institution who is employed by any State~~

1 ~~or county agency or any person employed by an entity providing~~
2 ~~contract services to the agency.~~

3 ~~§ 3130. Conduct relating to sex offenders.~~

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

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

22 ~~* * *~~

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

27 ~~§ 3141. General rule.~~

28 ~~A person:~~

29 ~~(1) convicted under section 3121 (relating to rape),~~
30 ~~3122.1 (relating to statutory sexual assault), 3123 (relating~~

1 ~~to involuntary deviate sexual intercourse), 3124.1 (relating to~~
2 ~~sexual assault), 3125 (relating to aggravated indecent~~
3 ~~assault) or 3126 (relating to indecent assault); or~~

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

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

16 ~~§ 4302. Incest.~~

17 ~~[A] (a) General rule. Except as provided for under~~
18 ~~subsection (b), a person is guilty of incest, a felony of the~~
19 ~~second degree, if that person knowingly marries or cohabits or~~
20 ~~has sexual intercourse with an ancestor or descendant, a brother~~
21 ~~or sister of the whole or half blood or an uncle, aunt, nephew~~
22 ~~or niece of the whole blood. [The relationships referred to in~~
23 ~~this section include blood relationships without regard to~~
24 ~~legitimacy, and relationship of parent and child by adoption.]~~

25 ~~(b) Incest of a minor. A person is guilty of incest of a~~
26 ~~minor, a felony of the second degree, if that person knowingly~~
27 ~~marries, cohabits with or has sexual intercourse with a~~
28 ~~complainant who is an ancestor or descendant, a brother or~~
29 ~~sister of the whole or half blood or an uncle, aunt, nephew or~~
30 ~~niece of the whole blood and:~~

1 ~~(1) is under the age of 13 years; or~~
2 ~~(2) is 13 to 18 years of age and the person is four or~~
3 ~~more years older than the complainant.~~

4 ~~(c) Relationships. The relationships referred to in this~~
5 ~~section include blood relationships without regard to~~
6 ~~legitimacy, and relationship of parent and child by adoption.~~

7 Section 1.1. Section 4501 of Title 18 is amended by adding
8 definitions to read:

9 ~~§ 4501. Definitions.~~

10 ~~Subject to additional definitions contained in subsequent~~
11 ~~provisions of this article which are applicable to specific~~
12 ~~chapters or other provisions of this article, the following~~
13 ~~words and phrases, when used in this article shall have, unless~~
14 ~~the context clearly indicates otherwise, the meanings given to~~
15 ~~them in this section:~~

16 ~~* * *~~

17 ~~"Registration information." As defined in 42 Pa.C.S. § 9792~~
18 ~~(relating to definitions).~~

19 ~~"Sex offender registration law." As defined in 42 Pa.C.S. §~~
20 ~~9792 (relating to definitions).~~

21 Section 1.2. Section 4915(a) introductory paragraph, (2) and
22 (3), (b) and (c) of Title 18 are amended, subsection (a) is
23 amended by adding a paragraph and the section is amended by
24 adding a subsection to read:

25 ~~§ 4915. Failure to comply with registration of sexual offenders~~
26 ~~requirements.~~

27 ~~(a) Offense defined. An individual who is subject to~~
28 ~~registration under 42 Pa.C.S. § [9795.1(a)] 9795.1 (relating to~~
29 ~~registration) or [an individual who is subject to registration~~
30 ~~under 42 Pa.C.S. § 9795.1(b) (1), (2) or (3)] who was subject to~~

1 ~~registration under former 42 Pa.C.S. § 9793 (relating to~~
2 ~~registration of certain offenders for ten years) commits an~~
3 offense if he knowingly fails to:

4 * * *

5 ~~(2) verify his [address] registration information or be~~
6 ~~photographed as required under 42 Pa.C.S. § 9796 (relating to~~
7 ~~verification of [residence] registration information); [or]~~

8 ~~(3) provide accurate information when registering,~~
9 ~~verifying or updating registration information under 42~~
10 ~~Pa.C.S. § 9795.2 or [verifying an address under 42 Pa.C.S. §]~~
11 ~~9796; or~~

12 ~~(4) comply with any sexual offender counseling~~
13 ~~conditions imposed by 42 Pa.C.S. § 9799.4 (relating to~~
14 ~~counseling of sexually violent predators) as a result of~~
15 ~~being designated a sexually violent predator or imposed under~~
16 ~~a sex offender registration statute following conviction in~~
17 ~~another jurisdiction.~~

18 ~~(b) Grading for offenders [who must register for ten years]~~
19 ~~without lifetime registration.~~

20 ~~(2) Except as set forth in paragraph (3), an individual~~
21 ~~subject to registration under 42 Pa.C.S. § 9795.1(a) or (a.1)~~
22 ~~or former 42 Pa.C.S. § 9793, and required to register as an~~
23 ~~offender for a period of time less than lifetime, who commits~~
24 ~~a violation of subsection (a)(1) or (2) commits a felony of~~
25 ~~the third degree.~~

26 ~~(3) An individual subject to registration under 42~~
27 ~~Pa.C.S. § 9795.1(a) or (a.1) or former 42 Pa.C.S. § 9793, and~~
28 ~~required to register as an offender for a period of time less~~
29 ~~than lifetime, who commits a violation of subsection (a)(1)~~
30 ~~or (2) and who has previously been convicted of an offense~~

1 ~~under subsection (a) (1) or (2) or a similar offense commits a~~
2 ~~felony of the second degree.~~

3 ~~(4) An individual subject to registration under 42~~
4 ~~Pa.C.S. § 9795.1(a) or (a.1) or former 42 Pa.C.S. § 9793, and~~
5 ~~required to register as an offender for a period of time less~~
6 ~~than lifetime, who violates subsection (a) (3) commits a~~
7 ~~felony of the second degree.~~

8 ~~(c) Grading for sexually violent predators and others with~~
9 ~~lifetime registration.~~

10 ~~(2) Except as set forth in paragraph (3), an individual~~
11 ~~subject to registration under 42 Pa.C.S. § [9795.1(b) (1), (2)~~
12 ~~or (3)] 9795.1(b) or former 42 Pa.C.S. § 9793, and required~~
13 ~~to register as a sexually violent predator or as an offender~~
14 ~~for life, who commits a violation of subsection (a) (1) or (2)~~
15 ~~commits a felony of the second degree.~~

16 ~~(3) An individual subject to registration under 42~~
17 ~~Pa.C.S. § [9795.1(b) (1), (2) or (3)] 9795.1(b) or former 42~~
18 ~~Pa.C.S. § 9793, and required to register as a sexually~~
19 ~~violent predator or as an offender for life, who commits a~~
20 ~~violation of subsection (a) (1) or (2) and who has previously~~
21 ~~been convicted of an offense under subsection (a) (1) or (2)~~
22 ~~or a similar offense commits a felony of the first degree.~~

23 ~~(4) An individual subject to registration under 42~~
24 ~~Pa.C.S. § [9795.1(b) (1), (2) or (3)] 9795.1(b) or former 42~~
25 ~~Pa.C.S. § 9793, and required to register as a sexually~~
26 ~~violent predator or as an offender for life, who violates~~
27 ~~subsection (a) (3) commits a felony of the first degree.~~

28 ~~(5) An individual subject to registration under 42~~
29 ~~Pa.C.S. § 9795.1(b) and required to register as a sexually~~
30 ~~violent predator who violates subsection (a) (4) commits a~~

1 ~~felony of the third degree.~~

2 * * *

3 ~~(g) Expiration. This section shall expire one year after~~
4 ~~the effective date of this subsection.~~

5 Section 1.3. Title 18 is amended by adding a section to
6 read:

7 ~~§ 4915.1. Failure to comply with registration of sexual~~
8 ~~offenders requirements.~~

9 ~~(a) Offense defined. An individual who is subject to~~
10 ~~registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to~~
11 ~~registration of sexual offenders) commits an offense if he~~
12 ~~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. Ch. 97 Subch. H;~~

16 ~~(2) verify his address or registration information or be~~
17 ~~photographed as required under 42 Pa.C.S. Ch. 97 Subch. H; or~~

18 ~~(3) provide accurate information when registering,~~
19 ~~reporting a change in registration or verifying an address or~~
20 ~~registration information as required under 42 Pa.C.S. Ch. 97~~
21 ~~Subch. H.~~

22 ~~(b) Grading for Class 1 and Class 2 sexual offenders.~~

23 ~~(1) Except as set forth in paragraph (3), a Class 1~~
24 ~~sexual offender or Class 2 sexual offender subject to~~
25 ~~registration under 42 Pa.C.S. Ch. 97 Subch. H who commits a~~
26 ~~violation of subsection (a) (1) or (2) commits a felony of the~~
27 ~~third degree.~~

28 ~~(2) A Class 1 sexual offender or Class 2 sexual offender~~
29 ~~subject to registration under 42 Pa.C.S. Ch. 97 Subch. H who~~
30 ~~commits a violation of subsection (a) (1) or (2) and who has~~

1 ~~previously been convicted of an offense under subsection (a)~~
2 ~~(1) or (2) or a similar offense commits a felony of the~~
3 ~~second degree.~~

4 ~~(3) A Class 1 sexual offender or Class 2 sexual offender~~
5 ~~subject to registration under 42 Pa.C.S. Ch. 97 Subch. H who~~
6 ~~violates subsection (a)(3) commits a felony of the second~~
7 ~~degree.~~

8 ~~(c) Grading for Class 3 sexual offenders and sexually~~
9 ~~violent predators.~~

10 ~~(1) Except as set forth in paragraph (3), a Class 3~~
11 ~~sexual offender or sexually violent predator subject to~~
12 ~~registration under 42 Pa.C.S. Ch. 97 Subch. H who commits a~~
13 ~~violation of subsection (a)(1) or (2) commits a felony of the~~
14 ~~second degree.~~

15 ~~(2) A Class 3 sexual offender or sexually violent~~
16 ~~predator subject to registration under 42 Pa.C.S. Ch. 97~~
17 ~~Subch. H who commits a violation of subsection (a)(1) or (2)~~
18 ~~and who has previously been convicted of an offense under~~
19 ~~subsection (a)(1) or (2) or a similar offense commits a~~
20 ~~felony of the first degree.~~

21 ~~(3) A Class 3 sexual offender or sexually violent~~
22 ~~predator subject to registration under 42 Pa.C.S. Ch. 97~~
23 ~~Subch. H who violates subsection (a)(3) commits a felony of~~
24 ~~the first degree.~~

25 ~~(d) Effect of notice. Neither failure on the part of the~~
26 ~~Pennsylvania State Police to send nor failure of a sexually~~
27 ~~violent predator or offender to receive any notice or~~
28 ~~information pursuant to 42 Pa.C.S. Ch. 97 Subch. H shall be a~~
29 ~~defense to a prosecution commenced against an individual arising~~
30 ~~from a violation of this section. The provisions of 42 Pa.C.S. §~~

1 ~~9799.20 (relating to verification of registration information)~~
2 ~~are not an element of an offense under this section.~~

3 ~~(c) Arrests for violation.~~

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

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

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

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

20 ~~(ii) The following apply:~~

21 ~~(A) If an individual previously registered with~~
22 ~~the Pennsylvania State Police, the individual shall~~
23 ~~update registration information.~~

24 ~~(B) If an individual did not previously register~~
25 ~~with the Pennsylvania State Police, the individual~~
26 ~~shall register under 42 Pa.C.S. Ch. 97 Subch. H.~~

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

29 ~~(f) Definitions. As used in this section, the following~~
30 ~~words and phrases shall have the meanings given to them in this~~

1 ~~subsection unless the context clearly indicates otherwise:~~

2 ~~"Class 1 sexual offender." As defined in 42 Pa.C.S. §~~
3 ~~9799.12 (relating to definitions). The term includes a Class 1~~
4 ~~out of State offender.~~

5 ~~"Class 2 sexual offender." As defined in 42 Pa.C.S. §~~
6 ~~9799.12 (relating to definitions). The term includes a Class 2~~
7 ~~out of State offender.~~

8 ~~"Class 3 sexual offender." As defined in 42 Pa.C.S. §~~
9 ~~9799.12 (relating to definitions). The term includes a Class 3~~
10 ~~out of State offender.~~

11 ~~"Out of State offender." As defined in 42 Pa.C.S. § 9799.12~~
12 ~~(relating to definitions).~~

13 ~~"Sexually violent predator." As defined in 42 Pa.C.S. §~~
14 ~~9799.12 (relating to definitions).~~

15 ~~"Similar offense." An offense similar to an offense under~~
16 ~~either subsection (a) (1) or (2) under the laws of the United~~
17 ~~States or one of its territories or possessions, another state,~~
18 ~~the District of Columbia, a federally recognized Indian tribe or~~
19 ~~a foreign nation.~~

20 Section 1.4. Sections 5902(c) and 5903(a) (3), (4) and (5) of
21 Title 18 are amended to read:

22 § 5902. Prostitution and related offenses.

23 * * *

24 (c) Grading of offenses under subsection (b).—

25 (1) An offense under subsection (b) constitutes a felony
26 of the third degree if:

27 (i) the offense falls within paragraphs (b) (1), (b)

28 (2) or (b) (3);

29 (ii) the actor compels another to engage in or
30 promote prostitution;

1 ~~(iii) the actor promotes prostitution of a [child~~
2 ~~under the age of 16 years] person under 18 years of age,~~
3 ~~whether or not he is aware of the age of the child;~~

4 ~~(iv) the actor promotes prostitution of his spouse,~~
5 ~~child, ward or any person for whose care, protection or~~
6 ~~support he is responsible; or~~

7 ~~(v) the person knowingly promoted prostitution of~~
8 ~~another who was HIV positive or infected with the AIDS-~~
9 ~~virus.~~

10 ~~(2) Otherwise the offense is a misdemeanor of the second-~~
11 ~~degree.~~

12 * * *

13 ~~§ 5903. Obscene and other sexual materials and performances.~~

14 ~~(a) Offenses defined. No person, knowing the obscene~~
15 ~~character of the materials or performances involved, shall:~~

16 * * *

17 ~~(3) (i) design, copy, draw, photograph, print, utter,~~
18 ~~publish or in any manner manufacture or prepare any~~
19 ~~obscene materials; or~~

20 ~~(ii) design, copy, draw, photograph, print, utter,~~
21 ~~publish or in any manner manufacture or prepare any~~
22 ~~obscene materials if the victim is a minor;~~

23 ~~(4) (i) write, print, publish, utter or cause to be~~
24 ~~written, printed, published or uttered any advertisement~~
25 ~~or notice of any kind giving information, directly or~~
26 ~~indirectly, stating or purporting to state where, how,~~
27 ~~from whom, or by what means any obscene materials can be~~
28 ~~purchased, obtained or had; or~~

29 ~~(ii) write, print, publish, utter or cause to be~~
30 ~~written, printed, published or uttered any advertisement~~

~~or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom or by what means any obscene materials can be purchased, obtained or had if the victim is a minor;~~

~~(5) (i) produce, present or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity; or~~

~~(ii) produce, present or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity if the victim is a minor;~~

~~* * *~~

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

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

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

~~* * *~~

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

~~* * *~~

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

1 jurisdiction.

2 Section 2.1. ~~Sections 6358(a) and (b) and 6403(a) (2), (b) (3)~~
3 ~~and (d) of Title 42 are amended to read:~~

4 ~~§ 6358. Assessment of delinquent children by the State Sexual~~
5 ~~Offenders Assessment Board.~~

6 ~~(a) General rule. A child who has been found to be~~
7 ~~delinquent for an act of sexual violence which if committed by~~
8 ~~an adult would be a violation of 18 Pa.C.S. § 3121 (relating to~~
9 ~~rape), 3123 (relating to involuntary deviate sexual~~
10 ~~intercourse), 3124.1 (relating to sexual assault), 3125~~
11 ~~(relating to aggravated indecent assault), 3126 (relating to~~
12 ~~indecent assault) or 4302 (relating to incest) who is committed~~
13 ~~to an institution or other facility pursuant to section 6352~~
14 ~~(relating to disposition of delinquent child) and who remains in~~
15 ~~any such institution or facility upon attaining 20 years of age~~
16 ~~shall be subject to an assessment by the board.~~

17 ~~(b) Duty of probation officer. Ninety days prior to the~~
18 ~~20th birthday of the child, the probation officer shall have the~~
19 ~~duty to notify the board of the status of the delinquent child~~
20 ~~and the institution or other facility where the child is~~
21 ~~presently committed. The probation officer shall assist the~~
22 ~~board in obtaining access to the child and any information~~
23 ~~required by the board to perform the assessment, including, but~~
24 ~~not limited to, the child's official court record and the~~
25 ~~child's complete juvenile probation file.~~

26 * * *

27 ~~§ 6403. Court ordered involuntary treatment.~~

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

1 * * *

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

6 * * *

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

9 * * *

10 ~~(3) The court shall set a date for the hearing which~~
11 ~~shall be held within 30 days of the filing of the petition-~~
12 ~~pursuant to paragraph (1) and direct the person to appear for-~~
13 ~~the hearing. A copy of the petition and notice of the hearing~~
14 ~~date shall be served on the person, the attorney who-~~
15 ~~represented the person at the most recent dispositional-~~
16 ~~review hearing pursuant to section 6358(e) and the county-~~
17 ~~solicitor or a designee and shall be provided to the director~~
18 ~~of the facility operated by the department under section~~
19 ~~6406(a) (relating to duty of Department of Public Welfare).~~
20 ~~The person and the attorney who represented the person shall,~~
21 ~~along with copies of the petition, also be provided with~~
22 ~~written notice advising that the person has the right to~~
23 ~~counsel and that, if he cannot afford one, counsel shall be~~
24 ~~appointed for the person.~~

25 * * *

26 ~~(d) Determination and order.— Upon a finding by clear and~~
27 ~~convincing evidence that the person has a mental abnormality or~~
28 ~~personality disorder which results in serious difficulty in~~
29 ~~controlling sexually violent behavior that makes the person~~
30 ~~likely to engage in an act of sexual violence, an order shall be~~

1 ~~entered directing the immediate commitment of the person for~~
2 ~~[inpatient] involuntary inpatient treatment to a facility~~
3 ~~designated by the department. The order shall be in writing and~~
4 ~~shall be consistent with the protection of the public safety and~~
5 ~~the appropriate control, care and treatment of the person. An~~
6 ~~appeal shall not stay the execution of the order. If the court~~
7 ~~does not order the person to be committed for involuntary~~
8 ~~inpatient treatment by the department, the court shall order the~~
9 ~~director of the facility operated by the department under~~
10 ~~section 6406(a) to destroy the facility's copy of the petition~~
11 ~~and the assessment.~~

12 ~~Section 2.2. Section 6404 heading, (b) (2) and (c) heading,~~
13 ~~(1), (3) and (4) of Title 42 are amended, subsection (c) is~~
14 ~~amended by adding paragraphs and the section is amended by~~
15 ~~adding a subsection to read:—~~

16 ~~§ 6404. Duration of inpatient commitment and review.~~

17 ~~* * *~~

18 ~~(b) Annual review.—~~

19 ~~* * *~~

20 ~~(2) The court shall schedule a review hearing which~~
21 ~~shall be conducted pursuant to section 6403(c) (relating to~~
22 ~~court ordered involuntary treatment) and which shall be held~~
23 ~~no later than 30 days after receipt of both the evaluation~~
24 ~~and the assessment under paragraph (1). Notice of the review~~
25 ~~hearing shall be provided to the person, the attorney who~~
26 ~~represented the person at the previous hearing held pursuant~~
27 ~~to this subsection or section 6403, the district attorney and~~
28 ~~the county solicitor or a designee. The person and the~~
29 ~~person's attorney shall also be provided with written notice~~
30 ~~advising that the person has the right to counsel and that,—~~

1 ~~if he cannot afford one, counsel shall be appointed for the~~
2 ~~person. If the court determines by clear and convincing~~
3 ~~evidence that the person continues to have serious difficulty~~
4 ~~controlling sexually violent behavior while committed for~~
5 ~~inpatient treatment due to a mental abnormality or~~
6 ~~personality disorder that makes the person likely to engage~~
7 ~~in an act of sexual violence, the court shall order an~~
8 ~~additional period of involuntary inpatient treatment of one~~
9 ~~year; otherwise, the court shall order the [discharge of]~~
10 ~~department, in consultation with the board, to develop an~~
11 ~~outpatient treatment plan for the person. The order shall be~~
12 ~~in writing and shall be consistent with the protection of the~~
13 ~~public safety and appropriate control, care and treatment of~~
14 ~~the person.~~

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

16 ~~(1) If at any time the director or a designee of the~~
17 ~~facility to which the person was committed concludes the~~
18 ~~person no longer has serious difficulty in controlling~~
19 ~~sexually violent behavior in an inpatient setting, the~~
20 ~~director shall petition the court for a hearing. Notice of~~
21 ~~the petition shall be given to the person, the attorney who~~
22 ~~represented the person at the previous hearing held pursuant~~
23 ~~to subsection (b) or section 6403, the board, the district~~
24 ~~attorney and the county solicitor. The person and the~~
25 ~~person's attorney shall also be provided with written notice~~
26 ~~advising that the person has the right to counsel and that,~~
27 ~~if he cannot afford one, counsel shall be appointed for the~~
28 ~~person.~~

29 ~~* * *~~

30 ~~(3) Within 15 days after the receipt of the assessment~~

1 ~~from the board, the court shall hold a hearing pursuant to~~
2 ~~section 6403(c). If the court determines by clear and~~
3 ~~convincing evidence that the person continues to have serious~~
4 ~~difficulty controlling sexually violent behavior while~~
5 ~~committed for inpatient treatment due to a mental abnormality~~
6 ~~or personality disorder that makes the person likely to~~
7 ~~engage in an act of sexual violence, the court shall order~~
8 ~~that the person be subject to the remainder of the period of~~
9 ~~inpatient commitment[. Otherwise,]; otherwise the court shall~~
10 ~~order the [discharge of] department, in consultation with the~~
11 ~~board, to develop an outpatient treatment plan for the~~
12 ~~person.~~

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

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

21 ~~(6) The department shall provide a copy of the~~
22 ~~outpatient treatment plan to the court, the person, the~~
23 ~~attorney who represented the person at the most recent~~
24 ~~hearing under section 6403, the board, the district attorney~~
25 ~~and the county solicitor or a designee.~~

26 ~~(d) Prohibition on discharge. The court shall not order~~
27 ~~discharge from involuntary treatment until the person has~~
28 ~~completed involuntary outpatient treatment pursuant to section~~
29 ~~6404.2 (relating to outpatient commitment and review).~~

30 Section 2.3. Title 42 is amended by adding sections to read:

1 ~~§ 6404.1. Transfer to involuntary outpatient treatment.~~

2 ~~The court may approve or disapprove an outpatient treatment~~
3 ~~plan. Upon approval of an outpatient treatment plan, the court~~
4 ~~shall order transfer of the person to involuntary outpatient~~
5 ~~treatment under section 6404.2 (relating to outpatient~~
6 ~~commitment and review).~~

7 ~~§ 6404.2. Outpatient commitment and review.~~

8 ~~(a) Terms and conditions. If a court has ordered the~~
9 ~~transfer of the person to involuntary outpatient treatment under~~
10 ~~section 6404.1 (relating to transfer to involuntary outpatient~~
11 ~~treatment), the court may in its discretion specify the terms~~
12 ~~and conditions of the outpatient commitment, including:~~

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

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

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

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

22 ~~(5) Periodic polygraph tests.~~

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

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

1 ~~(d) Failure to comply. If an involuntary outpatient~~
2 ~~treatment provider becomes aware that the person has violated~~
3 ~~any provision of the treatment plan or any term or condition~~
4 ~~specified under subsection (a), or the provider concludes that~~
5 ~~the person is having serious difficulty controlling sexually~~
6 ~~violent behavior in an outpatient setting due to a mental~~
7 ~~abnormality or personality disorder that makes the person likely~~
8 ~~to engage in an act of sexual violence, the provider shall~~
9 ~~immediately notify the facility operated by the department under~~
10 ~~section 6406(a). The facility shall notify the court by the~~
11 ~~close of the next business day.~~

12 ~~(e) Revocation of transfer. Upon receiving notice under~~
13 ~~subsection (d) that the person has violated a material term or~~
14 ~~condition of transfer specified under subsection (a), or that~~
15 ~~the person is having serious difficulty controlling sexually~~
16 ~~violent behavior in an outpatient setting due to a mental~~
17 ~~abnormality or personality disorder that makes the person likely~~
18 ~~to engage in an act of sexual violence, the court shall revoke~~
19 ~~the transfer to involuntary outpatient treatment and order the~~
20 ~~immediate return to involuntary inpatient treatment without a~~
21 ~~prior hearing. The court may issue a warrant requiring any law~~
22 ~~enforcement officer or any person authorized by the court to~~
23 ~~take the person into custody and return him or her to~~
24 ~~involuntary inpatient treatment. The person may file a written~~
25 ~~request for a hearing after revocation of the transfer to~~
26 ~~involuntary treatment. The court shall conduct a hearing under~~
27 ~~section 6403(c) (relating to court ordered involuntary~~
28 ~~treatment) within ten days of filing of the request.~~

29 ~~(f) Annual review and discharge.~~

30 ~~(1) Sixty days prior to the expiration of the one year~~

1 ~~outpatient commitment period, the director of the facility or~~
2 ~~a designee shall submit an evaluation and the board shall~~
3 ~~submit an assessment of the person to the court.~~

4 ~~(2) The court shall schedule a review hearing which~~
5 ~~shall be conducted under section 6403(c) and which shall be~~
6 ~~held no later than 30 days after receipt of both the~~
7 ~~evaluation and the assessment under paragraph (1). Notice of~~
8 ~~the review hearing shall be provided to the person, the~~
9 ~~attorney who represented the person at the previous hearing~~
10 ~~held under section 6403, the district attorney and the county~~
11 ~~solicitor or a designee. The person and the person's attorney~~
12 ~~shall be provided with written notice advising that the~~
13 ~~person has the right to counsel and that, if he cannot afford~~
14 ~~one, counsel shall be appointed for the person.~~

15 ~~(3) If the court determines by clear and convincing~~
16 ~~evidence that the person has serious difficulty controlling~~
17 ~~sexually violent behavior due to a mental abnormality or~~
18 ~~personality disorder that makes the person likely to engage~~
19 ~~in an act of sexual violence, the court shall order an~~
20 ~~additional period of involuntary inpatient treatment of one~~
21 ~~year, otherwise the court shall order the discharge of the~~
22 ~~person. The order shall be in writing and shall be consistent~~
23 ~~with the protection of the public safety and appropriate~~
24 ~~control, care and treatment of the person.~~

25 Section 2.4. Section 6406(a) of Title 42 is amended to read:

26 ~~§ 6406. Duty of Department of Public Welfare.~~

27 ~~(a) General rule. The department shall have the duty to~~
28 ~~provide a separate, secure State owned facility or unit utilized~~
29 ~~solely for the control, care and treatment of persons committed~~
30 ~~pursuant to this chapter. The department shall be responsible~~

1 ~~for all costs relating to the control, care and treatment of~~
2 ~~persons committed to [custody] involuntary treatment pursuant to~~
3 ~~this chapter.~~

4 * * *

5 ~~Section 2.5. Section 6409 of Title 42 is amended by adding a~~
6 ~~paragraph to read:~~

7 ~~§ 6409. Immunity for good faith conduct.~~

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

10 * * *

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

13 ~~Section 3. Sections 9718.1(a) introductory paragraph and~~
14 ~~(b) (2) and 9718.2(a) of Title 42 are amended to read:~~

15 ~~§ 9718.1. Sexual offender treatment.~~

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

24 * * *

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

28 * * *

29 ~~(2) Notwithstanding paragraph (1)(iii), an offender who~~
30 ~~is a sexually violent predator is subject to section [9799.4]~~

1 ~~9799.31 (relating to counseling of sexually violent~~
2 ~~predators).~~

3 * * *

4 ~~§ 9718.2. Sentences for sex offenders.~~

5 ~~(a) Mandatory sentence.—~~

6 ~~(1) Any person who is convicted in any court of this~~
7 ~~Commonwealth of an offense [set forth in] subject to section~~
8 ~~[9795.1(a) or (b)] 9799.13 (relating to registration) shall,~~
9 ~~if at the time of the commission of the current offense the~~
10 ~~person had previously been convicted of an offense [set forth~~
11 ~~in] subject to section [9795.1(a) or (b)] 9799.13 or an~~
12 ~~equivalent crime under the laws of this Commonwealth in~~
13 ~~effect at the time of the commission of that offense or an~~
14 ~~equivalent crime in another jurisdiction, be sentenced to a~~
15 ~~minimum sentence of at least 25 years of total confinement,~~
16 ~~notwithstanding any other provision of this title or other~~
17 ~~statute to the contrary. Upon such conviction, the court~~
18 ~~shall give the person oral and written notice of the~~
19 ~~penalties under paragraph (2) for a third conviction. Failure~~
20 ~~to provide such notice shall not render the offender~~
21 ~~ineligible to be sentenced under paragraph (2).~~

22 ~~(2) Where the person had at the time of the commission~~
23 ~~of the current offense previously been convicted in separate~~
24 ~~criminal actions of two or more offenses [arising from~~
25 ~~separate criminal transactions set forth in section 9795.1(a)~~
26 ~~or (b)] subject to section 9799.30 (relating to counseling of~~
27 ~~sexually violent predators) or equivalent crimes under the~~
28 ~~laws of this Commonwealth in effect at the time of the~~
29 ~~commission of the offense or equivalent crimes in another~~
30 ~~jurisdiction, the person shall be sentenced to a term of life~~

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

6 ~~* * *~~

7 ~~Section 3.1. Section 9718.3(a) of Title 42 is amended and~~
8 ~~the section is amended by adding a subsection to read:~~

9 ~~§ 9718.3. Sentence for failure to comply with registration of~~
10 ~~sexual offenders.~~

11 ~~(a) Mandatory sentence. Mandatory sentencing shall be as~~
12 ~~follows:~~

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

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

16 ~~(A) was subject to registration under section~~
17 ~~9795.1(a) or (a.1) (relating to registration), former~~
18 ~~section 9793 (relating to registration of certain~~
19 ~~offenders for ten years) or a similar provision from~~
20 ~~another jurisdiction; and~~

21 ~~(B) violated 18 Pa.C.S. § 4915(a) (1) [or] (2)~~
22 ~~or (4) (relating to failure to comply with~~
23 ~~registration of sexual offenders requirements).~~

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

26 ~~(A) was subject to registration under section~~
27 ~~9795.1(a) or (a.1), former section 9793 or a similar~~
28 ~~provision from another jurisdiction; and~~

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

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

1 who:

2 ~~(A) was subject to registration under section~~
3 ~~9795.1(b) or a similar provision from another~~
4 ~~jurisdiction; and~~

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

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

8 ~~(A) was subject to registration under section~~
9 ~~9795.1(b) or a similar provision from another~~
10 ~~jurisdiction; and~~

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

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

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

15 ~~(A) was subject to registration under section~~
16 ~~9795.1, former section 9793 or a similar provision~~
17 ~~from another jurisdiction; and~~

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

20 ~~(ii) Not less than seven years for an individual~~
21 ~~who:~~

22 ~~(A) was subject to registration under section~~
23 ~~9795.1, former section 9793 or a similar provision~~
24 ~~from another jurisdiction; and~~

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

26 * * *

27 ~~(c) Expiration. This section shall expire one year after~~
28 ~~the effective date of this subsection.~~

29 Section 3.2. Title 42 is amended by adding a section to
30 read:

1 ~~§ 9718.4. Sentence for failure to comply with registration of~~
2 ~~sexual offenders.~~

3 ~~(a) Mandatory sentencing. Mandatory sentencing shall be as~~
4 ~~follows:~~

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

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

8 ~~(A) was subject to:~~

9 ~~(I) former section 9795.1(a) (relating to~~
10 ~~registration);~~

11 ~~(II) registration as a Class 1 sexual~~
12 ~~offender or Class 2 sexual offender under Subch.~~
13 ~~H (relating to registration of sexual offenders);~~

14 ~~or~~

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

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

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

22 ~~(A) was subject to:~~

23 ~~(I) former section 9795.1(a);~~

24 ~~(II) registration as a Class 1 sexual~~
25 ~~offender or Class 2 sexual offender under Subch.~~
26 ~~H; or~~

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

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

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

1 who:

2 ~~(A) was subject to:~~

3 ~~(I) former section 9795.1(b);~~

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

7 ~~(III) a similar provision from another~~
8 ~~jurisdiction; and~~

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

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

11 ~~(A) was subject to:~~

12 ~~(I) former section 9795.1(b);~~

13 ~~(II) registration as a Class 3 sexual~~
14 ~~offender or sexually violent predator under~~
15 ~~Subch. H; or~~

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

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

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

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

22 ~~(A) was subject to:~~

23 ~~(I) former section 9795.1;~~

24 ~~(II) registration under Subch. H; or~~

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

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

28 ~~(ii) Not less than seven years for an individual~~

29 who:

30 ~~(A) was subject to:~~

1 ~~(I) section 9795.1;~~

2 ~~(II) registration under Subch. H; or~~

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

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

6 ~~(b) Proof at sentencing. The provisions of this section~~
7 ~~shall not be an element of the crime, and notice thereof to the~~
8 ~~defendant shall not be required prior to conviction, but~~
9 ~~reasonable notice of the Commonwealth's intention to proceed~~
10 ~~under this section shall be provided after conviction and before~~
11 ~~sentencing. The applicability of this section shall be~~
12 ~~determined at sentencing. The court shall consider any evidence~~
13 ~~presented at trial and shall afford the Commonwealth and the~~
14 ~~defendant an opportunity to present any necessary additional~~
15 ~~evidence and shall determine, by a preponderance of the~~
16 ~~evidence, if this section is applicable.~~

17 ~~(c) Authority of court in sentencing. There shall be no~~
18 ~~authority in any court to impose on an offender to which this~~
19 ~~section is applicable any lesser sentence than provided for in~~
20 ~~subsection (a) or to place such offender on probation or to~~
21 ~~suspend sentence. Nothing in this section shall prevent the~~
22 ~~sentencing court from imposing a sentence greater than that~~
23 ~~provided in this section. Sentencing guidelines promulgated by~~
24 ~~the Pennsylvania Commission on Sentencing shall not supersede~~
25 ~~the mandatory sentences provided in this section.~~

26 ~~(d) Appeal by Commonwealth. If a sentencing court refuses~~
27 ~~to apply this section where applicable, the Commonwealth shall~~
28 ~~have the right to appellate review of the action of the~~
29 ~~sentencing court. The appellate court shall vacate the sentence~~
30 ~~and remand the case to the sentencing court for imposition of a~~

1 ~~sentence in accordance with this section if it finds that the~~
2 ~~sentence was imposed in violation of this section.~~

3 Section 4. ~~The definitions of "employed," "offender,"~~
4 ~~"passive notification," "residence" and "sexually violent~~
5 ~~predator" in section 9792 of Title 42 are amended and the~~
6 ~~section is amended by adding definitions to read:~~

7 ~~§ 9792. Definitions.~~

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

11 ~~* * *~~

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

18 ~~* * *~~

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

24 ~~* * *~~

25 ~~"Offender." An individual required to register under section~~
26 ~~9795.1(a), (a.1), (b) (1) or (2) (relating to registration) or~~
27 ~~under former section 9793 (relating to registration of certain~~
28 ~~offenders for ten years). The term includes an individual~~
29 ~~considered to be an offender under section 9795.2(b) (relating~~
30 ~~to registration procedures and applicability).~~

1 ~~"Passive notification." Notification pursuant to section~~
2 ~~9798.1 (relating to information made available on the Internet~~
3 ~~and electronic notification) or any process whereby persons,~~
4 ~~pursuant to the laws of the United States or one of its~~
5 ~~territories or possessions, another state, the District of~~
6 ~~Columbia, the Commonwealth of Puerto Rico or a foreign nation,~~
7 ~~are able to access information pertaining to an individual [as a~~
8 ~~result of the individual having been convicted or sentenced by a~~
9 ~~court for an offense similar to an offense listed in section~~
10 ~~9795.1 (relating to registration)] under a sex offender~~
11 ~~registration law in that jurisdiction. The term includes a~~
12 ~~situation in which an individual is required to register under a~~
13 ~~sex offender registration law in the jurisdiction where~~
14 ~~convicted, sentenced, court martialled or adjudicated as a~~
15 ~~juvenile and where access to that registration information is~~
16 ~~limited to law enforcement only.~~

17 ~~* * *~~

18 ~~"Registration information." Information required under this~~
19 ~~subchapter to be provided to the Pennsylvania State Police by an~~
20 ~~offender or a sexually violent predator.~~

21 ~~"Reside" or "resides." Has or establishes a residence.~~

22 ~~"Residence." [A location where an individual resides or is~~
23 ~~domiciled or intends to be domiciled for 30 consecutive days or~~
24 ~~more during a calendar year.] The location of an individual's~~
25 ~~home, an individual's habitual locale or other place where the~~
26 ~~individual resides or intends to reside for 30 cumulative days~~
27 ~~or more during a calendar year.~~

28 ~~"Sex offender registration law." Any of the following:~~

29 ~~(1) This subchapter.~~

30 ~~(2) A law in another jurisdiction which requires an~~

~~individual to register with a sex offender registry following conviction or adjudication.~~

~~* * *~~

~~"Sexually violent predator." A person who has been convicted of a sexually violent offense as set forth in section 9795.1 (relating to registration) and who is determined to be a sexually violent predator under section 9795.4 (relating to assessments) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes:~~

~~(1) an individual determined to be a sexually violent predator where the determination occurred in the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or by court martial; and~~

~~(2) an individual considered to be a sexually violent predator under section 9795.2(b) (relating to registration procedures and applicability).~~

~~* * *~~

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

~~Section 4.1. Section 9795.1(a) introductory paragraph of Title 42 is amended, subsection (b) is amended by adding a paragraph and the section is amended by adding a subsection to read:~~

~~§ 9795.1. Registration.~~

~~(a) Ten year registration. [The] Except as set forth in subsection (a.1) or (b), the following individuals shall be required to register with the Pennsylvania State Police for a period of ten years:~~

1 * * *

2 ~~(a.1) Exception to ten year registration. Except as~~
3 ~~provided under subsection (b), an individual considered to be an~~
4 ~~offender pursuant to section 9795.2(b) (relating to registration~~
5 ~~procedures and applicability) shall be required to register with~~
6 ~~the Pennsylvania State Police for a period less than life, the~~
7 ~~duration of which is to be determined under section 9795.2(b).~~

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

10 * * *

11 ~~(5) An individual who is considered to be a sexually~~
12 ~~violent predator under section 9795.2(b) or who is otherwise~~
13 ~~required to register for life under section 9795.2(b).~~

14 * * *

15 Section 4.2. Section 9795.2(a) (1), (2) introductory
16 paragraph, (i), (ii) and (iv), (2.1), (3) and (4) (i), (b) (4)
17 introductory paragraph and (5) introductory paragraph, (c) (1),
18 (d) and (e) of Title 42 are amended and subsection (a) (2) is
19 amended by adding subparagraphs to read:

20 § 9795.2. Registration procedures and applicability.

21 ~~(a) Registration.~~

22 ~~(1) Offenders and sexually violent predators shall be~~
23 ~~required to register with the Pennsylvania State Police upon~~
24 ~~release from incarceration, upon parole from a Federal, State~~
25 ~~[or], county, municipal or private correctional [institution]~~
26 ~~facility or upon the commencement of a sentence of~~
27 ~~intermediate punishment or probation or any other sentence of~~
28 ~~nonconfinement. For purposes of registration, offenders and~~
29 ~~sexually violent predators shall provide the Pennsylvania~~
30 ~~State Police with all current or intended residences[,]; all~~

1 ~~information concerning current or intended employment [and];~~
2 ~~all information concerning current or intended enrollment as~~
3 ~~a student[.]; and all information concerning vehicles owned~~
4 ~~by, or registered to, the offender or sexually violent~~
5 ~~predator.~~

6 ~~(2) For purposes of this paragraph, offenders and~~
7 ~~sexually violent predators shall appear at an approved~~
8 ~~registration site to complete the form designated by the~~
9 ~~Pennsylvania State Police to be used for purposes of~~
10 ~~complying with this subchapter. In the case of an offender~~
11 ~~entering or being released or transferred from a residential~~
12 ~~reentry or correctional facility, the administrator of the~~
13 ~~facility or his designee shall assist in completing the forms~~
14 ~~designated by the Pennsylvania State Police to be used for~~
15 ~~purposes of complying with this subchapter and, immediately~~
16 ~~upon collection, forward all the forms to the Pennsylvania~~
17 ~~State Police. Offenders and sexually violent predators shall~~
18 ~~inform the Pennsylvania State Police within 48 hours of:~~

19 ~~(i) Any establishment or change of residence or~~
20 ~~establishment of an additional residence or residences.~~

21 ~~(ii) [Any] Becoming employed or any change of~~
22 ~~employer or employment location for a period of time that~~
23 ~~will exceed [14] four days during a seven day period or~~
24 ~~for an aggregate period of time that will exceed [30] 14~~
25 ~~days during any calendar year, or termination of~~
26 ~~employment.~~

27 * * *

28 ~~(iv) Becoming [employed or] enrolled as a student if~~
29 ~~the person has not previously provided that information~~
30 ~~to the Pennsylvania State Police.~~

1 ~~(v) Entering, being released or transferred from a~~
2 ~~Federal, State, county, municipal or private correctional~~
3 ~~facility, including a residential reentry facility, due~~
4 ~~to arrest, detainer, parole violation, probation~~
5 ~~violation or sentence of incarceration, if the person's~~
6 ~~stay exceeds 48 hours.~~

7 ~~(vi) No longer residing, being domiciled, employed~~
8 ~~or being enrolled as a student in this Commonwealth.~~

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

13 ~~(3) The [ten year] registration period required in~~
14 ~~section 9795.1(a) and (a.1) (relating to registration) shall~~
15 ~~be tolled when an offender is [recommitted for a parole~~
16 ~~violation or sentenced to an additional term of imprisonment]~~
17 ~~incarcerated, and all time spent in incarceration shall not~~
18 ~~be counted toward an offender's registration period. In such~~
19 ~~cases, the [Department of Corrections or] Federal, State,~~
20 ~~county, municipal or private correctional facility shall~~
21 ~~notify the Pennsylvania State Police of the admission,~~
22 ~~release and transfer of the offender.~~

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

25 ~~(i) Where the offender or sexually violent predator~~
26 ~~was granted parole by the Pennsylvania Board of Probation~~
27 ~~and Parole or the court or is sentenced to probation~~
28 ~~[or], intermediate punishment or a punishment not~~
29 ~~involving confinement, the board or county office of~~
30 ~~probation and parole shall collect registration~~

1 ~~information from the offender or sexually violent~~
2 ~~predator and forward that registration information to the~~
3 ~~Pennsylvania State Police. [The Department of Corrections~~
4 ~~or county] If an offender or a sexually violent predator~~
5 ~~is incarcerated in a Federal, State, county, municipal or~~
6 ~~private correctional facility, including a residential~~
7 ~~reentry facility, the correctional facility shall not~~
8 ~~release nor transfer the offender or sexually violent~~
9 ~~predator until it receives verification from the~~
10 ~~Pennsylvania State Police that [it has received] the~~
11 ~~registration information has been received. Verification~~
12 ~~by the Pennsylvania State Police may occur by electronic~~
13 ~~means, including e-mail or facsimile transmission. Where~~
14 ~~the offender or sexually violent predator is scheduled to~~
15 ~~be released from a [State correctional facility or~~
16 ~~county] correctional facility because of the expiration~~
17 ~~of the maximum term of incarceration, the [Department of~~
18 ~~Corrections or county] correctional facility shall~~
19 ~~collect the information from the offender or sexually~~
20 ~~violent predator no later than ten days prior to the~~
21 ~~maximum expiration date. The registration information~~
22 ~~shall, immediately upon collection, be forwarded to the~~
23 ~~Pennsylvania State Police.~~

24 * * *

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

28 ~~(4) An individual who [resides, is employed or is a~~
29 ~~student] is employed, intends to be employed, is a student,~~
30 ~~intends to be a student, resides or enters this Commonwealth~~

1 ~~with the purpose of establishing a residence in this~~
2 ~~Commonwealth and who has been convicted of or sentenced by a~~
3 ~~court or court martialed for a sexually violent offense or a~~
4 ~~similar offense under the laws of the United States or one of~~
5 ~~its territories or possessions, another state, the District~~
6 ~~of Columbia, the Commonwealth of Puerto Rico or a foreign~~
7 ~~nation, or who was required to register under a sexual~~
8 ~~offender statute in the jurisdiction where convicted,~~
9 ~~sentenced or court martialed, shall register at an approved~~
10 ~~registration site within 48 hours of the individual's arrival~~
11 ~~in this Commonwealth. The provisions of this subchapter shall~~
12 ~~apply to the individual as follows:~~

13 ~~* * *~~

14 ~~(5) Notwithstanding the provisions of Chapter 63-~~
15 ~~(relating to juvenile matters) and except as provided in~~
16 ~~paragraph (4), an individual who [resides, is employed or is~~
17 ~~a student] is employed, intends to be employed, is a student,~~
18 ~~intends to be a student, resides or enters this Commonwealth~~
19 ~~with the purpose of establishing a residence in this~~
20 ~~Commonwealth and who is required to register as a sex-~~
21 ~~offender under the laws of the United States or one of its~~
22 ~~territories or possessions, another state, the District of~~
23 ~~Columbia, the Commonwealth of Puerto Rico or a foreign nation~~
24 ~~as a result of a juvenile adjudication shall register at an~~
25 ~~approved registration site within 48 hours of the~~
26 ~~individual's arrival in this Commonwealth. The provisions of~~
27 ~~this subchapter shall apply to the individual as follows:~~

28 ~~* * *~~

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

30 ~~(1) The Pennsylvania State Police shall provide the~~

1 ~~information obtained under this section and sections [9795.3]~~
2 ~~9795.3(a) (relating to sentencing court information) and 9796~~
3 ~~(relating to verification of [residence] registration~~
4 ~~information) to the chief law enforcement officers of the~~
5 ~~police departments of the municipalities in which the~~
6 ~~individual will reside, be employed or enrolled as a student.~~
7 ~~In addition, the Pennsylvania State Police shall provide this~~
8 ~~officer with the address at which the individual will reside,~~
9 ~~be employed or enrolled as a student following his release~~
10 ~~from incarceration, parole or probation.~~

11 * * *

12 ~~(d) Penalty. An individual subject to registration under~~
13 ~~former section 9793 (relating to registration of certain~~
14 ~~offenders for ten years) or section [9795.1(a) or (b)] 9795.1~~
15 ~~who fails to register or verify or update registration~~
16 ~~information with the Pennsylvania State Police as required by~~
17 ~~this section may be subject to prosecution under 18 Pa.C.S. §~~
18 ~~4915 (relating to failure to comply with registration of sexual~~
19 ~~offenders requirements).~~

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

24 ~~Section 4.3. Sections 9795.3 and 9796 heading, (a), (b) and~~
25 ~~(c) and 9798(a)(1) of Title 42 are amended to read:~~

26 ~~§ 9795.3. Sentencing court information.~~

27 ~~(a) Duty of sentencing court. The sentencing court shall~~
28 ~~inform offenders and sexually violent predators at the time of~~
29 ~~sentencing of the provisions of this subchapter. The court~~
30 ~~shall:~~

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

6 ~~(2) Specifically inform the offender or sexually violent~~
7 ~~predator of the duty to inform the Pennsylvania State Police~~
8 ~~within [ten days] 48 hours if the offender or sexually~~
9 ~~violent predator changes or establishes a residence or~~
10 ~~establishes an additional residence or residences, changes~~
11 ~~employer or employment location for a period of time that~~
12 ~~will exceed [14 days] four days during any seven day period~~
13 ~~or for an aggregate period of time that will exceed [30] 14~~
14 ~~days during any calendar year or terminates employment or~~
15 ~~changes institution or location at which the person is~~
16 ~~enrolled as a student or terminates enrollment. In the case~~
17 ~~of a transient, the individual shall provide the Pennsylvania~~
18 ~~State Police with the individual's habitual locale and the~~
19 ~~place where the individual receives mail, including a post~~
20 ~~office box.~~

21 ~~(2.1) Specifically inform the offender or sexually~~
22 ~~violent predator of the duty to inform the Pennsylvania State~~
23 ~~Police within [ten days] 48 hours of becoming employed or~~
24 ~~enrolled as a student if the [person] offender or sexually~~
25 ~~violent predator has not previously provided that information~~
26 ~~to the Pennsylvania State Police.~~

27 ~~(3) Specifically inform the offender or sexually violent~~
28 ~~predator of the duty to register with a new law enforcement~~
29 ~~agency if the offender or sexually violent predator moves to~~
30 ~~another state no later than [ten days] 48 hours after~~

1 ~~establishing residence in another state.~~

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

5 ~~(5) Specifically inform the offender or sexually violent~~
6 ~~predator of the duty to register with the appropriate~~
7 ~~authorities in any state in which the offender or sexually~~
8 ~~violent predator is employed, carries on a vocation or is a~~
9 ~~student if the state requires such registration.~~

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

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

22 ~~§ 9796. Verification of [residence] registration information.~~

23 ~~(a) Quarterly verification by sexually violent predators.~~
24 ~~The Pennsylvania State Police shall verify the [residence]~~
25 ~~registration information and compliance with counseling as~~
26 ~~provided for in section 9799.4 (relating to counseling of~~
27 ~~sexually violent predators) of sexually violent predators every~~
28 ~~90 days through the use of a nonforwardable verification form to~~
29 ~~the last reported residence. For the period of registration~~
30 ~~required by section 9795.1 (relating to registration), a~~

1 ~~sexually violent predator shall appear quarterly between January~~
2 ~~5 and January 15, April 5 and April 15, July 5 and July 15 and~~
3 ~~October 5 and October 15 of each calendar year at an approved~~
4 ~~registration site to complete a verification form and to be~~
5 ~~photographed.~~

6 * * *

7 ~~(b) Annual verification by offenders. The Pennsylvania~~
8 ~~State Police shall verify the [residence] registration~~
9 ~~information of offenders. For the period of registration~~
10 ~~required by section 9795.1, an offender shall appear within ten~~
11 ~~days before each annual anniversary date of the offender's~~
12 ~~initial registration under former section 9793 (relating to~~
13 ~~registration of certain offenders for ten years) or section~~
14 ~~9795.1 at an approved registration site to complete a~~
15 ~~verification form and to be photographed.~~

16 * * *

17 ~~(e) Penalty. An individual subject to registration under~~
18 ~~former section 9793 or section 9795.1(a) or (b) who fails to~~
19 ~~verify his [residence] registration information or to be~~
20 ~~photographed as required by this section may be subject to~~
21 ~~prosecution under 18 Pa.C.S. § 4915 (relating to failure to~~
22 ~~comply with registration of sexual offenders requirements).~~

23 * * *

24 ~~§ 9798. Other notification.~~

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

1 ~~as required under this section.~~

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

3 ~~(i) The name of the convicted sexually violent~~
4 ~~predator.~~

5 ~~(ii) [The address or addresses at which he resides.]~~

6 The residence of the sexually violent predator.

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

9 ~~(iii) The offense for which [he] the sexually~~
10 ~~violent predator was convicted, sentenced by a court,~~
11 ~~adjudicated delinquent or court martialled.~~

12 ~~(iv) A statement that [he] the sexually violent~~
13 ~~predator has been determined by court order to be a~~
14 ~~sexually violent predator, which determination has or has~~
15 ~~not been terminated as of a date certain.~~

16 ~~(v) A photograph of the sexually violent predator,~~
17 ~~if available.~~

18 ~~* * *~~

19 ~~Section 4.4. Section 9799(1) of Title 42 is amended to read:~~

20 ~~§ 9799. Immunity for good faith conduct.~~

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

23 ~~(1) The Pennsylvania State Police [and], local law~~
24 ~~enforcement agencies, and agents and employees of the~~
25 ~~Pennsylvania State Police and local law enforcement agencies.~~

26 ~~* * *~~

27 ~~Section 4.5. Section 9799.1 heading, (2) and (4) of Title 42~~
28 ~~are amended and the section is amended by adding paragraphs to~~
29 ~~read:~~

30 ~~§ 9799.1. [Duties of] Pennsylvania State Police.~~

1 ~~The Pennsylvania State Police shall:~~

2 ~~* * *~~

3 ~~(2) In consultation with the Department of Corrections,~~
4 ~~the Office of Attorney General, the Pennsylvania Board of~~
5 ~~Probation and Parole and the chairman and the minority~~
6 ~~chairman of the Judiciary Committee of the Senate and the~~
7 ~~chairman and the minority chairman of the Judiciary Committee~~
8 ~~of the House of Representatives, promulgate guidelines~~
9 ~~necessary for the general administration of this subchapter.~~
10 ~~These guidelines shall establish procedures to allow an~~
11 ~~individual subject to the requirements of sections 9795.1~~
12 ~~(relating to registration) and 9796 (relating to verification~~
13 ~~of [residence] registration information) to fulfill these~~
14 ~~requirements at approved registration sites throughout this~~
15 ~~Commonwealth. The Pennsylvania State Police shall publish a~~
16 ~~list of approved registration sites in the Pennsylvania~~
17 ~~Bulletin and provide a list of approved registration sites in~~
18 ~~any notices sent to individuals required to register under~~
19 ~~section 9795.1. An approved registration site shall be~~
20 ~~capable of submitting fingerprints, photographs and any other~~
21 ~~information required electronically to the Pennsylvania State~~
22 ~~Police. The Pennsylvania State Police shall require that~~
23 ~~approved registration sites submit fingerprints utilizing the~~
24 ~~Integrated Automated Fingerprint Identification System or in~~
25 ~~another manner and in such form as the Pennsylvania State~~
26 ~~Police shall require. The Pennsylvania State Police shall~~
27 ~~require that approved registration sites submit photographs~~
28 ~~utilizing the Commonwealth Photo Imaging Network or in~~
29 ~~another manner and in such form as the Pennsylvania State~~
30 ~~Police shall require. Approved registration sites shall not~~

1 ~~be limited to sites managed by the Pennsylvania State Police~~
2 ~~and shall include sites managed by local law enforcement~~
3 ~~agencies that meet the criteria for approved registration~~
4 ~~sites set forth in this paragraph.~~

5 * * *

6 ~~(4) Notify, within five business days of receiving the~~
7 ~~offender's or the sexually violent predator's registration,~~
8 ~~the chief law enforcement officers of the police departments~~
9 ~~having primary jurisdiction of the municipalities in which an~~
10 ~~offender or sexually violent predator resides, is employed or~~
11 ~~enrolled as a student of the fact that the offender or~~
12 ~~sexually violent predator has been registered with the~~
13 ~~Pennsylvania State Police pursuant to sections 9795.2~~
14 ~~(relating to registration procedures and applicability) and~~
15 ~~9796 (relating to verification of [residence] registration~~
16 ~~information).~~

17 * * *

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

20 ~~(i) A proceeding brought by an individual registered~~
21 ~~under former section 9793 (relating to registration of~~
22 ~~certain offenders for ten years) or section 9795.1 to be~~
23 ~~removed from, or contesting their inclusion in, the State~~
24 ~~registry of sexual offenders and sexually violent~~
25 ~~predators.~~

26 ~~(ii) A proceeding to modify a court order concerning~~
27 ~~the terms of an individual's registration under former~~
28 ~~section 9793 or section 9795.1.~~

29 ~~(8) The Pennsylvania State Police may certify and send~~
30 ~~to an authorized user, by electronic transmission or~~

~~otherwise, a certification of record or abstract of records maintained by the Pennsylvania State Police regarding the registration of an offender under this subchapter. Permissible uses shall include certifications of an offenders initial registration and verification history and history of nonregistration or nonverification. The Pennsylvania State Police may also certify electronically any documents certified to it electronically. Authorized users shall include State and local police, district attorneys, agents and employees of the Pennsylvania State Police and the Office of Attorney General and other persons or entities determined by the Pennsylvania State Police and listed by notice in the Pennsylvania Bulletin. In any proceeding before the courts or administrative bodies of this Commonwealth, documents certified by the Pennsylvania State Police under this section and offered into evidence by an authorized user shall be admissible into evidence.~~

~~Section 4.6. Sections 9799.4 and 9799.9 of Title 42 are amended to read:~~

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

~~(a) Attendance required. For the period of registration required by section 9795.1(b) (relating to registration), a sexually violent predator shall be required to attend at least monthly counseling sessions in a program approved by the board and be financially responsible for all fees assessed from such counseling sessions. The board shall monitor the compliance of the sexually violent predator.~~

~~(b) Indigence. If the sexually violent predator can prove to the satisfaction of the court that the person's income and support is such that the person cannot afford to pay for the~~

1 ~~counseling sessions, that person shall still attend the~~
2 ~~counseling sessions and the [parole office] Pennsylvania Board~~
3 ~~of Probation and Parole shall pay the requisite fees. The court~~
4 ~~may create a standard petition for indigence for use by sexually~~
5 ~~violent predators and the Pennsylvania Board of Probation and~~
6 ~~Parole in the courts of this Commonwealth. Filing fees for the~~
7 ~~determinations shall be waived. Upon request of the Pennsylvania~~
8 ~~Board of Probation and Parole, a sexually violent predator's~~
9 ~~indigence status shall be reviewed by the court and a~~
10 ~~determination shall be made by the court whether the individual~~
11 ~~will remain eligible for funded counseling sessions.~~

12 ~~§ 9799.9. Photographs and fingerprinting.~~

13 ~~An individual subject to former section 9793 (relating to~~
14 ~~registration of certain offenders for ten years) or section~~
15 ~~9795.1 (relating to registration) shall submit to fingerprinting~~
16 ~~and photographing as required by this subchapter at approved~~
17 ~~registration sites. Fingerprinting as required by this~~
18 ~~subchapter shall, at a minimum, require submission of a full set~~
19 ~~of fingerprints. Photographing as required by this subchapter~~
20 ~~shall, at a minimum, require submission to photographs of the~~
21 ~~face and any scars, marks, tattoos or other unique features of~~
22 ~~the individual. Fingerprints and photographs obtained under this~~
23 ~~subchapter may be maintained for use under this subchapter and~~
24 ~~for general law enforcement purposes.~~

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

26 ~~§ 9799.10. Expiration.~~

27 ~~The following provisions shall expire one year after the~~
28 ~~effective date of this section:~~

29 ~~Section 9791 (relating to legislative findings and~~
30 ~~declaration of policy).~~

1 ~~Section 9792 (relating to definitions).~~
2 ~~Section 9795.1 (relating to registration).~~
3 ~~Section 9795.2 (relating to registration procedures and~~
4 ~~applicability).~~
5 ~~Section 9795.3 (relating to sentencing court~~
6 ~~information).~~
7 ~~Section 9795.4 (relating to assessments).~~
8 ~~Section 9795.5 (relating to exemption from certain~~
9 ~~notifications).~~
10 ~~Section 9796 (relating to verification of registration~~
11 ~~information).~~
12 ~~Section 9797 (relating to victim notification).~~
13 ~~Section 9798 (relating to other notification).~~
14 ~~Section 9798.1 (relating to information made available on~~
15 ~~the Internet).~~
16 ~~Section 9798.2 (relating to administration).~~
17 ~~Section 9798.3 (relating to global positioning system~~
18 ~~technology).~~
19 ~~Section 9799 (relating to immunity for good faith~~
20 ~~conduct).~~
21 ~~Section 9799.1 (relating to duties of Pennsylvania State~~
22 ~~Police).~~
23 ~~Section 9799.2 (relating to duties of Pennsylvania Board~~
24 ~~of Probation and Parole).~~
25 ~~Section 9799.3 (relating to board).~~
26 ~~Section 9799.4 (relating to counseling of sexually~~
27 ~~violent predators).~~
28 ~~Section 9799.7 (relating to exemption from notification~~
29 ~~for certain licensees and their employees).~~
30 ~~Section 9799.8 (relating to annual performance audit).~~

~~Section 9799.9 (relating to photographs and fingerprinting).~~

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

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

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

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

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

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

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

~~(6) Release of information about offenders to public~~

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

6 ~~(7) Public safety will be enhanced by making information~~
7 ~~regarding offenders and out of State offenders available to~~
8 ~~the public through the Internet and other electronic means.~~

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

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

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

21 ~~(1) It is the intention of the General Assembly to~~
22 ~~protect the safety and general welfare of the people of this~~
23 ~~Commonwealth by providing for registration and community~~
24 ~~notification regarding offenders.~~

25 ~~(2) It is the policy of the Commonwealth to require the~~
26 ~~exchange of relevant information about offenders among public~~
27 ~~agencies and officials and to authorize the release of~~
28 ~~necessary and relevant information about offenders to members~~
29 ~~of the general public as a means of assuring public~~
30 ~~protection and shall not be construed as punitive.~~

1 ~~§ 9799.12. Definitions.~~

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

5 ~~"Approved registration site." A site in this Commonwealth~~
6 ~~approved by the Pennsylvania State Police at which individuals~~
7 ~~subject to this subchapter may register, update and verify~~
8 ~~registration information as required by this subchapter.~~

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

10 ~~"Class 1 sexual offender." Any individual convicted of a~~
11 ~~Class 1 sexual offense or designated as a Class 1 sexual~~
12 ~~offender by the Pennsylvania State Police under section 9799.15-~~
13 ~~(relating to registration procedures for out of State~~
14 ~~offenders).~~

15 ~~"Class 2 sexual offender." Any individual convicted of a~~
16 ~~Class 2 sexual offense or designated as a Class 2 sexual~~
17 ~~offender by the Pennsylvania State Police under section 9799.15-~~
18 ~~(relating to registration procedures for out of State~~
19 ~~offenders).~~

20 ~~"Class 3 sexual offender." Any individual convicted of a~~
21 ~~Class 3 sexual offense, or more than one Class 1 or Class 2~~
22 ~~sexual offense, or designated as a Class 3 sexual offender by~~
23 ~~the Pennsylvania State Police under section 9799.15 (relating to~~
24 ~~registration procedures for out of State offenders).~~

25 ~~"Class 1 sexual offense." Any of the following offenses or~~
26 ~~attempt, solicitation or conspiracy to commit any of the~~
27 ~~following offenses:~~

28 ~~18 Pa.C.S. § 2902(b) (relating to unlawful restraint).~~

29 ~~18 Pa.C.S. § 2903(b) (relating to false imprisonment).~~

30 ~~18 Pa.C.S. § 2904 (relating to interference with custody)~~

1 ~~of children).~~

2 ~~18 Pa.C.S. § 2910 (relating to luring a child into a~~
3 ~~motor vehicle or structure).~~

4 ~~18 Pa.C.S. § 3124.2(a) (relating to institutional sexual~~
5 ~~assault).~~

6 ~~18 Pa.C.S. § 3126(a)(1) (relating to indecent assault).~~

7 ~~18 Pa.C.S. § 7507.1 (relating to invasion of privacy).~~

8 ~~"Class 2 sexual offense." Any of the following offenses or~~
9 ~~attempt, solicitation or conspiracy to commit any of the~~
10 ~~following offenses:~~

11 ~~18 Pa.C.S. § 3122.1(a)(2) (relating to statutory sexual~~
12 ~~assault).~~

13 ~~18 Pa.C.S. § 3126(a)(2), (3), (4), (5), (6) or (8)~~
14 ~~(relating to indecent assault).~~

15 ~~18 Pa.C.S. § 5902(b) (relating to prostitution and~~
16 ~~related offenses) and graded under section 5902 (c)(1)(iii).~~

17 ~~18 Pa.C.S. § 5903(a)(3)(ii), (4)(ii), (5)(ii) or (6)~~
18 ~~(relating to obscene and other sexual materials and~~
19 ~~performances).~~

20 ~~18 Pa.C.S. § 6312 (relating to sexual abuse of children).~~

21 ~~18 Pa.C.S. § 6318 (relating to unlawful contact with~~
22 ~~minor).~~

23 ~~18 Pa.C.S. § 6320 (relating to sexual exploitation of~~
24 ~~children).~~

25 ~~"Class 3 sexual offense." Any of the following offenses or~~
26 ~~attempt, solicitation or conspiracy to commit any of the~~
27 ~~following offenses:~~

28 ~~18 Pa.C.S. § 2901(a.1) (relating to kidnapping).~~

29 ~~18 Pa.C.S. § 3121 (relating to rape).~~

30 ~~18 Pa.C.S. § 3122.1(b) (relating to statutory sexual~~

1 ~~assault).~~

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

4 ~~18 Pa.C.S. § 3124.1 (relating to sexual assault).~~

5 ~~18 Pa.C.S. § 3124.2(a.1) (relating to institutional~~
6 ~~sexual assault).~~

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

9 ~~18 Pa.C.S. § 3126(a)(7) (relating to indecent assault).~~

10 ~~18 Pa.C.S. § 4302(b) (relating to incest).~~

11 ~~"CLEAN." The Commonwealth Law Enforcement Assistance~~
12 ~~Network.~~

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

22 ~~"Employed." Includes carrying on a vocation or employment~~
23 ~~that is full time or part time for a period of time exceeding~~
24 ~~four days during a seven day period or for an aggregate period~~
25 ~~of time exceeding 14 days during any calendar year, whether~~
26 ~~financially compensated, volunteered, pursuant to a contract or~~
27 ~~for the purpose of government or educational benefit.~~

28 ~~"Habitual locale." The place where a transient can be~~
29 ~~habitually located, including locations an individual frequents,~~
30 ~~or intends to frequent, during the day or night, including, but~~

1 ~~not limited to, parks, buildings, libraries and homeless~~
2 ~~shelters.~~

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

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 ~~"Juvenile offender." Any individual of any age required to~~
12 ~~register under section 9799.13 (relating to registration) on the~~
13 ~~basis of an adjudication of delinquency.~~

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

19 ~~"Minor." Any individual less than 18 years of age.~~

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

22 ~~"Offender." Any individual required to register under~~
23 ~~section 9799.13 (relating to registration).~~

24 ~~"Out of State offender." Any individual required to register~~
25 ~~under section 9799.13 (relating to registration) due to a~~
26 ~~conviction or adjudication of delinquency in another~~
27 ~~jurisdiction or to a court martial.~~

28 ~~"Penetration." Includes any penetration, however slight, of~~
29 ~~the genitals or anus or mouth of another person with a part of~~
30 ~~the person's body or a foreign object for any purpose other than~~

1 ~~good faith medical, hygienic or law enforcement procedures.~~

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

6 ~~"Present." The location where an offender or out of State~~
7 ~~offender resides, is habitually located, is employed or is~~
8 ~~enrolled as a student.~~

9 ~~"Registration information." All of the following information~~
10 ~~concerning the offender:~~

11 ~~(1) Primary given name, including any aliases,~~
12 ~~nicknames, ethnic or tribal names and any pseudonyms,~~
13 ~~regardless of the context in which they are used.~~

14 ~~(2) Valid and purported Social Security number.~~

15 ~~(3) Actual and purported date of birth.~~

16 ~~(4) Place of birth.~~

17 ~~(5) Physical description, including sex, height, weight,~~
18 ~~eye color, hair color, race and any scars, marks, tattoos or~~
19 ~~other unique features of the individual.~~

20 ~~(6) Fingerprints taken and submitted to IAFIS.~~

21 ~~(7) Palm prints taken and submitted to the Federal~~
22 ~~Bureau of Investigation Central Database.~~

23 ~~(8) DNA sample taken and submitted in accordance with 44~~
24 ~~Pa.C.S. Ch. 23 (relating to DNA data and testing) to the~~
25 ~~State DNA Data Base for entry into the Combined DNA Index~~
26 ~~System (CODIS) in accordance with procedures established by~~
27 ~~the Pennsylvania State Police. The collection of DNA at time~~
28 ~~of collecting registration information or updating or~~
29 ~~verifying registration information is not required if the~~
30 ~~registering official or approved registration site can~~

1 ~~confirm that the DNA collection and submission has already~~
2 ~~occurred.~~

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

5 ~~(10) A digitized copy of the offender's passport and~~
6 ~~immigration documents.~~

7 ~~(11) A photograph of the offender's face.~~

8 ~~(12) Any telephone numbers, including landline and cell-~~
9 ~~phone numbers, and any other designations used by the~~
10 ~~offender for purposes of routing or self identification in~~
11 ~~telephonic communications.~~

12 ~~(13) Any e mail addresses, any instant message addresses~~
13 ~~or identifiers, any designations or monikers used by the~~
14 ~~offender for purposes of routing or self identification in~~
15 ~~Internet communications or postings.~~

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

19 ~~(15) The location at which the offender receives~~
20 ~~delivery of mail, including a post office box or general~~
21 ~~delivery post office location.~~

22 ~~(16) The name and address of any place where the~~
23 ~~offender is employed or will be employed.~~

24 ~~(17) The name and address of any place where the~~
25 ~~offender attends school or will attend school.~~

26 ~~(18) The license plate number, registration number or~~
27 ~~any other identifier of all vehicles, including land~~
28 ~~vehicles, aircraft or watercraft owned or operated by the~~
29 ~~offender, whether for work or personal use, including a~~
30 ~~description of the vehicle and the permanent or frequent~~

1 ~~location where the vehicle is kept.~~

2 ~~(19) Information concerning all licensing authorizing~~
3 ~~the offender to engage in an occupation or carry out a trade~~
4 ~~or business.~~

5 ~~(20) The offenses requiring registration, including a~~
6 ~~citation or link to the provision of law defining the offense~~
7 ~~for which the offender is registered.~~

8 ~~(21) The dates of all arrests, convictions and~~
9 ~~outstanding arrest warrants that have been entered into the~~
10 ~~Commonwealth Law Enforcement Assistance Network, as well as~~
11 ~~the status of the offender's parole, probation, supervised~~
12 ~~release and registration.~~

13 ~~(22) The date or dates of the current or subsequent~~
14 ~~period of incarceration and release from incarceration.~~

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

18 ~~"Registration start date." The date on which an offender or~~
19 ~~out of State offender's registration information is approved and~~
20 ~~entered into the State sexual offender registry by the~~
21 ~~Pennsylvania State Police.~~

22 ~~"Registry official." The person or entity responsible for~~
23 ~~obtaining registration information as set forth in this~~
24 ~~subchapter.~~

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, including, but not limited to, a homeless shelter.~~
30 ~~An individual confined in a State correctional institution or~~

1 ~~motivational boot camp shall be considered to be a resident of~~
2 ~~the Department of Corrections. However, an individual confined~~
3 ~~in a community corrections center operated by the Department of~~
4 ~~Corrections or pursuant to a contract between the Department of~~
5 ~~Corrections and a contractor or other provider shall be~~
6 ~~considered a resident of the specific facility where the~~
7 ~~individual is living.~~

8 ~~"Sexually violent offense." Any Class 1, Class 2 or Class 3~~
9 ~~sexual offense.~~

10 ~~"Sexually violent predator." An individual who has been~~
11 ~~convicted of an offense as set forth under section 9799.13~~
12 ~~(relating to registration) and who is determined to be a~~
13 ~~sexually violent predator under section 9799.18 (relating to~~
14 ~~assessments) due to a mental abnormality or personality disorder~~
15 ~~that makes the person likely to engage in predatory sexually~~
16 ~~violent offenses. The term includes:~~

17 ~~(1) An individual determined to be a sexually violent~~
18 ~~predator, or other similar designation, if the determination~~
19 ~~occurred in the United States or one of its territories or~~
20 ~~possessions, another state, the District of Columbia, a~~
21 ~~federally recognized Indian tribe, a foreign nation or a~~
22 ~~military tribunal.~~

23 ~~(2) An individual determined to be a sexually violent~~
24 ~~delinquent child under Chapter 64 (relating to court ordered~~
25 ~~involuntary treatment of certain sexually violent persons),~~
26 ~~regardless of whether the individual has been subsequently~~
27 ~~discharged from involuntary treatment.~~

28 ~~"Similar offense." An offense under a former law of this~~
29 ~~Commonwealth or the laws of the United States or one of its~~
30 ~~territories or possessions, another state, the District of~~

1 ~~Columbia, a federally recognized Indian tribe or a foreign~~
2 ~~nation.~~

3 ~~"State sexual offender registry." The Statewide registry of~~
4 ~~offenders and out of State offenders maintained by the~~
5 ~~Pennsylvania State Police.~~

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

10 ~~"Transient." An offender or out of State offender who does~~
11 ~~not have a residence and is present in this Commonwealth.~~

12 ~~§ 9799.13. Registration.~~

13 ~~(a) General rule. The following individuals present in this~~
14 ~~Commonwealth shall register with the Pennsylvania State Police~~
15 ~~in accordance with the provisions of this subchapter:~~

16 ~~(1) Individuals who, on or after the effective date of~~
17 ~~this section, are convicted of a Class 1, Class 2 or Class 3~~
18 ~~sexual offense or a similar offense.~~

19 ~~(2) Individuals who, on or after the effective date of~~
20 ~~this section, are convicted of any Federal or military~~
21 ~~offense enumerated in 42 U.S.C. § 16911(5)(A)(iii), (iv) and~~
22 ~~(v) (relating to relevant definitions, including Amie Zyla~~
23 ~~expansion of sex offender definition and expanded inclusion~~
24 ~~of child predators) or who, on the effective date of this~~
25 ~~section, are required to register under a sexual offender~~
26 ~~statute in the jurisdiction where the individual was~~
27 ~~convicted, sentenced, adjudicated delinquent or court-~~
28 ~~martialed.~~

29 ~~(3) Individuals who, on or after the effective date of~~
30 ~~this section, are incarcerated, serving a sentence of~~

~~intermediate punishment or under the supervision of the Pennsylvania Board of Probation and Parole or any Federal or county probation and parole office for a Class 1, Class 2 or Class 3 sexual offense or a similar offense or for an offense enumerated in 42 U.S.C. § 16911(5)(A)(iii), (iv) and (v).~~

~~(4) Individuals who, on or after the effective date of this section, are convicted of or incarcerated, serving a sentence of intermediate punishment or under the supervision of the Pennsylvania Board of Probation and Parole or any county probation and parole office for any felony offense, if the individual:~~

~~(i) was previously convicted at any time of a Class 1, Class 2 or Class 3 sexual offense or a similar offense, regardless of whether the offense was designated as a Class 1, Class 2 or Class 3 sexual offense at the time of the conviction;~~

~~(ii) was convicted of an offense enumerated in 42 U.S.C. § 16911(5)(A)(iii), (iv) and (v); or~~

~~(iii) was previously required to register under a sexual offender statute in another jurisdiction and his or her registration obligation in that jurisdiction had expired prior to the effective date of this section.~~

~~(5) Individuals who, on or after the effective date of this section, are adjudicated delinquent following a determination by the court that the individual has committed any of the following offenses or similar offenses subsequent to attaining 14 years of age:~~

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

1 ~~(ii) 18 Pa.C.S. § 902 (relating to criminal~~
2 ~~solicitation) if the underlying offense is listed in~~
3 ~~subparagraph (iv), (v) or (vi).~~

4 ~~(iii) 18 Pa.C.S. § 903 (relating to criminal~~
5 ~~conspiracy) if the underlying offense is listed in~~
6 ~~subparagraph (iv), (v) or (vi).~~

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

8 ~~(v) 18 Pa.C.S. § 3123 (relating to involuntary~~
9 ~~deviate sexual intercourse).~~

10 ~~(vi) 18 Pa.C.S. § 3125 (relating to aggravated~~
11 ~~indecent assault).~~

12 ~~(6) Individuals who, on the effective date of this~~
13 ~~section, are under court ordered placement in an institution,~~
14 ~~youth development center, camp, institution operated by the~~
15 ~~Department of Public Welfare or other facility designed or~~
16 ~~operated for the benefit of delinquent children, or are on~~
17 ~~probation or otherwise under the supervision of the court due~~
18 ~~to an adjudication of delinquency following a determination~~
19 ~~by the court that the individual has committed any of the~~
20 ~~following offenses or similar offenses subsequent to~~
21 ~~attaining 14 years of age:~~

22 ~~(i) 18 Pa.C.S. § 901 if the underlying offense is~~
23 ~~listed in subparagraph (iv), (v) or (vi).~~

24 ~~(ii) 18 Pa.C.S. § 902 (relating to criminal~~
25 ~~solicitation) if the underlying offense is listed in~~
26 ~~subparagraph (iv), (v) or (vi).~~

27 ~~(iii) 18 Pa.C.S. § 903 if the underlying offense is~~
28 ~~listed in subparagraph (iv), (v) or (vi).~~

29 ~~(iv) 18 Pa.C.S. § 3121.~~

30 ~~(v) 18 Pa.C.S. § 3123.~~

1 ~~(vi) 18 Pa.C.S. § 3125.~~

2 ~~(7) Individuals who, on or after the effective date of~~
3 ~~this section, are committed to or receiving involuntary~~
4 ~~treatment in a facility under Chapter 64 (relating to court~~
5 ~~ordered involuntary treatment of certain sexually violent~~
6 ~~persons).~~

7 ~~(8) Individuals who, on the effective date of this~~
8 ~~section, are registered in the State sexual offender registry~~
9 ~~under this subchapter.~~

10 ~~(b) Natural disaster. The occurrence of a natural disaster~~
11 ~~or other event requiring evacuation of residences shall not~~
12 ~~relieve an individual of the duty to register or any other duty~~
13 ~~imposed by this chapter.~~

14 ~~(c) Residents in group based homes.~~

15 ~~(1) No group based home, as that term is defined under~~
16 ~~61 Pa.C.S. § 6124 (relating to certain offenders residing in~~
17 ~~group based homes) may provide concurrent residence in the~~
18 ~~group based home to multiple individuals who are required to~~
19 ~~register under this chapter as sexually violent predators,~~
20 ~~unless the individuals are spouses, siblings or parent and~~
21 ~~child to each other.~~

22 ~~(2) A group based home that violates paragraph (1) shall~~
23 ~~be subject to a civil penalty in the amount of \$2,500 for a~~
24 ~~first violation and in the amount of \$5,000 for a second or~~
25 ~~subsequent violation.~~

26 ~~(3) The Pennsylvania State Police or local law~~
27 ~~enforcement agency of jurisdiction shall investigate~~
28 ~~compliance with this subsection and the Attorney General or~~
29 ~~district attorney may commence a civil action in the court of~~
30 ~~common pleas of the county in which a group based home is~~

~~located to impose and collect from the group based home the fine established in paragraph (2).~~

~~§ 9799.14. Registration procedures for Pennsylvania offenders.~~

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

~~(1) If the offender is incarcerated in a State correctional facility or county correctional facility, the correctional facility shall notify the Pennsylvania State Police, not more than 30 days in advance of, but not later than ten days prior to, the offender's release from the correctional facility.~~

~~(i) The correctional facility shall collect the registration information from the offender and forward the registration information to the Pennsylvania State Police.~~

~~(ii) The correctional facility shall not release the offender from custody until the correctional facility receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the registration information. Verification by the Pennsylvania State Police may occur by electronic means.~~

~~(2) If the offender is serving a sentence of intermediate punishment or is under the supervision of the Pennsylvania Board of Probation and Parole or any county~~

~~probation and parole office, the State or county probation and parole office shall collect the registration information from the offender and forward the registration information to the Pennsylvania State Police.~~

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

~~(1) At the time of sentencing, the court shall require the offender to immediately report to the Office of Probation and Parole serving that county to register under this subchapter.~~

~~(i) The appropriate office of probation and parole shall collect the registration information from the offender and forward the registration information to the Pennsylvania State Police.~~

~~(ii) The court shall not authorize release of the offender from custody until the appropriate office of probation and parole serving that county receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the registration information. Verification by the Pennsylvania State Police may occur by electronic means.~~

~~(2) If the offender is incarcerated in a State correctional facility or county correctional facility, the correctional facility shall notify the Pennsylvania State~~

1 ~~Police, not more than 30 days in advance of, but not later~~
2 ~~than ten days prior to, the offender's release from the~~
3 ~~correctional facility.~~

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

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

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

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

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

1 ~~registry subject to the following:~~

2 ~~(1) At the time of sentencing for a felony offense, the~~
3 ~~court shall require the offender to immediately report to the~~
4 ~~office of probation and parole serving that county to~~
5 ~~register under this subchapter.~~

6 ~~(i) The appropriate office of probation and parole~~
7 ~~shall collect the registration information from the~~
8 ~~offender and forward the registration information to the~~
9 ~~Pennsylvania State Police.~~

10 ~~(ii) The court may not authorize release of the~~
11 ~~offender from custody until the appropriate office of~~
12 ~~probation and parole serving that county receives~~
13 ~~verification from the Pennsylvania State Police that the~~
14 ~~Pennsylvania State Police has received the registration~~
15 ~~information. Verification by the Pennsylvania State~~
16 ~~Police may occur by electronic means.~~

17 ~~(2) If the offender is incarcerated in a State~~
18 ~~correctional facility or county correctional facility, the~~
19 ~~correctional facility shall notify the Pennsylvania State~~
20 ~~Police not more than 30 days in advance of, but not later~~
21 ~~than ten days prior to, the offender's release from the~~
22 ~~correctional facility.~~

23 ~~(i) The correctional facility shall ensure that~~
24 ~~registration information for the offender has been~~
25 ~~submitted to the Pennsylvania State Police.~~

26 ~~(ii) If registration information has not been~~
27 ~~submitted to the Pennsylvania State Police, the~~
28 ~~correctional facility shall collect the registration~~
29 ~~information from the offender and forward the~~
30 ~~registration information to the Pennsylvania State~~

1 Police.

2 ~~(iii) The correctional facility shall also report~~
3 ~~any changes to the registration information on file with~~
4 ~~the Pennsylvania State Police.~~

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

11 ~~(3) If the offender is serving a sentence of~~
12 ~~intermediate punishment or is under the supervision of the~~
13 ~~Pennsylvania Board of Probation and Parole or any county~~
14 ~~probation and parole office for a felony offense, the~~
15 ~~appropriate probation and parole office shall collect the~~
16 ~~registration information from the offender and forward the~~
17 ~~registration information to the Pennsylvania State Police.~~
18 ~~(d) Delinquency.~~

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

21 ~~(i) On or after the effective date of this section,~~
22 ~~is adjudicated delinquent following a determination by~~
23 ~~the court that the individual has committed any of the~~
24 ~~following offenses or similar offenses subsequent to~~
25 ~~attaining 14 years of age:~~

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

29 ~~(B) 18 Pa.C.S. § 902 (relating to criminal~~
30 ~~solicitation) if the underlying offense is listed in~~

1 ~~clause (D), (E) or (F).~~

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

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

6 ~~(E) 18 Pa.C.S. § 3123 (relating to involuntary~~
7 ~~deviate sexual intercourse).~~

8 ~~(F) 18 Pa.C.S. § 3125 (relating to aggravated~~
9 ~~indecent assault).~~

10 ~~(ii) Is required to register under section 9799.13.~~

11 ~~(2) This subsection applies to an offender who meets all~~
12 ~~of the following requirements:~~

13 ~~(i) On the effective date of this section, is under~~
14 ~~court ordered placement in an institution, youth~~
15 ~~development center, camp, institution operated by the~~
16 ~~Department of Public Welfare or other facility designed~~
17 ~~or operated for the benefit of delinquent children, or is~~
18 ~~on probation or otherwise under the supervision of the~~
19 ~~court, due to an adjudication of delinquency following a~~
20 ~~determination by the court that the individual has~~
21 ~~committed any of the following offenses subsequent to~~
22 ~~attaining 14 years of age:~~

23 ~~(A) 18 Pa.C.S. § 901 if the underlying offense~~
24 ~~is listed in clause (D), (E) or (F).~~

25 ~~(B) 18 Pa.C.S. § 902 if the underlying offense~~
26 ~~is listed in clause (D), (E) or (F).~~

27 ~~(C) 18 Pa.C.S. § 903 if the underlying offense~~
28 ~~is listed in clause (D), (E) or (F).~~

29 ~~(D) 18 Pa.C.S. § 3121.~~

30 ~~(E) 18 Pa.C.S. § 3123.~~

1 ~~(F) 18 Pa.C.S. § 3125.~~

2 ~~(ii) Is required to register under section 9799.13.~~

3 ~~(3) An offender subject to paragraph (1) or (2) shall~~
4 ~~register with the Pennsylvania State Police by providing~~
5 ~~registration information to the appropriate registering~~
6 ~~official for inclusion in the State sexual offender registry.~~
7 ~~The following apply:~~

8 ~~(i) At the time of disposition of an offender~~
9 ~~subject to the provisions of paragraph (1), the court~~
10 ~~shall specifically classify the offender as a juvenile~~
11 ~~offender subject to this subchapter in accordance with~~
12 ~~section 9799.17(a)(6) (relating to court notification and~~
13 ~~classification requirements) and shall require the~~
14 ~~offender to immediately register under this subchapter.~~
15 ~~The chief juvenile probation officer of the court 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 who is subject to the~~
25 ~~provisions of paragraph (2) is under court ordered~~
26 ~~placement in any institution, youth development center,~~
27 ~~camp, institution operated by the Department of Public~~
28 ~~Welfare or other facility designed or operated for the~~
29 ~~benefit of delinquent children, the chief juvenile~~
30 ~~probation officer of the court which entered the order~~

1 ~~shall, within ten days of the effective date of this~~
2 ~~section, inform the director of the facility that the~~
3 ~~offender is subject to registration under section~~
4 ~~9799.13. The director of the facility, or a designee,~~
5 ~~shall notify the Pennsylvania State Police not more than~~
6 ~~30 days in advance of, but not later than ten days prior~~
7 ~~to, the offender's release from the facility. The~~
8 ~~director of the facility, with the assistance of the~~
9 ~~chief juvenile probation officer, shall make the offender~~
10 ~~available for and facilitate the collection of the~~
11 ~~registration information from the offender as instructed~~
12 ~~by the Pennsylvania State Police and forward the~~
13 ~~registration information to the Pennsylvania State~~
14 ~~Police. The facility shall not release the offender until~~
15 ~~it receives verification from the Pennsylvania State~~
16 ~~Police that it has received the registration information.~~
17 ~~Verification by the Pennsylvania State Police may occur~~
18 ~~by electronic means.~~

19 ~~(iii) If the offender who is subject to the~~
20 ~~provisions of paragraph (2) is on probation or otherwise~~
21 ~~under the supervision of the court, the chief juvenile~~
22 ~~probation officer of the court shall ensure collection of~~
23 ~~the registration information from the offender and~~
24 ~~forward the registration information to the Pennsylvania~~
25 ~~State Police.~~

26 ~~(e) Receiving involuntary treatment.~~

27 ~~(1) This subsection applies to an offender who meets all~~
28 ~~of the following requirements:~~

29 ~~(i) On the effective date of this section, is~~
30 ~~receiving involuntary treatment in a facility designated~~

1 ~~by the Department of Public Welfare under Chapter 64~~
2 ~~(relating to court ordered involuntary treatment of~~
3 ~~certain sexually violent persons).~~

4 ~~(ii) Is required to register under section 9799.13.~~

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

10 ~~(i) Within 60 days of the effective date of this~~
11 ~~section, the director of the facility shall make the~~
12 ~~offender available for and facilitate the collection of~~
13 ~~the registration information from the offender as~~
14 ~~instructed by the Pennsylvania State Police and forward~~
15 ~~that information to the Pennsylvania State Police.~~

16 ~~(ii) The director of the facility, or a designee,~~
17 ~~shall notify the Pennsylvania State Police of the dates~~
18 ~~of any review hearing, the submission of an outpatient~~
19 ~~treatment plan under section 6404 (relating to duration~~
20 ~~of inpatient commitment and review) or the filing of a~~
21 ~~petition for discharge under section 6404.2 (relating to~~
22 ~~outpatient commitment and review) and shall provide to~~
23 ~~the Pennsylvania State Police copies of all court orders~~
24 ~~resulting from the hearing or petition.~~

25 ~~(iii) Notwithstanding any other provision of law,~~
26 ~~the court, upon determining that the offender will be~~
27 ~~transferred to involuntary outpatient treatment or~~
28 ~~discharged, shall require the offender to immediately~~
29 ~~update the registration information collected under this~~
30 ~~subchapter and shall not order transfer of or discharge~~

~~the offender until the court receives verification from the Pennsylvania State Police that it has received the updated registration information. The director of the facility, or a designee, shall make the offender available for and facilitate the collection of the updated registration information as instructed by the Pennsylvania State Police and forward that information to the Pennsylvania State Police. Verification by the Pennsylvania State Police that it has received the updated registration information may occur by electronic means.~~

~~(f) Subsequent commitment to involuntary treatment.~~

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

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

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

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

~~(i) At the time of the commitment, the court shall require the offender to immediately register under this subchapter. The chief juvenile probation officer of the court shall ensure the collection of the registration information from the offender and forward the registration information to the Pennsylvania State~~

1 ~~Police. Verification by the Pennsylvania State Police may~~
2 ~~occur by electronic means.~~

3 ~~(ii) The director of the facility, or a designee,~~
4 ~~shall notify the Pennsylvania State Police of the dates~~
5 ~~of any review hearing, the submission of an outpatient~~
6 ~~treatment plan under section 6404 or the filing of a~~
7 ~~petition for discharge under section 6404.2 and shall~~
8 ~~provide to the Pennsylvania State Police copies of all~~
9 ~~court orders resulting from the hearing or petition.~~

10 ~~(iii) Notwithstanding any other provision of law,~~
11 ~~the court, upon determining that the offender will be~~
12 ~~transferred to involuntary outpatient treatment or~~
13 ~~discharged, shall require the offender to immediately~~
14 ~~update the registration information collected under this~~
15 ~~subchapter and shall not order transfer of or discharge~~
16 ~~the offender until the court receives verification from~~
17 ~~the Pennsylvania State Police that it has received the~~
18 ~~updated registration information. The director of the~~
19 ~~facility, or a designee, shall make the offender~~
20 ~~available for and facilitate the collection of updated~~
21 ~~registration information as instructed by the~~
22 ~~Pennsylvania State Police and forward that information to~~
23 ~~the Pennsylvania State Police. Verification by the~~
24 ~~Pennsylvania State Police that it has received the~~
25 ~~updated registration information may occur by electronic~~
26 ~~means.~~

27 ~~(g) Refusal to provide registration information.~~

28 ~~(1) This subsection applies to an offender who is~~
29 ~~scheduled:~~

30 ~~(i) to be released from a:~~

1 ~~(A) State correctional facility;~~
2 ~~(B) county correctional facility;~~
3 ~~(C) facility designed or operated for the~~
4 ~~benefit of delinquent children; or~~
5 ~~(D) facility designated by the Department of~~
6 ~~Public Welfare under Chapter 64; or~~
7 ~~(ii) to commence a sentence of probation, parole or~~
8 ~~intermediate punishment.~~

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

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

20 ~~(h) Appearance required for change of registration~~
21 ~~information.~~

22 ~~(1) An offender shall appear in person at an approved~~
23 ~~registration site to complete a change of information form~~
24 ~~within 72 hours of any change in registration information.~~

25 ~~(2) When an offender has been reincarcerated or~~
26 ~~recommitted to a facility referred to in subsection (g)(1)~~
27 ~~(i), for any reason, the facility shall update the offender's~~
28 ~~registration information.~~

29 ~~(3) The correctional facility shall not release the~~
30 ~~offender from custody until the correctional facility~~

~~1 receives verification from the Pennsylvania State Police that~~
~~2 the Pennsylvania State Police has received the registration~~
~~3 information. Verification by the Pennsylvania State Police~~
~~4 may occur by electronic means.~~

~~5 (i) Appearance required after release. An offender subject~~
~~6 to registration under section 9799.13 who has not submitted~~
~~7 registration information under the procedures in this section~~
~~8 shall appear in person at an approved registration site within~~
~~9 72 hours of release from sentencing or release from~~
~~10 incarceration.~~

~~11 (j) Notice required prior to travel outside Commonwealth.~~

~~12 (1) An offender shall provide notice to the Pennsylvania~~
~~13 State Police at least ten days before traveling outside this~~
~~14 Commonwealth and at least 21 days before traveling outside~~
~~15 the United States, provided the offender will be outside this~~
~~16 Commonwealth for at least seven days.~~

~~17 (2) The offender shall specify the place at which the~~
~~18 offender will be located outside this Commonwealth and the~~
~~19 purposes of and the duration of the travel.~~

~~20 (k) Appearance required prior to temporary lodgings. An~~
~~21 offender who resides or is habitually located in this~~
~~22 Commonwealth and who will travel from the offender's residence~~
~~23 or habitual locale to any location for at least seven days~~
~~24 shall, not less than ten days in advance of travel, appear at an~~
~~25 approved registration site and notify the Pennsylvania State~~
~~26 Police of the place at which the offender will be temporarily~~
~~27 lodged and the duration of the travel.~~

~~28 (l) Registration information to law enforcement.~~

~~29 (1) As follows:~~

~~30 (i) The Pennsylvania State Police shall provide the~~

~~information obtained under this section to the district attorney of the county or counties in which the individual will be present, the chief law enforcement officers of the police departments of the municipalities in which the individual will be present and the probation or parole office where the individual will be present.~~

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

~~(2) As follows:~~

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

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

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

~~(4) As follows:~~

~~(i) If an offender informs the Pennsylvania State Police of the offender's intent to travel outside or be temporarily lodged outside this Commonwealth, the~~

~~Pennsylvania State Police shall, within 72 hours of being notified, inform the jurisdiction where the offender intends to travel or be temporarily lodged.~~

~~(ii) When an offender informs the Pennsylvania State Police of the offender's intent to travel outside or be temporarily lodged outside the United States, the Pennsylvania State Police shall, within 72 hours of being notified, inform the United States Marshals Service.~~

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

~~§ 9799.15. Registration procedures for out of State offenders.~~

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

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

~~(2) Provide the required registration information to an appropriate official for inclusion in the State sexual offender registry.~~

~~(b) Classification.~~

~~(1) The Pennsylvania State Police shall classify an out of State offender as a Class 1, Class 2 or Class 3 sexual offender or sexually violent predator based on whether the offender's offense is similar to those specified in this subchapter or upon the offender's classification in the jurisdiction of conviction or court martial, whichever is greater. If an individual is registered solely due to a requirement to register under a sexual offender statute in~~

1 ~~another jurisdiction and the individual's conviction is not~~
2 ~~similar to an offense specified in this subchapter, nor is~~
3 ~~the individual classified in the individual's state of~~
4 ~~conviction, the Pennsylvania State Police shall classify the~~
5 ~~out of State offender as a Class 1 sexual offender.~~

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

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

20 ~~(c) Appearance required for change of registration~~
21 ~~information.~~

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

26 ~~(2) If an out of State offender has been~~
27 ~~incarcerated or committed to a facility in this Commonwealth~~
28 ~~for any reason, the State correctional facility, county~~
29 ~~correctional facility, facility designed or operated for the~~
30 ~~benefit of delinquent children or facility designated by the~~

~~Department of Public Welfare under Chapter 64 (relating to court ordered involuntary treatment of certain sexually violent persons) shall update the out of State offender's registration and notify the Pennsylvania State Police within 72 hours of intake.~~

~~(3) If an out of State offender has been incarcerated or committed to a facility in this Commonwealth for any reason, the State correctional facility, county correctional facility, facility designed or operated for the benefit of delinquent children or facility designated by the Department of Public Welfare under Chapter 64 shall not release the out of State offender from custody until it has received verification from the Pennsylvania State Police that the Pennsylvania State Police has received the registration information. Verification by the Pennsylvania State Police may occur by electronic means.~~

~~(d) Notice required prior to travel outside Commonwealth.~~

~~(1) An out of State offender registered under this subchapter shall provide notice to the Pennsylvania State Police at least ten days before traveling outside this Commonwealth and at least 21 days before traveling outside the United States, provided the offender will be outside this Commonwealth for at least seven days.~~

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

~~(e) Appearance required prior to temporary lodgings. An out of State offender who resides or is habitually located in this Commonwealth who will be away from the offender's residence~~

1 ~~or habitual locale at any location for at least seven days~~
2 ~~shall, not less than five days in advance of travel, appear at~~
3 ~~an approved registration site and notify the Pennsylvania State~~
4 ~~Police of the place at which the offender will be temporarily~~
5 ~~lodged and the duration of the travel.~~

6 ~~(f) Duties for offenders in custody or under supervision.~~

7 ~~Notwithstanding the provisions of this section, an out of State~~
8 ~~offender who is incarcerated in a Pennsylvania correctional~~
9 ~~facility serving a sentence of intermediate punishment or~~
10 ~~otherwise under the supervision of the Pennsylvania Board of~~
11 ~~Probation and Parole or any county probation and parole office~~
12 ~~shall register in accordance with the provisions of this~~
13 ~~section.~~

14 ~~(g) Registration information to law enforcement.~~

15 ~~(1) (i) The Pennsylvania State Police shall provide the~~
16 ~~information obtained under this section to the district~~
17 ~~attorney of the county or counties in which the~~
18 ~~individual will be present, the chief law enforcement~~
19 ~~officers of the police departments of the municipalities~~
20 ~~in which the individual will be present and the probation~~
21 ~~or parole office where the individual will be present.~~

22 ~~(ii) The Pennsylvania State Police shall notify the~~
23 ~~sexual offender registry of any other jurisdiction with~~
24 ~~which the individual is registered.~~

25 ~~(2) (i) The Pennsylvania State Police shall provide~~
26 ~~notice to the chief law enforcement officers of the~~
27 ~~police departments of the municipalities notified~~
28 ~~pursuant to paragraph (1) when an individual fails to~~
29 ~~comply with the registration requirements of this section~~
30 ~~and request, as appropriate, that the police departments~~

1 ~~assist in locating and apprehending the individual.~~

2 ~~(ii) The Pennsylvania State Police shall notify the~~
3 ~~United States Marshals Service of the individual's~~
4 ~~failure to comply.~~

5 ~~(3) The Pennsylvania State Police shall provide notice~~
6 ~~to the chief law enforcement officers of the police~~
7 ~~departments of the municipalities notified pursuant to~~
8 ~~paragraph (1) when the Pennsylvania State Police are in~~
9 ~~receipt of information indicating that the individual will no~~
10 ~~longer be present in the municipality.~~

11 ~~(4) (i) If an out of State offender informs the~~
12 ~~Pennsylvania State Police of the offender's intent to~~
13 ~~travel outside or be temporarily lodged outside this~~
14 ~~Commonwealth, the Pennsylvania State Police shall, within~~
15 ~~72 hours of being notified, inform the jurisdiction where~~
16 ~~the offender or out of State offender intends to travel~~
17 ~~or be temporarily lodged.~~

18 ~~(ii) When an offender or out of State offender~~
19 ~~informs the Pennsylvania State Police of the offender's~~
20 ~~intent to travel outside or be temporarily lodged outside~~
21 ~~the United States, the Pennsylvania State Police shall,~~
22 ~~within 72 hours of being notified, inform the United~~
23 ~~States Marshals Service.~~

24 ~~(h) Penalty. An out of State offender who fails to comply~~
25 ~~with the requirements of this subchapter is subject to~~
26 ~~prosecution under 18 Pa.C.S. § 4915 (relating to failure to~~
27 ~~comply with registration of sexual offenders requirements).~~
28 ~~§ 9799.16. Length of registration.~~

29 ~~(a) Classifications. Offenders, out of State offenders,~~
30 ~~juvenile offenders and sexually violent predators shall register~~

1 ~~in accordance with this subchapter for the following periods of~~
2 ~~time:~~

3 ~~(1) Class 1 sexual offenders and Class 1 out of State~~
4 ~~offenders shall register for 15 years.~~

5 ~~(2) Class 2 sexual offenders, Class 2 out of State~~
6 ~~offenders and juvenile offenders shall register for 25 years.~~

7 ~~(3) Class 3 sexual offenders, Class 3 out of State~~
8 ~~offenders and sexually violent predators shall register for~~
9 ~~life.~~

10 ~~(b) Tolling. The registration periods required by this~~
11 ~~subchapter shall be tolled when an offender, out of State~~
12 ~~offender or juvenile offender is in custody or civilly committed~~
13 ~~for any reason.~~

14 ~~§ 9799.17. Court notification and classification requirements.~~

15 ~~(a) Notice to and classification of offenders. At the time~~
16 ~~of sentencing, juvenile delinquency disposition or commitment~~
17 ~~for involuntary treatment under Chapter 64 (relating to court~~
18 ~~ordered involuntary treatment of certain sexually violent~~
19 ~~persons), the court shall inform offenders of the provisions of~~
20 ~~this subchapter. The court shall:~~

21 ~~(1) Specifically inform the offender of the duty to~~
22 ~~register and require the offender to register immediately~~
23 ~~following sentencing or disposition in accordance with this~~
24 ~~subchapter.~~

25 ~~(2) Specifically inform the offender of the duty to~~
26 ~~verify the offender's registration in accordance with this~~
27 ~~subchapter, and the duty to update the offender's~~
28 ~~registration information with the Pennsylvania State Police~~
29 ~~within 72 hours of any change in registration information.~~

30 ~~(3) Specifically inform the offender of the duty to~~

1 ~~notify the Pennsylvania State Police within 72 hours if the~~
2 ~~offender intends to leave this Commonwealth or if the~~
3 ~~offender intends to establish an additional residence, place~~
4 ~~of employment or attend school in another jurisdiction. The~~
5 ~~court shall also inform the offender of the duty to register~~
6 ~~in the new jurisdiction with the relevant law enforcement~~
7 ~~agency no later than 72 hours after arrival in that~~
8 ~~jurisdiction.~~

9 ~~(4) Specifically inform the offender of the duty to~~
10 ~~register with the appropriate authorities in any state in~~
11 ~~which the offender is employed, carries on a vocation or is a~~
12 ~~student if the state requires registration.~~

13 ~~(5) Require the offender to read and sign a form stating~~
14 ~~that the duty to register under this subchapter has been~~
15 ~~explained. If the offender is incapable of speaking, reading~~
16 ~~or writing the English language, the court shall certify the~~
17 ~~duty to register was explained to the offender, and the~~
18 ~~offender indicated an understanding of the duty.~~

19 ~~(6) Specifically classify the offender as a Class 1,~~
20 ~~Class 2 or Class 3 sexual offender, sexually violent predator~~
21 ~~or juvenile offender subject to this subchapter.~~

22 ~~(b) Supplemental notice. Notice shall also be provided to~~
23 ~~an individual a court is sentencing for a crime, if that crime~~
24 ~~is a felony and the individual was previously convicted at any~~
25 ~~time of a Class 1, Class 2 or Class 3 sexual offense or a~~
26 ~~similar offense or was convicted of an offense specified in 42~~
27 ~~U.S.C. § 16911(5)(A)(iii), (iv) and (v) (relating to relevant~~
28 ~~definitions, including Amie Zyla expansion of sex offender~~
29 ~~definition and expanded inclusion of child predators).~~

30 ~~(c) Mandatory registration. All offenders must register in~~

1 ~~accordance with this subchapter.~~

2 ~~(1) A failure by a court to provide the information~~
3 ~~required in this section, to correctly inform an offender of~~
4 ~~the offender's obligations or to require an offender to~~
5 ~~register shall not free an offender from the registration~~
6 ~~requirements as stated in this subchapter.~~

7 ~~(2) As registration pursuant to this subchapter is a~~
8 ~~collateral civil consequence of an offender's conviction,~~
9 ~~adjudication of delinquency or commitment for involuntary~~
10 ~~treatment, and is not to be construed as punitive, no court~~
11 ~~shall have the authority to exempt an offender from~~
12 ~~registration pursuant to this subchapter or otherwise modify~~
13 ~~the terms of an offender's registration.~~

14 ~~§ 9799.18. Assessments.~~

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

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

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

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

1 ~~(ii) Whether the individual exceeded the means~~
2 ~~necessary to achieve the offense.~~

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

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

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

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

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

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

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

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

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

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

18 ~~(i) Age.~~

19 ~~(ii) Use of illegal drugs.~~

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

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

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

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

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

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

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

~~14 (1) A concise narrative of the offender's conduct.~~

~~15 (2) Whether the victim was a minor.~~

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

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

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

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

~~26 (e) Hearing.~~

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

1 ~~upon defense counsel together with a copy of the report of~~
2 ~~the board.~~

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

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

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

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

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

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

24 ~~§ 9799.19. Verification of registration information.~~

25 ~~(a) Quarterly verification. Except as otherwise provided~~
26 ~~under subsection (h), sexually violent predators, Class 3 sexual~~
27 ~~offenders, Class 3 out of State sexual offenders, offenders~~
28 ~~subject to registration under section 9799.13 (relating to~~
29 ~~registration) due to an adjudication of delinquency for a~~
30 ~~qualifying offense or a civil commitment and all transient~~

1 ~~offenders and transient out of State offenders shall verify~~
2 ~~their registration information quarterly after their~~
3 ~~registration start date by reporting in person to an approved~~
4 ~~registration site to verify the offender's registration~~
5 ~~information and be photographed. If the offender or out of State~~
6 ~~offender fails to report within ten days prior to the offender's~~
7 ~~quarterly reporting date, the offender or out of State offender~~
8 ~~will be in violation of this subsection.~~

9 ~~(b) Facilitation of quarterly verification. The~~
10 ~~Pennsylvania State Police shall facilitate and administer the~~
11 ~~verification process required under subsection (a) by doing all~~
12 ~~of the following:~~

13 ~~(1) Sending a nonforwardable verification notice by~~
14 ~~first class United States mail to all individuals referenced~~
15 ~~in subsection (a) at their last reported mailing location.~~
16 ~~This notice shall be sent not more than 30 days nor less than~~
17 ~~15 days prior to the offender's or out of State offender's~~
18 ~~quarterly verification period and shall remind the offender~~
19 ~~of the offender's reporting date and provide the offender~~
20 ~~with a list of approved registration sites.~~

21 ~~(2) Providing verification forms as necessary to each~~
22 ~~approved registration site, the Department of Corrections,~~
23 ~~county correctional facilities, the Pennsylvania Board of~~
24 ~~Probation and Parole and county probation and parole~~
25 ~~departments.~~

26 ~~(c) Semiannual verification. Except as provided under~~
27 ~~subsection (h), all Class 2 sexual offenders and Class 2 out of~~
28 ~~State sexual offenders, except for transient offenders and~~
29 ~~transient out of State offenders subject to quarterly~~
30 ~~verification, shall verify their registration information~~

1 ~~semiannually after their registration start date by reporting in~~
2 ~~person to an approved registration site to verify the offender's~~
3 ~~registration information and to be photographed. If the offender~~
4 ~~or out of State offender fails to report within ten days prior~~
5 ~~to the offender's semiannual reporting date, the offender or~~
6 ~~out of State offender will be in violation of this subsection.~~

7 ~~(d) Facilitation of semiannual verification. The~~
8 ~~Pennsylvania State Police shall facilitate and administer the~~
9 ~~verification process required under subsection (c) by doing all~~
10 ~~of the following:~~

11 ~~(1) Sending a nonforwardable verification notice by~~
12 ~~first class United States mail to all individuals referenced~~
13 ~~in subsection (c) at their last reported mailing location.~~
14 ~~This notice shall be sent not more than 30 days nor less than~~
15 ~~15 days prior to the offender's or out of State offender's~~
16 ~~semiannual reporting date and shall remind the offender of~~
17 ~~the offender's semiannual verification requirement and~~
18 ~~provide the offender with a list of approved registration~~
19 ~~sites.~~

20 ~~(2) Providing verification forms as necessary to each~~
21 ~~approved registration site, the Department of Corrections,~~
22 ~~county correctional facilities, the Pennsylvania Board of~~
23 ~~Probation and Parole and county probation and parole~~
24 ~~departments.~~

25 ~~(e) Annual verification. All Class 1 offenders and Class 1~~
26 ~~out of State offenders, except for transient offenders and~~
27 ~~transient out of State offenders subject to quarterly~~
28 ~~verification, shall verify their registration information~~
29 ~~annually following their registration start date by reporting in~~
30 ~~person to an approved registration site to verify the offender's~~

1 ~~registration information and to be photographed. If the offender~~
2 ~~or out of State offender fails to report within ten days before~~
3 ~~the offender's annual reporting date, the offender or out of~~
4 ~~State offender will be in violation of this subsection.~~

5 ~~(f) Facilitation of annual verification. The Pennsylvania~~
6 ~~State Police shall facilitate and administer the verification~~
7 ~~process required by subsection (e) by doing the following:~~

8 ~~(1) Sending a nonforwardable verification notice by~~
9 ~~first class United States mail to individuals referenced in~~
10 ~~subsection (e) at their last reported mailing location. This~~
11 ~~notice shall be sent not more than 30 days nor less than 15~~
12 ~~days prior to the offender's or out of State offender's~~
13 ~~annual reporting date and shall remind the offender of the~~
14 ~~offender's annual verification requirement and provide the~~
15 ~~offender with a list of approved registration sites.~~

16 ~~(2) Providing verification forms as necessary to each~~
17 ~~approved registration site, the Department of Corrections,~~
18 ~~county correctional facilities, the Pennsylvania Board of~~
19 ~~Probation and Parole and county probation and parole~~
20 ~~departments.~~

21 ~~(g) Offenders on probation or parole. If an offender or~~
22 ~~out of State offender is under the supervision of the~~
23 ~~Pennsylvania Board of Probation and Parole or a county or~~
24 ~~juvenile probation or parole department, the offender or out of~~
25 ~~State offender shall report in person to the parole or probation~~
26 ~~office to verify the offender's registration information and to~~
27 ~~be photographed. The Pennsylvania Board of Probation and Parole~~
28 ~~and county and juvenile probation and parole departments shall~~
29 ~~collect the verification information for all offenders and out~~
30 ~~of State offenders under their supervision on a form prescribed~~

1 ~~by the Pennsylvania State Police and photograph the offender and~~
2 ~~out of State offender. The Pennsylvania Board of Probation and~~
3 ~~Parole and county and juvenile probation and parole departments~~
4 ~~shall immediately submit the registration information and~~
5 ~~photographs to the Pennsylvania State Police.~~

6 ~~(h) Incarcerated or court committed offenders.~~

7 ~~(1) If an offender or out of State offender is~~
8 ~~incarcerated in a State or county correctional facility, the~~
9 ~~offender or out of State offender shall report to the~~
10 ~~designated official at the facility annually to verify the~~
11 ~~offender's registration information and be photographed. The~~
12 ~~facilities shall ensure the collection of the verification~~
13 ~~information for offenders and out of State offenders in their~~
14 ~~custody on a form prescribed by the Pennsylvania State Police~~
15 ~~and photograph the offenders and out of State offenders. The~~
16 ~~facilities shall immediately submit the information and~~
17 ~~photographs to the Pennsylvania State Police.~~

18 ~~(2) If an offender or out of State offender is under a~~
19 ~~court ordered residential placement in an institution, youth~~
20 ~~development center, camp, institution operated by the~~
21 ~~Department of Public Welfare or other facility designated by~~
22 ~~the Department of Public Welfare under Chapter 64 (relating~~
23 ~~to court ordered involuntary treatment of certain sexually~~
24 ~~violent persons), the offender or out of State offender shall~~
25 ~~report to the designated official at the facility annually to~~
26 ~~verify the registration information and be photographed. The~~
27 ~~director of the facility, or a designee, shall make the~~
28 ~~offender available for and facilitate the collection of~~
29 ~~registration information as instructed by the Pennsylvania~~
30 ~~State Police and provide the information to the Pennsylvania~~

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

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

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

~~11 (l) Effect of notice. Failure to send or receive notice of
12 information under this section shall not relieve the offender or
13 out of State offender from the requirements of this subchapter.
14 § 9799.20. Victim notification.~~

~~15 (a) Duty to inform victim.~~

~~16 (1) If an offender is determined to be a sexually
17 violent predator, the Pennsylvania State Police shall give
18 notice to the sexually violent predator's victim when the
19 sexually violent predator registers initially and when the
20 offender notifies the Pennsylvania State Police of a change
21 of residence, habitual locale, employment or school. This
22 notice shall be given within 72 hours after the sexually
23 violent predator registers or notifies the Pennsylvania State
24 Police of a change of residence, employment or school. The
25 notice shall contain the sexually violent predator's name and
26 the address or addresses where the sexually violent predator
27 resides, is habitually located, employed or attends school.~~

~~28 (2) A victim may terminate the duty to inform set forth
29 in paragraph (1) by providing the Pennsylvania State Police
30 with a written statement releasing that agency from the duty~~

1 ~~to comply with this section as it pertains to that victim.~~

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

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

15 ~~§ 9799.21. Other notification.~~

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

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

23 ~~(i) The name of the sexually violent predator.~~

24 ~~(ii) The address or addresses at which the sexually~~
25 ~~violent predator resides. If the sexually violent~~
26 ~~predator is a transient, written notice under this~~
27 ~~subparagraph shall include the municipality and county~~
28 ~~containing the transient's habitual locale.~~

29 ~~(iii) The offense for which the sexually violent~~
30 ~~predator was convicted, sentenced by a court, adjudicated~~

1 ~~delinquent or court martialled.~~

2 ~~(iv) A statement that the offender has been~~
3 ~~determined 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 ~~(2) The notice shall not include any information that~~
8 ~~might reveal the victim's name, identity and residence.~~

9 ~~(b) Written notice recipients. The chief law enforcement~~
10 ~~officer shall provide written notice, under subsection (a), to~~
11 ~~the following persons:~~

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

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

26 ~~(3) The superintendent of each school district and the~~
27 ~~equivalent official for private and parochial schools~~
28 ~~enrolling students up through 12th grade in the municipality~~
29 ~~where the sexually violent predator resides or, if the~~
30 ~~sexually violent predator is transient, each municipality~~

1 ~~containing the sexually violent predator's habitual locale.~~

2 ~~(4) The superintendent of each school district and the~~
3 ~~equivalent official for each private and parochial school~~
4 ~~located within a one mile radius of where the sexually~~
5 ~~violent predator resides or maintains a habitual locale.~~

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

12 ~~(6) The president of each college, university and~~
13 ~~community college located within 1,000 feet of a sexually~~
14 ~~violent predator's residence or where the sexually violent~~
15 ~~predator maintains a habitual locale.~~

16 ~~(c) Notification time frames. The municipal police~~
17 ~~department's chief law enforcement officer shall provide notice~~
18 ~~within the following time frames:~~

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

27 ~~(2) To the persons specified in subsection (b) (2), (3),~~
28 ~~(4), (5) and (6), notice shall be provided within seven days~~
29 ~~after the chief law enforcement officer receives information~~
30 ~~regarding the sexually violent predator's release date,~~

~~1 establishment of residence or habitual locale or change of
2 residence or habitual locale.~~

~~3 (d) Public notice. Information provided in accordance with
4 subsection (a) shall be available to the general public upon
5 request. The information may be provided by electronic means.~~

~~6 (e) Interstate transfers. The duties of police departments
7 under this section shall also apply to individuals who are
8 transferred to this Commonwealth under 61 Pa.C.S. Ch. 71 Subch.
9 B (relating to Interstate Compact for the Supervision of Adult
10 Offenders) or the act of July 2, 2004 (P.L.468, No.54), known as
11 the Interstate Compact for Juveniles Act.~~

~~12 § 9799.22. Information made available to the public.~~

~~13 (a) Internet website. The Commissioner of the Pennsylvania
14 State Police shall do the following:~~

~~15 (1) Develop and maintain a system for making the
16 information described in subsection (b) publicly available by
17 electronic means so that the public may, without limitation,
18 obtain access to the information via an Internet website to
19 view an individual record or the records of offenders and
20 out of State offenders and who are registered with the
21 Pennsylvania State Police.~~

~~22 (2) Ensure the Internet website contains warnings that a
23 person who uses the information contained therein to
24 threaten, intimidate or harass another or who otherwise
25 misuses that information may be criminally prosecuted.~~

~~26 (3) Ensure the Internet website contains an explanation
27 of its limitations, including statements advising that:~~

~~28 (i) A positive identification of an offender or out
29 of State offender whose record has been made available
30 may be confirmed only by fingerprints.~~

1 ~~(ii) Some information contained on the Internet~~
2 ~~website may be outdated or inaccurate.~~

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

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

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

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

21 ~~(1) Name and aliases.~~

22 ~~(2) Year of birth.~~

23 ~~(3) Street address, city, municipality, county and zip~~
24 ~~code of residences and intended residences.~~

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

28 ~~(5) Street address, city, municipality, county and zip~~
29 ~~code of an employment location.~~

30 ~~(6) Photograph of the offender or out of State offender~~

1 ~~that shall be updated no less than every year.~~

2 ~~(7) Physical description of the offender or out of State~~
3 ~~offender.~~

4 ~~(8) License plate number and a description of a vehicle~~
5 ~~owned or operated by the offender or out of State offender.~~

6 ~~(9) A citation or link to text of the statutory~~
7 ~~provision defining the criminal offense for which the~~
8 ~~offender or out of State offender is registered.~~

9 ~~(10) Date of the offense and conviction.~~

10 ~~(11) Date the offender or out of State offender last~~
11 ~~verified the offender's registration information.~~

12 ~~(12) Compliance status.~~

13 ~~(13) Abstract of criminal history record indicating~~
14 ~~convictions for Class 1, Class 2 and Class 3 sexual offenses,~~
15 ~~as well as, where applicable, convictions for violations of~~
16 ~~18 Pa.C.S. § 4915 (relating to failure to comply with~~
17 ~~registration of sexual offenders requirements).~~

18 ~~(14) Other information required by Federal law.~~

19 ~~(c) (Reserved).~~

20 ~~(d) Duration of posting. When an offender or out of State~~
21 ~~offender is deceased or no longer present in this Commonwealth,~~
22 ~~the posting shall remain on the website for a period of 60 days~~
23 ~~along with a notice of the offender's or out of State offender's~~
24 ~~change in status and the date the posting will be removed from~~
25 ~~the website.~~

26 ~~(e) Duty of Pennsylvania State Police. Notwithstanding 18~~
27 ~~Pa.C.S. Ch. 91, the Pennsylvania State Police shall develop and~~
28 ~~implement a process that allows members of the public to receive~~
29 ~~electronic notification when any registered offender is present~~
30 ~~or no longer present within a geographic radius specified by the~~

1 ~~requester.~~

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

11 ~~(g) Exception. Unless the offender or out of State offender~~
12 ~~has been subject to a court ordered involuntary commitment under~~
13 ~~Chapter 64 (relating to court ordered involuntary treatment of~~
14 ~~certain sexually violent persons) or equivalent statute in~~
15 ~~another jurisdiction, offenders and out of State offenders who~~
16 ~~are required to register under section 9799.13 (relating to~~
17 ~~registration) because of an adjudication of delinquency for a~~
18 ~~qualifying offense shall not be subject to public notification~~
19 ~~under the requirements of this section.~~

20 ~~§ 9799.23. Administration.~~

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

29 ~~§ 9799.24. Global positioning system technology.~~

30 ~~The Pennsylvania Board of Probation and Parole and county~~

1 ~~adult and juvenile probation authorities may impose supervision~~
2 ~~conditions that include offender tracking through global~~
3 ~~positioning system technology.~~

4 ~~§ 9799.25. Immunity for good faith conduct.~~

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

7 ~~(1) Agents and employees of the Pennsylvania State~~
8 ~~Police and local law enforcement agencies.~~

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

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

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

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

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

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

21 ~~(8) Licensees of certified day care centers and~~
22 ~~directors of licensed preschool programs and owners and~~
23 ~~operators of registered family day care homes and their~~
24 ~~agents and employees.~~

25 ~~(9) The Department of Corrections and its agents and~~
26 ~~employees.~~

27 ~~(10) County correctional facilities and their agents and~~
28 ~~employees.~~

29 ~~(11) The board and its members, agents and employees.~~

30 ~~(12) Juvenile probation offices and their agents and~~

1 ~~employees.~~

2 ~~(13) The Department of Public Welfare and its agents and~~
3 ~~employees.~~

4 ~~(14) Institutions, youth development centers, camps or~~
5 ~~other facilities designed or operated for the benefit of~~
6 ~~delinquent children and their agents and employees.~~

7 ~~§ 9799.26. Pennsylvania State Police.~~

8 ~~(a) Duties. The Pennsylvania State Police have the~~
9 ~~following duties:~~

10 ~~(1) Create and maintain a State sexual offender~~
11 ~~registry.~~

12 ~~(2) Participate in the National Sex Offender Public~~
13 ~~Registry maintained by the United States Department of~~
14 ~~Justice, including the National Sex Offender Public Website.~~

15 ~~(3) Promulgate guidelines necessary for the general~~
16 ~~administration of this subchapter and for complying with~~
17 ~~Federal law.~~

18 ~~(4) Notify, within 72 hours of receiving and verifying~~
19 ~~the offender's or out of State offender's registration, the~~
20 ~~chief law enforcement officer of the police departments~~
21 ~~having primary jurisdiction of the municipalities in which an~~
22 ~~offender or out of State offender is present of the fact that~~
23 ~~the offender or out of State offender has been registered~~
24 ~~with the Pennsylvania State Police.~~

25 ~~(5) In consultation with the Department of Education and~~
26 ~~the Department of Public Welfare, promulgate guidelines~~
27 ~~directing licensed day care centers, licensed preschool~~
28 ~~programs, schools, universities and colleges, including~~
29 ~~community colleges, on the proper use and administration of~~
30 ~~information received under section 9799.22 (relating to~~

1 ~~information made available to the public).~~

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

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

19 ~~(b) Powers. The Pennsylvania State Police may certify and~~
20 ~~send to an authorized user, by electronic transmission or~~
21 ~~otherwise, certified copies of an offender's sex offender~~
22 ~~registration file. Authorized users shall include State and~~
23 ~~local police, district attorneys, agents and employees of the~~
24 ~~Pennsylvania State Police and the Office of Attorney General and~~
25 ~~other persons or entities determined by the Pennsylvania State~~
26 ~~Police and listed by notice in the Pennsylvania Bulletin. In any~~
27 ~~proceeding before the courts or administrative bodies of this~~
28 ~~Commonwealth, documents certified by the Pennsylvania State~~
29 ~~Police under this section and offered into evidence by an~~
30 ~~authorized user shall be admissible into evidence.~~

1 ~~§ 9799.27. Pennsylvania Board of Probation and Parole, county~~
2 ~~probation and parole departments and juvenile~~
3 ~~probation departments.~~

4 ~~(a) Duties. The Pennsylvania Board of Probation and Parole,~~
5 ~~county probation and parole departments and juvenile probation~~
6 ~~departments have the following duties:~~

7 ~~(1) Obtain, verify and update an offender's or out of~~
8 ~~State offender's registration information in accordance with~~
9 ~~this subchapter.~~

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

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

23 ~~(4) Require the offender or out of State offender to~~
24 ~~report to the State or county parole and probation office or~~
25 ~~juvenile probation office to verify the offender's~~
26 ~~registration information. This information shall be~~
27 ~~immediately transmitted to the Pennsylvania State Police.~~

28 ~~(5) On a form prescribed by the Pennsylvania State~~
29 ~~Police, notify the Pennsylvania State Police each time an~~
30 ~~offender or out of State offender is arrested or is~~

1 ~~incarcerated.~~

2 ~~(b) Supervision conditions. The Pennsylvania Board of~~
3 ~~Probation and Parole may impose supervision conditions that~~
4 ~~include offender or out of State offender tracking through~~
5 ~~global positioning system technology.~~

6 ~~§ 9799.28. Department of Corrections, county correctional~~
7 ~~facilities and facilities designed or operated for~~
8 ~~the benefit of delinquent children.~~

9 ~~The Department of Corrections, county correctional facilities~~
10 ~~and facilities designed or operated for the benefit of~~
11 ~~delinquent children shall have the following duties:~~

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

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

21 ~~(3) On a form prescribed by the Pennsylvania State~~
22 ~~Police, notify the Pennsylvania State Police each time an~~
23 ~~offender or out of State offender is incarcerated in or~~
24 ~~released from the respective facilities or transferred~~
25 ~~between correctional facilities or residential reentry~~
26 ~~facilities.~~

27 ~~(4) Assist offenders and out of State offenders~~
28 ~~registering pursuant to this subchapter, as well as updating~~
29 ~~and verifying registration information pursuant to this~~
30 ~~subchapter.~~

1 ~~§ 9799.29. Board.~~

2 ~~(a) Composition. The board shall be composed of~~
3 ~~psychiatrists, psychologists and criminal justice experts, each~~
4 ~~of whom is an expert in the field of the behavior and treatment~~
5 ~~of sexual offenders.~~

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

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

10 ~~(d) Compensation. The members of the board shall be~~
11 ~~compensated at a rate of \$350 per assessment and receive~~
12 ~~reimbursement for their actual and necessary expenses while~~
13 ~~performing the business of the board. The chairman shall receive~~
14 ~~\$500 additional compensation annually.~~

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

17 ~~§ 9799.30. Counseling of sexually violent predators.~~

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

28 ~~§ 9799.31. Exemption from notification for certain licensees~~
29 ~~and their employees.~~

30 ~~Nothing in this subchapter shall be construed as imposing a~~

1 ~~duty upon a person licensed under the act of February 19, 1980-~~
2 ~~(P.L.15, No.9), known as the Real Estate Licensing and~~
3 ~~Registration Act, or an employee of the person, to disclose any~~
4 ~~information regarding an individual required to register with~~
5 ~~the State sexual offender registry pursuant to this subchapter.~~
6 ~~§ 9799.32. Annual performance audit.~~

7 ~~(a) Duties of the Attorney General. The Attorney General~~
8 ~~has the following duties:~~

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

19 ~~(2) Prepare an annual report of its findings and any~~
20 ~~action it recommends be taken by the Pennsylvania State~~
21 ~~Police, the Pennsylvania Board of Probation and Parole, the~~
22 ~~Department of Corrections, the board, the Administrative~~
23 ~~Office of Pennsylvania Courts, other State or local agencies~~
24 ~~and the General Assembly to ensure compliance with this~~
25 ~~subchapter. The first report shall be released to the general~~
26 ~~public no fewer than 18 months following the effective date~~
27 ~~of this section.~~

28 ~~(3) Provide a copy of its report to the Pennsylvania~~
29 ~~State Police, the Pennsylvania Board of Probation and Parole,~~
30 ~~the Department of Corrections, the board, the Administrative~~

~~Office of Pennsylvania Courts, State or local agencies referenced in the report, the chairman and the minority chairman of the Judiciary Committee of the Senate and the chairman and the minority chairman of the Judiciary Committee of the House of Representatives no fewer than 30 days prior to its release to the general public.~~

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

~~§ 9799.33. Photographs and fingerprinting.~~

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

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

1 ~~§ 2303. Definitions.~~

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

5 * * *

6 ~~"Other specified offense." Any of the following:~~

7 ~~(1) A felony offense [or an].~~

8 ~~(2) An offense under 18 Pa.C.S. § 2910 (relating to~~
9 ~~luring a child into a motor vehicle or structure) or 3126~~
10 ~~(relating to indecent assault) or an attempt to commit such~~
11 ~~an offense.~~

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

14 * * *

15 ~~Section 7. Section 2316 of Title 44 is amended by adding a~~
16 ~~subsection to read:~~

17 ~~§ 2316. DNA sample required upon conviction, delinquency~~
18 ~~adjudication and certain ARD cases.~~

19 * * *

20 ~~(a.1) Sex offender registration. Notwithstanding any~~
21 ~~provision of this chapter to the contrary, any person who is~~
22 ~~subject to registration pursuant to 42 Pa.C.S. Ch. 97 Subch. H~~
23 ~~(relating to registration of sexual offenders) shall have a DNA~~
24 ~~sample taken in accordance with that subchapter and forwarded to~~
25 ~~the State Police for inclusion in the State DNA data base and~~
26 ~~State DNA data bank. The collection of DNA at the time of the~~
27 ~~sex offender's registration, updating or verifying sex offender~~
28 ~~registration information is not required if the individual has~~
29 ~~previously submitted a DNA sample and the submission has been~~
30 ~~confirmed with the State Police.~~

1 ~~***~~

2 ~~Section 8. Paragraph (4) of the definition of "eligible~~
3 ~~offender" in section 4503 of Title 61 is amended to read:~~

4 ~~§ 4503. Definitions.~~

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

8 ~~***~~

9 ~~"Eligible offender." A defendant or inmate convicted of a~~
10 ~~criminal offense who will be committed to the custody of the~~
11 ~~department and who meets all of the following eligibility~~
12 ~~requirements:~~

13 ~~***~~

14 ~~(4) Has not been found guilty or previously convicted or~~
15 ~~adjudicated delinquent for violating any of the following~~
16 ~~provisions or an equivalent offense under the laws of the~~
17 ~~United States or one of its territories or possessions,~~
18 ~~another state, the District of Columbia, the Commonwealth of~~
19 ~~Puerto Rico or a foreign nation:~~

20 ~~18 Pa.C.S. § 4302 (relating to incest).~~

21 ~~18 Pa.C.S. § 5901 (relating to open lewdness).~~

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

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

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

28 ~~18 Pa.C.S. Ch. 76 Subch. C (relating to Internet~~
29 ~~child pornography).~~

30 ~~Received a criminal sentence pursuant to 42 Pa.C.S. §~~

1 ~~9712.1 (relating to sentences for certain drug offenses~~
2 ~~committed with firearms).~~

3 ~~Any Class 1 sexual offense, Class 2 sexual offense or~~
4 ~~Class 3 sexual offense [listed under 42 Pa.C.S. § 9795.1~~
5 ~~(relating to registration)], as defined in 42 Pa.C.S. §~~
6 ~~9799.12 (relating to definitions).~~

7 ~~* * *~~

8 ~~Section 9. Section 6137(a) (3.1) (ii) of Title 61 is amended~~
9 ~~to read:~~

10 ~~§ 6137. Parole power.~~

11 ~~(a) General criteria for parole.~~

12 ~~* * *~~

13 ~~(3.1) * * *~~

14 ~~(ii) This paragraph shall not apply to offenders who~~
15 ~~are currently serving a term of imprisonment for a crime~~
16 ~~of violence as defined in 42 Pa.C.S. § 9714 (relating to~~
17 ~~sentences for second and subsequent offenses) or for a~~
18 ~~crime requiring registration under 42 Pa.C.S. § [9795.1]~~
19 ~~9799.13 (relating to registration).~~

20 ~~* * *~~

21 ~~Section 10. This act shall apply to the following:~~

22 ~~(1) All individuals required to register under 42~~
23 ~~Pa.C.S. Ch. 97 Subch. H on or after the effective date of~~
24 ~~this section.~~

25 ~~(2) All individuals required to register under 42~~
26 ~~Pa.C.S. Ch. 97 Subch. H or former 42 Pa.C.S. § 9793 prior to~~
27 ~~the effective date of this section and whose registration has~~
28 ~~not expired prior to the effective date of this section.~~

29 ~~Section 10.1. The addition of 42 Pa.C.S. § 9799.13(c) shall~~
30 ~~apply to all group based homes and their residents, regardless~~

1 ~~of when the group based homes began to provide housing or the~~
2 ~~residents began their residency.~~

3 ~~Section 11. This act shall take effect as follows:~~

4 ~~(1) The amendment of the following provisions shall take~~
5 ~~effect immediately:~~

6 ~~(i) 18 Pa.C.S. §§ 4501 and 4915.~~

7 ~~(ii) 42 Pa.C.S. §§ 9718.3, 9792, 9795.1, 9795.2,~~
8 ~~9795.3, 9796, 9798, 9799, 9799.1, 9799.4, 9799.9 and~~
9 ~~9799.10.~~

10 ~~(2) Section 10 of this act and this section shall take~~
11 ~~effect immediately.~~

12 ~~(3) The remainder of this act shall take effect in one~~
13 ~~year.~~

14 SECTION 1. SECTIONS 2901, 2902, 2903, 3122.1, 3124.2,
15 3130 (A) INTRODUCTORY PARAGRAPH AND (1) AND (B), 3141, 4302 AND
16 4915 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE
17 AMENDED TO READ:

18 § 2901. KIDNAPPING.

19 (A) OFFENSE DEFINED.-- [A] EXCEPT AS PROVIDED FOR IN
20 SUBSECTION (A.1), A PERSON IS GUILTY OF KIDNAPPING IF HE
21 UNLAWFULLY REMOVES ANOTHER A SUBSTANTIAL DISTANCE UNDER THE
22 CIRCUMSTANCES FROM THE PLACE WHERE HE IS FOUND, OR IF HE
23 UNLAWFULLY CONFINES ANOTHER FOR A SUBSTANTIAL PERIOD IN A PLACE
24 OF ISOLATION, WITH ANY OF THE FOLLOWING INTENTIONS:

25 (1) TO HOLD FOR RANSOM OR REWARD, OR AS A SHIELD OR
26 HOSTAGE.

27 (2) TO FACILITATE COMMISSION OF ANY FELONY OR FLIGHT
28 THEREAFTER.

29 (3) TO INFLICT BODILY INJURY ON OR TO TERRORIZE THE
30 VICTIM OR ANOTHER.



1 (4) TO INTERFERE WITH THE PERFORMANCE BY PUBLIC
2 OFFICIALS OF ANY GOVERNMENTAL OR POLITICAL FUNCTION.

3 (A.1) KIDNAPPING OF A MINOR.--A PERSON IS GUILTY OF
4 KIDNAPPING OF A MINOR IF HE UNLAWFULLY REMOVES A PERSON UNDER 18
5 YEARS OF AGE A SUBSTANTIAL DISTANCE UNDER THE CIRCUMSTANCES FROM
6 THE PLACE WHERE HE IS FOUND, OR IF HE UNLAWFULLY CONFINES A
7 PERSON UNDER 18 YEARS OF AGE FOR A SUBSTANTIAL PERIOD IN A PLACE
8 OF ISOLATION, WITH ANY OF THE FOLLOWING INTENTIONS:

9 (1) TO HOLD FOR RANSOM OR REWARD, OR AS A SHIELD OR
10 HOSTAGE.

11 (2) TO FACILITATE COMMISSION OF ANY FELONY OR FLIGHT
12 THEREAFTER.

13 (3) TO INFLICT BODILY INJURY ON OR TO TERRORIZE THE
14 VICTIM OR ANOTHER.

15 (4) TO INTERFERE WITH THE PERFORMANCE BY PUBLIC
16 OFFICIALS OF ANY GOVERNMENTAL OR POLITICAL FUNCTION.

17 (B) GRADING.--[KIDNAPPING IS A FELONY] THE FOLLOWING APPLY:

18 (1) KIDNAPPING UNDER SUBSECTION (A) IS A FELONY OF THE
19 FIRST DEGREE. A REMOVAL OR CONFINEMENT IS UNLAWFUL WITHIN THE
20 MEANING OF [THIS SECTION] SUBSECTION (A) IF IT IS
21 ACCOMPLISHED BY FORCE, THREAT OR DECEPTION, OR, IN THE CASE
22 OF [A PERSON WHO IS UNDER THE AGE OF 14 YEARS OR] AN
23 INCAPACITATED PERSON, IF IT IS ACCOMPLISHED WITHOUT THE
24 CONSENT OF A PARENT, GUARDIAN OR OTHER PERSON RESPONSIBLE FOR
25 GENERAL SUPERVISION OF HIS WELFARE.

26 (2) KIDNAPPING UNDER SUBSECTION (A.1) IS A FELONY OF THE
27 FIRST DEGREE. A REMOVAL OR CONFINEMENT IS UNLAWFUL WITHIN THE
28 MEANING OF SUBSECTION (A.1) IF IT IS ACCOMPLISHED BY FORCE,
29 THREAT OR DECEPTION, OR IN THE CASE OF A PERSON UNDER 14
30 YEARS OF AGE, IF IT IS ACCOMPLISHED WITHOUT CONSENT OF A

1 PARENT, GUARDIAN OR OTHER PERSON RESPONSIBLE FOR GENERAL
2 SUPERVISION OF HIS WELFARE.

3 § 2902. UNLAWFUL RESTRAINT.

4 (A) OFFENSE DEFINED.--[A PERSON COMMITS AN OFFENSE] EXCEPT
5 AS PROVIDED UNDER SUBSECTION (B) OR (C), A PERSON COMMITS A
6 MISDEMEANOR OF THE FIRST DEGREE IF HE KNOWINGLY:

7 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
8 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

9 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
10 SERVITUDE.

11 [(B) GRADING.--

12 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN OFFENSE
13 UNDER SUBSECTION (A) IS A MISDEMEANOR OF THE FIRST DEGREE.

14 (2) IF THE VICTIM OF THE OFFENSE IS AN INDIVIDUAL UNDER
15 18 YEARS OF AGE, AN OFFENSE UNDER SUBSECTION (A) IS A FELONY
16 OF THE SECOND DEGREE.]

17 (B) UNLAWFUL RESTRAINT OF A MINOR WHERE OFFENDER IS NOT
18 VICTIM'S PARENT.--IF THE VICTIM IS A PERSON UNDER 18 YEARS OF
19 AGE, A PERSON WHO IS NOT THE VICTIM'S PARENT COMMITS A FELONY OF
20 THE SECOND DEGREE IF HE KNOWINGLY:

21 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
22 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

23 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
24 SERVITUDE.

25 (C) UNLAWFUL RESTRAINT OF MINOR WHERE OFFENDER IS VICTIM'S
26 PARENT.--IF THE VICTIM IS A PERSON UNDER 18 YEARS OF AGE, A
27 PARENT OF THE VICTIM COMMITS A FELONY OF THE SECOND DEGREE IF HE
28 KNOWINGLY:

29 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
30 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

1 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
2 SERVITUDE.

3 § 2903. FALSE IMPRISONMENT.

4 (A) OFFENSE DEFINED.--[A PERSON COMMITS AN OFFENSE] EXCEPT
5 AS PROVIDED UNDER SUBSECTION (B) OR (C), A PERSON COMMITS A
6 MISDEMEANOR OF THE SECOND DEGREE IF HE KNOWINGLY RESTRAINS
7 ANOTHER UNLAWFULLY SO AS TO INTERFERE SUBSTANTIALLY WITH HIS
8 LIBERTY.

9 [(B) GRADING.--

10 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN OFFENSE
11 UNDER SUBSECTION (A) IS A MISDEMEANOR OF THE SECOND DEGREE.

12 (2) IF THE VICTIM OF THE OFFENSE IS AN INDIVIDUAL UNDER
13 18 YEARS OF AGE, AN OFFENSE UNDER SUBSECTION (A) IS A FELONY
14 OF THE SECOND DEGREE.]

15 (B) FALSE IMPRISONMENT OF A MINOR WHERE OFFENDER IS VICTIM'S
16 PARENT.--IF THE VICTIM IS A PERSON UNDER 18 YEARS OF AGE, A
17 PERSON WHO IS NOT THE VICTIM'S PARENT COMMITS A FELONY OF THE
18 SECOND DEGREE IF HE KNOWINGLY RESTRAINS ANOTHER UNLAWFULLY SO AS
19 TO INTERFERE SUBSTANTIALLY WITH HIS LIBERTY.

20 (C) FALSE IMPRISONMENT OF A MINOR WHERE OFFENDER IS VICTIM'S
21 PARENT.--IF THE VICTIM IS A PERSON UNDER 18 YEARS OF AGE, A
22 PARENT OF THE VICTIM COMMITS A FELONY OF THE SECOND DEGREE IF HE
23 KNOWINGLY:

24 (1) RESTRAINS ANOTHER UNLAWFULLY IN CIRCUMSTANCES
25 EXPOSING HIM TO RISK OF SERIOUS BODILY INJURY; OR

26 (2) HOLDS ANOTHER IN A CONDITION OF INVOLUNTARY
27 SERVITUDE.

28 § 3122.1. STATUTORY SEXUAL ASSAULT.

29 (A) FELONY OF THE SECOND DEGREE.--EXCEPT AS PROVIDED IN
30 SECTION 3121 (RELATING TO RAPE), A PERSON COMMITS A FELONY OF

1 THE SECOND DEGREE WHEN THAT PERSON ENGAGES IN SEXUAL INTERCOURSE
2 WITH A COMPLAINANT TO WHOM THE PERSON IS NOT MARRIED WHO IS
3 UNDER THE AGE OF 16 YEARS AND THAT PERSON IS EITHER:

4 (1) FOUR [OR MORE] YEARS OLDER BUT LESS THAN EIGHT YEARS
5 OLDER THAN THE COMPLAINANT [AND THE COMPLAINANT AND THE
6 PERSON ARE NOT MARRIED TO EACH OTHER.]; OR

7 (2) EIGHT YEARS OLDER BUT NOT LESS THAN 11 YEARS OLDER
8 THAN THE COMPLAINANT.

9 (B) FELONY OF THE FIRST DEGREE.--A PERSON COMMITS A FELONY
10 OF THE FIRST DEGREE WHEN THAT PERSON ENGAGES IN SEXUAL
11 INTERCOURSE WITH A COMPLAINANT UNDER THE AGE OF 16 YEARS AND
12 THAT PERSON IS 11 OR MORE YEARS OLDER THAN THE COMPLAINANT AND
13 THE COMPLAINANT AND THE PERSON ARE NOT MARRIED TO EACH OTHER.

14 § 3124.2. INSTITUTIONAL SEXUAL ASSAULT.

15 (A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION (A.1)
16 AND IN SECTIONS 3121 (RELATING TO RAPE), 3122.1 (RELATING TO
17 STATUTORY SEXUAL ASSAULT), 3123 (RELATING TO INVOLUNTARY DEVIATE
18 SEXUAL INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT) AND
19 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT), A PERSON WHO IS
20 AN EMPLOYEE OR AGENT OF THE DEPARTMENT OF CORRECTIONS OR A
21 COUNTY CORRECTIONAL AUTHORITY, YOUTH DEVELOPMENT CENTER, YOUTH
22 FORESTRY CAMP, STATE OR COUNTY JUVENILE DETENTION FACILITY,
23 OTHER LICENSED RESIDENTIAL FACILITY SERVING CHILDREN AND YOUTH,
24 OR MENTAL HEALTH OR MENTAL RETARDATION FACILITY OR INSTITUTION
25 COMMITTS A FELONY OF THE THIRD DEGREE WHEN THAT PERSON ENGAGES IN
26 SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE OR INDECENT
27 CONTACT WITH AN INMATE, DETAINEE, PATIENT OR RESIDENT.

28 (A.1) INSTITUTIONAL SEXUAL ASSAULT OF A MINOR.--A PERSON WHO
29 IS AN EMPLOYEE OR AGENT OF THE DEPARTMENT OF CORRECTIONS OR A
30 COUNTY CORRECTIONAL AUTHORITY, YOUTH DEVELOPMENT CENTER, YOUTH

1 FORESTRY CAMP, STATE OR COUNTY JUVENILE DETENTION FACILITY,
2 OTHER LICENSED RESIDENTIAL FACILITY SERVING CHILDREN AND YOUTH
3 OR A MENTAL HEALTH OR A MENTAL RETARDATION FACILITY OR
4 INSTITUTION COMMITS A FELONY OF THE THIRD DEGREE WHEN THAT
5 PERSON ENGAGES IN SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE
6 OR INDECENT CONTACT WITH AN INMATE, DETAINEE, PATIENT OR
7 RESIDENT WHO IS UNDER 18 YEARS OF AGE.

8 (A.2) SCHOOLS.--

9 (1) EXCEPT AS PROVIDED IN SECTIONS 3121, 3122.1, 3123,
10 3124.1 AND 3125, A PERSON WHO IS A VOLUNTEER OR AN EMPLOYEE
11 OF A SCHOOL OR ANY OTHER PERSON WHO HAS DIRECT CONTACT WITH A
12 STUDENT AT A SCHOOL COMMITS A FELONY OF THE THIRD DEGREE WHEN
13 HE ENGAGES IN SEXUAL INTERCOURSE, DEVIATE SEXUAL INTERCOURSE
14 OR INDECENT CONTACT WITH A STUDENT OF THE SCHOOL.

15 (2) AS USED IN THIS SUBSECTION, THE FOLLOWING TERMS
16 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS PARAGRAPH:

17 (I) "DIRECT CONTACT." CARE, SUPERVISION, GUIDANCE
18 OR CONTROL.

19 (II) "EMPLOYEE."

20 (A) INCLUDES:

21 (I) A TEACHER, A SUPERVISOR, A SUPERVISING
22 PRINCIPAL, A PRINCIPAL, AN ASSISTANT PRINCIPAL, A
23 VICE-PRINCIPAL, A DIRECTOR OF VOCATIONAL
24 EDUCATION, A DENTAL HYGIENIST, A VISITING
25 TEACHER, A HOME AND SCHOOL VISITOR, A SCHOOL
26 COUNSELOR, A CHILD NUTRITION PROGRAM SPECIALIST,
27 A SCHOOL LIBRARIAN, A SCHOOL SECRETARY THE
28 SELECTION OF WHOM IS ON THE BASIS OF MERIT AS
29 DETERMINED BY ELIGIBILITY LISTS, A SCHOOL NURSE,
30 A SUBSTITUTE TEACHER, A JANITOR, A CAFETERIA

1 WORKER, A BUS DRIVER, A TEACHER AIDE AND ANY
2 OTHER EMPLOYEE WHO HAS DIRECT CONTACT WITH SCHOOL
3 STUDENTS.

4 (II) AN INDEPENDENT CONTRACTOR WHO HAS A
5 CONTRACT WITH A SCHOOL FOR THE PURPOSE OF
6 PERFORMING A SERVICE FOR THE SCHOOL, A COACH, AN
7 ATHLETIC TRAINER, A COACH HIRED AS AN INDEPENDENT
8 CONTRACTOR BY THE PENNSYLVANIA INTERSCHOLASTIC
9 ATHLETIC ASSOCIATION OR AN ATHLETIC TRAINER HIRED
10 AS AN INDEPENDENT CONTRACTOR BY THE PENNSYLVANIA
11 INTERSCHOLASTIC ATHLETIC ASSOCIATION.

12 (B) THE TERM DOES NOT INCLUDE:

13 (I) A STUDENT EMPLOYED AT THE SCHOOL.

14 (II) AN INDEPENDENT CONTRACTOR OR ANY
15 EMPLOYEE OF AN INDEPENDENT CONTRACTOR WHO HAS NO
16 DIRECT CONTACT WITH SCHOOL STUDENTS.

17 (III) "SCHOOL." A PUBLIC OR PRIVATE SCHOOL,
18 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL.

19 (IV) "VOLUNTEER." THE TERM DOES NOT INCLUDE A
20 SCHOOL STUDENT.

21 (A.3) CHILD CARE.--EXCEPT AS PROVIDED IN SECTIONS 3121,
22 3122.1, 3123, 3124.1 AND 3125, A PERSON WHO IS A VOLUNTEER OR AN
23 EMPLOYEE OF A CENTER FOR CHILDREN COMMITS A FELONY OF THE THIRD
24 DEGREE WHEN HE ENGAGES IN SEXUAL INTERCOURSE, DEVIATE SEXUAL
25 INTERCOURSE OR INDECENT CONTACT WITH A CHILD WHO IS RECEIVING
26 SERVICES AT THE CENTER.

27 (B) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "AGENT"
28 MEANS A PERSON WHO IS ASSIGNED TO WORK IN A STATE OR COUNTY
29 CORRECTIONAL OR JUVENILE DETENTION FACILITY, A YOUTH DEVELOPMENT
30 CENTER, YOUTH FORESTRY CAMP, OTHER LICENSED RESIDENTIAL FACILITY

1 SERVING CHILDREN AND YOUTH, OR MENTAL HEALTH OR MENTAL
2 RETARDATION FACILITY OR INSTITUTION WHO IS EMPLOYED BY ANY STATE
3 OR COUNTY AGENCY OR ANY PERSON EMPLOYED BY AN ENTITY PROVIDING
4 CONTRACT SERVICES TO THE AGENCY.]

5 DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS
6 AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
7 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

8 "AGENT." A PERSON WHO IS ASSIGNED TO WORK IN A STATE OR
9 COUNTY CORRECTIONAL OR JUVENILE DETENTION FACILITY, A YOUTH
10 DEVELOPMENT CENTER, YOUTH FORESTRY CAMP, OTHER LICENSED
11 RESIDENTIAL FACILITY SERVING CHILDREN AND YOUTH OR MENTAL HEALTH
12 OR MENTAL RETARDATION FACILITY OR INSTITUTION, WHO IS EMPLOYED
13 BY ANY STATE OR COUNTY AGENCY OR ANY PERSON EMPLOYED BY AN
14 ENTITY PROVIDING CONTRACT SERVICES TO THE AGENCY.

15 "CENTER FOR CHILDREN." INCLUDES A CHILD DAY-CARE CENTER,
16 GROUP AND FAMILY DAY-CARE HOME, BOARDING HOME FOR CHILDREN, A
17 CENTER PROVIDING EARLY INTERVENTION AND DRUG AND ALCOHOL
18 SERVICES FOR CHILDREN OR OTHER FACILITY WHICH PROVIDES CHILD-
19 CARE SERVICES WHICH ARE SUBJECT TO APPROVAL, LICENSURE,
20 REGISTRATION OR CERTIFICATION BY THE DEPARTMENT OF PUBLIC
21 WELFARE OR A COUNTY SOCIAL SERVICES AGENCY OR WHICH ARE PROVIDED
22 PURSUANT TO A CONTRACT WITH THE DEPARTMENT OR A COUNTY SOCIAL
23 SERVICES AGENCY. THE TERM DOES NOT INCLUDE A YOUTH DEVELOPMENT
24 CENTER, YOUTH FORESTRY CAMP, STATE OR COUNTY JUVENILE DETENTION
25 FACILITY AND OTHER LICENSED RESIDENTIAL FACILITY SERVING
26 CHILDREN AND YOUTH.

27 § 3130. CONDUCT RELATING TO SEX OFFENDERS.

28 (A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE THIRD
29 DEGREE IF THE PERSON HAS REASON TO BELIEVE THAT A SEX OFFENDER
30 IS NOT COMPLYING WITH OR HAS NOT COMPLIED WITH THE REQUIREMENTS

1 OF THE SEX OFFENDER'S PROBATION OR PAROLE, IMPOSED BY STATUTE OR
2 COURT ORDER, OR WITH THE REGISTRATION REQUIREMENTS OF 42 PA.C.S.
3 [§ 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
4 APPLICABILITY)] CH. 97 SUBCH. H (RELATING TO REGISTRATION OF
5 SEXUAL OFFENDERS), AND THE PERSON, WITH THE INTENT TO ASSIST THE
6 SEX OFFENDER IN ELUDING A LAW ENFORCEMENT AGENT OR AGENCY THAT
7 IS SEEKING TO FIND THE SEX OFFENDER TO QUESTION THE SEX OFFENDER
8 ABOUT, OR TO ARREST THE SEX OFFENDER FOR, NONCOMPLIANCE WITH THE
9 REQUIREMENTS OF THE SEX OFFENDER'S PROBATION OR PAROLE OR THE
10 REQUIREMENTS OF 42 PA.C.S. [§ 9795.2] CH. 97 SUBCH. H:

11 (1) WITHHOLDS INFORMATION FROM OR DOES NOT NOTIFY THE
12 LAW ENFORCEMENT AGENT OR AGENCY ABOUT THE SEX OFFENDER'S
13 NONCOMPLIANCE WITH THE REQUIREMENTS OF PAROLE, THE
14 REQUIREMENTS OF 42 PA.C.S. [§ 9795.2] CH. 97 SUBCH. H OR, IF
15 KNOWN, THE SEX OFFENDER'S WHEREABOUTS;

16 * * *

17 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SEX
18 OFFENDER" MEANS A PERSON WHO IS REQUIRED TO REGISTER WITH THE
19 PENNSYLVANIA STATE POLICE PURSUANT TO THE PROVISIONS OF 42
20 PA.C.S. [§ 9795.1 (RELATING TO REGISTRATION)] CH. 97 SUBCH. H.
21 § 3141. GENERAL RULE.

22 A PERSON:

23 (1) CONVICTED UNDER SECTION 3121 (RELATING TO RAPE),
24 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT), 3123 (RELATING
25 TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE), 3124.1 (RELATING
26 TO SEXUAL ASSAULT), 3125 (RELATING TO AGGRAVATED INDECENT
27 ASSAULT) OR 3126 (RELATING TO INDECENT ASSAULT); OR

28 (2) REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE
29 POLICE UNDER 42 PA.C.S. [§ 9795.2 (RELATING TO REGISTRATION
30 PROCEDURES AND APPLICABILITY)] CH. 97 SUBCH. H (RELATING TO

1 REGISTRATION OF SEXUAL OFFENDERS);
2 MAY BE REQUIRED TO FORFEIT PROPERTY RIGHTS IN ANY PROPERTY OR
3 ASSETS USED TO IMPLEMENT OR FACILITATE COMMISSION OF THE CRIME
4 OR CRIMES OF WHICH THE PERSON HAS BEEN CONVICTED. SUCH PROPERTY
5 MAY INCLUDE, BUT IS NOT LIMITED TO, A COMPUTER OR COMPUTERS,
6 TELEPHONE EQUIPMENT, FIREARMS, LICIT OR ILLICIT PRESCRIPTION
7 DRUGS OR CONTROLLED SUBSTANCES, A MOTOR VEHICLE OR SUCH OTHER
8 PROPERTY OR ASSETS AS DETERMINED BY THE COURT OF COMMON PLEAS TO
9 HAVE FACILITATED THE PERSON'S CRIMINAL MISCONDUCT.

10 § 4302. INCEST.

11 [A] (A) GENERAL RULE.--EXCEPT AS PROVIDED FOR UNDER
12 SUBSECTION (B), A PERSON IS GUILTY OF INCEST, A FELONY OF THE
13 SECOND DEGREE, IF THAT PERSON KNOWINGLY MARRIES OR COHABITS OR
14 HAS SEXUAL INTERCOURSE WITH AN ANCESTOR OR DESCENDANT, A BROTHER
15 OR SISTER OF THE WHOLE OR HALF BLOOD OR AN UNCLE, AUNT, NEPHEW
16 OR NIECE OF THE WHOLE BLOOD. [THE RELATIONSHIPS REFERRED TO IN
17 THIS SECTION INCLUDE BLOOD RELATIONSHIPS WITHOUT REGARD TO
18 LEGITIMACY, AND RELATIONSHIP OF PARENT AND CHILD BY ADOPTION.]

19 (B) INCEST OF A MINOR.--A PERSON IS GUILTY OF INCEST OF A
20 MINOR, A FELONY OF THE SECOND DEGREE, IF THAT PERSON KNOWINGLY
21 MARRIES, COHABITS WITH OR HAS SEXUAL INTERCOURSE WITH A
22 COMPLAINANT WHO IS AN ANCESTOR OR DESCENDANT, A BROTHER OR
23 SISTER OF THE WHOLE OR HALF BLOOD OR AN UNCLE, AUNT, NEPHEW OR
24 NIECE OF THE WHOLE BLOOD AND:

25 (1) IS UNDER THE AGE OF 13 YEARS; OR

26 (2) IS 13 TO 18 YEARS OF AGE AND THE PERSON IS FOUR OR
27 MORE YEARS OLDER THAN THE COMPLAINANT.

28 (C) RELATIONSHIPS.--THE RELATIONSHIPS REFERRED TO IN THIS
29 SECTION INCLUDE BLOOD RELATIONSHIPS WITHOUT REGARD TO
30 LEGITIMACY, AND RELATIONSHIP OF PARENT AND CHILD BY ADOPTION.

1 § 4915. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS
2 REQUIREMENTS.

3 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO
4 REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) (RELATING TO
5 REGISTRATION) OR AN INDIVIDUAL WHO IS SUBJECT TO REGISTRATION
6 UNDER 42 PA.C.S. § 9795.1(B) (1), (2) OR (3) OR WHO WAS SUBJECT
7 TO REGISTRATION UNDER FORMER 42 PA.C.S § 9793 (RELATING TO
8 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS) COMMITS AN
9 OFFENSE IF HE KNOWINGLY FAILS TO:

10 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS
11 REQUIRED UNDER 42 PA.C.S. § 9795.2 (RELATING TO REGISTRATION
12 PROCEDURES AND APPLICABILITY);

13 (2) VERIFY HIS [ADDRESS] RESIDENCE OR BE PHOTOGRAPHED AS
14 REQUIRED UNDER 42 PA.C.S. § 9796 (RELATING TO VERIFICATION OF
15 RESIDENCE); OR

16 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
17 42 PA.C.S. § 9795.2 OR VERIFYING [AN ADDRESS] A RESIDENCE
18 UNDER 42 PA.C.S. § 9796.

19 (A.1) COUNSELING.--THE FOLLOWING APPLY:

20 (1) AN INDIVIDUAL WHO IS DESIGNATED AS A SEXUALLY
21 VIOLENT PREDATOR COMMITS AN OFFENSE IF HE KNOWINGLY FAILS TO
22 COMPLY WITH 42 PA.C.S. § 9799.4 (RELATING TO COUNSELING OF
23 SEXUALLY VIOLENT PREDATORS).

24 (2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
25 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE
26 FOLLOWING CONVICTION IN ANOTHER JURISDICTION COMMITS AN
27 OFFENSE IF HE KNOWINGLY FAILS TO COMPLY WITH THAT
28 REQUIREMENT, AS PROVIDED IN 42 PA.C.S. § 9795.2(B) (4) (I).

29 (B) GRADING FOR OFFENDERS WHO MUST REGISTER FOR TEN YEARS.--

30 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL

1 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(A) OR
2 FORMER 42 PA.C.S. § 9793 AND REQUIRED TO REGISTER FOR A
3 PERIOD OF TEN YEARS WHO COMMITS A VIOLATION OF SUBSECTION (A)
4 (1) OR (2) COMMITS A FELONY OF THE THIRD DEGREE.

5 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
6 PA.C.S. § 9795.1(A) OR FORMER 42 PA.C.S. § 9793 AND REQUIRED
7 TO REGISTER FOR A PERIOD OF TEN YEARS WHO COMMITS A VIOLATION
8 OF SUBSECTION (A) (1) OR (2) AND WHO HAS PREVIOUSLY BEEN
9 CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (1) OR (2) OR A
10 SIMILAR OFFENSE COMMITS A FELONY OF THE SECOND DEGREE.

11 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
12 PA.C.S. § 9795.1(A) OR FORMER 42 PA.C.S. § 9793 AND REQUIRED
13 TO REGISTER FOR A PERIOD OF TEN YEARS WHO VIOLATES SUBSECTION
14 (A) (3) COMMITS A FELONY OF THE SECOND DEGREE.

15 (C) GRADING FOR SEXUALLY VIOLENT PREDATORS AND OTHERS WITH
16 LIFETIME REGISTRATION.--

17 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
18 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9795.1(B) (1), (2)
19 OR (3) OR FORMER 42 PA.C.S. § 9793 AND WHO IS SUBJECT TO
20 LIFETIME REGISTRATION WHO COMMITS A VIOLATION OF SUBSECTION
21 (A) (1) OR (2) COMMITS A FELONY OF THE SECOND DEGREE.

22 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
23 PA.C.S. § 9795.1(B) (1), (2) OR (3) OR FORMER 42 PA.C.S. §
24 9793 AND WHO IS SUBJECT TO LIFETIME REGISTRATION WHO COMMITS
25 A VIOLATION OF SUBSECTION (A) (1) OR (2) AND WHO HAS
26 PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER SUBSECTION (A)
27 (1) OR (2) OR A SIMILAR OFFENSE COMMITS A FELONY OF THE FIRST
28 DEGREE.

29 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
30 PA.C.S. § 9795.1(B) (1), (2) OR (3) OR FORMER 42 PA.C.S. §

1 9793 AND WHO IS SUBJECT TO LIFETIME REGISTRATION WHO VIOLATES
2 SUBSECTION (A) (3) COMMITS A FELONY OF THE FIRST DEGREE.
3 (C.1) GRADING FOR FAILURE TO COMPLY WITH COUNSELING
4 REQUIREMENTS.--AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT
5 PREDATOR OR AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
6 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE FOLLOWING
7 CONVICTION IN ANOTHER JURISDICTION WHO COMMITS A VIOLATION OF
8 SUBSECTION (A.1) COMMITS A MISDEMEANOR OF THE FIRST DEGREE.

9 (D) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
10 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
11 VIOLENT PREDATOR OR OFFENDER TO RECEIVE ANY NOTICE OR
12 INFORMATION PURSUANT TO 42 PA.C.S. § 9796(A.1) OR (B.1) SHALL BE
13 A DEFENSE TO A PROSECUTION COMMENCED AGAINST AN INDIVIDUAL
14 ARISING FROM A VIOLATION OF THIS SECTION. THE PROVISIONS OF 42
15 PA.C.S. § 9796(A.1) AND (B.1) ARE NOT AN ELEMENT OF AN OFFENSE
16 UNDER THIS SECTION.

17 (E) ARRESTS FOR VIOLATION.--

18 (1) A POLICE OFFICER SHALL HAVE THE SAME RIGHT OF ARREST
19 WITHOUT A WARRANT AS IN A FELONY WHENEVER THE POLICE OFFICER
20 HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL HAS COMMITTED A
21 VIOLATION OF THIS SECTION REGARDLESS OF WHETHER THE VIOLATION
22 OCCURRED IN THE PRESENCE OF THE POLICE OFFICER.

23 (2) AN INDIVIDUAL ARRESTED FOR A VIOLATION OF THIS
24 SECTION SHALL BE AFFORDED A PRELIMINARY ARRAIGNMENT BY THE
25 PROPER ISSUING AUTHORITY WITHOUT UNNECESSARY DELAY. IN NO
26 CASE MAY THE INDIVIDUAL BE RELEASED FROM CUSTODY WITHOUT
27 FIRST HAVING APPEARED BEFORE THE ISSUING AUTHORITY.

28 (3) PRIOR TO ADMITTING AN INDIVIDUAL ARRESTED FOR A
29 VIOLATION OF THIS SECTION TO BAIL, THE ISSUING AUTHORITY
30 SHALL REQUIRE ALL OF THE FOLLOWING:

1 (I) THE INDIVIDUAL MUST BE FINGERPRINTED AND
2 PHOTOGRAPHED IN THE MANNER REQUIRED BY 42 PA.C.S. CH. 97
3 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

4 (II) THE INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA
5 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL
6 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT,
7 INCLUDING ALL EMPLOYMENT LOCATIONS, AND ALL INFORMATION
8 CONCERNING CURRENT OR INTENDED ENROLLMENT AS A STUDENT.
9 IF THE INDIVIDUAL HAS A RESIDENCE AS DEFINED IN PARAGRAPH
10 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION
11 9792 (RELATING TO DEFINITIONS), THE INDIVIDUAL MUST
12 PROVIDE THE PENNSYLVANIA STATE POLICE WITH THE
13 INFORMATION REQUIRED UNDER 42 PA.C.S. § 9795.2(A)(2)(I)
14 (A), (B) AND (C).

15 (III) LAW ENFORCEMENT MUST MAKE REASONABLE ATTEMPTS
16 TO VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL.

17 (F) DEFINITION.--AS USED IN THIS SECTION, THE TERM "A
18 SIMILAR OFFENSE" MEANS AN OFFENSE SIMILAR TO AN OFFENSE UNDER
19 EITHER SUBSECTION (A)(1) OR (2) UNDER THE LAWS OF THIS
20 COMMONWEALTH, THE UNITED STATES OR ONE OF ITS TERRITORIES OR
21 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
22 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION.

23 (G) EXPIRATION.--THIS SECTION SHALL EXPIRE ONE YEAR AFTER
24 THE EFFECTIVE DATE OF THIS SUBSECTION.

25 SECTION 1.1. TITLE 18 IS AMENDED BY ADDING A SECTION TO
26 READ:

27 § 4915.1. FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
28 OFFENDERS REQUIREMENTS.

29 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO
30 REGISTRATION UNDER 42 PA.C.S. § 9799.13 (RELATING TO

1 APPLICABILITY) COMMITS AN OFFENSE IF HE KNOWINGLY FAILS TO:

2 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS
3 REQUIRED UNDER 42 PA.C.S. § 9799.15 (RELATING TO PERIOD OF
4 REGISTRATION), 9799.19 (RELATING TO INITIAL REGISTRATION) OR
5 9799.25 (RELATING TO VERIFICATION BY SEXUAL OFFENDERS AND
6 PENNSYLVANIA STATE POLICE);

7 (2) VERIFY HIS ADDRESS OR BE PHOTOGRAPHED AS REQUIRED
8 UNDER 42 PA.C.S. § 9799.15, 9799.19 OR 9799.25; OR

9 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
10 42 PA.C.S. § 9799.15, 9799.19 OR 9799.25.

11 (A.1) TRANSIENTS.--AN INDIVIDUAL SET FORTH IN 42 PA.C.S. §
12 9799.13 WHO IS A TRANSIENT COMMITS AN OFFENSE IF HE KNOWINGLY
13 FAILS TO:

14 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS
15 REQUIRED UNDER 42 PA.C.S. §§ 9799.15, 9799.16(B) (6) (RELATING
16 TO REGISTRY) AND 9799.25(A) (7);

17 (2) VERIFY THE INFORMATION PROVIDED IN 42 PA.C.S. §§
18 9799.15 AND 9799.16(B) (6) OR BE PHOTOGRAPHED AS REQUIRED
19 UNDER 42 PA.C.S. § 9799.15 OR 9799.25;

20 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
21 42 PA.C.S. § 9799.15, 9799.16(B) (6) OR 9799.25.

22 (A.2) COUNSELING.--THE FOLLOWING APPLY:

23 (1) AN INDIVIDUAL WHO IS DESIGNATED AS A SEXUALLY
24 VIOLENT PREDATOR COMMITS AN OFFENSE IF HE KNOWINGLY FAILS TO
25 COMPLY WITH 42 PA.C.S. § 9799.36 (RELATING TO COUNSELING OF
26 SEXUALLY VIOLENT PREDATORS).

27 (2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
28 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE
29 FOLLOWING CONVICTION IN ANOTHER JURISDICTION COMMITS AN
30 OFFENSE IF HE KNOWINGLY FAILS TO COMPLY WITH 42 PA.C.S. §

1 9799.36.

2 (B) GRADING FOR SEXUAL OFFENDERS WHO MUST REGISTER FOR 15
3 YEARS.--

4 (1) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
5 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.13 AND
6 REQUIRED TO REGISTER FOR A PERIOD OF 15 YEARS WHO COMMITS A
7 VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A FELONY OF THE
8 THIRD DEGREE.

9 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
10 PA.C.S. § 9799.13 AND REQUIRED TO REGISTER FOR A PERIOD OF 15
11 YEARS WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR (2) AND
12 WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER
13 SUBSECTION (A) (1) OR (2) OR A SIMILAR OFFENSE COMMITS A
14 FELONY OF THE SECOND DEGREE.

15 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
16 PA.C.S. § 9799.13 AND REQUIRED TO REGISTER FOR A PERIOD OF 15
17 YEARS WHO VIOLATES SUBSECTION (A) (3) COMMITS A FELONY OF THE
18 SECOND DEGREE.

19 (C) GRADING FOR SEXUAL OFFENDERS WHO MUST REGISTER FOR 25
20 YEARS OR LIFE.--

21 (1) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
22 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.13 AND
23 REQUIRED TO REGISTER FOR A PERIOD OF 25 YEARS OR LIFE WHO
24 COMMITS A VIOLATION OF SUBSECTION (A) (1) OR (2) COMMITS A
25 FELONY OF THE SECOND DEGREE.

26 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
27 PA.C.S. § 9799.13 AND REQUIRED TO REGISTER FOR A PERIOD OF 25
28 YEARS OR LIFE WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR
29 (2) AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER
30 SUBSECTION (A) (1) OR (2) OR A SIMILAR OFFENSE COMMITS A

1 FELONY OF THE FIRST DEGREE.

2 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
3 PA.C.S. § 9799.13 AND REQUIRED TO REGISTER FOR A PERIOD OF 25
4 YEARS OR LIFE WHO VIOLATES SUBSECTION (A) (3) COMMITS A FELONY
5 OF THE FIRST DEGREE.

6 (C.1) GRADING FOR SEXUAL OFFENDERS WHO ARE TRANSIENTS WHO
7 MUST REGISTER FOR 15 YEARS.--

8 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2) OR (3), AN
9 INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.13
10 WHO IS A TRANSIENT WHO MUST REGISTER FOR 15 YEARS COMMITS A
11 FELONY OF THE THIRD DEGREE IF THE INDIVIDUAL VIOLATES
12 SUBSECTION (A.1) (1) OR (2).

13 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
14 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR 15
15 YEARS COMMITS A FELONY OF THE SECOND DEGREE IF THE INDIVIDUAL
16 VIOLATES SUBSECTION (A.1) (3).

17 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
18 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR A
19 PERIOD OF 15 YEARS COMMITS A FELONY OF THE SECOND DEGREE IF
20 THE INDIVIDUAL VIOLATES SUBSECTION (A.1) (1), (2) OR (3) AND
21 HAS BEEN PREVIOUSLY CONVICTED OF AN OFFENSE UNDER SUBSECTION
22 (A.1) (1), (2) OR (3) OR A SIMILAR OFFENSE.

23 (C.2) GRADING FOR SEXUAL OFFENDERS WHO ARE TRANSIENTS WHO
24 MUST REGISTER FOR 25 YEARS OR LIFE.--

25 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2) OR (3), AN
26 INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.13
27 WHO IS A TRANSIENT WHO MUST REGISTER FOR A PERIOD OF 25 YEARS
28 OR LIFE COMMITS A FELONY OF THE SECOND DEGREE IF THE
29 INDIVIDUAL VIOLATES SUBSECTION (A.1) (1) OR (2).

30 (2) AN INDIVIDUAL WHO IS SUBJECT TO REGISTRATION UNDER

1 42 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR
2 A PERIOD OF 25 YEARS OR LIFE COMMITS A FELONY OF THE FIRST
3 DEGREE IF THE INDIVIDUAL VIOLATES SUBSECTION (A.1) (3).

4 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
5 PA.C.S. § 9799.13 WHO IS A TRANSIENT WHO MUST REGISTER FOR A
6 PERIOD OF 25 YEARS OR LIFE COMMITS A FELONY OF THE FIRST
7 DEGREE IF THE INDIVIDUAL VIOLATES SUBSECTION (A.1) (1), (2) OR
8 (3) AND HAS BEEN PREVIOUSLY CONVICTED OF AN OFFENSE UNDER
9 SUBSECTION (A.1) (1), (2) OR (3) OR A SIMILAR OFFENSE.

10 (C.3) GRADING FOR FAILURE TO COMPLY WITH COUNSELING
11 REQUIREMENTS.--AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT
12 PREDATOR OR AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
13 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE FOLLOWING
14 CONVICTION IN ANOTHER JURISDICTION COMMITS A MISDEMEANOR OF THE
15 FIRST DEGREE IF THE INDIVIDUAL VIOLATES SUBSECTION (A.2).

16 (D) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
17 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
18 VIOLENT PREDATOR OR OFFENDER TO RECEIVE ANY NOTICE OR
19 INFORMATION PURSUANT TO 42 PA.C.S. § 9799.25 SHALL BE A DEFENSE
20 TO A PROSECUTION COMMENCED AGAINST AN INDIVIDUAL ARISING FROM A
21 VIOLATION OF THIS SECTION. THE PROVISIONS OF 42 PA.C.S. §
22 9799.25 ARE NOT AN ELEMENT OF AN OFFENSE UNDER THIS SECTION.

23 (E) ARRESTS FOR VIOLATION.--

24 (1) A POLICE OFFICER SHALL HAVE THE SAME RIGHT OF ARREST
25 WITHOUT A WARRANT AS IN A FELONY WHENEVER THE POLICE OFFICER
26 HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL HAS COMMITTED A
27 VIOLATION OF THIS SECTION REGARDLESS OF WHETHER THE VIOLATION
28 OCCURRED IN THE PRESENCE OF THE POLICE OFFICER.

29 (2) AN INDIVIDUAL ARRESTED FOR A VIOLATION OF THIS
30 SECTION SHALL BE AFFORDED A PRELIMINARY ARRAIGNMENT BY THE

1 PROPER ISSUING AUTHORITY WITHOUT UNNECESSARY DELAY. IN NO
2 CASE MAY THE INDIVIDUAL BE RELEASED FROM CUSTODY WITHOUT
3 FIRST HAVING APPEARED BEFORE THE ISSUING AUTHORITY.

4 (3) PRIOR TO ADMITTING AN INDIVIDUAL ARRESTED FOR A
5 VIOLATION OF THIS SECTION TO BAIL, THE ISSUING AUTHORITY
6 SHALL REQUIRE ALL OF THE FOLLOWING:

7 (I) THE INDIVIDUAL MUST BE FINGERPRINTED AND
8 PHOTOGRAPHED IN THE MANNER REQUIRED BY 42 PA.C.S. CH. 97
9 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

10 (II) THE INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA
11 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL
12 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT,
13 INCLUDING ALL EMPLOYMENT LOCATIONS, AND ALL INFORMATION
14 CONCERNING CURRENT OR INTENDED ENROLLMENT AS A STUDENT.

15 THIS SUBPARAGRAPH INCLUDES AN INDIVIDUAL WHO IS A
16 TRANSIENT, IN WHICH CASE THE INDIVIDUAL MUST, IN ADDITION
17 TO OTHER INFORMATION REQUIRED UNDER THIS SUBPARAGRAPH,
18 PROVIDE THE INFORMATION SET FORTH IN 42 PA.C.S. §
19 9799.16(B)(6).

20 (III) LAW ENFORCEMENT MUST MAKE REASONABLE ATTEMPTS
21 TO VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL.

22 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
23 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
24 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

25 "SEXUALLY VIOLENT PREDATOR." THE TERM SHALL HAVE THE
26 MEANING GIVEN TO IT IN 42 PA.C.S. § 9799.12 (RELATING TO
27 DEFINITIONS).

28 "SIMILAR OFFENSE." AN OFFENSE SIMILAR TO AN OFFENSE
29 UNDER EITHER SUBSECTION (A)(1) OR (2) UNDER THE LAWS OF THIS
30 COMMONWEALTH, ANOTHER JURISDICTION OR A FOREIGN COUNTRY OR A

1 MILITARY OFFENSE, AS DEFINED IN 42 PA.C.S. § 9799.12

2 (RELATING TO DEFINITIONS).

3 "TRANSIENT." THE TERM SHALL HAVE THE MEANING GIVEN TO IT
4 IN 42 PA.C.S. § 9799.12 (RELATING TO DEFINITIONS).

5 SECTION 1.2. SECTIONS 5902(C) AND 5903(A) (3), (4) AND (5),
6 (B) AND (E) (1) OF TITLE 18 ARE AMENDED TO READ:

7 § 5902. PROSTITUTION AND RELATED OFFENSES.

8 * * *

9 (C) GRADING OF OFFENSES UNDER SUBSECTION (B).--

10 (1) AN OFFENSE UNDER SUBSECTION (B) CONSTITUTES A FELONY
11 OF THE THIRD DEGREE IF:

12 (I) THE OFFENSE FALLS WITHIN PARAGRAPHS (B) (1), (B)

13 (2) OR (B) (3);

14 (II) THE ACTOR COMPELS ANOTHER TO ENGAGE IN OR
15 PROMOTE PROSTITUTION;

16 (III) THE ACTOR PROMOTES PROSTITUTION OF A [CHILD
17 UNDER THE AGE OF 16 YEARS] PERSON UNDER 18 YEARS OF AGE,
18 WHETHER OR NOT HE IS AWARE OF THE AGE OF THE CHILD;

19 (IV) THE ACTOR PROMOTES PROSTITUTION OF HIS SPOUSE,
20 CHILD, WARD OR ANY PERSON FOR WHOSE CARE, PROTECTION OR
21 SUPPORT HE IS RESPONSIBLE; OR

22 (V) THE PERSON KNOWINGLY PROMOTED PROSTITUTION OF
23 ANOTHER WHO WAS HIV POSITIVE OR INFECTED WITH THE AIDS
24 VIRUS.

25 (2) OTHERWISE THE OFFENSE IS A MISDEMEANOR OF THE SECOND
26 DEGREE.

27 * * *

28 § 5903. OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES.

29 (A) OFFENSES DEFINED.--NO PERSON, KNOWING THE OBSCENE
30 CHARACTER OF THE MATERIALS OR PERFORMANCES INVOLVED, SHALL:

1 * * *

2 (3) (I) DESIGN, COPY, DRAW, PHOTOGRAPH, PRINT, UTTER,
3 PUBLISH OR IN ANY MANNER MANUFACTURE OR PREPARE ANY
4 OBSCENE MATERIALS; OR

5 (II) DESIGN, COPY, DRAW, PHOTOGRAPH, PRINT, UTTER,
6 PUBLISH OR IN ANY MANNER MANUFACTURE OR PREPARE ANY
7 OBSCENE MATERIALS IF THE VICTIM IS A MINOR;

8 (4) (I) WRITE, PRINT, PUBLISH, UTTER OR CAUSE TO BE
9 WRITTEN, PRINTED, PUBLISHED OR UTTERED ANY ADVERTISEMENT
10 OR NOTICE OF ANY KIND GIVING INFORMATION, DIRECTLY OR
11 INDIRECTLY, STATING OR PURPORTING TO STATE WHERE, HOW,
12 FROM WHOM, OR BY WHAT MEANS ANY OBSCENE MATERIALS CAN BE
13 PURCHASED, OBTAINED OR HAD; OR

14 (II) WRITE, PRINT, PUBLISH, UTTER OR CAUSE TO BE
15 WRITTEN, PRINTED, PUBLISHED OR UTTERED ANY ADVERTISEMENT
16 OR NOTICE OF ANY KIND GIVING INFORMATION, DIRECTLY OR
17 INDIRECTLY, STATING OR PURPORTING TO STATE WHERE, HOW,
18 FROM WHOM OR BY WHAT MEANS ANY OBSCENE MATERIALS CAN BE
19 PURCHASED, OBTAINED OR HAD IF THE VICTIM IS A MINOR;

20 (5) (I) PRODUCE, PRESENT OR DIRECT ANY OBSCENE
21 PERFORMANCE OR PARTICIPATE IN A PORTION THEREOF THAT IS
22 OBSCENE OR THAT CONTRIBUTES TO ITS OBSCENITY; OR

23 (II) PRODUCE, PRESENT OR DIRECT ANY OBSCENE
24 PERFORMANCE OR PARTICIPATE IN A PORTION THEREOF THAT IS
25 OBSCENE OR THAT CONTRIBUTES TO ITS OBSCENITY IF THE
26 VICTIM IS A MINOR;

27 * * *

28 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
29 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
30 SUBSECTION:

1 "COMMUNITY." FOR THE PURPOSE OF APPLYING THE "CONTEMPORARY
2 COMMUNITY STANDARDS" IN THIS SECTION, COMMUNITY MEANS THE STATE.

3 "KNOWING." AS USED IN SUBSECTIONS (A) AND (A.1), KNOWING
4 MEANS HAVING GENERAL KNOWLEDGE OF, OR REASON TO KNOW OR A BELIEF
5 OR GROUND FOR BELIEF WHICH WARRANTS FURTHER INSPECTION OR
6 INQUIRY OF, THE CHARACTER AND CONTENT OF ANY MATERIAL OR
7 PERFORMANCE DESCRIBED THEREIN WHICH IS REASONABLY SUSCEPTIBLE OF
8 EXAMINATION BY THE DEFENDANT.

9 "MATERIAL." ANY LITERATURE, INCLUDING ANY BOOK, MAGAZINE,
10 PAMPHLET, NEWSPAPER, STORYPAPER, BUMPER STICKER, COMIC BOOK OR
11 WRITING; ANY FIGURE, VISUAL REPRESENTATION, OR IMAGE, INCLUDING
12 ANY DRAWING, PHOTOGRAPH, PICTURE, VIDEOTAPE OR MOTION PICTURE.

13 "MINOR." AN INDIVIDUAL UNDER 18 YEARS OF AGE.

14 "NUDE." MEANS SHOWING THE HUMAN MALE OR FEMALE GENITALS,
15 PUBIC AREA OR BUTTOCKS WITH LESS THAN A FULLY OPAQUE COVERING,
16 OR SHOWING THE FEMALE BREAST WITH LESS THAN A FULLY OPAQUE
17 COVERING OF ANY PORTION THEREOF BELOW THE TOP OF THE NIPPLE.

18 "OBSCENE." ANY MATERIAL OR PERFORMANCE, IF:

19 (1) THE AVERAGE PERSON APPLYING CONTEMPORARY COMMUNITY
20 STANDARDS WOULD FIND THAT THE SUBJECT MATTER TAKEN AS A WHOLE
21 APPEALS TO THE PRURIENT INTEREST;

22 (2) THE SUBJECT MATTER DEPICTS OR DESCRIBES IN A
23 PATENTLY OFFENSIVE WAY, SEXUAL CONDUCT OF A TYPE DESCRIBED IN
24 THIS SECTION; AND

25 (3) THE SUBJECT MATTER, TAKEN AS A WHOLE, LACKS SERIOUS
26 LITERARY, ARTISTIC, POLITICAL, EDUCATIONAL OR SCIENTIFIC
27 VALUE.

28 "PERFORMANCE." MEANS ANY PLAY, DANCE OR OTHER LIVE
29 EXHIBITION PERFORMED BEFORE AN AUDIENCE.

30 "SADOMASOCHISTIC ABUSE." MEANS, IN A SEXUAL CONTEXT,

1 FLAGELLATION OR TORTURE BY OR UPON A PERSON WHO IS NUDE OR CLAD
2 IN UNDERGARMENTS, A MASK OR IN A BIZARRE COSTUME OR THE
3 CONDITION OF BEING FETTERED, BOUND OR OTHERWISE PHYSICALLY
4 RESTRAINED ON THE PART OF ONE WHO IS NUDE OR SO CLOTHED.

5 "SEXUAL CONDUCT." PATENTLY OFFENSIVE REPRESENTATIONS OR
6 DESCRIPTIONS OF ULTIMATE SEXUAL ACTS, NORMAL OR PERVERTED,
7 ACTUAL OR SIMULATED, INCLUDING SEXUAL INTERCOURSE, ANAL OR ORAL
8 SODOMY AND SEXUAL BESTIALITY; AND PATENTLY OFFENSIVE
9 REPRESENTATIONS OR DESCRIPTIONS OF MASTURBATION, EXCRETORY
10 FUNCTIONS, SADOMASOCHISTIC ABUSE AND LEWD EXHIBITION OF THE
11 GENITALS.

12 "SUBJECT LINE." THE AREA OF AN ELECTRONIC COMMUNICATION THAT
13 CONTAINS A SUMMARY DESCRIPTION OF THE CONTENT OF THE MESSAGE.

14 "TRANSPORTATION FACILITY." ANY CONVEYANCE, PREMISES OR PLACE
15 USED FOR OR IN CONNECTION WITH PUBLIC PASSENGER TRANSPORTATION,
16 WHETHER BY AIR, RAIL, MOTOR VEHICLE OR ANY OTHER METHOD,
17 INCLUDING AIRCRAFT, WATERCRAFT, RAILROAD CARS, BUSES, AND AIR,
18 BOAT, RAILROAD AND BUS TERMINALS AND STATIONS.

19 * * *

20 (E) DEFINITIONS.--AS USED IN SUBSECTIONS (C) AND (D) OF THIS
21 SECTION:

22 [(1) "MINOR" MEANS ANY PERSON UNDER THE AGE OF 18
23 YEARS.]

24 * * *

25 SECTION 2. SECTION 6707(2)(II) OF TITLE 23 IS AMENDED TO
26 READ:

27 § 6707. AGENCY USE OF DESIGNATED ADDRESS.

28 STATE AND LOCAL GOVERNMENT AGENCIES SHALL ACCEPT THE
29 SUBSTITUTE ADDRESS DESIGNATED ON A VALID PROGRAM PARTICIPATION
30 CARD ISSUED TO THE PROGRAM PARTICIPANT BY THE OFFICE OF VICTIM

1 ADVOCATE AS THE PROGRAM PARTICIPANT'S ADDRESS EXCEPT AS FOLLOWS:

2 * * *

3 (2) WHEN THE PROGRAM PARTICIPANT IS ANY OF THE
4 FOLLOWING:

5 * * *

6 (II) A CONVICTED SEXUAL OFFENDER WHO HAS FULFILLED
7 THE OFFENDER'S SENTENCE BUT MUST REGISTER THE OFFENDER'S
8 COMMUNITY RESIDENCE AS REQUIRED UNDER 42 PA.C.S. [§§
9 9795.1 (RELATING TO REGISTRATION) AND 9795.2 (RELATING TO
10 REGISTRATION PROCEDURES AND APPLICABILITY)] CH. 97 SUBCH.
11 H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS) OR ANY
12 SIMILAR REGISTRATION REQUIREMENT IMPOSED BY ANY OTHER
13 JURISDICTION.

14 SECTION 3. SECTIONS 6358(A) AND (B), 6403(A)(2), (B)(3) AND
15 (D) AND 6404 OF TITLE 42 ARE AMENDED TO READ:

16 § 6358. ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE SEXUAL
17 OFFENDERS ASSESSMENT BOARD.

18 (A) GENERAL RULE.--A CHILD WHO HAS BEEN FOUND TO BE
19 DELINQUENT FOR AN ACT OF SEXUAL VIOLENCE WHICH IF COMMITTED BY
20 AN ADULT WOULD BE A VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO
21 RAPE), 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
22 INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT), 3125
23 (RELATING TO AGGRAVATED INDECENT ASSAULT), 3126 (RELATING TO
24 INDECENT ASSAULT) OR 4302 (RELATING TO INCEST) WHO IS COMMITTED
25 TO AN INSTITUTION OR OTHER FACILITY PURSUANT TO SECTION 6352
26 (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND WHO REMAINS IN
27 ANY SUCH INSTITUTION OR FACILITY UPON ATTAINING 20 YEARS OF AGE
28 SHALL BE SUBJECT TO AN ASSESSMENT BY THE BOARD.

29 (B) DUTY OF PROBATION OFFICER.--NINETY DAYS PRIOR TO THE
30 20TH BIRTHDAY OF THE CHILD, THE PROBATION OFFICER SHALL HAVE THE

1 DUTY TO NOTIFY THE BOARD OF THE STATUS OF THE DELINQUENT CHILD
2 AND THE INSTITUTION OR OTHER FACILITY WHERE THE CHILD IS
3 PRESENTLY COMMITTED. THE PROBATION OFFICER SHALL ASSIST THE
4 BOARD IN OBTAINING ACCESS TO THE CHILD AND ANY INFORMATION
5 REQUIRED BY THE BOARD TO PERFORM THE ASSESSMENT, INCLUDING, BUT
6 NOT LIMITED TO, THE CHILD'S OFFICIAL COURT RECORD AND COMPLETE
7 JUVENILE PROBATION FILE.

8 * * *

9 § 6403. COURT-ORDERED INVOLUNTARY TREATMENT.

10 (A) PERSONS SUBJECT TO INVOLUNTARY TREATMENT.--A PERSON MAY
11 BE SUBJECT TO COURT-ORDERED COMMITMENT FOR INVOLUNTARY TREATMENT
12 UNDER THIS CHAPTER IF THE PERSON:

13 * * *

14 (2) HAS BEEN COMMITTED TO AN INSTITUTION OR OTHER
15 FACILITY PURSUANT TO SECTION 6352 (RELATING TO DISPOSITION OF
16 DELINQUENT CHILD) AND REMAINS IN [THE] ANY SUCH INSTITUTION
17 OR [OTHER] FACILITY UPON ATTAINING 20 YEARS OF AGE.

18 * * *

19 (B) PROCEDURES FOR INITIATING COURT-ORDERED INVOLUNTARY
20 COMMITMENT.--

21 * * *

22 (3) THE COURT SHALL SET A DATE FOR THE HEARING WHICH
23 SHALL BE HELD WITHIN 30 DAYS OF THE FILING OF THE PETITION
24 PURSUANT TO PARAGRAPH (1) AND DIRECT THE PERSON TO APPEAR FOR
25 THE HEARING. A COPY OF THE PETITION AND NOTICE OF THE HEARING
26 DATE SHALL BE SERVED ON THE PERSON, THE ATTORNEY WHO
27 REPRESENTED THE PERSON AT THE MOST RECENT DISPOSITIONAL
28 REVIEW HEARING PURSUANT TO SECTION 6358(E) AND THE COUNTY
29 SOLICITOR OR A DESIGNEE. A COPY OF THE PETITION, THE
30 ASSESSMENT AND NOTICE OF THE HEARING DATE SHALL ALSO BE

1 PROVIDED TO THE DIRECTOR OF THE FACILITY OPERATED BY THE
2 DEPARTMENT PURSUANT TO SECTION 6406(A) (RELATING TO DUTY OF
3 DEPARTMENT OF PUBLIC WELFARE). THE PERSON AND THE ATTORNEY
4 WHO REPRESENTED THE PERSON SHALL, ALONG WITH COPIES OF THE
5 PETITION, ALSO BE PROVIDED WITH WRITTEN NOTICE ADVISING THAT
6 THE PERSON HAS THE RIGHT TO COUNSEL AND THAT, IF HE CANNOT
7 AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE PERSON.

8 * * *

9 (D) DETERMINATION AND ORDER.--UPON A FINDING BY CLEAR AND
10 CONVINCING EVIDENCE THAT THE PERSON HAS A MENTAL ABNORMALITY OR
11 PERSONALITY DISORDER WHICH RESULTS IN SERIOUS DIFFICULTY IN
12 CONTROLLING SEXUALLY VIOLENT BEHAVIOR THAT MAKES THE PERSON
13 LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, AN ORDER SHALL BE
14 ENTERED DIRECTING THE IMMEDIATE COMMITMENT OF THE PERSON FOR
15 [INPATIENT] INVOLUNTARY INPATIENT TREATMENT TO A FACILITY
16 DESIGNATED BY THE DEPARTMENT. THE ORDER SHALL BE IN WRITING AND
17 SHALL BE CONSISTENT WITH THE PROTECTION OF THE PUBLIC SAFETY AND
18 THE APPROPRIATE CONTROL, CARE AND TREATMENT OF THE PERSON. AN
19 APPEAL SHALL NOT STAY THE EXECUTION OF THE ORDER. IF THE COURT
20 DOES NOT ORDER THE PERSON TO BE COMMITTED FOR INVOLUNTARY
21 INPATIENT TREATMENT BY THE DEPARTMENT, THE COURT SHALL ORDER THE
22 DIRECTOR OF THE FACILITY OPERATED BY THE DEPARTMENT PURSUANT TO
23 SECTION 6406(A) TO DESTROY THE FACILITY'S COPY OF THE PETITION
24 AND THE ASSESSMENT.

25 § 6404. DURATION OF INPATIENT COMMITMENT AND REVIEW.

26 (A) INITIAL PERIOD OF COMMITMENT.--THE PERSON SHALL BE
27 SUBJECT TO A PERIOD OF COMMITMENT FOR INPATIENT TREATMENT FOR
28 ONE YEAR.

29 (B) ANNUAL REVIEW.--

30 (1) SIXTY DAYS PRIOR TO THE EXPIRATION OF THE ONE-YEAR

1 COMMITMENT PERIOD, THE DIRECTOR OF THE FACILITY OR A DESIGNEE
2 SHALL SUBMIT AN EVALUATION AND THE BOARD SHALL SUBMIT AN
3 ASSESSMENT OF THE PERSON TO THE COURT.

4 (2) THE COURT SHALL SCHEDULE A REVIEW HEARING WHICH
5 SHALL BE CONDUCTED PURSUANT TO SECTION 6403(C) (RELATING TO
6 COURT-ORDERED INVOLUNTARY TREATMENT) AND WHICH SHALL BE HELD
7 NO LATER THAN 30 DAYS AFTER RECEIPT OF BOTH THE EVALUATION
8 AND THE ASSESSMENT UNDER PARAGRAPH (1). NOTICE OF THE REVIEW
9 HEARING SHALL BE PROVIDED TO THE PERSON, THE ATTORNEY WHO
10 REPRESENTED THE PERSON AT THE PREVIOUS HEARING HELD PURSUANT
11 TO THIS SUBSECTION OR SECTION 6403, THE DISTRICT ATTORNEY AND
12 THE COUNTY SOLICITOR OR A DESIGNEE. THE PERSON AND THE
13 PERSON'S ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN NOTICE
14 ADVISING THAT THE PERSON HAS THE RIGHT TO COUNSEL AND THAT,
15 IF HE CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE
16 PERSON. IF THE COURT DETERMINES BY CLEAR AND CONVINCING
17 EVIDENCE THAT THE PERSON CONTINUES TO HAVE SERIOUS DIFFICULTY
18 CONTROLLING SEXUALLY VIOLENT BEHAVIOR WHILE COMMITTED FOR
19 INPATIENT TREATMENT DUE TO A MENTAL ABNORMALITY OR
20 PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY TO ENGAGE
21 IN AN ACT OF SEXUAL VIOLENCE, THE COURT SHALL ORDER AN
22 ADDITIONAL PERIOD OF INVOLUNTARY INPATIENT TREATMENT OF ONE
23 YEAR; OTHERWISE, THE COURT SHALL ORDER THE [DISCHARGE OF]
24 DEPARTMENT, IN CONSULTATION WITH THE BOARD, TO DEVELOP AN
25 OUTPATIENT TREATMENT PLAN FOR THE PERSON. THE ORDER SHALL BE
26 IN WRITING AND SHALL BE CONSISTENT WITH THE PROTECTION OF THE
27 PUBLIC SAFETY AND APPROPRIATE CONTROL, CARE AND TREATMENT OF
28 THE PERSON.

29 (C) [DISCHARGE] OUTPATIENT TREATMENT PLAN.--

30 (1) IF AT ANY TIME THE DIRECTOR OR A DESIGNEE OF THE

1 FACILITY TO WHICH THE PERSON WAS COMMITTED CONCLUDES THE
2 PERSON NO LONGER HAS SERIOUS DIFFICULTY IN CONTROLLING
3 SEXUALLY VIOLENT BEHAVIOR IN AN INPATIENT SETTING, THE
4 DIRECTOR SHALL PETITION THE COURT FOR A HEARING. NOTICE OF
5 THE PETITION SHALL BE GIVEN TO THE PERSON, THE ATTORNEY WHO
6 REPRESENTED THE PERSON AT THE PREVIOUS HEARING HELD PURSUANT
7 TO SUBSECTION (B) OR SECTION 6403, THE BOARD, THE DISTRICT
8 ATTORNEY AND THE COUNTY SOLICITOR. THE PERSON AND THE
9 PERSON'S ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN NOTICE
10 ADVISING THAT THE PERSON HAS THE RIGHT TO COUNSEL AND THAT,
11 IF HE CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE
12 PERSON.

13 (2) UPON RECEIPT OF NOTICE UNDER PARAGRAPH (1), THE
14 BOARD SHALL CONDUCT A NEW ASSESSMENT WITHIN 30 DAYS AND
15 PROVIDE THAT ASSESSMENT TO THE COURT.

16 (3) WITHIN 15 DAYS AFTER THE RECEIPT OF THE ASSESSMENT
17 FROM THE BOARD, THE COURT SHALL HOLD A HEARING PURSUANT TO
18 SECTION 6403(C). IF THE COURT DETERMINES BY CLEAR AND
19 CONVINCING EVIDENCE THAT THE PERSON CONTINUES TO HAVE SERIOUS
20 DIFFICULTY CONTROLLING SEXUALLY VIOLENT BEHAVIOR DUE TO A
21 MENTAL ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE
22 PERSON LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, THE
23 COURT SHALL ORDER THAT THE PERSON BE SUBJECT TO THE REMAINDER
24 OF THE PERIOD OF INPATIENT COMMITMENT. OTHERWISE, THE COURT
25 SHALL ORDER THE [DISCHARGE OF] DEPARTMENT, IN CONSULTATION
26 WITH THE BOARD, TO DEVELOP AN OUTPATIENT TREATMENT PLAN FOR
27 THE PERSON.

28 (4) THE DEPARTMENT SHALL PROVIDE THE PERSON WITH NOTICE
29 OF THE PERSON'S RIGHT TO PETITION THE COURT FOR [DISCHARGE]
30 TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT OVER THE

1 OBJECTION OF THE DEPARTMENT. THE COURT, AFTER REVIEW OF THE
2 PETITION, MAY SCHEDULE A HEARING PURSUANT TO SECTION 6403(C).

3 (5) AN OUTPATIENT TREATMENT PLAN SHALL BE IN WRITING AND
4 SHALL IDENTIFY THE SPECIFIC ENTITY THAT WILL PROVIDE EACH
5 CLINICAL AND SUPPORT SERVICE IDENTIFIED IN THE PLAN.

6 (6) THE DEPARTMENT SHALL PROVIDE A COPY OF THE
7 OUTPATIENT TREATMENT PLAN TO THE COURT, THE PERSON, THE
8 ATTORNEY WHO REPRESENTED THE PERSON AT THE MOST RECENT
9 HEARING PURSUANT TO SECTION 6403, THE BOARD, THE DISTRICT
10 ATTORNEY, AND THE COUNTY SOLICITOR OR A DESIGNEE.

11 (D) PROHIBITION ON DISCHARGE.--THE COURT SHALL NOT ORDER
12 DISCHARGE FROM INVOLUNTARY TREATMENT UNTIL THE PERSON HAS
13 COMPLETED INVOLUNTARY OUTPATIENT TREATMENT PURSUANT TO SECTION
14 6404.2 (RELATING TO DURATION OF OUTPATIENT COMMITMENT AND
15 REVIEW).

16 SECTION 4. TITLE 42 IS AMENDED BY ADDING SECTIONS TO READ:
17 § 6404.1. TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT.

18 THE COURT MAY APPROVE OR DISAPPROVE AN OUTPATIENT TREATMENT
19 PLAN. UPON APPROVAL OF AN OUTPATIENT TREATMENT PLAN, THE COURT
20 SHALL ORDER TRANSFER OF THE PERSON TO INVOLUNTARY OUTPATIENT
21 TREATMENT PURSUANT TO SECTION 6404.2 (RELATING TO DURATION OF
22 OUTPATIENT COMMITMENT AND REVIEW).

23 § 6404.2. DURATION OF OUTPATIENT COMMITMENT AND REVIEW.

24 (A) TERMS AND CONDITIONS.--IF A COURT HAS ORDERED THE
25 TRANSFER OF THE PERSON TO INVOLUNTARY OUTPATIENT TREATMENT
26 PURSUANT TO SECTION 6404.1 (RELATING TO TRANSFER TO INVOLUNTARY
27 OUTPATIENT TREATMENT), THE COURT MAY IN ITS DISCRETION SPECIFY
28 THE TERMS AND CONDITIONS OF THE OUTPATIENT COMMITMENT,
29 INCLUDING, BUT NOT LIMITED TO:

30 (1) ABSOLUTE COMPLIANCE WITH THE OUTPATIENT TREATMENT

1 PLAN.

2 (2) RESTRICTIONS AND REQUIREMENTS REGARDING THE LOCATION
3 OF THE PERSON'S RESIDENCE AND THE TIMES THE PERSON MUST BE
4 PHYSICALLY PRESENT.

5 (3) RESTRICTIONS AND REQUIREMENTS REGARDING AREAS THE
6 PERSON IS NOT PERMITTED TO VISIT.

7 (4) RESTRICTIONS AND REQUIREMENTS REGARDING WHO THE
8 PERSON MAY CONTACT IN ANY MEDIUM.

9 (5) PERIODIC POLYGRAPH TESTS.

10 (B) DURATION.--THE COURT SHALL ORDER INVOLUNTARY OUTPATIENT
11 TREATMENT FOR A PERIOD OF ONE YEAR.

12 (C) STATUS REPORTS.--AN INVOLUNTARY OUTPATIENT TREATMENT
13 PROVIDER SHALL SUBMIT A REPORT ON THE PERSON'S STATUS AND
14 CLINICAL PROGRESS, ON A FORM PRESCRIBED BY THE DEPARTMENT, TO
15 THE FACILITY OPERATED BY THE DEPARTMENT PURSUANT TO SECTION
16 6406(A) (RELATING TO DUTY OF DEPARTMENT OF PUBLIC WELFARE), NOT
17 LESS THAN EVERY 30 DAYS.

18 (D) FAILURE TO COMPLY.--IF AN INVOLUNTARY OUTPATIENT
19 TREATMENT PROVIDER BECOMES AWARE THAT THE PERSON HAS VIOLATED
20 ANY PROVISION OF THE TREATMENT PLAN OR ANY TERM OR CONDITION
21 SPECIFIED PURSUANT TO SUBSECTION (A), OR THE PROVIDER CONCLUDES
22 THAT THE PERSON IS HAVING SERIOUS DIFFICULTY CONTROLLING
23 SEXUALLY VIOLENT BEHAVIOR IN AN OUTPATIENT SETTING DUE TO A
24 MENTAL ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE PERSON
25 LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, THE PROVIDER
26 SHALL IMMEDIATELY NOTIFY THE FACILITY OPERATED BY THE DEPARTMENT
27 PURSUANT TO SECTION 6406(A). THE FACILITY SHALL NOTIFY THE COURT
28 BY THE CLOSE OF THE NEXT BUSINESS DAY.

29 (E) REVOCATION OF TRANSFER.--UPON RECEIVING NOTICE PURSUANT
30 TO SUBSECTION (D) THAT THE PERSON HAS VIOLATED A MATERIAL TERM

1 OR CONDITION OF TRANSFER SPECIFIED PURSUANT TO SUBSECTION (A),
2 OR THAT THE PERSON IS HAVING SERIOUS DIFFICULTY CONTROLLING
3 SEXUALLY VIOLENT BEHAVIOR IN AN OUTPATIENT SETTING DUE TO A
4 MENTAL ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE PERSON
5 LIKELY TO ENGAGE IN AN ACT OF SEXUAL VIOLENCE, THE COURT SHALL
6 REVOKE THE TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT AND
7 ORDER THE IMMEDIATE RETURN TO INVOLUNTARY INPATIENT TREATMENT
8 WITHOUT A PRIOR HEARING. THE COURT MAY ISSUE A WARRANT REQUIRING
9 ANY LAW ENFORCEMENT OFFICER OR ANY PERSON AUTHORIZED BY THE
10 COURT TO TAKE THE PERSON INTO CUSTODY AND RETURN THE PERSON TO
11 INVOLUNTARY INPATIENT TREATMENT. THE PERSON MAY FILE A WRITTEN
12 REQUEST FOR A HEARING AFTER REVOCATION OF THE TRANSFER TO
13 INVOLUNTARY TREATMENT. THE COURT SHALL CONDUCT A HEARING
14 PURSUANT TO SECTION 6403(C) (RELATING TO COURT-ORDERED
15 INVOLUNTARY TREATMENT) WITHIN TEN DAYS OF FILING OF THE REQUEST.

16 (F) ANNUAL REVIEW AND DISCHARGE.--

17 (1) SIXTY DAYS PRIOR TO THE EXPIRATION OF THE ONE-YEAR
18 OUTPATIENT COMMITMENT PERIOD, THE DIRECTOR OF THE FACILITY OR
19 A DESIGNEE SHALL SUBMIT AN EVALUATION, AND THE BOARD SHALL
20 SUBMIT AN ASSESSMENT OF THE PERSON TO THE COURT.

21 (2) THE COURT SHALL SCHEDULE A REVIEW HEARING WHICH
22 SHALL BE CONDUCTED PURSUANT TO SECTION 6403(C) AND WHICH
23 SHALL BE HELD NO LATER THAN 30 DAYS AFTER RECEIPT OF BOTH THE
24 EVALUATION AND THE ASSESSMENT UNDER PARAGRAPH (1). NOTICE OF
25 THE REVIEW HEARING SHALL BE PROVIDED TO THE PERSON, THE
26 ATTORNEY WHO REPRESENTED THE PERSON AT THE PREVIOUS HEARING
27 HELD PURSUANT TO SECTION 6403, THE DISTRICT ATTORNEY AND THE
28 COUNTY SOLICITOR OR A DESIGNEE. THE PERSON AND THE PERSON'S
29 ATTORNEY SHALL ALSO BE PROVIDED WITH WRITTEN NOTICE ADVISING
30 THAT THE PERSON HAS THE RIGHT TO COUNSEL AND THAT, IF THE

1 PERSON CANNOT AFFORD ONE, COUNSEL SHALL BE APPOINTED FOR THE
2 PERSON. IF THE COURT DETERMINES BY CLEAR AND CONVINCING
3 EVIDENCE THAT THE PERSON HAS SERIOUS DIFFICULTY CONTROLLING
4 SEXUALLY VIOLENT BEHAVIOR DUE TO A MENTAL ABNORMALITY OR
5 PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY TO ENGAGE
6 IN AN ACT OF SEXUAL VIOLENCE, THE COURT SHALL ORDER AN
7 ADDITIONAL PERIOD OF INVOLUNTARY INPATIENT TREATMENT OF ONE
8 YEAR; OTHERWISE THE COURT SHALL ORDER THE DISCHARGE OF THE
9 PERSON. THE ORDER SHALL BE IN WRITING AND SHALL BE CONSISTENT
10 WITH THE PROTECTION OF THE PUBLIC SAFETY AND APPROPRIATE
11 CONTROL, CARE AND TREATMENT OF THE PERSON.

12 SECTION 5. SECTIONS 6406(A), 6409, 9718.1(A) INTRODUCTORY
13 PARAGRAPH AND (B) (2), 9718.2(A) AND (D) AND 9718.3(A) OF TITLE
14 42 ARE AMENDED TO READ:

15 § 6406. DUTY OF DEPARTMENT OF PUBLIC WELFARE.

16 (A) GENERAL RULE.--THE DEPARTMENT SHALL HAVE THE DUTY TO
17 PROVIDE A SEPARATE, SECURE STATE-OWNED FACILITY OR UNIT UTILIZED
18 SOLELY FOR THE CONTROL, CARE AND TREATMENT OF PERSONS COMMITTED
19 PURSUANT TO THIS CHAPTER. THE DEPARTMENT SHALL BE RESPONSIBLE
20 FOR ALL COSTS RELATING TO THE CONTROL, CARE AND TREATMENT OF
21 PERSONS COMMITTED TO [CUSTODY] INVOLUNTARY TREATMENT PURSUANT TO
22 THIS CHAPTER.

23 * * *

24 § 6409. IMMUNITY FOR GOOD FAITH CONDUCT.

25 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
26 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

- 27 (1) MEMBERS OF THE BOARD AND ITS AGENTS AND EMPLOYEES.
28 (2) THE DEPARTMENT AND ITS AGENTS AND EMPLOYEES.
29 (3) COUNTY PROBATION DEPARTMENTS AND THEIR AGENTS AND
30 EMPLOYEES.

1 (4) PROVIDERS OF INVOLUNTARY OUTPATIENT TREATMENT AND
2 THEIR AGENTS AND EMPLOYEES.

3 § 9718.1. SEXUAL OFFENDER TREATMENT.

4 (A) GENERAL RULE.--A PERSON, INCLUDING AN OFFENDER
5 DESIGNATED AS A "SEXUALLY VIOLENT PREDATOR" AS DEFINED IN
6 SECTION [9792] 9799.12 (RELATING TO DEFINITIONS), SHALL ATTEND
7 AND PARTICIPATE IN A DEPARTMENT OF CORRECTIONS PROGRAM OF
8 COUNSELING OR THERAPY DESIGNED FOR INCARCERATED SEX OFFENDERS IF
9 THE PERSON IS INCARCERATED IN A STATE INSTITUTION FOR ANY OF THE
10 FOLLOWING PROVISIONS UNDER 18 PA.C.S. (RELATING TO CRIMES AND
11 OFFENSES):

12 * * *

13 (B) ELIGIBILITY FOR PAROLE.--FOR AN OFFENDER REQUIRED TO
14 PARTICIPATE IN THE PROGRAM UNDER SUBSECTION (A), ALL OF THE
15 FOLLOWING APPLY:

16 * * *

17 (2) NOTWITHSTANDING PARAGRAPH (1) (III), AN OFFENDER WHO
18 IS A SEXUALLY VIOLENT PREDATOR IS SUBJECT TO SECTION [9799.4]
19 9799.36 (RELATING TO COUNSELING OF SEXUALLY VIOLENT
20 PREDATORS).

21 * * *

22 § 9718.2. SENTENCES FOR [SEX] SEXUAL OFFENDERS.

23 (A) MANDATORY SENTENCE.--

24 (1) ANY PERSON WHO IS CONVICTED IN ANY COURT OF THIS
25 COMMONWEALTH OF AN OFFENSE SET FORTH IN SECTION [9795.1(A) OR
26 (B) (RELATING TO REGISTRATION)] 9799.14 (RELATING TO SEXUAL
27 OFFENSES AND TIER SYSTEM) SHALL, IF AT THE TIME OF THE
28 COMMISSION OF THE CURRENT OFFENSE THE PERSON HAD PREVIOUSLY
29 BEEN CONVICTED OF AN OFFENSE SET FORTH IN SECTION [9795.1(A)
30 OR (B)] 9799.14 OR AN EQUIVALENT CRIME UNDER THE LAWS OF THIS

1 COMMONWEALTH IN EFFECT AT THE TIME OF THE COMMISSION OF THAT
2 OFFENSE OR AN EQUIVALENT CRIME IN ANOTHER JURISDICTION, BE
3 SENTENCED TO A MINIMUM SENTENCE OF AT LEAST 25 YEARS OF TOTAL
4 CONFINEMENT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS
5 TITLE OR OTHER STATUTE TO THE CONTRARY. UPON SUCH CONVICTION,
6 THE COURT SHALL GIVE THE PERSON ORAL AND WRITTEN NOTICE OF
7 THE PENALTIES UNDER PARAGRAPH (2) FOR A THIRD CONVICTION.
8 FAILURE TO PROVIDE SUCH NOTICE SHALL NOT RENDER THE OFFENDER
9 INELIGIBLE TO BE SENTENCED UNDER PARAGRAPH (2).

10 (2) WHERE THE PERSON HAD AT THE TIME OF THE COMMISSION
11 OF THE CURRENT OFFENSE PREVIOUSLY BEEN CONVICTED OF TWO OR
12 MORE OFFENSES ARISING FROM SEPARATE CRIMINAL TRANSACTIONS SET
13 FORTH IN SECTION [9795.1(A) OR (B)] 9799.14 OR EQUIVALENT
14 CRIMES UNDER THE LAWS OF THIS COMMONWEALTH IN EFFECT AT THE
15 TIME OF THE COMMISSION OF THE OFFENSE OR EQUIVALENT CRIMES IN
16 ANOTHER JURISDICTION, THE PERSON SHALL BE SENTENCED TO A TERM
17 OF LIFE IMPRISONMENT, NOTWITHSTANDING ANY OTHER PROVISION OF
18 THIS TITLE OR OTHER STATUTE TO THE CONTRARY. PROOF THAT THE
19 OFFENDER RECEIVED NOTICE OF OR OTHERWISE KNEW OR SHOULD HAVE
20 KNOWN OF THE PENALTIES UNDER THIS PARAGRAPH SHALL NOT BE
21 REQUIRED.

22 * * *

23 (D) AUTHORITY OF COURT IN SENTENCING.--[NOTICE OF THE
24 APPLICATION OF THIS SECTION SHALL BE PROVIDED TO THE DEFENDANT
25 BEFORE TRIAL. IF THE NOTICE IS GIVEN, THERE] THERE SHALL BE NO
26 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS
27 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN
28 SUBSECTIONS (A) AND (B) OR TO PLACE THE OFFENDER ON PROBATION OR
29 TO SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE
30 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT

1 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY
2 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
3 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

4 * * *

5 § 9718.3. SENTENCE FOR FAILURE TO COMPLY WITH REGISTRATION OF
6 SEXUAL OFFENDERS.

7 (A) MANDATORY SENTENCE.--MANDATORY SENTENCING SHALL BE AS
8 FOLLOWS:

9 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL
10 BE AS FOLLOWS:

11 (I) NOT LESS THAN TWO YEARS FOR AN INDIVIDUAL WHO:

12 (A) WAS SUBJECT TO SECTION 9795.1(A) (RELATING
13 TO REGISTRATION) OR A SIMILAR PROVISION FROM ANOTHER
14 JURISDICTION OR FORMER SECTION 9793 (RELATING TO
15 REGISTRATION OF CERTAIN OFFENDERS FOR TEN YEARS); AND

16 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2)
17 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF
18 SEXUAL OFFENDERS REQUIREMENTS).

19 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
20 WHO:

21 (A) WAS SUBJECT TO SECTION 9795.1(A) OR A
22 SIMILAR PROVISION FROM ANOTHER JURISDICTION OR FORMER
23 SECTION 9793; AND

24 (B) VIOLATED 18 PA.C.S. § 4915(A) (3).

25 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL
26 WHO:

27 (A) WAS SUBJECT TO SECTION 9795.1(B) OR A
28 SIMILAR PROVISION FROM ANOTHER JURISDICTION; AND

29 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2).

30 (IV) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

1 (A) WAS SUBJECT TO SECTION 9795.1(B) OR A
2 SIMILAR PROVISION FROM ANOTHER JURISDICTION; AND

3 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

4 (2) SENTENCING UPON CONVICTION FOR A SECOND OR
5 SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:

6 (I) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

7 (A) WAS SUBJECT TO SECTION 9795.1 OR A SIMILAR
8 PROVISION FROM ANOTHER JURISDICTION OR FORMER SECTION
9 9793; AND

10 (B) VIOLATED 18 PA.C.S. § 4915(A)(1) OR (2).

11 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL
12 WHO:

13 (A) WAS SUBJECT TO SECTION 9795.1 OR A SIMILAR
14 PROVISION FROM ANOTHER JURISDICTION OR FORMER SECTION
15 9793; AND

16 (B) VIOLATED 18 PA.C.S. § 4915(A)(3).

17 * * *

18 SECTION 6. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
19 § 9718.4. 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) IS SUBJECT TO SECTION 9799.13 (RELATING TO
27 APPLICABILITY) AND MUST REGISTER FOR A PERIOD OF 15
28 YEARS UNDER SECTION 9799.15 (RELATING TO PERIOD OF
29 REGISTRATION) OR A SIMILAR PROVISION FROM ANOTHER
30 JURISDICTION; AND

1 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2)
2 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF
3 SEXUAL OFFENDERS REQUIREMENTS).

4 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

5 WHO:

6 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
7 REGISTER FOR A PERIOD OF 15 YEARS UNDER SECTION
8 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
9 JURISDICTION; AND

10 (B) VIOLATED 18 PA.C.S. § 4915(A) (3).

11 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

12 WHO:

13 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
14 REGISTER FOR A PERIOD OF 25 YEARS OR LIFE UNDER
15 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
16 JURISDICTION; AND

17 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2).

18 (IV) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

19 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
20 REGISTER FOR A PERIOD OF 25 YEARS OR LIFE UNDER
21 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
22 JURISDICTION; AND

23 (B) VIOLATED 18 PA.C.S. § 4915(A) (3).

24 (2) SENTENCING UPON CONVICTION FOR A SECOND OR
25 SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:

26 (I) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

27 (A) IS SUBJECT TO SECTION 9799.13 AND MUST
28 REGISTER FOR A PERIOD OF 15 OR 25 YEARS OR LIFE UNDER
29 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER
30 JURISDICTION; AND

1 (B) VIOLATED 18 PA.C.S. § 4915(A) (1) OR (2).

2 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL

3 WHO:

4 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

5 REGISTER FOR A PERIOD OF 15 OR 25 YEARS OR LIFE UNDER

6 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

7 JURISDICTION; AND

8 (B) VIOLATED 18 PA.C.S. § 4915(A) (3).

9 (A.1) TRANSIENTS AND MANDATORY SENTENCE.--MANDATORY

10 SENTENCING SHALL BE AS FOLLOWS:

11 (1) SENTENCING UPON CONVICTION FOR A FIRST OFFENSE SHALL

12 BE AS FOLLOWS:

13 (I) NOT LESS THAN TWO YEARS FOR AN INDIVIDUAL WHO:

14 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

15 REGISTER FOR A PERIOD OF 15 YEARS UNDER SECTION

16 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

17 JURISDICTION AND IS A TRANSIENT; AND

18 (B) VIOLATED 18 PA.C.S. § 4915(A.1) (1) OR (2).

19 (II) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

20 WHO:

21 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

22 REGISTER FOR A PERIOD OF 15 YEARS UNDER SECTION

23 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

24 JURISDICTION AND IS TRANSIENT; AND

25 (B) VIOLATED 18 PA.C.S. § 4915(A.1) (3).

26 (III) NOT LESS THAN THREE YEARS FOR AN INDIVIDUAL

27 WHO:

28 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

29 REGISTER FOR A PERIOD OF 25 YEARS OR LIFE UNDER

30 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

1 JURISDICTION AND IS TRANSIENT; AND

2 (B) VIOLATED 18 PA.C.S. § 4915(A.1) (1) OR (2).

3 (IV) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

4 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

5 REGISTER FOR A PERIOD OF 25 YEARS OR LIFE UNDER

6 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

7 JURISDICTION AND IS A TRANSIENT; AND

8 (B) VIOLATED 18 PA.C.S. § 4915(A.1) (3).

9 (2) SENTENCING UPON CONVICTION FOR A SECOND OR

10 SUBSEQUENT OFFENSE SHALL BE AS FOLLOWS:

11 (I) NOT LESS THAN FIVE YEARS FOR AN INDIVIDUAL WHO:

12 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

13 REGISTER FOR A PERIOD OF 15 OR 25 YEARS OR LIFE UNDER

14 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

15 JURISDICTION AND IS TRANSIENT; AND

16 (B) VIOLATED 18 PA.C.S. § 4915(A.1) (1) OR (2).

17 (II) NOT LESS THAN SEVEN YEARS FOR AN INDIVIDUAL

18 WHO:

19 (A) IS SUBJECT TO SECTION 9799.13 AND MUST

20 REGISTER FOR A PERIOD OF 15 OR 25 YEARS OR LIFE UNDER

21 SECTION 9799.15 OR A SIMILAR PROVISION FROM ANOTHER

22 JURISDICTION AND IS A TRANSIENT; AND

23 (B) VIOLATED 18 PA.C.S. § 4915(A.1) (3).

24 (B) PROOF AT SENTENCING.--THE PROVISIONS OF THIS SECTION

25 SHALL NOT BE AN ELEMENT OF THE CRIME, AND NOTICE THEREOF TO THE

26 DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT

27 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED

28 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND BEFORE

29 SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE

30 DETERMINED AT SENTENCING. THE COURT SHALL CONSIDER ANY EVIDENCE

1 PRESENTED AT TRIAL AND SHALL AFFORD THE COMMONWEALTH AND THE
2 DEFENDANT AN OPPORTUNITY TO PRESENT ANY NECESSARY ADDITIONAL
3 EVIDENCE AND SHALL DETERMINE, BY A PREPONDERANCE OF THE
4 EVIDENCE, IF THIS SECTION IS APPLICABLE.

5 (C) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO
6 AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS
7 SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN
8 SUBSECTION (A) OR TO PLACE SUCH OFFENDER ON PROBATION OR TO
9 SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE
10 SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT
11 PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY
12 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE
13 THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

14 (D) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES
15 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL
16 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE
17 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE
18 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A
19 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE
20 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

21 SECTION 7. SECTION 9791 OF TITLE 42 IS AMENDED TO READ:

22 § 9791. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY.

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

25 (1) IF THE PUBLIC IS PROVIDED ADEQUATE NOTICE AND
26 INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AND CERTAIN
27 OTHER OFFENDERS, INCLUDING THOSE SEXUALLY VIOLENT PREDATORS
28 AND OFFENDERS WHO DO NOT HAVE A FIXED PLACE OF HABITATION OR
29 ABODE, THE COMMUNITY CAN DEVELOP CONSTRUCTIVE PLANS TO
30 PREPARE THEMSELVES AND THEIR CHILDREN FOR THE OFFENDER'S

1 RELEASE. THIS ALLOWS COMMUNITIES TO MEET WITH LAW ENFORCEMENT
2 TO PREPARE AND OBTAIN INFORMATION ABOUT THE RIGHTS AND
3 RESPONSIBILITIES OF THE COMMUNITY AND TO PROVIDE EDUCATION
4 AND COUNSELING TO THEIR CHILDREN.

5 (2) THESE SEXUALLY VIOLENT PREDATORS POSE A HIGH RISK OF
6 ENGAGING IN FURTHER OFFENSES EVEN AFTER BEING RELEASED FROM
7 INCARCERATION OR COMMITMENTS AND THAT PROTECTION OF THE
8 PUBLIC FROM THIS TYPE OF OFFENDER IS A PARAMOUNT GOVERNMENTAL
9 INTEREST.

10 (3) THE PENAL AND MENTAL HEALTH COMPONENTS OF OUR
11 JUSTICE SYSTEM ARE LARGELY HIDDEN FROM PUBLIC VIEW AND LACK
12 OF INFORMATION FROM EITHER MAY RESULT IN FAILURE OF BOTH
13 SYSTEMS TO MEET THIS PARAMOUNT CONCERN OF PUBLIC SAFETY.

14 (4) OVERLY RESTRICTIVE CONFIDENTIALITY AND LIABILITY
15 LAWS GOVERNING THE RELEASE OF INFORMATION ABOUT SEXUALLY
16 VIOLENT PREDATORS HAVE REDUCED THE WILLINGNESS TO RELEASE
17 INFORMATION THAT COULD BE APPROPRIATELY RELEASED UNDER THE
18 PUBLIC DISCLOSURE LAWS AND HAVE INCREASED RISKS TO PUBLIC
19 SAFETY.

20 (5) PERSONS FOUND TO HAVE COMMITTED SUCH AN OFFENSE HAVE
21 A REDUCED EXPECTATION OF PRIVACY BECAUSE OF THE PUBLIC'S
22 INTEREST IN PUBLIC SAFETY AND IN THE EFFECTIVE OPERATION OF
23 GOVERNMENT.

24 (6) RELEASE OF INFORMATION ABOUT SEXUALLY VIOLENT
25 PREDATORS TO PUBLIC AGENCIES AND THE GENERAL PUBLIC WILL
26 FURTHER THE GOVERNMENTAL INTERESTS OF PUBLIC SAFETY AND
27 PUBLIC SCRUTINY OF THE CRIMINAL AND MENTAL HEALTH SYSTEMS SO
28 LONG AS THE INFORMATION RELEASED IS RATIONALLY RELATED TO THE
29 FURTHERANCE OF THOSE GOALS.

30 [(B) DECLARATION OF POLICY.--IT IS HEREBY DECLARED TO BE THE

1 INTENTION OF THE GENERAL ASSEMBLY TO PROTECT THE SAFETY AND
2 GENERAL WELFARE OF THE PEOPLE OF THIS COMMONWEALTH BY PROVIDING
3 FOR REGISTRATION AND COMMUNITY NOTIFICATION REGARDING SEXUALLY
4 VIOLENT PREDATORS WHO ARE ABOUT TO BE RELEASED FROM CUSTODY AND
5 WILL LIVE IN OR NEAR THEIR NEIGHBORHOOD. IT IS FURTHER DECLARED
6 TO BE THE POLICY OF THIS COMMONWEALTH TO REQUIRE THE EXCHANGE OF
7 RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AMONG
8 PUBLIC AGENCIES AND OFFICIALS AND TO AUTHORIZE THE RELEASE OF
9 NECESSARY AND RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT
10 PREDATORS TO MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF
11 ASSURING PUBLIC PROTECTION AND SHALL NOT BE CONSTRUED AS
12 PUNITIVE.]

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

15 (1) PROTECT THE SAFETY AND GENERAL WELFARE OF THE PEOPLE
16 OF THIS COMMONWEALTH BY PROVIDING FOR REGISTRATION AND
17 COMMUNITY NOTIFICATION REGARDING SEXUALLY VIOLENT PREDATORS
18 WHO ARE ABOUT TO BE RELEASED FROM CUSTODY AND WILL LIVE IN OR
19 NEAR THEIR NEIGHBORHOOD.

20 (2) REQUIRE THE EXCHANGE OF RELEVANT INFORMATION ABOUT
21 SEXUALLY VIOLENT PREDATORS AMONG PUBLIC AGENCIES AND
22 OFFICIALS AND TO AUTHORIZE THE RELEASE OF NECESSARY AND
23 RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS TO
24 MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF ASSURING PUBLIC
25 PROTECTION AND SHALL NOT BE CONSTRUED AS PUNITIVE.

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

1 SECTION 8. THE DEFINITIONS OF "PASSIVE NOTIFICATION" AND
2 "RESIDENCE" IN SECTION 9792 OF TITLE 42 ARE AMENDED TO READ:
3 § 9792. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
5 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 * * *

8 "PASSIVE NOTIFICATION." NOTIFICATION PURSUANT TO SECTION
9 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON THE INTERNET
10 AND ELECTRONIC NOTIFICATION) OR ANY PROCESS WHEREBY PERSONS,
11 PURSUANT TO THE LAWS OF THE UNITED STATES OR ONE OF ITS
12 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
13 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION,
14 ARE ABLE TO ACCESS INFORMATION PERTAINING TO AN INDIVIDUAL AS A
15 RESULT OF THE INDIVIDUAL HAVING BEEN CONVICTED OR SENTENCED BY A
16 COURT FOR AN OFFENSE SIMILAR TO AN OFFENSE LISTED IN SECTION
17 9795.1 (RELATING TO REGISTRATION).

18 * * *

19 "RESIDENCE." [A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
20 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS OR
21 MORE DURING A CALENDAR YEAR.] WITH RESPECT TO AN INDIVIDUAL
22 REQUIRED TO REGISTER UNDER THIS SUBCHAPTER, ANY OF THE
23 FOLLOWING:

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

27 (2) IN THE CASE OF AN INDIVIDUAL WHO FAILS TO ESTABLISH
28 A RESIDENCE AS SET FORTH IN PARAGRAPH (1), A TEMPORARY
29 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
30 INCLUDING A HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS

1 LODGED.

2 * * *

3 SECTION 9. SECTIONS 9795.1(A) AND (B), 9795.2(A)(2)(I), (B)
4 (4) INTRODUCTORY PARAGRAPH AND (I) AND (5) INTRODUCTORY
5 PARAGRAPH AND (C)(1) AND (3), 9795.3(2), (2.1) AND (3) AND
6 9795.5(A)(1) OF TITLE 42 ARE AMENDED TO READ:

7 § 9795.1. REGISTRATION.

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

11 (1) INDIVIDUALS CONVICTED OF ANY OF THE FOLLOWING
12 OFFENSES:

13 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING) WHERE THE
14 VICTIM IS A MINOR.

15 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD INTO A
16 MOTOR VEHICLE OR STRUCTURE).

17 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
18 ASSAULT).

19 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT)
20 WHERE THE OFFENSE IS GRADED AS A MISDEMEANOR OF THE FIRST
21 DEGREE OR HIGHER.

22 18 PA.C.S. § 4302 (RELATING TO INCEST) WHERE THE
23 VICTIM IS 12 YEARS OF AGE OR OLDER BUT UNDER 18 YEARS OF
24 AGE.

25 18 PA.C.S. § 5902(B) (RELATING TO PROSTITUTION AND
26 RELATED OFFENSES) WHERE THE ACTOR PROMOTES THE
27 PROSTITUTION OF A MINOR.

28 18 PA.C.S. § 5903(A)(3), (4), (5) OR (6) (RELATING TO
29 OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES)
30 WHERE THE VICTIM IS A MINOR.

1 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF
2 CHILDREN) .

3 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
4 MINOR) .

5 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF
6 CHILDREN) .

7 (2) INDIVIDUALS CONVICTED OF AN ATTEMPT, CONSPIRACY OR
8 SOLICITATION TO COMMIT ANY OF THE OFFENSES UNDER PARAGRAPH
9 (1) OR SUBSECTION (B) (2) .

10 (3) INDIVIDUALS [CURRENTLY RESIDING] WHO CURRENTLY HAVE
11 A RESIDENCE IN THIS COMMONWEALTH WHO HAVE BEEN CONVICTED OF
12 OFFENSES SIMILAR TO THE CRIMES CITED IN PARAGRAPHS (1) AND
13 (2) UNDER THE LAWS OF THE UNITED STATES OR ONE OF ITS
14 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
15 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION
16 OR UNDER A FORMER LAW OF THIS COMMONWEALTH.

17 (B) LIFETIME REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL
18 BE SUBJECT TO LIFETIME REGISTRATION:

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

21 [(2) INDIVIDUALS CONVICTED OF ANY OF THE FOLLOWING
22 OFFENSES:

23 18 PA.C.S. § 3121 (RELATING TO RAPE) .

24 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
25 SEXUAL INTERCOURSE) .

26 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT) .

27 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
28 ASSAULT) .

29 18 PA.C.S. § 4302 (RELATING TO INCEST) WHEN THE
30 VICTIM IS UNDER 12 YEARS OF AGE.

1 (3) SEXUALLY VIOLENT PREDATORS.

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

8 (2) INDIVIDUALS CONVICTED:

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

10 18 PA.C.S. § 3121 (RELATING TO RAPE).

11 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
12 SEXUAL INTERCOURSE).

13 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

14 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
15 ASSAULT).

16 18 PA.C.S. § 4302 (RELATING TO INCEST) WHEN THE
17 VICTIM IS UNDER 12 YEARS OF AGE.

18 (II) OF OFFENSES SIMILAR TO THE CRIMES CITED IN
19 PARAGRAPH (2) (I) UNDER THE LAWS OF THE UNITED STATES OR
20 ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
21 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR
22 A FOREIGN NATION OR UNDER A FORMER LAW OF THIS
23 COMMONWEALTH WHO CURRENTLY RESIDE IN THIS COMMONWEALTH.

24 (3) SEXUALLY VIOLENT PREDATORS.

25 * * *

26 § 9795.2. REGISTRATION PROCEDURES AND APPLICABILITY.

27 (A) REGISTRATION.--

28 * * *

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

1 (I) ANY CHANGE OF RESIDENCE OR ESTABLISHMENT OF AN
2 ADDITIONAL RESIDENCE OR RESIDENCES. IN THE CASE OF AN
3 INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH
4 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION
5 9792 (RELATING TO DEFINITIONS), THE INDIVIDUAL SHALL
6 INFORM THE PENNSYLVANIA STATE POLICE OF THE FOLLOWING:

7 (A) THE LOCATION OF A TEMPORARY HABITAT OR OTHER
8 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
9 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS
10 LODGED;

11 (B) A LIST OF PLACES THE INDIVIDUAL EATS,
12 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES AND ANY
13 PLANNED DESTINATIONS, INCLUDING THOSE OUTSIDE THIS
14 COMMONWEALTH; AND

15 (C) THE PLACE THE INDIVIDUAL RECEIVES MAIL,
16 INCLUDING A POST OFFICE BOX.

17 THE DUTY TO PROVIDE THE INFORMATION SET FORTH IN THIS
18 SUBPARAGRAPH SHALL APPLY UNTIL THE INDIVIDUAL ESTABLISHES
19 A RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION
20 OF "RESIDENCE" SET FORTH IN SECTION 9792. IF THE
21 INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH
22 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION
23 9792 CHANGES OR ADDS TO THE PLACES LISTED IN THIS
24 SUBPARAGRAPH DURING A 30-DAY PERIOD, THE INDIVIDUAL SHALL
25 LIST THESE WHEN RE-REGISTERING DURING THE NEXT 30-DAY
26 PERIOD.

27 * * *

28 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR
29 ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS
30 COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

1 (4) AN INDIVIDUAL WHO [RESIDES] HAS A RESIDENCE, IS
2 EMPLOYED OR IS A STUDENT IN THIS COMMONWEALTH AND WHO HAS
3 BEEN CONVICTED OF OR SENTENCED BY A COURT OR COURT MARTIALED
4 FOR A SEXUALLY VIOLENT OFFENSE OR A SIMILAR OFFENSE UNDER THE
5 LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR
6 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
7 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION, OR WHO WAS
8 REQUIRED TO REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE
9 JURISDICTION WHERE CONVICTED, SENTENCED OR COURT MARTIALED,
10 SHALL REGISTER AT AN APPROVED REGISTRATION SITE WITHIN 48
11 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE
12 PROVISIONS OF THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL
13 AS FOLLOWS:

14 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A
15 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9792
16 (RELATING TO DEFINITIONS) OR DETERMINED UNDER THE LAWS OF
17 THE OTHER JURISDICTION OR BY REASON OF COURT MARTIAL TO
18 BE SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME
19 REGISTRATION ON THE BASIS OF A STATUTORILY AUTHORIZED
20 ADMINISTRATIVE OR JUDICIAL DECISION OR ON THE BASIS OF A
21 STATUTE OR ADMINISTRATIVE RULE REQUIRING ACTIVE
22 NOTIFICATION AND LIFETIME REGISTRATION BASED SOLELY ON
23 THE OFFENSE FOR WHICH THE INDIVIDUAL WAS CONVICTED,
24 SENTENCED OR COURT MARTIALED, THE INDIVIDUAL SHALL,
25 NOTWITHSTANDING SECTION 9792, BE CONSIDERED A SEXUALLY
26 VIOLENT PREDATOR AND SUBJECT TO LIFETIME REGISTRATION
27 PURSUANT TO SECTION 9795.1(B) (RELATING TO REGISTRATION).
28 THE INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF
29 THIS SECTION AND SECTIONS 9796 (RELATING TO VERIFICATION
30 OF RESIDENCE), 9798 (RELATING TO OTHER NOTIFICATION) AND

1 9798.1(C)(1) (RELATING TO INFORMATION MADE AVAILABLE ON
2 THE INTERNET AND ELECTRONIC NOTIFICATION), EXCEPT THAT
3 THE INDIVIDUAL SHALL NOT BE REQUIRED TO RECEIVE
4 COUNSELING UNLESS REQUIRED TO DO SO BY THE OTHER
5 JURISDICTION OR BY REASON OF COURT MARTIAL.

6 * * *

7 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
8 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN
9 PARAGRAPH (4), AN INDIVIDUAL WHO [RESIDES] HAS A RESIDENCE,
10 IS EMPLOYED OR IS A STUDENT IN THIS COMMONWEALTH AND WHO IS
11 REQUIRED TO REGISTER AS A SEX OFFENDER UNDER THE LAWS OF THE
12 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
13 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
14 PUERTO RICO OR A FOREIGN NATION AS A RESULT OF A JUVENILE
15 ADJUDICATION SHALL REGISTER AT AN APPROVED REGISTRATION SITE
16 WITHIN 48 HOURS OF THE INDIVIDUAL'S ARRIVAL IN THIS
17 COMMONWEALTH. THE PROVISIONS OF THIS SUBCHAPTER SHALL APPLY
18 TO THE INDIVIDUAL AS FOLLOWS:

19 * * *

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,] ESTABLISH A RESIDENCE OR
27 BE EMPLOYED OR ENROLLED AS A STUDENT. IN ADDITION, THE
28 PENNSYLVANIA STATE POLICE SHALL PROVIDE THIS OFFICER WITH THE
29 ADDRESS AT WHICH THE INDIVIDUAL WILL [RESIDE,] ESTABLISH A
30 RESIDENCE OR BE EMPLOYED OR ENROLLED AS A STUDENT FOLLOWING

1 HIS RELEASE FROM INCARCERATION, PAROLE OR PROBATION.

2 * * *

3 (3) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE
4 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
5 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED PURSUANT TO
6 PARAGRAPH (1) WHEN THEY ARE IN RECEIPT OF INFORMATION
7 INDICATING THAT THE INDIVIDUAL WILL NO LONGER [RESIDE] HAVE A
8 RESIDENCE, BE EMPLOYED OR BE ENROLLED AS A STUDENT IN THE
9 MUNICIPALITY.

10 * * *

11 § 9795.3. SENTENCING COURT INFORMATION.

12 THE SENTENCING COURT SHALL INFORM OFFENDERS AND SEXUALLY
13 VIOLENT PREDATORS AT THE TIME OF SENTENCING OF THE PROVISIONS OF
14 THIS SUBCHAPTER. THE COURT SHALL:

15 * * *

16 (2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
17 PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE POLICE
18 WITHIN [TEN DAYS] 48 HOURS IF THE OFFENDER OR SEXUALLY
19 VIOLENT PREDATOR CHANGES RESIDENCE OR ESTABLISHES AN
20 ADDITIONAL RESIDENCE OR RESIDENCES, CHANGES EMPLOYER OR
21 EMPLOYMENT LOCATION FOR A PERIOD OF TIME THAT WILL EXCEED 14
22 DAYS OR FOR AN AGGREGATE PERIOD OF TIME THAT WILL EXCEED 30
23 DAYS DURING ANY CALENDAR YEAR OR TERMINATES EMPLOYMENT OR
24 CHANGES INSTITUTION OR LOCATION AT WHICH THE PERSON IS
25 ENROLLED AS A STUDENT OR TERMINATES ENROLLMENT. IN ORDER TO
26 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE SENTENCING
27 COURT SHALL SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
28 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
29 POLICE OF:

30 (I) THE LOCATION OF A TEMPORARY HABITAT OR OTHER

1 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
2 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS LODGED;

3 (II) THE PLACES THE INDIVIDUAL EATS, FREQUENTS AND
4 ENGAGES IN LEISURE ACTIVITIES AND ANY PLANNED
5 DESTINATIONS, INCLUDING THOSE OUTSIDE THIS COMMONWEALTH;
6 AND

7 (III) THE PLACE THE INDIVIDUAL RECEIVES MAIL,
8 INCLUDING A POST OFFICE BOX,
9 IF THE INDIVIDUAL FAILS TO ESTABLISH A RESIDENCE AS DEFINED
10 IN PARAGRAPH (1) OF THE DEFINITION OF "RESIDENCE" SET FORTH
11 IN SECTION 9792.

12 (2.1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
13 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
14 POLICE WITHIN [TEN DAYS] 48 HOURS OF BECOMING EMPLOYED OR
15 ENROLLED AS A STUDENT IF THE PERSON HAS NOT PREVIOUSLY
16 PROVIDED THAT INFORMATION TO THE PENNSYLVANIA STATE POLICE.

17 (3) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
18 PREDATOR OF THE DUTY TO REGISTER WITH A NEW LAW ENFORCEMENT
19 AGENCY IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR MOVES TO
20 ANOTHER STATE NO LATER THAN [TEN DAYS] 48 HOURS AFTER
21 ESTABLISHING RESIDENCE IN ANOTHER STATE.

22 * * *

23 § 9795.5. EXEMPTION FROM CERTAIN NOTIFICATIONS.

24 (A) LIFETIME REGISTRANTS NOT CLASSIFIED AS SEXUALLY VIOLENT
25 PREDATORS.--

26 (1) AN INDIVIDUAL REQUIRED TO REGISTER UNDER SECTION
27 9795.1 (RELATING TO REGISTRATION) WHO IS NOT A SEXUALLY
28 VIOLENT PREDATOR MAY PETITION THE SENTENCING COURT TO BE
29 EXEMPT FROM THE APPLICATION OF SECTION 9798.1 (RELATING TO
30 INFORMATION MADE AVAILABLE ON THE INTERNET AND ELECTRONIC

1 NOTIFICATION) PROVIDED NO LESS THAN 20 YEARS HAVE PASSED
2 SINCE THE INDIVIDUAL HAS BEEN CONVICTED IN THIS OR ANY OTHER
3 JURISDICTION OF ANY OFFENSE PUNISHABLE BY IMPRISONMENT FOR
4 MORE THAN ONE YEAR, OR THE INDIVIDUAL'S RELEASE FROM CUSTODY
5 FOLLOWING THE INDIVIDUAL'S MOST RECENT CONVICTION FOR ANY
6 SUCH OFFENSE, WHICHEVER IS LATER.

7 * * *

8 SECTION 10. SECTION 9796(D) AND (F) OF TITLE 42 ARE AMENDED
9 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:
10 § 9796. VERIFICATION OF RESIDENCE.

11 * * *

12 (B.2) MONTHLY VERIFICATION BY INDIVIDUALS WITH TEMPORARY
13 HABITATS LOCATED WITHIN THIS COMMONWEALTH.--THE PENNSYLVANIA
14 STATE POLICE SHALL VERIFY THE RESIDENCE OF INDIVIDUALS REQUIRED
15 TO REGISTER UNDER THIS SUBCHAPTER WHO HAVE A RESIDENCE AS
16 DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" SET
17 FORTH IN SECTION 9792 (RELATING TO DEFINITIONS) EVERY 30 DAYS
18 THROUGH THE USE OF A NONFORWARDABLE VERIFICATION FORM TO THE
19 LAST REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL. THE
20 INDIVIDUAL SHALL APPEAR EVERY 30 DAYS AT AN APPROVED
21 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE
22 PHOTOGRAPHED. THE INDIVIDUAL SHALL APPEAR WITHIN 48 HOURS OF THE
23 DATE DESIGNATED BY THE PENNSYLVANIA STATE POLICE.

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

27 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
28 TO AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS SUBCHAPTER
29 WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
30 DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792 AT THE

1 LAST REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL.
2 THIS NOTICE SHALL BE SENT NOT MORE THAN TEN DAYS NOR LESS
3 THAN FIVE DAYS PRIOR TO EACH OF THE MONTHLY VERIFICATION
4 PERIODS AND SHALL REMIND THE INDIVIDUAL OF THE MONTHLY
5 VERIFICATION REQUIREMENT AND PROVIDE A LIST OF APPROVED
6 REGISTRATION SITES; AND

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

9 * * *

10 (D) FAILURE TO PROVIDE VERIFICATION.--WHERE AN OFFENDER OR
11 SEXUALLY VIOLENT PREDATOR FAILS TO PROVIDE VERIFICATION OF
12 RESIDENCE DEFINED IN PARAGRAPH (1) OF THE DEFINITION OF
13 "RESIDENCE" SET FORTH IN SECTION 9792 WITHIN THE TEN-DAY PERIOD
14 OR THE 48-HOUR PERIOD IN THE CASE OF AN OFFENDER OR SEXUALLY
15 VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2)
16 OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792, AS
17 SET FORTH IN THIS SECTION, THE PENNSYLVANIA STATE POLICE SHALL
18 IMMEDIATELY NOTIFY THE MUNICIPAL POLICE DEPARTMENT OF THE
19 OFFENDER'S OR THE SEXUALLY VIOLENT PREDATOR'S LAST VERIFIED
20 RESIDENCE. THE LOCAL MUNICIPAL POLICE SHALL LOCATE THE OFFENDER
21 OR SEXUALLY VIOLENT PREDATOR AND ARREST HIM FOR VIOLATING THIS
22 SECTION. THE PENNSYLVANIA STATE POLICE SHALL ASSUME
23 RESPONSIBILITY FOR LOCATING THE OFFENDER OR SEXUALLY VIOLENT
24 PREDATOR AND ARRESTING HIM IN JURISDICTIONS WHERE NO MUNICIPAL
25 POLICE JURISDICTION EXISTS. THE PENNSYLVANIA STATE POLICE SHALL
26 ASSIST ANY MUNICIPAL POLICE DEPARTMENT REQUESTING ASSISTANCE
27 WITH LOCATING AND ARRESTING AN OFFENDER OR SEXUALLY VIOLENT
28 PREDATOR WHO FAILS TO VERIFY HIS RESIDENCE.

29 * * *

30 (F) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE

1 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
2 VIOLENT PREDATOR OR OFFENDER TO RECEIVE ANY NOTICE OR
3 INFORMATION UNDER SUBSECTION (A.1) [OR (B.1)], (B.1) OR (B.3)
4 SHALL RELIEVE THAT PREDATOR OR OFFENDER FROM THE REQUIREMENTS OF
5 THIS SUBCHAPTER.

6 SECTION 11. SECTIONS 9797, 9798(A)(1)(II) AND (B), 9798.1
7 AND 9799.1(2) AND (4) OF TITLE 42 ARE AMENDED TO READ:

8 § 9797. VICTIM NOTIFICATION.

9 (A) DUTY TO INFORM VICTIM.--

10 (1) WHERE THE INDIVIDUAL IS DETERMINED TO BE A SEXUALLY
11 VIOLENT PREDATOR BY A COURT UNDER SECTION 9795.4 (RELATING TO
12 ASSESSMENTS), THE LOCAL MUNICIPAL POLICE DEPARTMENT OR THE
13 PENNSYLVANIA STATE POLICE WHERE NO MUNICIPAL POLICE
14 JURISDICTION EXISTS SHALL GIVE WRITTEN NOTICE TO THE SEXUALLY
15 VIOLENT PREDATOR'S VICTIM WHEN THE SEXUALLY VIOLENT PREDATOR
16 REGISTERS INITIALLY AND WHEN HE NOTIFIES THE PENNSYLVANIA
17 STATE POLICE OF ANY CHANGE OF RESIDENCE. [THIS] IN THE CASE
18 OF A SEXUALLY VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED
19 IN PARAGRAPH (1) OF THE DEFINITION OF "RESIDENCE" SET FORTH
20 IN SECTION 9792 (RELATING TO DEFINITIONS), NOTICE SHALL BE
21 GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT PREDATOR
22 REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE OF A
23 CHANGE OF ADDRESS. THE NOTICE SHALL CONTAIN THE SEXUALLY
24 VIOLENT PREDATOR'S NAME AND THE ADDRESS OR ADDRESSES WHERE
25 [HE RESIDES.] THE INDIVIDUAL HAS A RESIDENCE. IN THE CASE OF
26 A SEXUALLY VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED IN
27 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN
28 SECTION 9792, THE NOTICE SHALL CONTAIN THE SEXUALLY VIOLENT
29 PREDATOR'S NAME AND THE INFORMATION SET FORTH IN SECTION
30 9795.2(A)(2)(I)(A) AND (B) (RELATING TO REGISTRATION

1 PROCEDURES AND APPLICABILITY). THE NOTICE SHALL BE GIVEN TO
2 THE VICTIM WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT
3 PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE
4 OF A CHANGE OF RESIDENCE.

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. THIS SUBSECTION INCLUDES THE CIRCUMSTANCE OF AN
17 OFFENDER HAVING A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
18 DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792.

19 § 9798. OTHER NOTIFICATION.

20 (A) NOTICE BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT
21 OFFICER.--NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S.
22 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE
23 CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME
24 POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT
25 PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE
26 AS REQUIRED UNDER THIS SECTION.

27 (1) THE NOTICE SHALL CONTAIN:

28 * * *

29 (II) THE ADDRESS OR ADDRESSES AT WHICH [HE RESIDES]
30 THE SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE. IF,

1 HOWEVER, THE SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE AS
2 DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE"
3 SET FORTH IN SECTION 9792 (RELATING TO DEFINITIONS), THE
4 NOTICE SHALL BE LIMITED TO THAT SET FORTH IN SECTION
5 9795.2 (A) (2) (I) (C) (RELATING TO REGISTRATION PROCEDURES
6 AND APPLICABILITY).

7 * * *

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

11 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR. AS USED
12 IN THIS PARAGRAPH, WHERE THE SEXUALLY VIOLENT PREDATOR LIVES
13 IN A COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES
14 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON
15 INTEREST COMMUNITY.

16 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH
17 SERVICE AGENCY OF THE COUNTY WHERE THE SEXUALLY VIOLENT
18 PREDATOR [RESIDES] HAS A RESIDENCE.

19 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
20 EQUIVALENT OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS
21 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY
22 WHERE THE SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A
23 RESIDENCE.

24 (3.1) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
25 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
26 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
27 VIOLENT PREDATOR [RESIDES] HAS A RESIDENCE.

28 (4) THE LICENSEE OF EACH CERTIFIED DAY CARE CENTER AND
29 LICENSED PRESCHOOL PROGRAM AND OWNER/OPERATOR OF EACH
30 REGISTERED FAMILY DAY CARE HOME IN THE MUNICIPALITY WHERE THE

1 SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A RESIDENCE.

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

5 * * *

6 § 9798.1. INFORMATION MADE AVAILABLE ON THE INTERNET AND
7 ELECTRONIC NOTIFICATION.

8 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DECLARED TO BE THE
9 FINDING OF THE GENERAL ASSEMBLY THAT PUBLIC SAFETY WILL BE
10 ENHANCED BY MAKING INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS,
11 LIFETIME REGISTRANTS AND OTHER SEX OFFENDERS AVAILABLE TO THE
12 PUBLIC THROUGH THE INTERNET AND ELECTRONIC NOTIFICATION.
13 KNOWLEDGE OF WHETHER A PERSON IS A SEXUALLY VIOLENT PREDATOR,
14 LIFETIME REGISTRANT OR OTHER SEX OFFENDER COULD BE A SIGNIFICANT
15 FACTOR IN PROTECTING ONESELF AND ONE'S FAMILY MEMBERS, OR THOSE
16 IN CARE OF A GROUP OR COMMUNITY ORGANIZATION, FROM RECIDIVIST
17 ACTS BY SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND
18 OTHER SEX OFFENDERS. THE TECHNOLOGY AFFORDED BY THE INTERNET AND
19 ELECTRONIC NOTIFICATION WOULD MAKE THIS INFORMATION READILY
20 ACCESSIBLE TO PARENTS AND PRIVATE ENTITIES, ENABLING THEM TO
21 UNDERTAKE APPROPRIATE REMEDIAL PRECAUTIONS TO PREVENT OR AVOID
22 PLACING POTENTIAL VICTIMS AT RISK. PUBLIC ACCESS TO INFORMATION
23 ABOUT SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER
24 SEX OFFENDERS IS INTENDED SOLELY AS A MEANS OF PUBLIC PROTECTION
25 AND SHALL NOT BE CONSTRUED AS PUNITIVE.

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

30 (1) DEVELOP AND MAINTAIN A SYSTEM FOR MAKING THE

1 INFORMATION DESCRIBED IN SUBSECTION (C) PUBLICLY AVAILABLE BY
2 ELECTRONIC MEANS SO THAT THE PUBLIC MAY, WITHOUT LIMITATION,
3 OBTAIN ACCESS TO THE INFORMATION VIA AN INTERNET WEBSITE TO
4 VIEW AN INDIVIDUAL RECORD OR THE RECORDS OF ALL SEXUALLY
5 VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER OFFENDERS
6 WHO ARE REGISTERED WITH THE PENNSYLVANIA STATE POLICE.

7 (2) ENSURE THAT THE INTERNET WEBSITE CONTAINS WARNINGS
8 THAT ANY PERSON WHO USES THE INFORMATION CONTAINED THEREIN TO
9 THREATEN, INTIMIDATE OR HARASS ANOTHER OR WHO OTHERWISE
10 MISUSES THAT INFORMATION MAY BE CRIMINALLY PROSECUTED.

11 (3) ENSURE THAT THE INTERNET WEBSITE CONTAINS AN
12 EXPLANATION OF ITS LIMITATIONS, INCLUDING STATEMENTS ADVISING
13 THAT A POSITIVE IDENTIFICATION OF A SEXUALLY VIOLENT
14 PREDATOR, LIFETIME REGISTRANT OR OTHER OFFENDER WHOSE RECORD
15 HAS BEEN MADE AVAILABLE MAY BE CONFIRMED ONLY BY
16 FINGERPRINTS; THAT SOME INFORMATION CONTAINED ON THE INTERNET
17 WEBSITE MAY BE OUTDATED OR INACCURATE; AND THAT THE INTERNET
18 WEBSITE IS NOT A COMPREHENSIVE LISTING OF EVERY PERSON WHO
19 HAS EVER COMMITTED A SEX OFFENSE IN PENNSYLVANIA.

20 (4) STRIVE TO ENSURE THAT:

21 (I) THE INFORMATION CONTAINED ON THE INTERNET
22 WEBSITE IS ACCURATE;

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

25 (III) INSTRUCTIONS ARE INCLUDED ON HOW TO SEEK
26 CORRECTION OF INFORMATION WHICH A PERSON CONTENDS IS
27 ERRONEOUS.

28 (5) PROVIDE ON THE INTERNET WEBSITE GENERAL INFORMATION
29 DESIGNED TO INFORM AND EDUCATE THE PUBLIC ABOUT SEX OFFENDERS
30 AND SEXUALLY VIOLENT PREDATORS AND THE OPERATION OF THIS

1 SUBCHAPTER AS WELL AS PERTINENT AND APPROPRIATE INFORMATION
2 CONCERNING CRIME PREVENTION AND PERSONAL SAFETY, WITH
3 APPROPRIATE LINKS TO OTHER RELEVANT INTERNET WEBSITES
4 OPERATED BY THE COMMONWEALTH OF PENNSYLVANIA.

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

8 (7) NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO
9 CRIMINAL HISTORY RECORD INFORMATION), DEVELOP, IMPLEMENT AND
10 MAINTAIN A PROCESS WHICH ALLOWS MEMBERS OF THE PUBLIC TO
11 RECEIVE ELECTRONIC NOTIFICATION WHEN AN INDIVIDUAL REQUIRED
12 TO REGISTER UNDER THIS SUBCHAPTER MOVES INTO OR OUT OF A
13 USER-DESIGNATED LOCATION.

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

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

20 (I) NAME AND ALL KNOWN ALIASES;

21 (II) YEAR OF BIRTH;

22 (III) IN THE CASE OF AN INDIVIDUAL WHO HAS A
23 RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION
24 OF "RESIDENCE" SET FORTH IN SECTION 9792 (RELATING TO
25 DEFINITIONS), THE STREET ADDRESS, MUNICIPALITY, COUNTY
26 AND ZIP CODE OF ALL RESIDENCES, INCLUDING, WHERE
27 APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF
28 CONFINEMENT;

29 (IV) THE STREET ADDRESS, MUNICIPALITY, COUNTY, ZIP
30 CODE AND NAME OF ANY INSTITUTION OR LOCATION AT WHICH THE

1 PERSON IS ENROLLED AS A STUDENT;

2 (V) THE MUNICIPALITY, COUNTY AND ZIP CODE OF ANY
3 EMPLOYMENT LOCATION;

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

6 (VII) A PHYSICAL DESCRIPTION OF THE OFFENDER,
7 INCLUDING SEX, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR AND
8 RACE;

9 (VIII) ANY IDENTIFYING MARKS, INCLUDING SCARS,
10 BIRTHMARKS AND TATTOOS;

11 (IX) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY
12 VEHICLE OWNED OR REGISTERED TO THE OFFENDER;

13 (X) WHETHER THE OFFENDER IS CURRENTLY COMPLIANT WITH
14 REGISTRATION REQUIREMENTS;

15 (XI) WHETHER THE VICTIM IS A MINOR;

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

18 (XIII) THE DATE OF THE OFFENSE AND CONVICTION, IF
19 AVAILABLE; AND

20 (XIV) IN THE CASE OF AN INDIVIDUAL WHO HAS A
21 RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE DEFINITION
22 OF "RESIDENCE" SET FORTH IN SECTION 9792, THE INFORMATION
23 LISTED IN SECTION 9795.2 (A) (2) (I) (C) (RELATING TO
24 REGISTRATION PROCEDURES AND APPLICABILITY), INCLUDING,
25 WHERE APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE
26 OF CONFINEMENT.

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

30 (D) DURATION OF INTERNET POSTING.--

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

4 (2) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT AN
5 OFFENDER WHO IS SUBJECT TO LIFETIME REGISTRATION SHALL BE
6 MADE AVAILABLE ON THE INTERNET FOR THE LIFETIME OF THE
7 OFFENDER UNLESS THE OFFENDER IS GRANTED RELIEF UNDER SECTION
8 9795.5 (RELATING TO EXEMPTION FROM CERTAIN NOTIFICATIONS).

9 (3) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT ANY
10 OTHER OFFENDER SUBJECT TO REGISTRATION SHALL BE MADE
11 AVAILABLE ON THE INTERNET FOR THE ENTIRE PERIOD DURING WHICH
12 THE OFFENDER IS REQUIRED TO REGISTER, INCLUDING ANY EXTENSION
13 OF THIS PERIOD PURSUANT TO 9795.2 (A) (3) (RELATING TO
14 REGISTRATION PROCEDURES AND APPLICABILITY).

15 § 9799.1. DUTIES OF PENNSYLVANIA STATE POLICE.

16 THE PENNSYLVANIA STATE POLICE SHALL:

17 * * *

18 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,
19 THE OFFICE OF ATTORNEY GENERAL, THE PENNSYLVANIA BOARD OF
20 PROBATION AND PAROLE AND THE CHAIRMAN AND THE MINORITY
21 CHAIRMAN OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
22 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE
23 OF THE HOUSE OF REPRESENTATIVES, PROMULGATE GUIDELINES
24 NECESSARY FOR THE GENERAL ADMINISTRATION OF THIS SUBCHAPTER.
25 THESE GUIDELINES SHALL ESTABLISH PROCEDURES TO ALLOW AN
26 INDIVIDUAL SUBJECT TO THE REQUIREMENTS OF SECTIONS 9795.1
27 (RELATING TO REGISTRATION) AND 9796 (RELATING TO VERIFICATION
28 OF RESIDENCE) TO FULFILL THESE REQUIREMENTS AT APPROVED
29 REGISTRATION SITES THROUGHOUT THIS COMMONWEALTH. THIS
30 PARAGRAPH INCLUDES THE DUTY TO ESTABLISH PROCEDURES TO ALLOW

1 AN INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2)
2 OF THE DEFINITION OF "RESIDENCE" SET FORTH IN SECTION 9792
3 (RELATING TO DEFINITIONS) TO FULFILL THE REQUIREMENTS
4 REGARDING REGISTRATION AT APPROVED REGISTRATION SITES
5 THROUGHOUT THIS COMMONWEALTH. THE PENNSYLVANIA STATE POLICE
6 SHALL PUBLISH A LIST OF APPROVED REGISTRATION SITES IN THE
7 PENNSYLVANIA BULLETIN AND PROVIDE A LIST OF APPROVED
8 REGISTRATION SITES IN ANY NOTICES SENT TO INDIVIDUALS
9 REQUIRED TO REGISTER UNDER SECTION 9795.1. AN APPROVED
10 REGISTRATION SITE SHALL BE CAPABLE OF SUBMITTING
11 FINGERPRINTS, PHOTOGRAPHS AND ANY OTHER INFORMATION REQUIRED
12 ELECTRONICALLY TO THE PENNSYLVANIA STATE POLICE. THE
13 PENNSYLVANIA STATE POLICE SHALL REQUIRE THAT APPROVED
14 REGISTRATION SITES SUBMIT FINGERPRINTS UTILIZING THE
15 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR IN
16 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
17 POLICE SHALL REQUIRE. THE PENNSYLVANIA STATE POLICE SHALL
18 REQUIRE THAT APPROVED REGISTRATION SITES SUBMIT PHOTOGRAPHS
19 UTILIZING THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN
20 ANOTHER MANNER AND IN SUCH FORM AS THE PENNSYLVANIA STATE
21 POLICE SHALL REQUIRE. APPROVED REGISTRATION SITES SHALL NOT
22 BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE
23 AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT
24 AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION
25 SITES SET FORTH IN THIS PARAGRAPH.

26 * * *

27 (4) NOTIFY, WITHIN FIVE DAYS OF RECEIVING THE OFFENDER'S
28 OR THE SEXUALLY VIOLENT PREDATOR'S REGISTRATION, THE CHIEF
29 LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS HAVING
30 PRIMARY JURISDICTION OF THE MUNICIPALITIES IN WHICH AN

1 OFFENDER OR SEXUALLY VIOLENT PREDATOR [RESIDES] HAS A
2 RESIDENCE, IS EMPLOYED OR ENROLLED AS A STUDENT OF THE FACT
3 THAT THE OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS BEEN
4 REGISTERED WITH THE PENNSYLVANIA STATE POLICE PURSUANT TO
5 SECTIONS 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
6 APPLICABILITY) AND 9796 (RELATING TO VERIFICATION OF
7 RESIDENCE).

8 * * *

9 SECTION 12. TITLE 42 IS AMENDED BY ADDING SECTIONS TO READ:
10 § 9799.10. PURPOSES OF SUBCHAPTER.

11 THIS SUBCHAPTER SHALL BE INTERPRETED AND CONSTRUED TO
12 EFFECTUATE THE FOLLOWING PURPOSES:

13 (1) TO BRING THE COMMONWEALTH INTO SUBSTANTIAL
14 COMPLIANCE WITH THE ADAM WALSH CHILD PROTECTION AND SAFETY
15 ACT OF 2006 (PUBLIC LAW 109-248, 120 STAT. 597).

16 (2) TO REQUIRE INDIVIDUALS CONVICTED OF CERTAIN SEXUAL
17 OFFENSES TO REGISTER WITH THE PENNSYLVANIA STATE POLICE AND
18 TO OTHERWISE COMPLY WITH THIS SUBCHAPTER IF THOSE INDIVIDUALS
19 RESIDE WITHIN THIS COMMONWEALTH, INTEND TO RESIDE WITHIN THIS
20 COMMONWEALTH, ATTEND AN EDUCATIONAL INSTITUTION WITHIN THIS
21 COMMONWEALTH OR ARE EMPLOYED OR CONDUCT VOLUNTEER WORK WITHIN
22 THIS COMMONWEALTH.

23 (3) TO REQUIRE INDIVIDUALS CONVICTED OF CERTAIN SEXUAL
24 OFFENSES WHO FAIL TO MAINTAIN A RESIDENCE AND ARE THEREFORE
25 HOMELESS BUT CAN STILL BE FOUND WITHIN THE BORDERS OF THIS
26 COMMONWEALTH TO REGISTER WITH THE PENNSYLVANIA STATE POLICE.

27 (4) TO REQUIRE INDIVIDUALS WHO ARE CURRENTLY SUBJECT TO
28 THE CRIMINAL JUSTICE SYSTEM OF THIS COMMONWEALTH AS INMATES,
29 SUPERVISED WITH RESPECT TO PROBATION OR PAROLE OR REGISTRANTS
30 UNDER THIS SUBCHAPTER TO REGISTER WITH THE PENNSYLVANIA STATE

1 POLICE AND TO OTHERWISE COMPLY WITH THIS SUBCHAPTER. TO THE
2 EXTENT PRACTICABLE AND CONSISTENT WITH THE REQUIREMENTS OF
3 THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006, THIS
4 SUBCHAPTER SHALL BE CONSTRUED TO MAINTAIN EXISTING PROCEDURES
5 REGARDING REGISTRATION OF SEXUAL OFFENDERS WHO ARE SUBJECT TO
6 THE CRIMINAL JUSTICE SYSTEM OF THIS COMMONWEALTH.

7 (5) TO PROVIDE A MECHANISM FOR MEMBERS OF THE GENERAL
8 PUBLIC TO OBTAIN INFORMATION ABOUT CERTAIN SEXUAL OFFENDERS
9 FROM A PUBLIC INTERNET WEBSITE AND TO INCLUDE ON THAT
10 INTERNET WEBSITE A FEATURE WHICH WILL ALLOW A MEMBER OF THE
11 PUBLIC TO ENTER A ZIP CODE OR A GEOGRAPHIC RADIUS AND
12 DETERMINE WHETHER A SEXUAL OFFENDER RESIDES WITHIN THAT ZIP
13 CODE OR RADIUS.

14 (6) TO PROVIDE A MECHANISM FOR LAW ENFORCEMENT ENTITIES
15 WITHIN THIS COMMONWEALTH TO OBTAIN INFORMATION ABOUT CERTAIN
16 SEXUAL OFFENDERS AND TO ALLOW LAW ENFORCEMENT ENTITIES
17 OUTSIDE THIS COMMONWEALTH, INCLUDING THOSE WITHIN THE FEDERAL
18 GOVERNMENT, TO OBTAIN CURRENT INFORMATION ABOUT CERTAIN
19 SEXUAL OFFENDERS.

20 § 9799.11. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY.

21 (A) LEGISLATIVE FINDINGS.--THE GENERAL ASSEMBLY FINDS AS
22 FOLLOWS:

23 (1) IN 1995 THE GENERAL ASSEMBLY ENACTED THE ACT OF
24 OCTOBER 24, 1995 (1ST SP.SESS. P.L.1079, NO.24), COMMONLY
25 REFERRED TO AS MEGAN'S LAW. THROUGH THIS ENACTMENT, THE
26 GENERAL ASSEMBLY INTENDED TO COMPLY WITH LEGISLATION ENACTED
27 BY CONGRESS REQUIRING THAT STATES PROVIDE FOR THE
28 REGISTRATION OF SEXUAL OFFENDERS. THE FEDERAL STATUTE, THE
29 JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT
30 OFFENDER REGISTRATION ACT (PUBLIC LAW 103-322, 42 U.S.C.

1 14071 ET SEQ.), HAS BEEN SUPERSEDED BY THE ADAM WALSH CHILD
2 PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW 109-248, 120
3 STAT. 597).

4 (2) THIS COMMONWEALTH'S LAWS REGARDING REGISTRATION OF
5 SEXUAL OFFENDERS NEED TO BE STRENGTHENED. THE ADAM WALSH
6 CHILD PROTECTION AND SAFETY ACT OF 2006 PROVIDES A MECHANISM
7 FOR THE COMMONWEALTH TO INCREASE ITS REGULATION OF SEXUAL
8 OFFENDERS IN A MANNER WHICH IS NONPUNITIVE BUT OFFERS AN
9 INCREASED MEASURE OF PROTECTION TO THE CITIZENS OF THIS
10 COMMONWEALTH.

11 (3) IF THE PUBLIC IS PROVIDED ADEQUATE NOTICE AND
12 INFORMATION ABOUT SEXUAL OFFENDERS, THE COMMUNITY CAN DEVELOP
13 CONSTRUCTIVE PLANS TO PREPARE FOR THE PRESENCE OF SEXUAL
14 OFFENDERS IN THE COMMUNITY. THIS ALLOWS COMMUNITIES TO MEET
15 WITH LAW ENFORCEMENT TO PREPARE AND OBTAIN INFORMATION ABOUT
16 THE RIGHTS AND RESPONSIBILITIES OF THE COMMUNITY AND TO
17 PROVIDE EDUCATION AND COUNSELING TO RESIDENTS, PARTICULARLY
18 CHILDREN.

19 (4) SEXUAL OFFENDERS POSE A HIGH RISK OF COMMITTING
20 ADDITIONAL SEXUAL OFFENSES, AND PROTECTION OF THE PUBLIC FROM
21 THIS TYPE OF OFFENDER IS A PARAMOUNT GOVERNMENTAL INTEREST.

22 (5) SEXUAL OFFENDERS HAVE A REDUCED EXPECTATION OF
23 PRIVACY BECAUSE OF THE PUBLIC'S INTEREST IN PUBLIC SAFETY AND
24 IN THE EFFECTIVE OPERATION OF GOVERNMENT.

25 (6) RELEASE OF INFORMATION ABOUT SEXUAL OFFENDERS TO
26 PUBLIC AGENCIES AND THE GENERAL PUBLIC WILL FURTHER THE
27 GOVERNMENTAL INTERESTS OF PUBLIC SAFETY AND PUBLIC SCRUTINY
28 OF THE CRIMINAL AND MENTAL HEALTH SYSTEMS SO LONG AS THE
29 INFORMATION RELEASED IS RATIONALLY RELATED TO THE FURTHERANCE
30 OF THOSE GOALS.

1 (7) KNOWLEDGE OF WHETHER A PERSON IS A SEXUAL OFFENDER
2 COULD BE A SIGNIFICANT FACTOR IN PROTECTING ONESELF AND ONE'S
3 FAMILY MEMBERS, OR THOSE IN CARE OF A GROUP OR COMMUNITY
4 ORGANIZATION, FROM RECIDIVIST ACTS BY SUCH OFFENDERS.

5 (8) THE TECHNOLOGY AFFORDED BY THE INTERNET AND OTHER
6 MODERN ELECTRONIC COMMUNICATION METHODS MAKES THIS
7 INFORMATION READILY ACCESSIBLE TO PARENTS, MINORS AND PRIVATE
8 ENTITIES, ENABLING THEM TO UNDERTAKE APPROPRIATE REMEDIAL
9 PRECAUTIONS TO PREVENT OR AVOID PLACING POTENTIAL VICTIMS AT
10 RISK.

11 (B) DECLARATION OF POLICY.--THE GENERAL ASSEMBLY DECLARES AS
12 FOLLOWS:

13 (1) IT IS THE INTENTION OF THE GENERAL ASSEMBLY TO
14 SUBSTANTIALLY COMPLY WITH THE ADAM WALSH CHILD PROTECTION AND
15 SAFETY ACT OF 2006 AND TO FURTHER PROTECT THE SAFETY AND
16 GENERAL WELFARE OF THE CITIZENS OF THIS COMMONWEALTH BY
17 PROVIDING FOR INCREASED REGULATION OF SEXUAL OFFENDERS,
18 SPECIFICALLY AS THAT REGULATION RELATES TO REGISTRATION OF
19 SEXUAL OFFENDERS AND COMMUNITY NOTIFICATION ABOUT SEXUAL
20 OFFENDERS.

21 (2) IT IS THE POLICY OF THE COMMONWEALTH TO REQUIRE THE
22 EXCHANGE OF RELEVANT INFORMATION ABOUT SEXUAL OFFENDERS AMONG
23 PUBLIC AGENCIES AND OFFICIALS AND TO AUTHORIZE THE RELEASE OF
24 NECESSARY AND RELEVANT INFORMATION ABOUT SEXUAL OFFENDERS TO
25 MEMBERS OF THE GENERAL PUBLIC AS A MEANS OF ASSURING PUBLIC
26 PROTECTION AND SHALL NOT BE CONSTRUED AS PUNITIVE.

27 § 9799.12. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "APPROVED REGISTRATION SITE." A SITE IN THIS COMMONWEALTH
2 APPROVED BY THE PENNSYLVANIA STATE POLICE:

3 (1) AT WHICH INDIVIDUALS SUBJECT TO THIS SUBCHAPTER MAY
4 REGISTER, UPDATE AND VERIFY INFORMATION OR BE FINGERPRINTED
5 AND PHOTOGRAPHED AS REQUIRED BY THIS SUBCHAPTER;

6 (2) WHICH IS CAPABLE OF SUBMITTING FINGERPRINTS
7 UTILIZING THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION
8 SYSTEM OR IN ANOTHER MANNER AND IN THE FORM AS THE
9 PENNSYLVANIA STATE POLICE SHALL REQUIRE; AND

10 (3) WHICH IS CAPABLE OF SUBMITTING PHOTOGRAPHS IN THE
11 FORM AS THE PENNSYLVANIA STATE POLICE SHALL REQUIRE.

12 "BOARD." THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD.

13 "COMMON INTEREST COMMUNITY." INCLUDES A COOPERATIVE, A
14 CONDOMINIUM AND A PLANNED COMMUNITY WHERE AN INDIVIDUAL BY
15 VIRTUE OF AN OWNERSHIP INTEREST IN ANY PORTION OF REAL ESTATE IS
16 OR MAY BECOME OBLIGATED BY COVENANT, EASEMENT OR AGREEMENT
17 IMPOSED UPON THE OWNER'S INTEREST TO PAY ANY AMOUNT FOR REAL
18 PROPERTY TAXES, INSURANCE, MAINTENANCE, REPAIR, IMPROVEMENT,
19 MANAGEMENT, ADMINISTRATION OR REGULATION OF ANY PART OF THE REAL
20 ESTATE OTHER THAN THE PORTION OR INTEREST OWNED SOLELY BY THE
21 INDIVIDUAL.

22 "CONVICTED." INCLUDES CONVICTION BY ENTRY OF PLEA OF GUILTY
23 OR NOLO CONTENDERE, CONVICTION AFTER TRIAL AND A FINDING OF NOT
24 GUILTY DUE TO INSANITY OR OF GUILTY BUT MENTALLY ILL.

25 "EMPLOYED." INCLUDES A VOCATION OR EMPLOYMENT THAT IS FULL
26 TIME OR PART TIME FOR A PERIOD OF TIME EXCEEDING FOUR DAYS
27 DURING A SEVEN-DAY PERIOD OR FOR AN AGGREGATE PERIOD OF TIME
28 EXCEEDING 14 DAYS DURING ANY CALENDAR YEAR, WHETHER SELF-
29 EMPLOYED, VOLUNTEERED, FINANCIALLY COMPENSATED, PURSUANT TO A
30 CONTRACT OR FOR THE PURPOSE OF GOVERNMENTAL OR EDUCATIONAL

1 BENEFIT.

2 "FOREIGN COUNTRY." INCLUDES CANADA, THE UNITED KINGDOM,
3 AUSTRALIA, NEW ZEALAND AND A FOREIGN COUNTRY WHERE THE UNITED
4 STATES DEPARTMENT OF STATE IN THE COUNTRY REPORTS ON HUMAN
5 RIGHTS PRACTICES HAS CONCLUDED THAT AN INDEPENDENT JUDICIARY
6 ENFORCED THE RIGHT TO A FAIR TRIAL IN THAT COUNTRY DURING THE
7 CALENDAR YEAR IN WHICH THE INDIVIDUAL'S CONVICTION OCCURRED.

8 "IAFIS." THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION
9 SYSTEM.

10 "INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM."
11 THE NATIONAL FINGERPRINT AND CRIMINAL HISTORY SYSTEM MAINTAINED
12 BY THE FEDERAL BUREAU OF INVESTIGATION PROVIDING AUTOMATED
13 FINGERPRINT SEARCH CAPABILITIES, LATENT SEARCHING CAPABILITY,
14 ELECTRONIC IMAGE STORAGE AND ELECTRONIC EXCHANGE OF FINGERPRINTS
15 AND RESPONSES.

16 "JURISDICTION." A STATE, THE DISTRICT OF COLUMBIA, THE
17 COMMONWEALTH OF PUERTO RICO, GUAM, AMERICAN SAMOA, THE NORTHERN
18 MARIANA ISLANDS, THE UNITED STATES VIRGIN ISLANDS AND A
19 FEDERALLY RECOGNIZED INDIAN TRIBE AS PROVIDED IN SECTION 127 OF
20 THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC
21 LAW 109-248, 42 U.S.C. § 16927).

22 "JUVENILE OFFENDER." ONE OF THE FOLLOWING:

23 (1) AN INDIVIDUAL WHO WAS 14 YEARS OF AGE OR OLDER AT
24 THE TIME THE INDIVIDUAL COMMITTED AN OFFENSE WHICH, IF
25 COMMITTED BY AN ADULT, WOULD BE CLASSIFIED AS AN OFFENSE
26 UNDER 18 PA.C.S. § 3121 (RELATING TO RAPE), 3123 (RELATING TO
27 INVOLUNTARY DEVIATE SEXUAL INTERCOURSE) OR 3125 (RELATING TO
28 AGGRAVATED INDECENT ASSAULT) OR AN ATTEMPT, SOLICITATION OR
29 CONSPIRACY TO COMMIT AN OFFENSE UNDER 18 PA.C.S § 3121, 3123
30 OR 3125 AND EITHER:

1 (I) IS ADJUDICATED DELINQUENT FOR SUCH OFFENSE ON OR
2 AFTER THE EFFECTIVE DATE OF THIS SECTION; OR

3 (II) HAS BEEN ADJUDICATED DELINQUENT FOR SUCH
4 OFFENSE AND, ON THE EFFECTIVE DATE OF THIS SECTION, IS
5 SUBJECT TO THE JURISDICTION OF THE COURT, INCLUDING
6 COMMITMENT TO AN INSTITUTION OR FACILITY SET FORTH IN
7 SECTION 6352(A) (3) (RELATING TO A DISPOSITION OF
8 DELINQUENT CHILD).

9 (2) AN INDIVIDUAL WHO WAS 14 YEARS OF AGE OR OLDER AT
10 THE TIME THE INDIVIDUAL COMMITTED AN OFFENSE SIMILAR TO AN
11 OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR 3125 OR AN ATTEMPT,
12 SOLICITATION OR CONSPIRACY TO COMMIT AN OFFENSE SIMILAR TO AN
13 OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR 3125 UNDER THE LAWS
14 OF THE UNITED STATES, ANOTHER JURISDICTION OR A FOREIGN
15 COUNTRY AND WAS ADJUDICATED DELINQUENT FOR SUCH AN OFFENSE.
16 THE TERM DOES NOT INCLUDE A SEXUALLY VIOLENT DELINQUENT CHILD.

17 "MENTAL ABNORMALITY." A CONGENITAL OR ACQUIRED CONDITION OF
18 A PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF
19 THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE
20 COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE
21 PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

22 "MILITARY OFFENSE." AN OFFENSE SPECIFIED BY THE UNITED
23 STATES SECRETARY OF DEFENSE UNDER 10 U.S.C. § 951 (RELATING TO
24 ESTABLISHMENT; ORGANIZATION; ADMINISTRATION).

25 "MINOR." ANY INDIVIDUAL UNDER 18 YEARS OF AGE.

26 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN OR
27 TOWNSHIP.

28 "NCIC." THE NATIONAL CRIME INFORMATION CENTER.

29 "PENETRATION." INCLUDES ANY PENETRATION, HOWEVER SLIGHT, OF
30 THE GENITALS OR ANUS OR MOUTH OF ANOTHER PERSON WITH A PART OF

1 THE PERSON'S BODY OR A FOREIGN OBJECT FOR ANY PURPOSE OTHER THAN
2 GOOD FAITH MEDICAL, HYGIENIC OR LAW ENFORCEMENT PROCEDURES.

3 "PREDATORY." AN ACT DIRECTED AT A STRANGER OR AT A PERSON
4 WITH WHOM A RELATIONSHIP HAS BEEN INITIATED, ESTABLISHED,
5 MAINTAINED OR PROMOTED, IN WHOLE OR IN PART, IN ORDER TO
6 FACILITATE OR SUPPORT VICTIMIZATION.

7 "REGISTRY." THE STATEWIDE REGISTRY OF SEXUAL OFFENDERS
8 ESTABLISHED IN SECTION 9799.16(A) (RELATING TO REGISTRY).

9 "RESIDENCE." A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
10 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS OR
11 MORE DURING A CALENDAR YEAR. THE TERM INCLUDES A RESIDENCE WHICH
12 IS MOBILE, INCLUDING A HOUSEBOAT, MOBILE HOME, TRAILER OR
13 RECREATIONAL VEHICLE.

14 "SEXUAL OFFENDER." AN INDIVIDUAL REQUIRED TO REGISTER UNDER
15 THIS SUBCHAPTER.

16 "SEXUALLY VIOLENT DELINQUENT CHILD." AS DEFINED IN SECTION
17 6402 (RELATING TO DEFINITIONS).

18 "SEXUALLY VIOLENT OFFENSE." AN OFFENSE SPECIFIED IN SECTION
19 9799.14 (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM) AS A TIER
20 I, TIER II OR TIER III SEXUAL OFFENSE.

21 "SEXUALLY VIOLENT PREDATOR." AN INDIVIDUAL CONVICTED OF AN
22 OFFENSE SPECIFIED IN:

23 (1) SECTION 9799.14(B) (1), (2), (3), (4), (5), (6), (7),
24 (8), (9) OR (10) (RELATING TO SEXUAL OFFENSES AND TIER
25 SYSTEM) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT
26 ANY OFFENSE UNDER SECTION 9799.14(B) (1), (2), (3), (4), (5),
27 (6), (7), (8), (9) OR (10);

28 (2) SECTION 9799.14(C) (1), (2), (3), (4), (5) OR (6) OR
29 AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN OFFENSE
30 UNDER SECTION 9799.14(C) (1), (2), (3), (4), (5) OR (6); OR

1 (3) SECTION 9799.14(D) (1), (2), (3), (4), (5), (6), (7)
2 OR (8) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN
3 OFFENSE UNDER SECTION 9799.14(D) (1), (2), (3), (4), (5), (6),
4 (7) OR (8)

5 WHO IS DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER
6 SECTION 9799.24 (RELATING TO ASSESSMENTS) DUE TO A MENTAL
7 ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE INDIVIDUAL
8 LIKELY TO ENGAGE IN PREDATORY SEXUALLY VIOLENT OFFENSES. THE
9 TERM INCLUDES AN INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT
10 PREDATOR WHERE THE DETERMINATION OCCURRED IN ANOTHER
11 JURISDICTION, A FOREIGN COUNTRY OR BY COURT MARTIAL.

12 "STUDENT." AN INDIVIDUAL WHO IS ENROLLED IN OR ATTENDS A
13 PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION WITHIN THIS
14 COMMONWEALTH ON A FULL-TIME OR PART-TIME BASIS, INCLUDING A
15 SECONDARY SCHOOL, TRADE OR PROFESSIONAL INSTITUTION OR
16 INSTITUTION OF HIGHER EDUCATION. THE TERM DOES NOT INCLUDE AN
17 INDIVIDUAL ENROLLED IN AN EDUCATIONAL INSTITUTION EXCLUSIVELY
18 THROUGH THE INTERNET OR VIA CORRESPONDENCE COURSES.

19 "TEMPORARY LODGING." THE SPECIFIC LOCATION, INCLUDING STREET
20 ADDRESS, WHERE A SEXUAL OFFENDER IS STAYING WHEN AWAY FROM THE
21 SEXUAL OFFENDER'S RESIDENCE FOR SEVEN OR MORE DAYS.

22 "TIER I SEXUAL OFFENSE." AN OFFENSE SPECIFIED IN SECTION
23 9799.14(B) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM).

24 "TIER II SEXUAL OFFENSE." AN OFFENSE SPECIFIED IN SECTION
25 9799.14(C) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM).

26 "TIER III SEXUAL OFFENSE." AN OFFENSE SPECIFIED IN SECTION
27 9799.14(D) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM).

28 "TRANSIENT." AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS
29 SUBCHAPTER WHO DOES NOT HAVE A RESIDENCE BUT NEVERTHELESS
30 RESIDES IN THIS COMMONWEALTH IN A TEMPORARY HABITAT OR OTHER

1 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A HOMELESS
2 SHELTER OR PARK.

3 § 9799.13. APPLICABILITY.

4 THE FOLLOWING INDIVIDUALS SHALL REGISTER WITH THE
5 PENNSYLVANIA STATE POLICE AS PROVIDED IN SECTIONS 9799.15
6 (RELATING TO PERIOD OF REGISTRATION), 9799.19 (RELATING TO
7 INITIAL REGISTRATION) AND 9799.25 (RELATING TO VERIFICATION BY
8 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE) AND OTHERWISE
9 COMPLY WITH THE PROVISIONS OF THIS SUBCHAPTER:

10 (1) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
11 THIS SECTION, HAS BEEN CONVICTED OF A SEXUALLY VIOLENT
12 OFFENSE AND WHO HAS A RESIDENCE WITHIN THIS COMMONWEALTH OR
13 IS A TRANSIENT.

14 (2) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
15 THIS SECTION, IS AN INMATE IN A STATE OR COUNTY CORRECTIONAL
16 INSTITUTION OF THIS COMMONWEALTH, INCLUDING A COMMUNITY
17 CORRECTIONS CENTER OR A COMMUNITY CONTRACT FACILITY, IS BEING
18 SUPERVISED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE
19 OR COUNTY PROBATION OR PAROLE OR IS SUBJECT TO A SENTENCE OF
20 INTERMEDIATE PUNISHMENT AND HAS COMMITTED A SEXUALLY VIOLENT
21 OFFENSE.

22 (3) AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE
23 PENNSYLVANIA STATE POLICE UNDER THIS SUBCHAPTER PRIOR TO THE
24 EFFECTIVE DATE OF THIS SECTION WHO HAS NOT FULFILLED THE
25 PERIOD OF REGISTRATION AS OF THE EFFECTIVE DATE OF THIS
26 SECTION.

27 (4) AN INDIVIDUAL WHO WAS REQUIRED TO REGISTER WITH THE
28 PENNSYLVANIA STATE POLICE PURSUANT TO FORMER SECTION 9795.1
29 AND:

30 (I) HAS FULFILLED THE PERIOD OF REGISTRATION

1 PROVIDED IN FORMER SECTION 9795.1 (A) (RELATING TO
2 REGISTRATION) OR HAS BEEN REMOVED FROM THE REGISTRY UNDER
3 FORMER SECTION 9795.5 (RELATING TO EXEMPTION FROM CERTAIN
4 NOTIFICATIONS); AND

5 (II) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION,
6 IS CONVICTED OF A SEXUALLY VIOLENT OFFENSE OR CONVICTED
7 OF AN OFFENSE GRADED AS A FELONY.

8 (5) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
9 THIS SECTION, WAS REQUIRED TO REGISTER WITH THE PENNSYLVANIA
10 STATE POLICE PURSUANT TO THIS SUBCHAPTER AND:

11 (I) HAS FULFILLED THE PERIOD OF REGISTRATION
12 PROVIDED IN THIS SUBCHAPTER; AND

13 (II) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION,
14 IS CONVICTED OF AN OFFENSE GRADED AS A FELONY.

15 (6) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
16 THIS SECTION, WAS REQUIRED TO REGISTER WITH THE PENNSYLVANIA
17 STATE POLICE PURSUANT TO THIS SUBCHAPTER AND:

18 (I) HAS BEEN REMOVED FROM THE REGISTRY PURSUANT TO
19 SECTION 9799.17 (RELATING TO REDUCTION OF PERIOD OF
20 REGISTRATION); AND

21 (II) IS SUBSEQUENTLY CONVICTED OF AN OFFENSE GRADED
22 AS A FELONY.

23 (7) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
24 THIS SECTION, IS REQUIRED TO REGISTER IN A SEXUAL OFFENDER
25 REGISTRY IN ANOTHER JURISDICTION OR IN A FOREIGN COUNTRY
26 BASED UPON A CONVICTION FOR A SEXUALLY VIOLENT OFFENSE AND:

27 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A
28 TRANSIENT;

29 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

30 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

1 (8) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
2 THIS SECTION, IS A JUVENILE OFFENDER WHO WAS ADJUDICATED
3 DELINQUENT WITHIN THIS COMMONWEALTH OR WAS ADJUDICATED
4 DELINQUENT IN ANOTHER JURISDICTION OR A FOREIGN COUNTRY AND:

5 (I) HAS A RESIDENCE WITHIN THIS COMMONWEALTH;

6 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

7 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

8 (9) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
9 THIS SECTION, IS A SEXUALLY VIOLENT DELINQUENT CHILD WHO IS
10 COMMITTED FOR INVOLUNTARY TREATMENT OR, ON THE EFFECTIVE DATE
11 OF THIS SECTION, IS UNDER COMMITMENT RECEIVING INVOLUNTARY
12 TREATMENT IN THE STATE-OWNED FACILITY OR UNIT AS SET FORTH IN
13 CHAPTER 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT
14 OF CERTAIN SEXUALLY VIOLENT PERSONS).

15 § 9799.14. SEXUAL OFFENSES AND TIER SYSTEM.

16 (A) TIER SYSTEM ESTABLISHED.--SEXUAL OFFENSES SHALL BE
17 CLASSIFIED IN A THREE-TIERED SYSTEM COMPOSED OF TIER I SEXUAL
18 OFFENSES, TIER II SEXUAL OFFENSES AND TIER III SEXUAL OFFENSES.

19 (B) TIER I SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL BE
20 CLASSIFIED AS TIER I SEXUAL OFFENSES:

21 (1) 18 PA.C.S. § 2902(B) (RELATING TO UNLAWFUL
22 RESTRAINT).

23 (2) 18 PA.C.S. § 2903(B) (RELATING TO FALSE
24 IMPRISONMENT).

25 (3) 18 PA.C.S. § 2904 (RELATING TO INTERFERENCE WITH
26 CUSTODY OF CHILDREN) IF THE VICTIM IS A MINOR AND THE SEXUAL
27 OFFENDER IS NOT THE VICTIM'S PARENT OR GUARDIAN.

28 (4) 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD INTO A
29 MOTOR VEHICLE OR STRUCTURE).

30 (5) 18 PA.C.S. § 3124.2(A) (RELATING TO INSTITUTIONAL

1 SEXUAL ASSAULT).
2 (6) 18 PA.C.S. § 3126(A)(1) (RELATING TO INDECENT
3 ASSAULT).
4 (7) (RESERVED).
5 (8) 18 PA.C.S. § 6301(A)(1)(II) (RELATING TO CORRUPTION
6 OF MINORS).
7 (9) 18 PA.C.S. § 6312(D) (RELATING TO SEXUAL ABUSE OF
8 CHILDREN).
9 (10) 18 PA.C.S. § 7507.1. (RELATING TO INVASION OF
10 PRIVACY).
11 (11) 18 U.S.C. § 1801 (RELATING TO VIDEO VOYEURISM).
12 (12) 18 U.S.C. § 2252 (RELATING TO CERTAIN ACTIVITIES
13 RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF
14 MINORS).
15 (13) 18 U.S.C. § 2252A (RELATING TO CERTAIN ACTIVITIES
16 RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD
17 PORNOGRAPHY).
18 (14) 18 U.S.C. § 2252B (RELATING TO MISLEADING DOMAIN
19 NAMES ON THE INTERNET).
20 (15) 18 U.S.C. § 2252C (RELATING TO MISLEADING WORDS OR
21 DIGITAL IMAGES ON THE INTERNET).
22 (16) 18 U.S.C. § 2422(A) (RELATING TO COERCION AND
23 ENTICEMENT).
24 (17) 18 U.S.C. § 2423(B) (RELATING TO TRANSPORTATION OF
25 MINORS).
26 (18) 18 U.S.C. § 2423(C).
27 (19) 18 U.S.C. § 2424 (RELATING TO FILING FACTUAL
28 STATEMENT ABOUT ALIEN INDIVIDUAL).
29 (20) 18 U.S.C. § 2425 (RELATING TO USE OF INTERSTATE
30 FACILITIES TO TRANSMIT INFORMATION ABOUT A MINOR).

1 (21) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
2 UNDER THE LAWS OF ANOTHER JURISDICTION OR FOREIGN COUNTRY.

3 (22) AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN
4 OFFENSE LISTED IN PARAGRAPH (1), (2), (3), (4), (5), (6),
5 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16),
6 (17), (18), (19), (20) OR (21).

7 (C) TIER II SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL
8 BE CLASSIFIED AS TIER II SEXUAL OFFENSES:

9 (1) 18 PA.C.S. § 3126(A) (2), (3), (4), (5), (6) OR (8).

10 (2) 18 PA.C.S. § 5902(B) (RELATING TO PROSTITUTION AND
11 RELATED OFFENSES) IF THE SEXUAL OFFENDER PROMOTES THE
12 PROSTITUTION OF A MINOR.

13 (3) 18 PA.C.S. § 5903(A) (3) (II), (4) (II), (5) (II) OR (6)
14 (RELATING TO OBSCENE AND OTHER SEXUAL MATERIALS AND
15 PERFORMANCES).

16 (4) 18 PA.C.S. § 6312(B) AND (C) (RELATING TO SEXUAL
17 ABUSE OF CHILDREN).

18 (5) 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
19 MINOR).

20 (6) 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION
21 OF CHILDREN).

22 (7) 18 U.S.C. § 1591 (RELATING TO SEX TRAFFICKING OF
23 CHILDREN BY FORCE, FRAUD, OR COERCION).

24 (8) 18 U.S.C. § 2243 (RELATING TO SEXUAL ABUSE OF A
25 MINOR OR WARD).

26 (9) 18 U.S.C. § 2244 (RELATING TO ABUSIVE SEXUAL
27 CONTACT).

28 (10) 18 U.S.C. § 2251 (RELATING TO SEXUAL EXPLOITATION
29 OF CHILDREN).

30 (11) 18 U.S.C. § 2251A (RELATING TO SELLING OR BUYING OF

1 CHILDREN).

2 (12) 18 U.S.C. § 2252.

3 (13) 18 U.S.C. § 2260 (RELATING TO PRODUCTION OF
4 SEXUALLY EXPLICIT DEPICTIONS OF A MINOR FOR IMPORTATION INTO
5 THE UNITED STATES).

6 (14) 18 U.S.C. § 2421 (RELATING TO TRANSPORTATION
7 GENERALLY).

8 (15) 18 U.S.C. § 2422(B).

9 (16) 18 U.S.C. § 2423(A).

10 (17) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
11 UNDER THE LAWS OF ANOTHER JURISDICTION OR FOREIGN COUNTRY.

12 (18) AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN
13 OFFENSE LISTED IN PARAGRAPH (1), (2), (3), (4), (5), (6),
14 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16) OR
15 (17).

16 (19) AN OFFENSE SPECIFIED AS A TIER I SEXUAL OFFENSE
17 WHERE THERE IS A SUBSEQUENT CONVICTION FOR AN OFFENSE GRADED
18 AS A FELONY.

19 (D) TIER III SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL
20 BE CLASSIFIED AS TIER III SEXUAL OFFENSES:

21 (1) 18 PA.C.S. § 2901(A.1) (RELATING TO KIDNAPPING).

22 (2) 18 PA.C.S. § 3121 (RELATING TO RAPE).

23 (3) 18 PA.C.S. § 3122.1(B) (RELATING TO STATUTORY SEXUAL
24 ASSAULT).

25 (4) 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
26 SEXUAL INTERCOURSE).

27 (5) 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT).

28 (6) 18 PA.C.S. § 3124.2 IF THE VICTIM IS A MINOR.

29 (7) 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
30 ASSAULT).

1 (8) 18 PA.C.S. § 3126(A) (7) (RELATING TO INDECENT
2 ASSAULT).

3 (9) 18 PA.C.S. § 4302(B) (RELATING TO INCEST).

4 (10) 18 U.S.C. § 2241 (RELATING TO AGGRAVATED SEXUAL
5 ABUSE).

6 (11) 18 U.S.C. § 2242 (RELATING TO SEXUAL ABUSE).

7 (12) 18 U.S.C. § 2244.

8 (13) A COMPARABLE MILITARY OFFENSE OR SIMILAR OFFENSE
9 UNDER THE LAWS OF ANOTHER JURISDICTION OR COUNTRY.

10 (14) AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT AN
11 OFFENSE LISTED IN PARAGRAPH (1), (2), (3), (4), (5), (6),
12 (7), (8), (9), (10), (11), (12) OR (13).

13 (15) AN OFFENSE LISTED AS A TIER II SEXUAL OFFENSE WHERE
14 THERE IS A SUBSEQUENT CONVICTION FOR AN OFFENSE GRADED AS A
15 FELONY.

16 § 9799.15. PERIOD OF REGISTRATION.

17 (A) PERIOD OF REGISTRATION.--SUBJECT TO SUBSECTION (C), AN
18 INDIVIDUAL SPECIFIED IN SECTION 9799.13 (RELATING TO
19 APPLICABILITY) SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE
20 AS FOLLOWS:

21 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE
22 SHALL REGISTER FOR A PERIOD OF 15 YEARS.

23 (2) AN INDIVIDUAL CONVICTED OF A TIER II SEXUAL OFFENSE
24 SHALL REGISTER FOR A PERIOD OF 25 YEARS.

25 (3) AN INDIVIDUAL CONVICTED OF A TIER III SEXUAL OFFENSE
26 SHALL REGISTER FOR THE LIFE OF THE INDIVIDUAL.

27 (4) A JUVENILE OFFENDER SHALL REGISTER FOR THE LIFE OF
28 THE INDIVIDUAL.

29 (5) A SEXUALLY VIOLENT DELINQUENT CHILD SHALL REGISTER
30 FOR THE LIFE OF THE INDIVIDUAL.

1 (6) A SEXUALLY VIOLENT PREDATOR SHALL REGISTER FOR THE
2 LIFE OF THE INDIVIDUAL.

3 (B) COMMENCEMENT OF REGISTRATION.--THE FOLLOWING APPLY:

4 (1) THE PERIOD OF REGISTRATION SET FORTH IN SUBSECTION
5 (A) SHALL COMMENCE AS FOLLOWS:

6 (I) FOR AN INDIVIDUAL CONVICTED OF A SEXUALLY
7 VIOLENT OFFENSE IN THIS COMMONWEALTH, THE PERIOD OF
8 REGISTRATION SHALL COMMENCE UPON:

9 (A) RELEASE FROM INCARCERATION IN A STATE OR
10 COUNTY CORRECTIONAL FACILITY, INCLUDING RELEASE TO A
11 COMMUNITY CORRECTION CENTER OR COMMUNITY CONTRACT
12 FACILITY;

13 (B) PAROLE OR A SENTENCE OF PROBATION; OR

14 (C) A SENTENCE OF STATE OR COUNTY INTERMEDIATE
15 PUNISHMENT IN WHICH THE PERSON IS NOT SENTENCED TO A
16 PERIOD OF INCARCERATION.

17 (II) FOR AN INDIVIDUAL WHO IS A JUVENILE OFFENDER,
18 THE PERIOD OF REGISTRATION SHALL COMMENCE UPON:

19 (A) RELEASE FROM AN INSTITUTION OR FACILITY SET
20 FORTH IN SECTION 6352(A) (3) (RELATING TO DISPOSITION
21 OF DELINQUENT CHILD), IF THE JUVENILE OFFENDER IS, ON
22 OR AFTER THE EFFECTIVE DATE OF THIS SECTION, SUBJECT
23 TO THE JURISDICTION OF A COURT PURSUANT TO A
24 DISPOSITION ENTERED UNDER SECTION 6352 AND IS UNDER
25 COURT-ORDERED PLACEMENT IN AN INSTITUTION OR FACILITY
26 SET FORTH IN SECTION 6352(A) (3); OR

27 (B) PROBATION, IF THE JUVENILE OFFENDER IS, ON
28 OR AFTER THE EFFECTIVE DATE OF THIS SECTION, SUBJECT
29 TO THE JURISDICTION OF A COURT PURSUANT TO A
30 DISPOSITION ENTERED UNDER SECTION 6352 AND IS PLACED

1 ON PROBATION OR IS OTHERWISE SUBJECT TO JURISDICTION
2 OF A COURT PURSUANT TO A DISPOSITION UNDER SECTION
3 6352 THAT DID NOT INVOLVE OUT-OF-HOME PLACEMENT.

4 (III) FOR A SEXUALLY VIOLENT DELINQUENT CHILD, THE
5 PERIOD OF REGISTRATION SHALL COMMENCE UPON THE EARLIER
6 OF:

7 (A) TRANSFER TO INVOLUNTARY OUTPATIENT TREATMENT
8 PURSUANT TO SECTION 6401.1 (RELATING TO TRANSFER TO
9 INVOLUNTARY OUTPATIENT TREATMENT); OR

10 (B) DISCHARGE FROM COMMITMENT TO THE SEPARATE,
11 STATE-OWNED FACILITY OR UNIT ESTABLISHED UNDER
12 SECTION 6406 (RELATING TO DUTY OF DEPARTMENT OF
13 PUBLIC WELFARE).

14 (IV) FOR AN INDIVIDUAL WHO IS CONVICTED OF A
15 SEXUALLY VIOLENT OFFENSE IN ANOTHER JURISDICTION OR
16 FOREIGN COUNTRY OR A COMPARABLE MILITARY OFFENSE, THE
17 PERIOD OF REGISTRATION SHALL COMMENCE UPON ESTABLISHMENT
18 OF A RESIDENCE OR COMMENCEMENT OF EMPLOYMENT OR
19 ENROLLMENT AS A STUDENT WITHIN THIS COMMONWEALTH.

20 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1), AN
21 INDIVIDUAL SPECIFIED IN SECTION 9799.13 SHALL INITIALLY
22 REGISTER WITH THE PENNSYLVANIA STATE POLICE AS SET FORTH IN
23 SECTION 9799.19 (RELATING TO INITIAL REGISTRATION).

24 (C) PERIOD OF REGISTRATION TOLLED.--THE FOLLOWING SHALL
25 APPLY:

26 (1) THE PERIOD OF REGISTRATION SET FORTH IN SUBSECTION
27 (A) SHALL BE TOLLED FOR THE PERIOD OF TIME IN WHICH THE
28 INDIVIDUAL SPECIFIED IN SECTION 9799.13 IS:

29 (I) INCARCERATED IN A STATE OR COUNTY CORRECTIONAL
30 INSTITUTION, EXCLUDING A COMMUNITY CONTRACT FACILITY OR

1 COMMUNITY CORRECTIONS CENTER;

2 (II) SUBJECT TO A SENTENCE OF INTERMEDIATE
3 PUNISHMENT WHICH IS RESTRICTIVE AND WHERE THE INDIVIDUAL
4 IS SENTENCED TO A PERIOD OF INCARCERATION;

5 (III) COMMITTED TO AN INSTITUTION OR FACILITY SET
6 FORTH IN SECTION 6352(A) (3); OR

7 (IV) COMMITTED TO AND RECEIVING INVOLUNTARY
8 INPATIENT TREATMENT IN THE STATE-OWNED FACILITY OR UNIT
9 SET FORTH IN CHAPTER 64 (RELATING TO COURT-ORDERED
10 INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT
11 PERSONS).

12 (2) THIS SUBSECTION SHALL APPLY TO AN INDIVIDUAL
13 SPECIFIED IN SECTION 9799.13 WHO IS RECOMMITTED TO A STATE OR
14 COUNTY CORRECTIONAL INSTITUTION FOR A PAROLE VIOLATION OR WHO
15 HAS BEEN SENTENCED TO AN ADDITIONAL TERM OF IMPRISONMENT. IN
16 THE CASE OF RECOMMITMENT, THE DEPARTMENT OF CORRECTIONS OR
17 THE COUNTY CORRECTIONAL FACILITY SHALL NOTIFY THE
18 PENNSYLVANIA STATE POLICE OF THE ADMISSION OF THE INDIVIDUAL.

19 (D) SEXUALLY VIOLENT PREDATORS.--AN INDIVIDUAL CONVICTED OF
20 A TIER I SEXUAL OFFENSE, A TIER II SEXUAL OFFENSE OR A TIER III
21 SEXUAL OFFENSE WHO IS DETERMINED TO BE A SEXUALLY VIOLENT
22 PREDATOR UNDER SECTION 9799.24 (RELATING TO ASSESSMENTS) SHALL
23 REGISTER FOR THE LIFE OF THE INDIVIDUAL.

24 (E) PERIODIC IN-PERSON APPEARANCE REQUIRED.--EXCEPT AS
25 PROVIDED IN SUBSECTION (F) AND SUBJECT TO SUBSECTIONS (G) AND
26 (H), AN INDIVIDUAL SPECIFIED IN SECTION 9799.13 SHALL APPEAR IN
27 PERSON AT AN APPROVED REGISTRATION SITE TO PROVIDE OR VERIFY THE
28 INFORMATION SET FORTH IN SECTION 9799.16(B) (RELATING TO
29 REGISTRY) AND TO BE PHOTOGRAPHED AS FOLLOWS:

30 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE

1 SHALL APPEAR ANNUALLY.

2 (2) AN INDIVIDUAL CONVICTED OF A TIER II SEXUAL OFFENSE
3 SHALL APPEAR SEMIANNUALLY.

4 (3) AN INDIVIDUAL CONVICTED OF A TIER III SEXUAL OFFENSE
5 SHALL APPEAR QUARTERLY.

6 (F) SEXUALLY VIOLENT PREDATORS.--AN INDIVIDUAL CONVICTED OF
7 A TIER I SEXUAL OFFENSE, A TIER II SEXUAL OFFENSE OR A TIER III
8 SEXUAL OFFENSE WHO IS DETERMINED TO BE A SEXUALLY VIOLENT
9 PREDATOR UNDER SECTION 9799.24 SHALL APPEAR IN PERSON AT AN
10 APPROVED REGISTRATION SITE TO PROVIDE OR VERIFY THE INFORMATION
11 SET FORTH IN SECTION 9799.16(B) AND TO BE PHOTOGRAPHED EVERY 90
12 DAYS.

13 (G) IN-PERSON APPEARANCE TO UPDATE INFORMATION.--IN ADDITION
14 TO THE PERIODIC IN-PERSON APPEARANCE REQUIRED IN SUBSECTION (E),
15 AN INDIVIDUAL SPECIFIED IN SECTION 9799.13 SHALL APPEAR IN
16 PERSON AT AN APPROVED REGISTRATION SITE WITHIN THREE BUSINESS
17 DAYS TO PROVIDE CURRENT INFORMATION RELATING TO:

18 (1) A CHANGE IN NAME.

19 (2) A COMMENCEMENT OF RESIDENCE, CHANGE IN RESIDENCE,
20 TERMINATION OF RESIDENCE OR FAILURE TO MAINTAIN A RESIDENCE,
21 THUS MAKING THE INDIVIDUAL A TRANSIENT.

22 (3) COMMENCEMENT OF EMPLOYMENT, A CHANGE IN THE LOCATION
23 OR ENTITY IN WHICH THE INDIVIDUAL IS EMPLOYED OR A
24 TERMINATION OF EMPLOYMENT.

25 (4) INITIAL ENROLLMENT AS A STUDENT, A CHANGE IN
26 ENROLLMENT AS A STUDENT OR TERMINATION AS A STUDENT.

27 (5) A CHANGE IN TELEPHONE NUMBER, INCLUDING A CELL PHONE
28 NUMBER, OR A TERMINATION OF TELEPHONE NUMBER, INCLUDING A
29 CELL PHONE NUMBER.

30 (6) A CHANGE IN OR TERMINATION OF A MOTOR VEHICLE OWNED

1 OR OPERATED, INCLUDING WATERCRAFT OR AIRCRAFT. IN ORDER TO
2 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE INDIVIDUAL
3 MUST PROVIDE ANY LICENSE PLATE NUMBERS AND REGISTRATION
4 NUMBERS OR OTHER IDENTIFIERS.

5 (7) A COMMENCEMENT OF TEMPORARY LODGING, A CHANGE IN
6 TEMPORARY LODGING OR A TERMINATION OF TEMPORARY LODGING. IN
7 ORDER TO FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE
8 INDIVIDUAL MUST PROVIDE THE SPECIFIC LENGTH OF TIME AND THE
9 DATES DURING WHICH THE INDIVIDUAL WILL BE TEMPORARILY LODGED.

10 (8) A CHANGE IN OR TERMINATION OF E-MAIL ADDRESS,
11 INSTANT MESSAGE ADDRESS OR ANY OTHER DESIGNATIONS USED IN
12 INTERNET COMMUNICATIONS OR POSTINGS.

13 (H) TRANSIENTS, JUVENILE OFFENDERS AND SEXUALLY VIOLENT
14 DELINQUENT CHILDREN.--IF THE INDIVIDUAL SPECIFIED IN SECTION
15 9799.13 IS A TRANSIENT, A JUVENILE OFFENDER OR A SEXUALLY
16 VIOLENT DELINQUENT CHILD, THE FOLLOWING APPLY:

17 (1) IF THE INDIVIDUAL IS A TRANSIENT, THE INDIVIDUAL
18 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE TO
19 PROVIDE OR TO VERIFY THE INFORMATION SET FORTH IN SECTION
20 9799.16(B) AND TO BE PHOTOGRAPHED EVERY 30 DAYS. THE DUTY TO
21 APPEAR IN PERSON EVERY 30 DAYS AND TO BE PHOTOGRAPHED SHALL
22 APPLY UNTIL A TRANSIENT ESTABLISHES A RESIDENCE. IN THE EVENT
23 A TRANSIENT ESTABLISHES A RESIDENCE, THE REQUIREMENT OF
24 PERIODIC IN-PERSON APPEARANCES SET FORTH IN SUBSECTION (C)
25 SHALL APPLY.

26 (2) IF THE INDIVIDUAL IS A JUVENILE OFFENDER, THE
27 INDIVIDUAL SHALL APPEAR AT AN APPROVED REGISTRATION SITE TO
28 PROVIDE OR VERIFY THE INFORMATION SET FORTH IN SECTION
29 9799.16(B) AND TO BE PHOTOGRAPHED EVERY 90 DAYS.

30 (3) IF THE INDIVIDUAL IS A SEXUALLY VIOLENT DELINQUENT

1 CHILD, THE INDIVIDUAL SHALL APPEAR AT AN APPROVED
2 REGISTRATION SITE TO PROVIDE OR VERIFY THE INFORMATION SET
3 FORTH IN SECTION 9799.16(B) AND TO BE PHOTOGRAPHED EVERY 90
4 DAYS.

5 (I) INTERNATIONAL TRAVEL.--IN ADDITION TO THE PERIODIC IN-
6 PERSON APPEARANCE REQUIRED IN SUBSECTION (C), AN INDIVIDUAL
7 SPECIFIED IN SECTION 9799.13 SHALL APPEAR IN PERSON AT AN
8 APPROVED REGISTRATION SITE NO LESS THAN 21 DAYS IN ADVANCE OF
9 TRAVELING OUTSIDE OF THE UNITED STATES. THE INDIVIDUAL SHALL
10 PROVIDE THE FOLLOWING INFORMATION:

11 (1) DATES OF TRAVEL, INCLUDING DATE OF RETURN TO THE
12 UNITED STATES.

13 (2) DESTINATIONS.

14 (3) TEMPORARY LODGING.

15 § 9799.16. REGISTRY.

16 (A) ESTABLISHMENT.--THERE IS ESTABLISHED A STATEWIDE
17 REGISTRY OF SEXUAL OFFENDERS IN ORDER TO CARRY OUT THE
18 PROVISIONS OF THIS SUBCHAPTER. THE PENNSYLVANIA STATE POLICE
19 SHALL CREATE AND MAINTAIN THE REGISTRY. THE REGISTRY SHALL
20 MAINTAIN A COMPLETE AND SYSTEMATIC INDEX OF ALL RECORDS REQUIRED
21 REGARDING SEXUAL OFFENDERS IN ORDER TO COMPLY WITH THE ADAM
22 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW
23 109-248, 120 STAT. 597). THE REGISTRY SHALL:

24 (1) BE COMPOSED OF AN ELECTRONIC DATABASE AND DIGITIZED
25 RECORDS.

26 (2) BE ABLE TO COMMUNICATE WITH THE SEX OFFENDER
27 REGISTRATION AND NOTIFICATION ACT EXCHANGE PORTAL DEVELOPED
28 BY THE UNITED STATES DEPARTMENT OF JUSTICE, THE NATIONAL SEX
29 OFFENDER REGISTRY OR ANY SUCCESSOR DATABASE WHICH IS
30 MAINTAINED BY THE DEPARTMENT OF JUSTICE AND THE DRU SJODIN

1 NATIONAL SEX OFFENDER PUBLIC WEBSITE MAINTAINED BY THE
2 DEPARTMENT OF JUSTICE.

3 (3) BE ABLE TO COMMUNICATE WITH SEXUAL OFFENDER
4 REGISTRIES ESTABLISHED IN OTHER JURISDICTIONS.

5 (B) INFORMATION PROVIDED BY SEXUAL OFFENDER.--AN INDIVIDUAL
6 SPECIFIED IN SECTION 9799.13 (RELATING TO APPLICABILITY) SHALL
7 PROVIDE THE FOLLOWING INFORMATION WHICH SHALL BE INCLUDED IN THE
8 REGISTRY:

9 (1) PRIMARY OR GIVEN NAME, INCLUDING AN ALIAS USED BY
10 THE INDIVIDUAL, NICKNAME, PSEUDONYM, ETHNIC OR TRIBAL NAME,
11 REGARDLESS OF THE CONTEXT USED AND ANY DESIGNATIONS OR
12 MONIKERS USED FOR SELF-IDENTIFICATION IN INTERNET
13 COMMUNICATIONS OR POSTINGS.

14 (2) DESIGNATION USED BY THE INDIVIDUAL FOR PURPOSES OF
15 ROUTING OR SELF-IDENTIFICATION IN INTERNET COMMUNICATIONS OR
16 POSTINGS.

17 (3) TELEPHONE NUMBER, INCLUDING CELL PHONE NUMBER, AND
18 ANY OTHER DESIGNATION USED BY THE INDIVIDUAL FOR PURPOSES OF
19 ROUTING OR SELF-IDENTIFICATION IN TELEPHONIC COMMUNICATIONS.

20 (4) VALID SOCIAL SECURITY NUMBER ISSUED TO THE
21 INDIVIDUAL BY THE FEDERAL GOVERNMENT AND PURPORTED SOCIAL
22 SECURITY NUMBER.

23 (5) ADDRESS OF EACH RESIDENCE OR INTENDED RESIDENCE. IF
24 THE INDIVIDUAL ENTERS THIS COMMONWEALTH AND FAILS TO MAINTAIN
25 A RESIDENCE AND IS THEREFORE A TRANSIENT, THE INDIVIDUAL
26 SHALL PROVIDE INFORMATION FOR THE REGISTRY AS SET FORTH IN
27 PARAGRAPH (6).

28 (6) IF THE INDIVIDUAL IS A TRANSIENT, THE INDIVIDUAL
29 SHALL PROVIDE INFORMATION ABOUT THE TRANSIENT'S TEMPORARY
30 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,

1 INCLUDING A HOMELESS SHELTER OR PARK. IN ADDITION, THE
2 TRANSIENT SHALL PROVIDE A LIST OF PLACES THE TRANSIENT EATS,
3 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES AND ANY PLANNED
4 DESTINATIONS, INCLUDING THOSE OUTSIDE THIS COMMONWEALTH. IF
5 THE TRANSIENT CHANGES OR ADDS TO THE PLACES LISTED UNDER THIS
6 PARAGRAPH DURING A 30-DAY PERIOD, THE TRANSIENT SHALL LIST
7 THESE WHEN REGISTERING AS A TRANSIENT DURING THE NEXT 30-DAY
8 PERIOD. IN ADDITION, THE TRANSIENT SHALL PROVIDE THE PLACE
9 THE TRANSIENT RECEIVES MAIL, INCLUDING A POST OFFICE BOX. IF
10 THE TRANSIENT HAS BEEN DESIGNATED AS A SEXUALLY VIOLENT
11 PREDATOR, THE TRANSIENT SHALL STATE WHETHER HE IS IN
12 COMPLIANCE WITH SECTION 9799.36 (RELATING TO COUNSELING OF
13 SEXUALLY VIOLENT PREDATORS). THE DUTY TO PROVIDE THE
14 INFORMATION SET FORTH IN THIS PARAGRAPH SHALL APPLY UNTIL THE
15 TRANSIENT ESTABLISHES A RESIDENCE. IN THE EVENT A TRANSIENT
16 ESTABLISHES A RESIDENCE, THE REQUIREMENTS OF SECTION
17 9799.15 (E) (RELATING TO PERIOD OF REGISTRATION) SHALL APPLY.

18 (7) TEMPORARY LODGING. IN ORDER TO FULFILL THE
19 REQUIREMENTS OF THIS PARAGRAPH, THE INDIVIDUAL MUST PROVIDE
20 THE SPECIFIC LENGTH OF TIME AND THE DATES DURING WHICH THE
21 INDIVIDUAL WILL BE TEMPORARILY LODGED.

22 (8) A PASSPORT AND DOCUMENTS ESTABLISHING IMMIGRATION
23 STATUS, WHICH SHALL BE COPIED IN A DIGITIZED FORMAT FOR
24 INCLUSION IN THE REGISTRY.

25 (9) NAME AND ADDRESS WHERE THE INDIVIDUAL IS EMPLOYED OR
26 WILL BE EMPLOYED. IN ORDER TO FULFILL THE REQUIREMENTS OF
27 THIS PARAGRAPH, IF THE INDIVIDUAL IS NOT EMPLOYED IN A FIXED
28 WORKPLACE, THE INDIVIDUAL SHALL PROVIDE INFORMATION REGARDING
29 GENERAL TRAVEL ROUTES AND GENERAL AREAS WHERE THE INDIVIDUAL
30 WORKS.

1 (10) INFORMATION RELATING TO OCCUPATIONAL AND
2 PROFESSIONAL LICENSING, INCLUDING TYPE OF LICENSE HELD AND
3 THE LICENSE NUMBER.

4 (11) NAME AND ADDRESS WHERE THE INDIVIDUAL IS A STUDENT
5 OR WILL BE A STUDENT.

6 (12) INFORMATION RELATING TO MOTOR VEHICLES OWNED OR
7 OPERATED BY THE INDIVIDUAL, INCLUDING WATERCRAFT AND
8 AIRCRAFT. IN ORDER TO FULFILL THE REQUIREMENTS OF THIS
9 PARAGRAPH, THE INDIVIDUAL SHALL PROVIDE A DESCRIPTION OF EACH
10 MOTOR VEHICLE, WATERCRAFT OR AIRCRAFT. THE INDIVIDUAL SHALL
11 PROVIDE A LICENSE PLATE NUMBER, REGISTRATION NUMBER OR OTHER
12 IDENTIFICATION NUMBER AND THE ADDRESS OF THE PLACE WHERE A
13 VEHICLE IS STORED. IN ADDITION, THE INDIVIDUAL SHALL PROVIDE
14 THE INDIVIDUAL'S LICENSE TO OPERATE A MOTOR VEHICLE OR OTHER
15 IDENTIFICATION CARD ISSUED BY THE COMMONWEALTH, ANOTHER
16 JURISDICTION OR A FOREIGN COUNTRY SO THAT THE PENNSYLVANIA
17 STATE POLICE CAN FULFILL ITS RESPONSIBILITIES UNDER
18 SUBSECTION (C) (7).

19 (13) ACTUAL DATE OF BIRTH AND PURPORTED DATE OF BIRTH.

20 (14) FORM SIGNED BY THE INDIVIDUAL ACKNOWLEDGING THE
21 INDIVIDUAL'S OBLIGATIONS UNDER THIS SUBCHAPTER PROVIDED IN
22 ACCORDANCE WITH SECTION 9799.23 (RELATING TO COURT
23 NOTIFICATION AND CLASSIFICATION REQUIREMENTS).

24 (C) CRIMINAL JUSTICE INFORMATION.--THE PENNSYLVANIA STATE
25 POLICE SHALL ENSURE THAT THE FOLLOWING INFORMATION IS INCLUDED
26 IN THE REGISTRY:

27 (1) PHYSICAL DESCRIPTION OF THE INDIVIDUAL, INCLUDING A
28 GENERAL PHYSICAL DESCRIPTION AND TATTOOS, SCARS AND OTHER
29 IDENTIFYING MARKS.

30 (2) TEXT OF THE STATUTE DEFINING THE CRIMINAL OFFENSE

1 FOR WHICH THE INDIVIDUAL IS REGISTERED.

2 (3) CRIMINAL HISTORY RECORD INFORMATION OF THE
3 INDIVIDUAL, INCLUDING:

4 (I) DATES OF ARRESTS AND CONVICTIONS.

5 (II) STATUS OF PROBATION, PAROLE OR SUPERVISED
6 RELEASE.

7 (III) WHETHER THE INDIVIDUAL IS IN COMPLIANCE WITH
8 REQUIREMENTS REGARDING THIS SUBCHAPTER OR HAS ABSCONDED.

9 (IV) EXISTENCE OF ANY OUTSTANDING WARRANTS.

10 (4) CURRENT PHOTOGRAPH OF THE INDIVIDUAL. IN ORDER TO
11 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, IN ADDITION TO
12 THE TAKING OF PHOTOGRAPHS PURSUANT TO SECTION 9799.15(E), THE
13 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT ADDITIONAL
14 PHOTOGRAPHS ARE TAKEN AS NEEDED WHEN THERE IS A SIGNIFICANT
15 CHANGE IN APPEARANCE OF THE INDIVIDUAL, INCLUDING THE TAKING
16 OF A CURRENT PHOTOGRAPH BEFORE THE INDIVIDUAL IS RELEASED
17 FROM A STATE OR COUNTY CORRECTIONAL INSTITUTION OR AN
18 INSTITUTION OR FACILITY SET FORTH IN SECTION 6352(A)(3)
19 (RELATING TO DISPOSITION OF DELINQUENT CHILD) OR DISCHARGED
20 FROM THE STATE-OWNED FACILITY OR UNIT SET FORTH IN CHAPTER 64
21 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN
22 SEXUALLY VIOLENT PERSONS), DUE TO:

23 (I) THE EXPIRATION OF SENTENCE, PERIOD OF COMMITMENT
24 OR INVOLUNTARY TREATMENT;

25 (II) PAROLE OR OTHER SUPERVISED RELEASE, INCLUDING
26 RELEASE TO A COMMUNITY CORRECTIONS CENTER OR A COMMUNITY
27 CONTRACT FACILITY;

28 (III) COMMENCEMENT OF A SENTENCE OF INTERMEDIATE
29 PUNISHMENT; OR

30 (IV) ANY OTHER FORM OF SUPERVISED RELEASE.

1 (5) SET OF FINGERPRINTS AND PALM PRINTS OF THE
2 INDIVIDUAL. IN ORDER TO FULFILL THE REQUIREMENTS OF THIS
3 PARAGRAPH, THE PALM PRINTS SHALL BE TAKEN FOR THE PURPOSE OF
4 SUBMISSION TO THE FEDERAL BUREAU OF INVESTIGATION CENTRAL
5 DATABASE. THE PALM PRINTS SHALL BE SUBMITTED FOR ENTRY INTO
6 THE DATABASE.

7 (6) DNA SAMPLE OF THE INDIVIDUAL. IN ORDER TO FULFILL
8 THE REQUIREMENTS OF THIS PARAGRAPH, THE SAMPLE SHALL BE TAKEN
9 FOR THE PURPOSE OF ANALYSIS AND ENTRY INTO THE COMBINED DNA
10 INDEX SYSTEM (CODIS). IN ADDITION, THE SAMPLE SHALL BE
11 ANALYZED AND SUBMITTED FOR ENTRY INTO CODIS.

12 (7) PHOTOCOPY OF VALID DRIVER'S LICENSE OR
13 IDENTIFICATION CARD ISSUED TO THE INDIVIDUAL BY THE
14 COMMONWEALTH, ANOTHER JURISDICTION OR A FOREIGN COUNTRY.

15 (D) COOPERATION.--THE PENNSYLVANIA STATE POLICE SHALL
16 COOPERATE WITH STATE AND COUNTY CORRECTIONAL INSTITUTIONS, THE
17 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE COUNTY OFFICE OF
18 PROBATION AND PAROLE, ANY COURT WITH JURISDICTION OVER A SEXUAL
19 OFFENDER, THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT,
20 JUVENILE PROBATION AND PAROLE AND THE DEPARTMENT OF PUBLIC
21 WELFARE TO ENSURE THAT THE INFORMATION SET FORTH IN SUBSECTIONS
22 (B) AND (C) IS PROVIDED AND PLACED IN THE REGISTRY.

23 § 9799.17. REDUCTION OF PERIOD OF REGISTRATION.

24 (A) GENERAL RULE.--THE PERIOD OF REGISTRATION SET FORTH IN
25 SECTION 9799.15(A)(1) (RELATING TO PERIOD OF REGISTRATION) SHALL
26 BE REDUCED FOR AN INDIVIDUAL WHO WAS CONVICTED OF A SEXUALLY
27 VIOLENT OFFENSE AND IS REQUIRED TO REGISTER FOR A PERIOD OF 15
28 YEARS IF ALL OF THE FOLLOWING APPLY:

29 (1) A PERIOD OF TEN YEARS HAS ELAPSED SINCE THE
30 INDIVIDUAL WAS CONVICTED OF THE SEXUALLY VIOLENT OFFENSE,

1 EXCLUDING:

2 (I) TIME SPENT INCARCERATED IN A STATE OR COUNTY
3 CORRECTIONAL FACILITY OF THIS COMMONWEALTH OR ANOTHER
4 JURISDICTION OR FOREIGN COUNTRY.

5 (II) TIME SPENT SUPERVISED BY THE PENNSYLVANIA BOARD
6 OF PROBATION AND PAROLE OR THE COUNTY OFFICE OF PROBATION
7 OR PAROLE OR PROBATION OR PAROLE OFFICE OF ANOTHER
8 JURISDICTION OR FOREIGN COUNTRY.

9 (III) TIME SPENT COMPLETING A SENTENCE OF
10 INTERMEDIATE PUNISHMENT OR COMPLETING ANOTHER TYPE OF
11 SUPERVISION, INCLUDING TIME SPENT IN A COMMUNITY
12 CORRECTIONS CENTER OR COMMUNITY CONTRACT FACILITY OF THIS
13 COMMONWEALTH, ANOTHER JURISDICTION OR FOREIGN COUNTRY.

14 (2) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A
15 SUBSEQUENT OFFENSE GRADED AS A MISDEMEANOR OF THE SECOND
16 DEGREE OR HIGHER OR AN OFFENSE PUNISHABLE BY MORE THAN ONE
17 YEAR'S IMPRISONMENT.

18 (3) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A
19 SUBSEQUENT SEXUALLY VIOLENT OFFENSE.

20 (4) THE INDIVIDUAL SUCCESSFULLY COMPLETED SUPERVISED
21 RELEASE, INCLUDING PROBATION, PAROLE OR OTHER FORM OF
22 SUPERVISION.

23 (5) THE INDIVIDUAL SUCCESSFULLY COMPLETED TREATMENT
24 PROVIDED UNDER SECTION 9718.1 (RELATING TO SEXUAL OFFENDER
25 TREATMENT) OR TREATMENT RECOGNIZED BY ANOTHER JURISDICTION OR
26 FOREIGN COUNTRY OR THE UNITED STATES ATTORNEY GENERAL UNDER
27 SECTION 115(B)(1) OF THE ADAM WALSH CHILD PROTECTION AND
28 SAFETY ACT OF 2006 (PUBLIC LAW 109-248, 42 U.S.C. § 16915(B)
29 (1)).

30 (B) JUVENILE OFFENDER.--AN INDIVIDUAL WHO IS A JUVENILE

1 OFFENDER SHALL HAVE THE REQUIREMENT TO REGISTER TERMINATED IF
2 ALL OF THE FOLLOWING APPLY:

3 (1) AT LEAST 25 YEARS HAVE ELAPSED SINCE THE INDIVIDUAL
4 WAS:

5 (I) ADJUDICATED DELINQUENT FOR AN OFFENSE WHICH, IF
6 COMMITTED BY AN ADULT, WOULD BE CLASSIFIED AS AN OFFENSE
7 UNDER 18 PA.C.S. § 3121 (RELATING TO RAPE), 3123
8 (RELATING TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE) OR
9 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT) OR AN
10 ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT AN OFFENSE
11 UNDER 18 PA.C.S. § 3121, 3123 OR 3125, EXCLUDING TIME
12 SPENT UNDER THE SUPERVISION OF THE COURT, INCLUDING
13 COMMITMENT TO AN INSTITUTION OR FACILITY SET FORTH IN
14 SECTION 6352 (A) (3) (RELATING TO DEPOSITION OF DELINQUENT
15 CHILD); OR

16 (II) ADJUDICATED DELINQUENT FOR AN OFFENSE IN
17 ANOTHER JURISDICTION WHICH IS SIMILAR TO THAT WHICH IF
18 COMMITTED BY AN ADULT IN THIS COMMONWEALTH WOULD BE
19 CLASSIFIED AS AN OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR
20 3125 OR AN ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT
21 AN OFFENSE UNDER 18 PA.C.S. § 3121, 3123 OR 3125.

22 (2) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A
23 SUBSEQUENT OFFENSE:

24 (I) GRADED AS A MISDEMEANOR OF THE SECOND DEGREE OR
25 HIGHER; OR

26 (II) WHICH IS PUNISHABLE BY A TERM OF IMPRISONMENT
27 GREATER THAN ONE YEAR.

28 (3) THE INDIVIDUAL SUCCESSFULLY COMPLETED COURT-ORDERED
29 SUPERVISION.

30 (4) THE INDIVIDUAL SUCCESSFULLY COMPLETED A TREATMENT

1 PROGRAM FOR SEXUAL OFFENDERS RECOGNIZED BY THE JUVENILE COURT
2 IN THIS COMMONWEALTH OR ANOTHER JURISDICTION OR THE UNITED
3 STATES ATTORNEY GENERAL UNDER SECTION 115(B)(1) OF THE ADAM
4 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (42 U.S.C. §
5 16915(B)(1)).

6 (C) PROCEDURE.--AN INDIVIDUAL WHO SEEKS TO REDUCE THE PERIOD
7 OF REGISTRATION TO TEN YEARS PURSUANT TO SUBSECTION (A) AND AN
8 INDIVIDUAL WHO SEEKS TO TERMINATE THE OBLIGATION TO REGISTER
9 PURSUANT TO SUBSECTION (B) MAY PETITION THE SENTENCING COURT FOR
10 REDUCTION OR TERMINATION, AS APPROPRIATE. THE COURT SHALL:

11 (1) ENTER AN ORDER DIRECTING THE PETITIONER BE ASSESSED
12 BY THE BOARD IN ACCORDANCE WITH SECTION 9799.24 (RELATING TO
13 ASSESSMENTS). THE ORDER FOR ASSESSMENT SHALL BE SENT TO THE
14 ADMINISTRATIVE OFFICER OF THE BOARD WITHIN TEN DAYS OF ITS
15 ENTRY. NO LATER THAN 90 DAYS FOLLOWING RECEIPT OF SUCH AN
16 ORDER, THE BOARD SHALL SUBMIT A WRITTEN REPORT CONTAINING ITS
17 ASSESSMENT TO THE SENTENCING COURT, DISTRICT ATTORNEY AND THE
18 ATTORNEY FOR THE PETITIONER.

19 (2) WITHIN 120 DAYS OF THE FILING OF THE PETITION UNDER
20 PARAGRAPH (1), THE SENTENCING COURT SHALL HOLD A HEARING TO
21 DETERMINE WHETHER TO REDUCE THE PERIOD OF REGISTRATION TO TEN
22 YEARS OR TO TERMINATE THE OBLIGATION TO REGISTER, AS
23 APPROPRIATE. THE PETITIONER AND THE DISTRICT ATTORNEY SHALL
24 BE GIVEN NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE
25 HEARD, THE RIGHT TO CALL WITNESSES, THE RIGHT TO CALL EXPERT
26 WITNESSES AND THE RIGHT TO CROSS-EXAMINE WITNESSES. THE
27 PETITIONER SHALL HAVE THE RIGHT TO COUNSEL AND TO HAVE A
28 LAWYER APPOINTED IF THE PETITIONER CANNOT AFFORD ONE.

29 (3) THE SENTENCING COURT SHALL REDUCE THE PERIOD OF
30 REGISTRATION TO TEN YEARS OR TERMINATE THE OBLIGATION TO

1 REGISTER, AS APPROPRIATE, ONLY UPON A FINDING OF CLEAR AND
2 CONVINCING EVIDENCE THAT ALLOWING THE PETITIONER TO REDUCE
3 THE PERIOD OF REGISTRATION OR TO TERMINATE THE OBLIGATION TO
4 REGISTER, AS APPROPRIATE, IS NOT LIKELY TO POSE A THREAT TO
5 THE SAFETY OF ANY OTHER PERSON.

6 (D) NOTICE.--A COURT GRANTING RELIEF UNDER THIS SECTION
7 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE IN WRITING WITHIN TEN
8 DAYS FROM THE DATE RELIEF IS GRANTED.

9 (E) RIGHT TO APPEAL.--THE PETITIONER AND THE COMMONWEALTH
10 SHALL HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTIONS OF THE
11 SENTENCING COURT TAKEN UNDER THIS SECTION. AN APPEAL BY THE
12 COMMONWEALTH SHALL STAY THE ORDER OF THE SENTENCING COURT.

13 (F) PROHIBITION.--THIS SECTION SHALL NOT APPLY TO AN
14 INDIVIDUAL WHO:

15 (1) HAS BEEN DESIGNATED AS A SEXUALLY VIOLENT PREDATOR.

16 (2) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE WHO
17 IS REQUIRED TO REGISTER FOR A PERIOD OF 25 YEARS.

18 (3) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE WHO
19 IS REQUIRED TO REGISTER FOR A PERIOD OF LIFE.

20 (4) IS A SEXUALLY VIOLENT DELINQUENT CHILD.

21 § 9799.18. INFORMATION SHARING.

22 (A) GENERAL RULE.--THE PENNSYLVANIA STATE POLICE SHALL,
23 WITHIN THREE BUSINESS DAYS, TRANSFER INFORMATION PROVIDED BY AN
24 INDIVIDUAL SET FORTH IN SECTION 9799.13 (RELATING TO
25 APPLICABILITY) UNDER SECTIONS 9799.15(G) AND (I) (RELATING TO
26 PERIOD OF REGISTRATION), 9799.16(B) (RELATING TO REGISTRY) AND
27 9799.19 (RELATING TO INITIAL REGISTRATION) TO:

28 (1) A JURISDICTION IN WHICH THE INDIVIDUAL IS REQUIRED
29 TO REGISTER THE INDIVIDUAL'S RESIDENCE, EMPLOYMENT OR
30 ENROLLMENT AS A STUDENT.

1 (2) A JURISDICTION IN WHICH THE INDIVIDUAL HAS
2 TERMINATED THE INDIVIDUAL'S RESIDENCE, EMPLOYMENT OR
3 ENROLLMENT AS A STUDENT.

4 (3) THE UNITED STATES ATTORNEY GENERAL, THE DEPARTMENT
5 OF JUSTICE AND THE UNITED STATES MARSHALS SERVICE FOR
6 INCLUSION IN THE NATIONAL SEX OFFENDER REGISTRY, NCIC AND ANY
7 OTHER DATABASE ESTABLISHED BY SUCH FEDERAL AGENCIES.

8 (4) THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH THE
9 INDIVIDUAL:

10 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
11 RESIDENCE;

12 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;

13 OR

14 (III) ENROLLS AS A STUDENT OR TERMINATES ENROLLMENT
15 AS A STUDENT.

16 (5) THE CHIEF LAW ENFORCEMENT OFFICER OF THE POLICE
17 DEPARTMENT OF THE MUNICIPALITY IN WHICH THE INDIVIDUAL:

18 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
19 RESIDENCE;

20 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;

21 OR

22 (III) ENROLLS AS A STUDENT OR TERMINATES ENROLLMENT
23 AS A STUDENT.

24 (6) THE COUNTY OFFICE OF PROBATION AND PAROLE FOR THE
25 COUNTY IN WHICH THE INDIVIDUAL:

26 (I) ESTABLISHES A RESIDENCE OR TERMINATES A
27 RESIDENCE;

28 (II) COMMENCES EMPLOYMENT OR TERMINATES EMPLOYMENT;

29 OR

30 (III) ENROLLS AS A STUDENT OR TERMINATES ENROLLMENT

1 AS A STUDENT.

2 (B) WHEN SEXUAL OFFENDER FAILS TO APPEAR.--WHEN ANOTHER
3 JURISDICTION NOTIFIES THIS COMMONWEALTH THAT A SEXUAL OFFENDER
4 HAS TERMINATED HIS RESIDENCE, EMPLOYMENT OR ENROLLMENT AS A
5 STUDENT IN THAT JURISDICTION AND INTENDS TO ESTABLISH A
6 RESIDENCE IN THIS COMMONWEALTH, COMMENCE EMPLOYMENT IN THIS
7 COMMONWEALTH OR COMMENCE ENROLLMENT AS A STUDENT IN THIS
8 COMMONWEALTH AND THAT SEXUAL OFFENDER FAILS TO APPEAR IN THIS
9 COMMONWEALTH TO REGISTER, THE PENNSYLVANIA STATE POLICE SHALL
10 NOTIFY THE OTHER JURISDICTION THAT THE SEXUAL OFFENDER FAILED TO
11 APPEAR.

12 (C) INTERNATIONAL RESIDENCE.--THE PENNSYLVANIA STATE POLICE
13 SHALL, WITHIN THREE BUSINESS DAYS, TRANSFER INFORMATION THAT A
14 SEXUAL OFFENDER INTENDS TO ESTABLISH RESIDENCE IN ANOTHER
15 COUNTRY TO:

16 (1) A JURISDICTION IN WHICH THE SEXUAL OFFENDER IS
17 REQUIRED TO REGISTER RESIDENCE, EMPLOYMENT OR ENROLLMENT AS A
18 STUDENT.

19 (2) THE UNITED STATES MARSHALS SERVICE.

20 (3) THE DEPARTMENT OF JUSTICE FOR INCLUSION IN THE
21 NATIONAL SEX OFFENDER REGISTRY AND NCIC.

22 (D) INTERNATIONAL TRAVEL.--THE PENNSYLVANIA STATE POLICE
23 SHALL, WITHIN THREE BUSINESS DAYS, TRANSFER INFORMATION ABOUT
24 INTERNATIONAL TRAVEL PROVIDED BY THE SEXUAL OFFENDER UNDER
25 SECTION 9799.15(I) TO:

26 (1) A JURISDICTION IN WHICH THE SEXUAL OFFENDER IS
27 REQUIRED TO REGISTER THE SEXUAL OFFENDER'S RESIDENCE,
28 EMPLOYMENT OR ENROLLMENT AS A STUDENT.

29 (2) THE UNITED STATES MARSHALS SERVICE.

30 (3) THE DEPARTMENT OF JUSTICE FOR INCLUSION IN THE

1 NATIONAL SEX OFFENDER REGISTRY AND NCIC.

2 (E) NATIONAL CHILD PROTECTION ACT AGENCIES.--THE
3 PENNSYLVANIA STATE POLICE SHALL, WITHIN THREE BUSINESS DAYS,
4 TRANSFER SUCH CRIMINAL HISTORY RECORD INFORMATION ABOUT A SEXUAL
5 OFFENDER IN THE REGISTRY NECESSARY TO ENABLE AN AGENCY
6 RESPONSIBLE FOR CONDUCTING EMPLOYMENT-RELATED BACKGROUND CHECKS
7 UNDER SECTION 3 OF THE NATIONAL CHILD PROTECTION ACT OF 1993
8 (PUBLIC LAW 103-209, 42 U.S.C. 5119A) TO CONDUCT THE BACKGROUND
9 CHECKS.

10 § 9799.19. INITIAL REGISTRATION.

11 (A) GENERAL RULE.--AN INDIVIDUAL SET FORTH IN SECTION
12 9799.13 (RELATING TO APPLICABILITY) SHALL INITIALLY REGISTER
13 WITH THE PENNSYLVANIA STATE POLICE AS SET FORTH IN THIS SECTION.

14 (B) INITIAL REGISTRATION IF INCARCERATED WITHIN COMMONWEALTH
15 ON EFFECTIVE DATE OF SECTION.--THE FOLLOWING APPLY:

16 (1) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
17 SECTION, INCARCERATED IN A STATE OR COUNTY CORRECTIONAL
18 FACILITY, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION SET
19 FORTH IN SECTION 9799.16(B) (RELATING TO REGISTRY) TO THE
20 APPROPRIATE OFFICIAL OF THE STATE OR COUNTY CORRECTIONAL
21 FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE
22 FOR INCLUSION IN THE REGISTRY BEFORE BEING RELEASED DUE TO:

23 (I) THE EXPIRATION OF SENTENCE, IN WHICH CASE THE
24 INFORMATION SHALL BE COLLECTED NO LATER THAN TEN DAYS
25 PRIOR TO THE MAXIMUM EXPIRATION DATE;

26 (II) PAROLE;

27 (III) STATE OR COUNTY INTERMEDIATE PUNISHMENT WHERE
28 THE SENTENCE IS RESTRICTIVE AND THE INDIVIDUAL IS
29 SENTENCED TO A PERIOD OF INCARCERATION IN A STATE OR
30 COUNTY CORRECTIONAL INSTITUTION OR A WORK RELEASE

1 FACILITY; OR

2 (IV) SPECIAL PROBATION SUPERVISED BY THE
3 PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

4 (2) FOR INDIVIDUALS SET FORTH IN PARAGRAPH (1), THE
5 APPROPRIATE OFFICIAL OF THE STATE OR COUNTY CORRECTIONAL
6 FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE
7 SHALL COLLECT AND FORWARD THE INFORMATION IN SECTION
8 9799.16(B) TO THE PENNSYLVANIA STATE POLICE. THE APPROPRIATE
9 OFFICIAL SHALL, IN ADDITION, ENSURE THAT THE INFORMATION SET
10 FORTH IN SECTION 9799.16(C) IS COLLECTED AND FORWARDED TO THE
11 PENNSYLVANIA STATE POLICE. THE INFORMATION IN SECTION
12 9799.16(B) AND (C) SHALL BE INCLUDED IN THE REGISTRY. WITH
13 RESPECT TO INDIVIDUALS RELEASED UNDER PARAGRAPHS (1)(II),
14 (III) OR (IV), THE STATE OR COUNTY CORRECTIONAL FACILITY
15 SHALL NOT RELEASE THE INDIVIDUAL UNTIL IT RECEIVES
16 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT IT HAS
17 RECEIVED THE INFORMATION SET FORTH IN SECTION 9799.16(B) AND
18 (C). VERIFICATION MAY TAKE PLACE BY ELECTRONIC MEANS. WITH
19 RESPECT TO INDIVIDUALS RELEASED UNDER PARAGRAPH (1)(I), IF
20 THE INDIVIDUAL REFUSES TO PROVIDE THE INFORMATION SET FORTH
21 IN SECTION 9799.16(B), THE STATE OR COUNTY CORRECTIONAL
22 INSTITUTION SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OR THE
23 MUNICIPAL POLICE DEPARTMENT WITH JURISDICTION OVER THE
24 FACILITY OF THE FAILURE TO PROVIDE THE INFORMATION AND OF THE
25 EXPECTED DATE, TIME AND LOCATION OF THE RELEASE OF THE
26 INDIVIDUAL.

27 (B.1) INITIAL REGISTRATION IF SENTENCED TO A COUNTY OR STATE
28 CORRECTIONAL FACILITY AFTER EFFECTIVE DATE OF SECTION.--IF THE
29 INDIVIDUAL IS, AFTER THE EFFECTIVE DATE OF THIS SECTION,
30 SENTENCED TO A PERIOD OF INCARCERATION IN A COUNTY OR STATE

1 CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL PROVIDE THE
2 INFORMATION SET FORTH IN SECTION 9799.16(B) AS FOLLOWS:

3 (1) AT THE TIME OF SENTENCING, THE COURT SHALL REQUIRE
4 THE INDIVIDUAL TO IMMEDIATELY REPORT TO THE OFFICE OF
5 PROBATION AND PAROLE SERVING THAT COUNTY TO REGISTER UNDER
6 THIS SUBCHAPTER. THE APPROPRIATE OFFICE OF PROBATION AND
7 PAROLE SHALL COLLECT THE INFORMATION SET FORTH IN SECTION
8 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE INFORMATION TO
9 THE PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICE OF
10 PROBATION AND PAROLE SHALL, IN ADDITION, ENSURE THE
11 INFORMATION SET FORTH IN 9799.16(C) IS COLLECTED AND
12 FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE INFORMATION
13 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
14 REGISTRY.

15 (2) IF THE INDIVIDUAL IS INCARCERATED IN A STATE
16 CORRECTIONAL FACILITY OR COUNTY CORRECTIONAL FACILITY, THE
17 CORRECTIONAL FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE
18 POLICE, NOT MORE THAN 30 DAYS IN ADVANCE OF, BUT NOT LATER
19 THAN TEN DAYS PRIOR TO, THE INDIVIDUAL'S RELEASE FROM THE
20 CORRECTIONAL FACILITY. THE FOLLOWING APPLY:

21 (I) THE CORRECTIONAL FACILITY SHALL ENSURE THAT THE
22 INFORMATION SET FORTH IN SECTION 9799.16(B) AND (C) FOR
23 THE INDIVIDUAL HAS BEEN SUBMITTED TO THE PENNSYLVANIA
24 STATE POLICE.

25 (II) IF THE INFORMATION HAS NOT BEEN SUBMITTED TO
26 THE PENNSYLVANIA STATE POLICE, THE CORRECTIONAL FACILITY
27 SHALL COLLECT THE INFORMATION SET FORTH IN SECTION
28 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE
29 INFORMATION TO THE PENNSYLVANIA STATE POLICE.

30 (III) THE CORRECTIONAL FACILITY SHALL ALSO REPORT

1 ANY CHANGES TO THE INFORMATION SET FORTH IN SECTION
2 9799.16(B) AND (C) ON FILE WITH THE PENNSYLVANIA STATE
3 POLICE.

4 (IV) IN THE CASE OF PAROLE, STATE OR COUNTY
5 INTERMEDIATE PUNISHMENT WHERE THE SENTENCE IS RESTRICTIVE
6 AND THE INDIVIDUAL IS SENTENCED TO A PERIOD OF
7 INCARCERATION IN A STATE OR COUNTY CORRECTIONAL
8 INSTITUTION OR WORK RELEASE FACILITY OR SPECIAL PROBATION
9 SUPERVISED BY THE PENNSYLVANIA BOARD OF PROBATION AND
10 PAROLE, THE CORRECTIONAL FACILITY MAY NOT RELEASE THE
11 INDIVIDUAL UNTIL THE CORRECTIONAL FACILITY RECEIVES
12 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
13 PENNSYLVANIA STATE POLICE HAS RECEIVED THE INFORMATION
14 SET FORTH IN SECTION 9799.16(B) AND (C). VERIFICATION BY
15 THE PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC
16 MEANS.

17 (V) IF THE INDIVIDUAL IS SCHEDULED TO BE RELEASED
18 FROM A STATE OR COUNTY CORRECTIONAL INSTITUTION DUE TO
19 THE EXPIRATION OF SENTENCE AND THE INDIVIDUAL REFUSES TO
20 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B),
21 THE STATE OR COUNTY CORRECTIONAL INSTITUTION SHALL NOTIFY
22 THE PENNSYLVANIA STATE POLICE OR THE MUNICIPAL POLICE
23 DEPARTMENT WITH JURISDICTION OVER THE FACILITY OF THE
24 FAILURE TO PROVIDE THE INFORMATION AND OF THE EXPECTED
25 DATE, TIME AND LOCATION OF THE RELEASE OF THE INDIVIDUAL.

26 (C) INITIAL REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE
27 PUNISHMENT ON EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL IS,
28 ON THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO COUNTY
29 INTERMEDIATE PUNISHMENT WHICH IS RESTORATIVE WHERE THE
30 INDIVIDUAL IS NOT SENTENCED TO INCARCERATION OR TO A WORK

1 RELEASE FACILITY, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION
2 SET FORTH IN SECTION 9799.16(B) BY APPEARING AT AN APPROVED
3 REGISTRATION SITE WITHIN 48 HOURS OF THE EFFECTIVE DATE OF THIS
4 SECTION. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
5 PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS
6 APPEARED AT AN APPROVED REGISTRATION SITE AS SET FORTH IN THIS
7 SUBSECTION. IF THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE
8 OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND PAROLE SHALL
9 NOTIFY THE PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE
10 POLICE SHALL ENSURE THE INFORMATION SET FORTH IN SECTION
11 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS COLLECTED AND
12 ENTERED IN THE REGISTRY.

13 (D) INITIAL REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE
14 PUNISHMENT AFTER EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL
15 IS, AFTER THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO
16 COUNTY INTERMEDIATE PUNISHMENT, THE FOLLOWING APPLY:

17 (1) IF THE INDIVIDUAL IS SENTENCED TO COUNTY
18 INTERMEDIATE PUNISHMENT WHICH IS RESTORATIVE, THE INDIVIDUAL
19 SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
20 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
21 OF BEING SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY
22 OFFICE OF PROBATION AND PAROLE SHALL ENSURE THAT THE
23 INDIVIDUAL HAS APPEARED AT AN APPROVED REGISTRATION SITE AS
24 SET FORTH IN THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO
25 APPEAR, THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
26 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE
27 POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THE
28 INFORMATION SET FORTH IN SECTION 9799.16(C) WITH RESPECT TO
29 THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

30 (2) IF THE INDIVIDUAL IS SENTENCED TO COUNTY

1 INTERMEDIATE PUNISHMENT WHICH IS RESTRICTIVE WHERE THE
2 INDIVIDUAL IS NOT SENTENCED TO INCARCERATION OR TO A WORK
3 RELEASE FACILITY, THE INDIVIDUAL SHALL PROVIDE THE
4 INFORMATION SET FORTH IN SECTION 9799.16(B) BY APPEARING AT
5 AN APPROVED REGISTRATION SITE WITHIN 48 HOURS OF BEING
6 SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
7 PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS
8 APPEARED AT AN APPROVED REGISTRATION SITE AS SET FORTH IN
9 THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO APPEAR, THE
10 APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND
11 PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE POLICE. THE
12 PENNSYLVANIA STATE POLICE SHALL ENSURE THE INFORMATION SET
13 FORTH IN SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
14 COLLECTED AND ENTERED IN THE REGISTRY.

15 (E) INITIAL REGISTRATION IF SENTENCED TO COUNTY PROBATION ON
16 OR AFTER EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL IS, ON OR
17 AFTER THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO COUNTY
18 PROBATION, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION SET
19 FORTH IN SECTION 9799.16(B) BY APPEARING AT AN APPROVED
20 REGISTRATION SITE WITHIN 48 HOURS OF BEING SENTENCED. THE
21 APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND
22 PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS APPEARED AT AN
23 APPROVED REGISTRATION SITE AS SET FORTH IN THIS PARAGRAPH. IF
24 THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE OFFICIAL OF THE
25 COUNTY OFFICE OF PROBATION AND PAROLE SHALL NOTIFY THE
26 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL
27 ENSURE THE INFORMATION SET FORTH IN SECTION 9799.16(C) WITH
28 RESPECT TO THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE
29 REGISTRY.

30 (F) INITIAL REGISTRATION IF BEING SUPERVISED BY

1 COMMONWEALTH UNDER INTERSTATE COMPACT FOR ADULT OFFENDER
2 SUPERVISION.--IF AN INDIVIDUAL IS IN THIS COMMONWEALTH AND IS
3 BEING SUPERVISED BY THE STATE BOARD OF PROBATION AND PAROLE OR
4 THE COUNTY OFFICE OF PROBATION AND PAROLE PURSUANT TO THE
5 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION, THE FOLLOWING
6 APPLY:

7 (1) IF THE INDIVIDUAL IS BEING SUPERVISED UNDER THE
8 COMPACT AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
9 INDIVIDUAL SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION
10 9799.16(B) TO THE APPROPRIATE OFFICIAL OF THE STATE BOARD OF
11 PROBATION AND PAROLE OR THE COUNTY OFFICE OF PROBATION AND
12 PAROLE FOR INCLUSION IN THE REGISTRY. THE APPROPRIATE
13 OFFICIAL SHALL COLLECT THE INFORMATION SET FORTH IN SECTION
14 9799.16(B) AND FORWARD THE INFORMATION TO THE PENNSYLVANIA
15 STATE POLICE. THE APPROPRIATE OFFICIAL SHALL, IN ADDITION,
16 ENSURE THAT THE INFORMATION SET FORTH IN SECTION 9799.16(C)
17 IS COLLECTED AND FORWARDED TO THE PENNSYLVANIA STATE POLICE.
18 IF THE INDIVIDUAL FAILS TO PROVIDE THE INFORMATION IN SECTION
19 9799.16(B), THE APPROPRIATE OFFICIAL OF THE STATE BOARD OF
20 PROBATION AND PAROLE OR COUNTY OFFICE OF PROBATION AND PAROLE
21 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE.

22 (2) IF THE INDIVIDUAL IS BEING SUPERVISED UNDER THE
23 COMPACT ON THE EFFECTIVE DATE OF THIS SECTION, THE INDIVIDUAL
24 SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
25 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
26 OF THE EFFECTIVE DATE OF THIS SECTION. THE APPROPRIATE
27 OFFICIAL OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR
28 THE COUNTY OFFICE OF PROBATION AND PAROLE SHALL ENSURE THAT
29 THE INDIVIDUAL HAS APPEARED AT AN APPROVED REGISTRATION SITE
30 AS SET FORTH IN THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO

1 APPEAR, THE APPROPRIATE OFFICIAL SHALL NOTIFY THE
2 PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICIAL SHALL, IN
3 ADDITION, ENSURE THE INFORMATION SET FORTH IN SECTION
4 9799.16(C) IS COLLECTED AND FORWARDED TO THE PENNSYLVANIA
5 STATE POLICE.

6 (G) SUPERVISION OF INDIVIDUAL CONVICTED IN COMMONWEALTH WHO
7 DOES NOT INTEND TO RESIDE IN COMMONWEALTH.--ON OR AFTER THE
8 EFFECTIVE DATE OF THIS SECTION, AN INDIVIDUAL CONVICTED OF A
9 SEXUALLY VIOLENT OFFENSE WITHIN THIS COMMONWEALTH WHO SEEKS
10 TRANSFER OF SUPERVISION TO ANOTHER JURISDICTION PURSUANT TO THE
11 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION, SHALL NOT
12 HAVE SUPERVISION TRANSFERRED TO ANOTHER JURISDICTION PRIOR TO
13 THE INDIVIDUAL'S REGISTRATION WITH THE PENNSYLVANIA STATE POLICE
14 AS SET FORTH IN THIS SECTION.

15 (H) INITIAL REGISTRATION OF JUVENILE OFFENDER OR SEXUALLY
16 VIOLENT DELINQUENT CHILD.--IF THE INDIVIDUAL IS A JUVENILE
17 OFFENDER OR A SEXUALLY VIOLENT DELINQUENT CHILD, THE FOLLOWING
18 APPLY:

19 (1) IF THE INDIVIDUAL IS A JUVENILE OFFENDER WHO IS
20 ADJUDICATED DELINQUENT BY A COURT ON OR AFTER THE EFFECTIVE
21 DATE OF THIS SECTION, THE COURT SHALL REQUIRE THE INDIVIDUAL
22 TO PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B) TO
23 THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AT THE TIME
24 OF DISPOSITION UNDER SECTION 6352 (RELATING TO DISPOSITION OF
25 DELINQUENT CHILD). THE CHIEF JUVENILE PROBATION OFFICER SHALL
26 COLLECT THE INFORMATION IN SECTION 9799.16(B) AND (C) AND
27 FORWARD IT TO THE PENNSYLVANIA STATE POLICE FOR INCLUSION IN
28 THE REGISTRY AS DIRECTED BY THE PENNSYLVANIA STATE POLICE. IF
29 THE JUVENILE OFFENDER IS UNDER COURT-ORDERED PLACEMENT IN AN
30 INSTITUTION OR FACILITY SET FORTH IN SECTION 6352(A)(3), THE

1 INSTITUTION OR FACILITY SHALL ENSURE THE INFORMATION PROVIDED
2 BY THE JUVENILE OFFENDER PURSUANT TO SECTION 9799.16(B) IS
3 UPDATED TO REFLECT ACCURATE INFORMATION PRIOR TO RELEASE. THE
4 INSTITUTION OR FACILITY MAY NOT RELEASE THE JUVENILE OFFENDER
5 UNTIL IT RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE
6 POLICE THAT THE INFORMATION REQUIRED UNDER SECTION 9799.16(B)
7 AND (C) HAS BEEN ENTERED IN THE REGISTRY.

8 (2) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
9 SECTION, A JUVENILE OFFENDER AND IS SUBJECT TO THE
10 JURISDICTION OF THE COURT PURSUANT TO A DISPOSITION ENTERED
11 UNDER SECTION 6352 AND IS ON PROBATION, THE INDIVIDUAL SHALL
12 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B) TO
13 THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT WITHIN 30
14 DAYS OF THE EFFECTIVE DATE OF THIS SECTION. THE CHIEF
15 JUVENILE PROBATION OFFICER SHALL COLLECT THE INFORMATION SET
16 FORTH IN SECTION 9799.16(B) AND (C) AND FORWARD IT TO THE
17 PENNSYLVANIA STATE POLICE FOR INCLUSION IN THE REGISTRY, AS
18 DIRECTED BY THE PENNSYLVANIA STATE POLICE.

19 (3) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
20 SECTION, A JUVENILE OFFENDER AND IS SUBJECT TO THE
21 JURISDICTION OF A COURT PURSUANT TO A DISPOSITION ENTERED
22 UNDER SECTION 6352 AND IS UNDER COURT-ORDERED PLACEMENT IN AN
23 INSTITUTION OR FACILITY SET FORTH IN SECTION 6352, THE
24 DIRECTOR OF THE INSTITUTION OR FACILITY OR A DESIGNEE SHALL
25 MAKE THE JUVENILE OFFENDER AVAILABLE FOR AND FACILITATE THE
26 COLLECTION OF THE INFORMATION SET FORTH IN SECTION 9799.16(B)
27 AND (C) AS DIRECTED BY THE PENNSYLVANIA STATE POLICE FOR
28 INCLUSION IN THE REGISTRY. THE PENNSYLVANIA STATE POLICE MAY
29 REQUIRE THE INSTITUTION OR FACILITY TO TRANSPORT THE JUVENILE
30 OFFENDER TO AND FROM AN APPROVED REGISTRATION SITE IN ORDER

1 TO FULFILL THE REQUIREMENT OF THIS PARAGRAPH. IN ORDER TO
2 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE CHIEF
3 JUVENILE PROBATION OFFICER OF THE COURT SHALL, WITHIN TEN
4 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, NOTIFY THE
5 DIRECTOR OF THE INSTITUTION OR FACILITY AND THE PENNSYLVANIA
6 STATE POLICE THAT THE JUVENILE OFFENDER IS REQUIRED TO
7 REGISTER UNDER THIS SUBCHAPTER. IN ADDITION, THE INSTITUTION
8 OR FACILITY SHALL ENSURE THAT THE INFORMATION PROVIDED BY THE
9 JUVENILE OFFENDER PURSUANT TO SECTION 9799.16(B) IS UPDATED
10 TO REFLECT ACCURATE INFORMATION PRIOR TO RELEASE. THE
11 JUVENILE OFFENDER MAY NOT BE RELEASED UNTIL THE INSTITUTION
12 OR FACILITY RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE
13 POLICE THAT THE INFORMATION REQUIRED UNDER SECTION 9799.16(B)
14 AND (C) HAS BEEN ENTERED INTO THE REGISTRY.

15 (4) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
16 SECTION, A SEXUALLY VIOLENT DELINQUENT CHILD AND RECEIVING
17 INVOLUNTARY TREATMENT IN THE STATE-OWNED FACILITY OR UNIT
18 UNDER CHAPTER 64 (RELATING TO COURT-ORDERED INVOLUNTARY
19 TREATMENT OF CERTAIN SEXUALLY VIOLENT PERSONS), THE DIRECTOR
20 OF THE FACILITY OR UNIT OR A DESIGNEE SHALL MAKE THE SEXUALLY
21 VIOLENT DELINQUENT CHILD AVAILABLE FOR AND FACILITATE THE
22 COLLECTION OF THE INFORMATION SET FORTH IN SECTION 9799.16(B)
23 AND (C) AS DIRECTED BY THE PENNSYLVANIA STATE POLICE FOR
24 INCLUSION IN THE REGISTRY. THE PENNSYLVANIA STATE POLICE MAY
25 REQUIRE THE FACILITY OR UNIT TO TRANSPORT THE SEXUALLY
26 VIOLENT DELINQUENT CHILD TO AND FROM AN APPROVED REGISTRATION
27 SITE IN ORDER TO FULFILL THE REQUIREMENT OF THIS PARAGRAPH.
28 IN ADDITION, THE FACILITY OR UNIT SHALL ENSURE THAT THE
29 INFORMATION PROVIDED BY THE SEXUALLY VIOLENT DELINQUENT CHILD
30 PURSUANT TO SECTION 9799.16(B) IS UPDATED TO REFLECT ACCURATE

1 INFORMATION PRIOR TO RELEASE. THE FACILITY OR UNIT MAY NOT
2 RELEASE THE SEXUALLY VIOLENT DELINQUENT CHILD UNTIL IT HAS
3 RECEIVED VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT
4 IT HAS RECEIVED THE INFORMATION SET FORTH IN SECTION
5 9799.16(B) AND (C).

6 (5) IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE DATE
7 OF THIS SECTION, DETERMINED BY THE COURT TO BE A SEXUALLY
8 VIOLENT DELINQUENT CHILD AND COMMITTED FOR INVOLUNTARY
9 TREATMENT TO THE STATE-OWNED FACILITY OR UNIT UNDER CHAPTER
10 64, THE FOLLOWING APPLY:

11 (I) THE COURT SHALL REQUIRE THE INDIVIDUAL TO
12 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
13 TO THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AT
14 THE TIME OF COMMITMENT. THE CHIEF JUVENILE PROBATION
15 OFFICER SHALL COLLECT AND FORWARD THE INFORMATION TO THE
16 PENNSYLVANIA STATE POLICE FOR INCLUSION IN THE REGISTRY.
17 THE CHIEF JUVENILE PROBATION OFFICER SHALL, AT THE TIME
18 OF COMMITMENT, ALSO ENSURE THAT THE INFORMATION SET FORTH
19 IN SECTION 9799.16(C) IS COLLECTED AND FORWARDED TO THE
20 PENNSYLVANIA STATE POLICE FOR INCLUSION IN THE REGISTRY.
21 THE PENNSYLVANIA STATE POLICE MAY REQUIRE THE FACILITY OR
22 UNIT TO TRANSPORT THE SEXUALLY VIOLENT DELINQUENT CHILD
23 TO AND FROM AN APPROVED REGISTRATION SITE IN ORDER TO
24 FULFILL THE REQUIREMENT OF INITIAL REGISTRATION AT THE
25 TIME OF COMMITMENT.

26 (II) THE FACILITY OR UNIT SHALL ENSURE THAT THE
27 INFORMATION PROVIDED BY THE SEXUALLY VIOLENT DELINQUENT
28 CHILD PURSUANT TO SECTION 9799.16(B) IS UPDATED TO
29 REFLECT ACCURATE INFORMATION PRIOR TO TRANSFER TO
30 INVOLUNTARY OUTPATIENT TREATMENT PURSUANT TO SECTION

1 6404.1 (RELATING TO TRANSFER TO INVOLUNTARY OUTPATIENT
2 TREATMENT) OR DISCHARGE. THE COURT MAY NOT DISCHARGE THE
3 SEXUALLY VIOLENT DELINQUENT CHILD FROM THE FACILITY OR
4 UNIT UNTIL IT HAS RECEIVED VERIFICATION FROM THE
5 PENNSYLVANIA STATE POLICE THAT THE INFORMATION REQUIRED
6 UNDER SECTION 9799.16(B) AND (C) HAS BEEN ENTERED IN THE
7 REGISTRY.

8 (I) INITIAL REGISTRATION IF CONVICTED OUTSIDE
9 COMMONWEALTH.--IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE
10 DATE OF THIS SECTION, CONVICTED OF A SEXUALLY VIOLENT OFFENSE IN
11 ANOTHER JURISDICTION OR A FOREIGN COUNTRY OR OF A COMPARABLE
12 MILITARY OFFENSE, THE INDIVIDUAL SHALL APPEAR IN PERSON AT AN
13 APPROVED REGISTRATION SITE TO PROVIDE THE INFORMATION SET FORTH
14 IN SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE WITHIN
15 THREE BUSINESS DAYS OF ESTABLISHING RESIDENCE, COMMENCING
16 EMPLOYMENT OR COMMENCING ENROLLMENT AS A STUDENT WITHIN THIS
17 COMMONWEALTH. IN ADDITION, THE INDIVIDUAL SHALL COMPLY WITH THE
18 OTHER PROVISIONS OF THIS SUBCHAPTER, INCLUDING SECTION 9799.15
19 (RELATING TO PERIOD OF REGISTRATION). IF THE INDIVIDUAL FAILS TO
20 ESTABLISH A RESIDENCE BUT NEVERTHELESS RESIDES IN THIS
21 COMMONWEALTH, THE INDIVIDUAL SHALL REGISTER AS A TRANSIENT. THE
22 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION SET
23 FORTH IN SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
24 COLLECTED AND ENTERED IN THE REGISTRY.

25 (J) FORMER LAW AND INITIAL REGISTRATION.--IF THE INDIVIDUAL
26 WAS REQUIRED TO REGISTER UNDER THIS SUBCHAPTER BEFORE THE
27 EFFECTIVE DATE OF THIS SECTION AND HAS NOT FULFILLED THE PERIOD
28 OF REGISTRATION, THE INDIVIDUAL SHALL APPEAR AT AN APPROVED
29 REGISTRATION SITE TO PROVIDE THE INFORMATION SET FORTH IN
30 SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE WITHIN 90

1 DAYS OF THE EFFECTIVE DATE OF THIS SECTION. IN ADDITION, THE
2 INDIVIDUAL SHALL COMPLY WITH THE OTHER PROVISIONS OF THIS
3 SUBCHAPTER, INCLUDING SECTION 9799.15. IF THE INDIVIDUAL FAILS
4 TO ESTABLISH A RESIDENCE, THE INDIVIDUAL SHALL REGISTER AS A
5 TRANSIENT. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE
6 INFORMATION SET FORTH IN SECTION 9799.16(C) WITH RESPECT TO THE
7 INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

8 § 9799.20. DUTY TO INFORM.

9 IN ORDER TO IMPLEMENT THE PROVISIONS OF SECTION 9799.19
10 (RELATING TO INITIAL REGISTRATION), THE PENNSYLVANIA STATE
11 POLICE, THE COURT HAVING JURISDICTION OVER THE SEXUAL OFFENDER,
12 THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AND THE
13 APPROPRIATE OFFICIAL OF THE PENNSYLVANIA BOARD OF PROBATION AND
14 PAROLE, COUNTY OFFICE OF PROBATION AND PAROLE, THE DEPARTMENT OF
15 PUBLIC WELFARE OR A STATE OR COUNTY CORRECTIONAL INSTITUTION
16 SHALL:

17 (1) INFORM THE INDIVIDUAL REQUIRED TO REGISTER OF THE
18 INDIVIDUAL'S DUTIES UNDER THIS SUBCHAPTER.

19 (2) REQUIRE THE INDIVIDUAL TO READ AND SIGN A FORM
20 STATING THAT THE DUTY TO REGISTER HAS BEEN EXPLAINED AND THAT
21 THE INDIVIDUAL UNDERSTANDS THE REGISTRATION REQUIREMENT.

22 (3) COLLECT THE INFORMATION REQUIRED UNDER SECTION
23 9799.16 (B) AND (C) (RELATING TO REGISTRY) AND FORWARD THE
24 INFORMATION TO THE PENNSYLVANIA STATE POLICE FOR INCLUSION IN
25 THE REGISTRY AS SET FORTH IN THIS SUBCHAPTER.

26 § 9799.21. PENALTY.

27 AN INDIVIDUAL SET FORTH IN SECTION 9799.13 (RELATING TO
28 APPLICABILITY) MAY BE SUBJECT TO PROSECUTION UNDER 18 PA.C.S. §
29 4915.1 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF
30 SEXUAL OFFENDERS REQUIREMENTS) IF THE INDIVIDUAL FAILS TO:

1 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS SET
2 FORTH IN SECTION 9799.15 (RELATING TO PERIOD OF
3 REGISTRATION), 9799.19 (RELATING TO INITIAL REGISTRATION) OR
4 9799.25 (RELATING TO VERIFICATION BY SEXUAL OFFENDERS AND
5 PENNSYLVANIA STATE POLICE);

6 (2) VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL OR
7 BE PHOTOGRAPHED AS PROVIDED IN SECTIONS 9799.15, 9799.19 AND
8 9799.25; OR

9 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
10 SECTIONS 9799.15, 9799.19 AND 9799.25.

11 § 9799.22. ENFORCEMENT.

12 (A) FAILURE TO COMPLY.--WHEN AN INDIVIDUAL SET FORTH IN
13 SECTION 9799.13 (RELATING TO APPLICABILITY) FAILS TO COMPLY WITH
14 SECTION 9799.21(1), (2) OR (3) (RELATING TO PENALTY), THE
15 PENNSYLVANIA STATE POLICE SHALL:

16 (1) LOCATE AND ARREST THE INDIVIDUAL FOR VIOLATING THIS
17 SECTION; OR

18 (2) NOTIFY THE MUNICIPAL POLICE DEPARTMENT WHERE THE
19 INDIVIDUAL HAS A RESIDENCE, IS EMPLOYED OR IS ENROLLED AS A
20 STUDENT. THE MUNICIPAL POLICE SHALL LOCATE AND ARREST THE
21 INDIVIDUAL FOR VIOLATING THIS SECTION. IN MUNICIPALITIES
22 WHERE NO MUNICIPAL POLICE DEPARTMENT EXISTS, THE PENNSYLVANIA
23 STATE POLICE SHALL PROCEED UNDER PARAGRAPH (1).

24 (B) WHEN INDIVIDUAL CANNOT BE FOUND.--IN THE EVENT THE
25 INDIVIDUAL CANNOT BE LOCATED, THE PENNSYLVANIA STATE POLICE
26 SHALL:

27 (1) ENTER INFORMATION ON THE INTERNET WEBSITE OF SEXUAL
28 OFFENDERS AND IN THE REGISTRY INDICATING THAT THE INDIVIDUAL
29 CANNOT BE LOCATED.

30 (2) PROVIDE INFORMATION TO THE NATIONAL SEX OFFENDER

1 REGISTRY AND NCIC TO REFLECT THAT THE INDIVIDUAL CANNOT BE
2 LOCATED.

3 (3) NOTIFY THE UNITED STATES MARSHALS SERVICE.

4 (4) IN COOPERATION WITH THE DISTRICT ATTORNEY, SEEK
5 ISSUANCE OF A WARRANT FOR THE ARREST OF THE INDIVIDUAL. IF A
6 WARRANT IS ISSUED PURSUANT TO THIS PARAGRAPH, THE
7 PENNSYLVANIA STATE POLICE SHALL PROVIDE INFORMATION TO THE
8 NATIONAL CRIME INFORMATION CENTER WANTED PERSON FILE TO
9 REFLECT THAT A WARRANT HAS BEEN ISSUED FOR THE INDIVIDUAL'S
10 ARREST.

11 (C) NOTICE FROM ANOTHER JURISDICTION.--WHEN ANOTHER
12 JURISDICTION NOTIFIES THE COMMONWEALTH THAT A SEXUAL OFFENDER
13 HAS TERMINATED RESIDENCE, EMPLOYMENT OR ENROLLMENT AS A STUDENT
14 IN THAT JURISDICTION AND INTENDS TO ESTABLISH A RESIDENCE IN
15 THIS COMMONWEALTH, COMMENCE EMPLOYMENT IN THIS COMMONWEALTH OR
16 COMMENCE ENROLLMENT AS A STUDENT IN THIS COMMONWEALTH, AND THAT
17 SEXUAL OFFENDER FAILS TO APPEAR IN THIS COMMONWEALTH TO REGISTER
18 AS PROVIDED IN SECTION 9799.15 (RELATING TO PERIOD OF
19 REGISTRATION), THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE
20 OTHER JURISDICTION THAT THE SEXUAL OFFENDER FAILED TO APPEAR.

21 (D) DUTY TO INFORM PENNSYLVANIA STATE POLICE.--IN ORDER TO
22 IMPLEMENT THE PROVISIONS OF SECTION 9799.15 AND SECTION 9799.19
23 (RELATING TO INITIAL REGISTRATION), THE COURT WITH JURISDICTION
24 OVER THE SEXUAL OFFENDER, THE CHIEF JUVENILE PROBATION OFFICER
25 OF THE COURT AND THE APPROPRIATE OFFICIAL OF THE PENNSYLVANIA
26 BOARD OF PROBATION AND PAROLE, THE COUNTY OFFICE OF PROBATION
27 AND PAROLE, THE DEPARTMENT OF PUBLIC WELFARE OR A STATE OR
28 COUNTY CORRECTIONAL INSTITUTION SHALL INFORM THE PENNSYLVANIA
29 STATE POLICE IF THE INDIVIDUAL REFUSES TO PROVIDE THE
30 INFORMATION REQUIRED. THE PENNSYLVANIA STATE POLICE SHALL LOCATE

1 AND ARREST THE INDIVIDUAL FOR A VIOLATION OF 18 PA.C.S. § 4915.1
2 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
3 OFFENDERS REQUIREMENTS).

4 § 9799.23. COURT NOTIFICATION AND CLASSIFICATION REQUIREMENTS.

5 (A) NOTICE TO SEXUAL OFFENDERS.--AT THE TIME OF SENTENCING
6 OR DISPOSITION, IN THE CASE OF A JUVENILE OFFENDER OR SEXUALLY
7 VIOLENT DELINQUENT CHILD, THE COURT SHALL INFORM THE SEXUAL
8 OFFENDER OF THE PROVISIONS OF THIS SUBCHAPTER. THE COURT SHALL:

9 (1) SPECIFICALLY INFORM THE SEXUAL OFFENDER OF THE DUTY
10 TO REGISTER UNDER THIS SUBCHAPTER.

11 (2) SPECIFICALLY INFORM THE SEXUAL OFFENDER OF THE DUTY
12 TO REGISTER IN ACCORDANCE WITH SECTIONS 9799.15 (RELATING TO
13 PERIOD OF REGISTRATION), 9799.16(B) (RELATING TO REGISTRY),
14 9799.19 (RELATING TO INITIAL REGISTRATION) AND 9799.25
15 (RELATING TO VERIFICATION BY SEXUAL OFFENDERS AND
16 PENNSYLVANIA STATE POLICE).

17 (3) SPECIFICALLY INFORM THE SEXUAL OFFENDER OF THE DUTY
18 TO REGISTER WITH AUTHORITIES IN ANOTHER JURISDICTION WITHIN
19 THREE BUSINESS DAYS OF:

20 (I) COMMENCEMENT OF RESIDENCE, CHANGE OF RESIDENCE,
21 TERMINATION OF RESIDENCE OR FAILURE TO MAINTAIN A
22 RESIDENCE, THUS MAKING THE SEXUAL OFFENDER A TRANSIENT.

23 (II) COMMENCEMENT OF EMPLOYMENT, A CHANGE IN THE
24 LOCATION OR ENTITY IN WHICH THE SEXUAL OFFENDER IS
25 EMPLOYED OR TERMINATION OF EMPLOYMENT.

26 (III) COMMENCEMENT OF ENROLLMENT AS A STUDENT, A
27 CHANGE IN ENROLLMENT AS A STUDENT OR TERMINATION OF
28 ENROLLMENT AS A STUDENT.

29 (4) IN ACCORDANCE WITH SECTION 9799.16(C), ORDER THAT
30 THE FINGERPRINTS, PALM PRINTS, DNA SAMPLE AND PHOTOGRAPH OF

1 THE SEXUAL OFFENDER BE PROVIDED TO THE PENNSYLVANIA STATE
2 POLICE UPON SENTENCING.

3 (5) REQUIRE THE SEXUAL OFFENDER TO READ AND SIGN A FORM
4 STATING THAT THE DUTY TO REGISTER UNDER THIS SUBCHAPTER HAS
5 BEEN EXPLAINED. IF THE SEXUAL OFFENDER IS INCAPABLE OF
6 SPEAKING, READING OR WRITING THE ENGLISH LANGUAGE, THE COURT
7 SHALL CERTIFY THE DUTY TO REGISTER WAS EXPLAINED TO THE
8 SEXUAL OFFENDER, AND THE SEXUAL OFFENDER INDICATED AN
9 UNDERSTANDING OF THE DUTY.

10 (6) SPECIFICALLY CLASSIFY THE INDIVIDUAL AS ONE OF THE
11 FOLLOWING:

12 (I) AN INDIVIDUAL CONVICTED OF A TIER I OFFENSE.

13 (II) AN INDIVIDUAL CONVICTED OF A TIER II OFFENSE.

14 (III) AN INDIVIDUAL CONVICTED OF A TIER III OFFENSE.

15 (IV) A SEXUALLY VIOLENT PREDATOR.

16 (V) A JUVENILE OFFENDER.

17 (VI) A SEXUALLY VIOLENT DELINQUENT CHILD.

18 (B) MANDATORY REGISTRATION.--ALL SEXUAL OFFENDERS MUST
19 REGISTER IN ACCORDANCE WITH THIS SUBCHAPTER. THE FOLLOWING
20 APPLY:

21 (1) FAILURE BY THE COURT TO PROVIDE THE INFORMATION
22 REQUIRED IN THIS SECTION, TO CORRECTLY INFORM A SEXUAL
23 OFFENDER OF THE SEXUAL OFFENDER'S OBLIGATIONS OR TO REQUIRE A
24 SEXUAL OFFENDER TO REGISTER SHALL NOT RELIEVE THE SEXUAL
25 OFFENDER FROM THE REQUIREMENTS OF THIS SUBCHAPTER.

26 (2) EXCEPT AS PROVIDED IN SECTION 9799.17 (RELATING TO
27 REDUCTION OF PERIOD OF REGISTRATION), THE COURT SHALL HAVE NO
28 AUTHORITY TO RELIEVE A SEXUAL OFFENDER FROM THE DUTY TO
29 REGISTER UNDER THIS SUBCHAPTER OR TO MODIFY THE REQUIREMENTS
30 OF THIS SUBCHAPTER AS THEY RELATE TO THE SEXUAL OFFENDER.

1 § 9799.24. ASSESSMENTS.

2 (A) ORDER FOR ASSESSMENT.--AFTER CONVICTION BUT BEFORE
3 SENTENCING, A COURT SHALL ORDER AN INDIVIDUAL CONVICTED OF A
4 SEXUALLY VIOLENT OFFENSE TO BE ASSESSED BY THE BOARD. THE ORDER
5 FOR AN ASSESSMENT SHALL BE SENT TO THE ADMINISTRATIVE OFFICER OF
6 THE BOARD WITHIN TEN DAYS OF THE DATE OF CONVICTION FOR THE
7 SEXUALLY VIOLENT OFFENSE.

8 (B) ASSESSMENT.--UPON RECEIPT FROM THE COURT OF AN ORDER FOR
9 AN ASSESSMENT, A MEMBER OF THE BOARD AS DESIGNATED BY THE
10 ADMINISTRATIVE OFFICER OF THE BOARD SHALL CONDUCT AN ASSESSMENT
11 OF THE INDIVIDUAL TO DETERMINE IF THE INDIVIDUAL SHOULD BE
12 CLASSIFIED AS A SEXUALLY VIOLENT PREDATOR. THE BOARD SHALL
13 ESTABLISH STANDARDS FOR EVALUATIONS AND FOR EVALUATORS
14 CONDUCTING THE ASSESSMENTS. AN ASSESSMENT SHALL INCLUDE, BUT NOT
15 BE LIMITED TO, AN EXAMINATION OF THE FOLLOWING:

16 (1) FACTS OF THE CURRENT OFFENSE, INCLUDING:

17 (I) WHETHER THE OFFENSE INVOLVED MULTIPLE VICTIMS.

18 (II) WHETHER THE INDIVIDUAL EXCEEDED THE MEANS
19 NECESSARY TO ACHIEVE THE OFFENSE.

20 (III) THE NATURE OF THE SEXUAL CONTACT WITH THE
21 VICTIM.

22 (IV) RELATIONSHIP OF THE INDIVIDUAL TO THE VICTIM.

23 (V) AGE OF THE VICTIM.

24 (VI) WHETHER THE OFFENSE INCLUDED A DISPLAY OF
25 UNUSUAL CRUELTY BY THE INDIVIDUAL DURING THE COMMISSION
26 OF THE CRIME.

27 (VII) THE MENTAL CAPACITY OF THE VICTIM.

28 (2) PRIOR OFFENSE HISTORY, INCLUDING:

29 (I) THE INDIVIDUAL'S PRIOR CRIMINAL RECORD.

30 (II) WHETHER THE INDIVIDUAL COMPLETED ANY PRIOR

1 SENTENCES.

2 (III) WHETHER THE INDIVIDUAL PARTICIPATED IN
3 AVAILABLE PROGRAMS FOR SEXUAL OFFENDERS.

4 (3) CHARACTERISTICS OF THE INDIVIDUAL, INCLUDING:

5 (I) AGE.

6 (II) USE OF ILLEGAL DRUGS.

7 (III) ANY MENTAL ILLNESS, MENTAL DISABILITY OR
8 MENTAL ABNORMALITY.

9 (IV) BEHAVIORAL CHARACTERISTICS THAT CONTRIBUTE TO
10 THE INDIVIDUAL'S CONDUCT.

11 (4) FACTORS THAT ARE SUPPORTED IN A SEXUAL OFFENDER
12 ASSESSMENT FIELD AS CRITERIA REASONABLY RELATED TO THE RISK
13 OF REOFFENSE.

14 (C) RELEASE OF INFORMATION.--ALL STATE, COUNTY AND LOCAL
15 AGENCIES, OFFICES AND ENTITIES IN THIS COMMONWEALTH, INCLUDING
16 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING COPIES
17 OF RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN
18 CONNECTION WITH THE COURT-ORDERED ASSESSMENT AND THE ASSESSMENT
19 REQUESTED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR
20 THE ASSESSMENT OF A DELINQUENT CHILD UNDER SECTION 6358
21 (RELATING TO ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE
22 SEXUAL OFFENDERS ASSESSMENT BOARD).

23 (D) SUBMISSION OF REPORT BY BOARD.--THE BOARD SHALL HAVE 90
24 DAYS FROM THE DATE OF CONVICTION OF THE INDIVIDUAL TO SUBMIT A
25 WRITTEN REPORT CONTAINING ITS ASSESSMENT TO THE DISTRICT
26 ATTORNEY.

27 (D.1) SUMMARY OF OFFENSE.--THE BOARD SHALL PREPARE A
28 DESCRIPTION OF THE OFFENSE OR OFFENSES THAT TRIGGER THE
29 APPLICATION OF THIS SUBCHAPTER TO INCLUDE, BUT NOT BE LIMITED
30 TO:

1 (1) A CONCISE NARRATIVE OF THE INDIVIDUAL'S CONDUCT.

2 (2) WHETHER THE VICTIM WAS A MINOR.

3 (3) THE MANNER OF WEAPON OR PHYSICAL FORCE USED OR
4 THREATENED.

5 (4) IF THE OFFENSE INVOLVED UNAUTHORIZED ENTRY INTO A
6 ROOM OR VEHICLE OCCUPIED BY THE VICTIM.

7 (5) IF THE OFFENSE WAS PART OF A COURSE OR PATTERN OF
8 CONDUCT INVOLVING MULTIPLE INCIDENTS OR VICTIMS.

9 (6) PREVIOUS INSTANCES IN WHICH THE INDIVIDUAL WAS
10 DETERMINED GUILTY OF AN OFFENSE SUBJECT TO THIS SUBCHAPTER OR
11 OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 9714(G)
12 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

13 (E) HEARING.--

14 (1) A HEARING TO DETERMINE WHETHER THE INDIVIDUAL IS A
15 SEXUALLY VIOLENT PREDATOR SHALL BE SCHEDULED UPON THE
16 PRAECIPE FILED BY THE DISTRICT ATTORNEY. THE DISTRICT
17 ATTORNEY UPON FILING A PRAECIPE SHALL SERVE A COPY OF THE
18 PRAECIPE UPON DEFENSE COUNSEL TOGETHER WITH A COPY OF THE
19 REPORT OF THE BOARD.

20 (2) THE INDIVIDUAL AND DISTRICT ATTORNEY SHALL BE GIVEN
21 NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD, THE
22 RIGHT TO CALL WITNESSES, THE RIGHT TO CALL EXPERT WITNESSES
23 AND THE RIGHT TO CROSS-EXAMINE WITNESSES. IN ADDITION, THE
24 INDIVIDUAL SHALL HAVE THE RIGHT TO COUNSEL AND TO HAVE AN
25 ATTORNEY APPOINTED TO REPRESENT THE INDIVIDUAL IF THE
26 INDIVIDUAL CANNOT AFFORD ONE. IF THE INDIVIDUAL REQUESTS
27 ANOTHER EXPERT ASSESSMENT, THE INDIVIDUAL SHALL PROVIDE A
28 COPY OF THE EXPERT ASSESSMENT TO THE DISTRICT ATTORNEY PRIOR
29 TO THE HEARING.

30 (3) AT THE HEARING PRIOR TO SENTENCING, THE COURT SHALL

1 DETERMINE WHETHER THE COMMONWEALTH HAS PROVED BY CLEAR AND
2 CONVINCING EVIDENCE THAT THE INDIVIDUAL IS A SEXUALLY VIOLENT
3 PREDATOR.

4 (4) A COPY OF THE ORDER CONTAINING THE DETERMINATION OF
5 THE COURT SHALL BE IMMEDIATELY SUBMITTED TO THE INDIVIDUAL,
6 THE DISTRICT ATTORNEY, THE PENNSYLVANIA BOARD OF PROBATION
7 AND PAROLE, THE DEPARTMENT OF CORRECTIONS, THE BOARD AND THE
8 PENNSYLVANIA STATE POLICE.

9 (F) PRESENTENCE INVESTIGATION.--IN ALL CASES WHERE THE BOARD
10 HAS PERFORMED AN ASSESSMENT UNDER THIS SECTION, COPIES OF THE
11 REPORT SHALL BE PROVIDED TO THE AGENCY PREPARING THE PRESENTENCE
12 INVESTIGATION.

13 (G) PAROLE ASSESSMENT.--THE PENNSYLVANIA BOARD OF PROBATION
14 AND PAROLE MAY REQUEST OF THE BOARD THAT AN ASSESSMENT OF A
15 SEXUAL OFFENDER BE CONDUCTED AND THAT A REPORT BE PROVIDED TO
16 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE PRIOR TO
17 CONSIDERING A SEXUAL OFFENDER FOR PAROLE.

18 (H) DELINQUENT CHILDREN.--THE PROBATION OFFICER SHALL NOTIFY
19 THE BOARD 90 DAYS PRIOR TO THE 20TH BIRTHDAY OF THE CHILD OF THE
20 STATUS OF THE DELINQUENT CHILD WHO IS COMMITTED TO AN
21 INSTITUTION OR OTHER FACILITY PURSUANT TO SECTION 6352 (RELATING
22 TO DISPOSITION OF DELINQUENT CHILD) AFTER HAVING BEEN FOUND
23 DELINQUENT FOR AN ACT OF SEXUAL VIOLENCE THAT IF COMMITTED BY AN
24 ADULT WOULD BE A VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO
25 RAPE), 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
26 INTERCOURSE), 3124.1 (RELATING TO SEXUAL ASSAULT), 3125
27 (RELATING TO AGGRAVATED INDECENT ASSAULT), 3126 (RELATING TO
28 INDECENT ASSAULT) OR 4302 (RELATING TO INCEST), TOGETHER WITH
29 THE LOCATION OF THE FACILITY WHERE THE CHILD IS COMMITTED. THE
30 BOARD SHALL CONDUCT AN ASSESSMENT OF THE CHILD, WHICH SHALL

1 INCLUDE THE BOARD'S DETERMINATION OF WHETHER OR NOT THE CHILD IS
2 IN NEED OF COMMITMENT DUE TO A MENTAL ABNORMALITY AS DEFINED IN
3 SECTION 6402 (RELATING TO DEFINITIONS) OR A PERSONALITY
4 DISORDER, EITHER OF WHICH RESULTS IN SERIOUS DIFFICULTY IN
5 CONTROLLING SEXUALLY VIOLENT BEHAVIOR, AND PROVIDE A REPORT TO
6 THE COURT WITHIN THE TIME FRAMES SET FORTH IN SECTION 6358(C).
7 THE PROBATION OFFICER SHALL ASSIST THE BOARD IN OBTAINING ACCESS
8 TO THE CHILD AND ANY RECORDS OR INFORMATION AS REQUESTED BY THE
9 BOARD IN CONNECTION WITH THE ASSESSMENT. THE ASSESSMENT SHALL BE
10 CONDUCTED UNDER SUBSECTION (B).

11 (I) OTHER ASSESSMENTS.--UPON RECEIPT FROM THE COURT OF AN
12 ORDER FOR AN ASSESSMENT UNDER SECTION 9799.17 (RELATING TO
13 REDUCTION OF PERIOD OF REGISTRATION), A MEMBER OF THE BOARD AS
14 DESIGNATED BY THE ADMINISTRATIVE OFFICER OF THE BOARD SHALL
15 CONDUCT AN ASSESSMENT OF THE INDIVIDUAL TO DETERMINE IF THE
16 RELIEF SOUGHT, IF GRANTED, IS LIKELY TO POSE A THREAT TO THE
17 SAFETY OF ANY OTHER PERSON. THE BOARD SHALL ESTABLISH STANDARDS
18 FOR EVALUATIONS AND FOR EVALUATORS CONDUCTING THESE ASSESSMENTS.
19 § 9799.25. VERIFICATION BY SEXUAL OFFENDERS AND PENNSYLVANIA
20 STATE POLICE.

21 (A) PERIODIC VERIFICATION.--EXCEPT FOR INITIAL REGISTRATION
22 AS PROVIDED IN SECTION 9799.19 (RELATING TO INITIAL
23 REGISTRATION) AND IN ACCORDANCE WITH SECTION 9799.15(A)
24 (RELATING TO PERIOD OF REGISTRATION), SEXUAL OFFENDERS SHALL
25 VERIFY THE INFORMATION PROVIDED IN SECTION 9799.16(B) (RELATING
26 TO REGISTRY) AND BE PHOTOGRAPHED AS FOLLOWS:

27 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE
28 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE ONCE
29 PER CALENDAR YEAR.

30 (2) AN INDIVIDUAL CONVICTED OF A TIER II SEXUAL OFFENSE

1 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE EVERY
2 180 DAYS.

3 (3) AN INDIVIDUAL CONVICTED OF A TIER III SEXUAL OFFENSE
4 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE EVERY
5 90 DAYS.

6 (4) AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT
7 PREDATOR SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION
8 SITE EVERY 90 DAYS.

9 (5) A JUVENILE OFFENDER SHALL APPEAR IN PERSON AT AN
10 APPROVED REGISTRATION SITE EVERY 90 DAYS.

11 (6) A SEXUALLY VIOLENT DELINQUENT CHILD SHALL APPEAR IN
12 PERSON AT AN APPROVED REGISTRATION SITE EVERY 90 DAYS.

13 (7) A TRANSIENT SHALL APPEAR IN PERSON AT AN APPROVED
14 REGISTRATION SITE EVERY 30 DAYS.

15 (B) DEADLINE.--THE FOLLOWING APPLY:

16 (1) A SEXUAL OFFENDER SHALL APPEAR AS REQUIRED UNDER
17 SUBSECTION (A) WITHIN TEN DAYS OF THE DATE DESIGNATED BY THE
18 PENNSYLVANIA STATE POLICE. FAILURE TO APPEAR WITHIN TEN DAYS
19 MAY SUBJECT THE SEXUAL OFFENDER TO PROSECUTION UNDER 18
20 PA.C.S. § 4915.1 (RELATING TO FAILURE TO COMPLY WITH
21 REGISTRATION OF SEXUAL OFFENDERS REQUIREMENTS).

22 (2) IN THE CASE OF A SEXUAL OFFENDER WHO FAILS TO APPEAR
23 AS REQUIRED UNDER THIS SECTION, THE PENNSYLVANIA STATE POLICE
24 SHALL NOTIFY THE MUNICIPAL POLICE DEPARTMENT WHERE THE SEXUAL
25 OFFENDER HAS A RESIDENCE, IS EMPLOYED OR IS ENROLLED AS A
26 STUDENT. THE MUNICIPAL POLICE SHALL LOCATE THE SEXUAL
27 OFFENDER AND ARREST THE SEXUAL OFFENDER FOR VIOLATING THIS
28 SECTION. A MUNICIPAL POLICE DEPARTMENT MAY REQUEST ASSISTANCE
29 LOCATING OR ARRESTING A SEXUAL OFFENDER FROM THE PENNSYLVANIA
30 STATE POLICE. IN MUNICIPALITIES WHERE NO MUNICIPAL POLICE

1 DEPARTMENT EXISTS, THE PENNSYLVANIA STATE POLICE SHALL LOCATE
2 THE OFFENDER AND ARREST THE SEXUAL OFFENDER FOR VIOLATING
3 THIS SECTION.

4 (3) IN THE CASE OF A SEXUAL OFFENDER WHO FAILS TO APPEAR
5 AS REQUIRED UNDER THIS SECTION, THE PENNSYLVANIA STATE POLICE
6 SHALL NOTIFY THE UNITED STATES MARSHALS SERVICE IN ACCORDANCE
7 WITH SECTION 9799.22(B) (3) (RELATING TO ENFORCEMENT).

8 (C) FACILITATION OF VERIFICATION.--THE PENNSYLVANIA STATE
9 POLICE SHALL ADMINISTER AND FACILITATE THE PROCESS OF
10 VERIFICATION OF INFORMATION, INCLUDING COMPLIANCE WITH
11 COUNSELING IN THE CASE OF SEXUALLY VIOLENT PREDATORS, AND
12 PHOTOGRAPHING THE SEXUAL OFFENDER BY:

13 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
14 TO EACH SEXUAL OFFENDER AT THE OFFENDER'S LAST REPORTED
15 RESIDENCE OR LOCATION, INCLUDING A POST OFFICE BOX. THE
16 NOTICE SHALL BE SENT NOT MORE THAN 30 DAYS NOR LESS THAN 15
17 DAYS PRIOR TO THE DATE A SEXUAL OFFENDER IS REQUIRED TO
18 APPEAR PURSUANT TO SUBSECTION (A). THE NOTICE SHALL REMIND
19 THE SEXUAL OFFENDER OF THE SEXUAL OFFENDER'S RESPONSIBILITIES
20 UNDER THIS SUBCHAPTER, INCLUDING COUNSELING IN THE CASE OF
21 SEXUALLY VIOLENT PREDATORS, AND PROVIDE A LIST OF APPROVED
22 REGISTRATION SITES.

23 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS
24 NECESSARY AT EACH APPROVED REGISTRATION SITE.

25 (D) EFFECT OF NOTICE.--FAILURE TO SEND OR RECEIVE NOTICE OF
26 INFORMATION UNDER THIS SECTION SHALL NOT RELIEVE THE SEXUAL
27 OFFENDER FROM THE REQUIREMENTS OF THIS SUBCHAPTER.

28 (E) NATURAL DISASTER.--THE OCCURRENCE OF A NATURAL DISASTER
29 OR OTHER EVENT REQUIRING EVACUATION OF RESIDENCES SHALL NOT
30 RELIEVE THE SEXUAL OFFENDER OF THE DUTY TO REGISTER OR ANY OTHER

1 DUTY IMPOSED BY THIS SUBCHAPTER.

2 § 9799.26. VICTIM NOTIFICATION.

3 (A) DUTY TO INFORM VICTIM.--

4 (1) IF AN OFFENDER IS DETERMINED TO BE A SEXUALLY
5 VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD, THE
6 MUNICIPAL POLICE DEPARTMENT OR THE PENNSYLVANIA STATE POLICE,
7 IF NO MUNICIPAL POLICE JURISDICTION EXISTS, SHALL GIVE
8 WRITTEN NOTICE TO THE VICTIM WHEN THE SEXUALLY VIOLENT
9 PREDATOR OR THE SEXUALLY VIOLENT DELINQUENT CHILD REGISTERS
10 INITIALLY UNDER SECTION 9799.19 (RELATING TO INITIAL
11 REGISTRATION) OR UNDER SECTION 9799.15(G) (2), (3) OR (4)
12 (RELATING TO PERIOD OF REGISTRATION). THE NOTICE SHALL BE
13 GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT PREDATOR OR
14 THE SEXUALLY VIOLENT DELINQUENT CHILD REGISTERS OR NOTIFIES
15 THE PENNSYLVANIA STATE POLICE OF CURRENT INFORMATION UNDER
16 SECTION 9799.15(G). THE NOTICE SHALL CONTAIN THE FOLLOWING
17 INFORMATION ABOUT THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY
18 VIOLENT DELINQUENT CHILD:

19 (I) NAME.

20 (II) RESIDENCE. THIS SUBPARAGRAPH INCLUDES WHETHER
21 THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
22 DELINQUENT CHILD IS A TRANSIENT, IN WHICH CASE THE NOTICE
23 SHALL CONTAIN INFORMATION ABOUT THE TRANSIENT'S TEMPORARY
24 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
25 INCLUDING A HOMELESS SHELTER OR PARK. IN ADDITION, THE
26 NOTICE SHALL CONTAIN A LIST OF PLACES THE TRANSIENT EATS,
27 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES.

28 (III) THE ADDRESS OF EMPLOYMENT.

29 (IV) THE ADDRESS WHERE THE SEXUALLY VIOLENT PREDATOR
30 OR SEXUALLY VIOLENT DELINQUENT CHILD IS ENROLLED AS A

1 STUDENT.

2 (2) A VICTIM MAY TERMINATE THE DUTY TO INFORM SET FORTH
3 IN PARAGRAPH (1) BY PROVIDING THE LOCAL MUNICIPAL POLICE
4 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE, IF NO LOCAL
5 MUNICIPAL POLICE DEPARTMENT EXISTS, WITH A WRITTEN STATEMENT
6 RELEASING THAT AGENCY FROM THE DUTY TO COMPLY WITH THIS
7 SECTION AS IT PERTAINS TO THAT VICTIM.

8 (B) INDIVIDUAL NOT DETERMINED TO BE SEXUALLY VIOLENT
9 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD.--IF AN INDIVIDUAL
10 IS NOT DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR OR A
11 SEXUALLY VIOLENT DELINQUENT CHILD, THE VICTIM SHALL BE NOTIFIED
12 IN ACCORDANCE WITH SECTION 201 OF THE ACT OF NOVEMBER 24, 1998
13 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

14 (C) ELECTRONIC NOTIFICATION OPTION.--IN ADDITION TO
15 SUBSECTIONS (A) AND (B), THE PENNSYLVANIA STATE POLICE SHALL
16 DEVELOP AND IMPLEMENT A SYSTEM THAT ALLOWS A VICTIM TO RECEIVE
17 ELECTRONIC NOTIFICATION INSTEAD OF THE NOTIFICATION IN
18 SUBSECTIONS (A) AND (B) WHEN A SEXUAL OFFENDER PROVIDES CURRENT
19 INFORMATION TO THE PENNSYLVANIA STATE POLICE UNDER SUBSECTION
20 (A).

21 § 9799.27. OTHER NOTIFICATION.

22 (A) NOTICE.--NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
23 (RELATING TO JUVENILE MATTERS) AND 18 PA.C.S. CH. 91 (RELATING
24 TO CRIMINAL HISTORY RECORD INFORMATION), THE CHIEF LAW
25 ENFORCEMENT OFFICER OF THE POLICE DEPARTMENT OF THE MUNICIPALITY
26 WHERE A SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
27 CHILD LIVES OR, IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR
28 SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO ESTABLISH A
29 RESIDENCE AND BEING A TRANSIENT, THE CHIEF LAW ENFORCEMENT
30 OFFICER OF THE POLICE DEPARTMENT OF THE TRANSIENT'S LAST KNOWN

1 HABITAT, SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE AS
2 REQUIRED UNDER THIS SECTION. THE NOTICE SHALL CONTAIN:

3 (1) THE NAME OF THE INDIVIDUAL.

4 (2) THE ADDRESS OF THE RESIDENCE OF THE INDIVIDUAL. IF
5 THE INDIVIDUAL IS A TRANSIENT, WRITTEN NOTICE UNDER THIS
6 PARAGRAPH SHALL CONSIST OF INFORMATION ABOUT THE TRANSIENT'S
7 TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR
8 DWELLING, INCLUDING A HOMELESS SHELTER OR PARK AND A LIST OF
9 THE PLACES THE TRANSIENT EATS, FREQUENTS AND ENGAGES IN
10 LEISURE ACTIVITIES.

11 (3) THE OFFENSE FOR WHICH THE INDIVIDUAL WAS CONVICTED,
12 SENTENCED BY A COURT, ADJUDICATED DELINQUENT OR COURT
13 MARTIALED.

14 (4) A STATEMENT THAT THE INDIVIDUAL HAS BEEN DETERMINED
15 TO BE A SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
16 DELINQUENT CHILD, WHICH DETERMINATION HAS OR HAS NOT BEEN
17 TERMINATED AS OF A DATE CERTAIN.

18 (5) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR OR
19 SEXUALLY VIOLENT DELINQUENT CHILD.

20 THE NOTICE SHALL NOT INCLUDE ANY INFORMATION THAT MIGHT REVEAL
21 THE VICTIM'S NAME, IDENTITY AND RESIDENCE.

22 (B) TO WHOM WRITTEN NOTICE IS PROVIDED.--THE CHIEF LAW
23 ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE UNDER
24 SUBSECTION (A) TO THE FOLLOWING PERSONS:

25 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR OR
26 SEXUALLY VIOLENT DELINQUENT CHILD. AS USED IN THIS PARAGRAPH:

27 (I) IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR
28 SEXUALLY VIOLENT DELINQUENT CHILD BEING A TRANSIENT,
29 "NEIGHBOR" INCLUDES RESIDENTS IN THE AREA OF THE
30 TRANSIENT'S LAST KNOWN TEMPORARY HABITAT OR OTHER

1 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
2 HOMELESS SHELTER OR PARK.

3 (II) WHERE THE SEXUALLY VIOLENT PREDATOR LIVES IN A
4 COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES
5 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON
6 INTEREST COMMUNITY.

7 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH AGENCY
8 OF THE COUNTY WHERE THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY
9 VIOLENT DELINQUENT CHILD HAS A RESIDENCE OR, IN THE CASE OF A
10 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
11 CHILD FAILING TO ESTABLISH A RESIDENCE AND BEING A TRANSIENT,
12 THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH AGENCY OF THE
13 COUNTY OF THE SEXUALLY VIOLENT PREDATOR'S OR SEXUALLY VIOLENT
14 DELINQUENT CHILD'S LAST KNOWN TEMPORARY HABITAT OR OTHER
15 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A HOMELESS
16 SHELTER OR PARK.

17 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
18 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
19 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY
20 WHERE THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
21 DELINQUENT CHILD HAS A RESIDENCE OR, IN THE CASE OF A
22 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
23 CHILD FAILING TO ESTABLISH A RESIDENCE AND BEING A TRANSIENT,
24 THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE EQUIVALENT
25 OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS ENROLLING STUDENTS
26 UP THROUGH GRADE 12 IN THE MUNICIPALITY OF THE SEXUALLY
27 VIOLENT PREDATOR'S OR SEXUALLY VIOLENT DELINQUENT CHILD'S
28 LAST KNOWN TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF
29 ABODE OR DWELLING, INCLUDING A HOMELESS SHELTER OR PARK.

30 (4) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE

1 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
2 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
3 VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD HAS A
4 RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT PREDATOR OR
5 SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO ESTABLISH A
6 RESIDENCE AND BEING A TRANSIENT, THE SUPERINTENDENT OF EACH
7 SCHOOL DISTRICT AND THE EQUIVALENT OFFICIAL FOR EACH PRIVATE
8 AND PAROCHIAL SCHOOL WITHIN A ONE-MILE RADIUS OF THE SEXUALLY
9 VIOLENT PREDATOR'S OR SEXUALLY VIOLENT DELINQUENT CHILD'S
10 LAST KNOWN TEMPORARY HABITAT OR OTHER TEMPORARY PLACE OF
11 ABODE OR DWELLING, INCLUDING A HOMELESS SHELTER OR PARK.

12 (5) THE LICENSEE OF EACH CERTIFIED DAY-CARE CENTER AND
13 LICENSED PRESCHOOL PROGRAM AND OWNER OR OPERATOR OF EACH
14 REGISTERED FAMILY DAY-CARE HOME IN THE MUNICIPALITY WHERE THE
15 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
16 CHILD HAS A RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT
17 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO
18 ESTABLISH A RESIDENCE AND BEING A TRANSIENT, THE LICENSEE OF
19 EACH CERTIFIED DAY-CARE CENTER AND LICENSED PRESCHOOL PROGRAM
20 AND OWNER OR OPERATOR OF EACH REGISTERED FAMILY DAY-CARE HOME
21 IN THE MUNICIPALITY OF THE SEXUALLY VIOLENT PREDATOR'S OR
22 SEXUALLY VIOLENT DELINQUENT CHILD'S LAST KNOWN TEMPORARY
23 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
24 INCLUDING A HOMELESS SHELTER OR PARK.

25 (6) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND
26 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF WHERE THE
27 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
28 CHILD HAS A RESIDENCE OR, IN THE CASE OF A SEXUALLY VIOLENT
29 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD FAILING TO
30 ESTABLISH A RESIDENCE AND BEING A TRANSIENT, THE PRESIDENT OF

1 EACH COLLEGE, UNIVERSITY AND COMMUNITY COLLEGE LOCATED WITHIN
2 1,000 FEET OF THE SEXUALLY VIOLENT PREDATOR'S OR SEXUALLY
3 VIOLENT DELINQUENT CHILD'S LAST KNOWN TEMPORARY HABITAT OR
4 OTHER TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
5 HOMELESS SHELTER OR PARK.

6 (C) NOTIFICATION TIME FRAMES.--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 OR
11 SEXUALLY VIOLENT DELINQUENT CHILD'S RELEASE DATE AND
12 RESIDENCE HAS BEEN RECEIVED BY THE CHIEF LAW ENFORCEMENT
13 OFFICER. NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A)
14 AND (B), VERBAL NOTIFICATION MAY BE USED IF WRITTEN
15 NOTIFICATION WOULD DELAY MEETING THE REQUIREMENT OF THIS
16 PARAGRAPH.

17 (2) TO THE PERSONS SPECIFIED IN SUBSECTION (B) (2), (3),
18 (4), (5) AND (6), NOTICE SHALL BE PROVIDED WITHIN SEVEN DAYS
19 AFTER THE CHIEF LAW ENFORCEMENT OFFICER RECEIVES INFORMATION
20 REGARDING THE SEXUALLY VIOLENT PREDATOR'S OR SEXUALLY VIOLENT
21 DELINQUENT CHILD'S RELEASE DATE AND RESIDENCE.

22 (D) PUBLIC NOTICE.--INFORMATION PROVIDED IN ACCORDANCE WITH
23 SUBSECTION (A) SHALL BE AVAILABLE TO THE GENERAL PUBLIC UPON
24 REQUEST. THE INFORMATION MAY BE PROVIDED BY ELECTRONIC MEANS.
25 § 9799.28. PUBLIC INTERNET WEBSITE.

26 (A) INFORMATION TO BE MADE AVAILABLE THROUGH INTERNET.--THE
27 PENNSYLVANIA STATE POLICE SHALL, IN THE MANNER AND FORM DIRECTED
28 BY THE GOVERNOR:

29 (1) DEVELOP AND MAINTAIN A SYSTEM FOR MAKING INFORMATION
30 ABOUT INDIVIDUALS CONVICTED OF A SEXUALLY VIOLENT OFFENSE,

1 SEXUALLY VIOLENT PREDATORS AND SEXUALLY VIOLENT DELINQUENT
2 CHILDREN PUBLICLY AVAILABLE BY ELECTRONIC MEANS VIA AN
3 INTERNET WEBSITE. IN ORDER TO FULFILL ITS DUTIES UNDER THIS
4 SECTION, THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE
5 INTERNET WEBSITE:

6 (I) CONTAINS A FEATURE TO PERMIT A MEMBER OF THE
7 PUBLIC TO OBTAIN RELEVANT INFORMATION FOR AN INDIVIDUAL
8 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY
9 VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD
10 BY A SINGLE QUERY FOR ANY GIVEN ZIP CODE OR GEOGRAPHIC
11 RADIUS SET BY THE USER.

12 (II) CONTAINS A FEATURE TO ALLOW A MEMBER OF THE
13 PUBLIC TO RECEIVE ELECTRONIC NOTIFICATION WHEN AN
14 INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT OFFENSE,
15 SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT DELINQUENT
16 CHILD PROVIDES INFORMATION UNDER SECTION 9799.15(G)(2),
17 (3) OR (4) (RELATING TO PERIOD OF REGISTRATION) RELATING
18 TO A GEOGRAPHIC AREA CHOSEN BY THE USER.

19 (III) INCLUDES IN ITS DESIGN ALL FIELD SEARCH
20 CAPABILITIES NEEDED FOR FULL PARTICIPATION IN THE DRU
21 SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE. THE
22 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE WEBSITE
23 IS ABLE TO PARTICIPATE IN THE DRU SJODIN NATIONAL SEX
24 OFFENDER PUBLIC WEBSITE AS THE UNITED STATES ATTORNEY
25 GENERAL MAY DIRECT.

26 (IV) IS UPDATED WITHIN THREE BUSINESS DAYS WITH THE
27 INFORMATION REQUIRED.

28 (2) INCLUDE ON THE INTERNET WEBSITE THE FOLLOWING:

29 (I) INSTRUCTIONS ON HOW TO SEEK CORRECTION OF
30 INFORMATION THAT AN INDIVIDUAL CONTENDS IS ERRONEOUS.

1 (II) A WARNING THAT THE INFORMATION ON THE INTERNET
2 WEBSITE SHOULD NOT BE USED TO UNLAWFULLY INJURE, HARASS
3 OR COMMIT A CRIME AGAINST AN INDIVIDUAL CONVICTED OF A
4 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR
5 A SEXUALLY VIOLENT DELINQUENT CHILD AND THAT ANY SUCH
6 ACTION COULD RESULT IN CRIMINAL OR CIVIL PENALTIES.

7 (3) INCLUDE ON THE INTERNET WEBSITE AN EXPLANATION OF
8 ITS LIMITATIONS, INCLUDING STATEMENTS ADVISING THAT:

9 (I) A POSITIVE IDENTIFICATION OF AN INDIVIDUAL
10 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, SEXUALLY VIOLENT
11 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD MAY BE
12 CONFIRMED ONLY BY FINGERPRINTS.

13 (II) SOME INFORMATION CONTAINED ON THE INTERNET
14 WEBSITE MAY BE OUTDATED OR INACCURATE.

15 (III) THE INTERNET WEBSITE IS NOT A COMPREHENSIVE
16 LISTING OF EVERY PERSON WHO HAS EVER COMMITTED A SEXUAL
17 OFFENSE IN PENNSYLVANIA.

18 (4) STRIVE TO ENSURE THAT THE INFORMATION CONTAINED ON
19 THE INTERNET WEBSITE IS ACCURATE AND THAT THE DATA THEREIN IS
20 REVISED AND UPDATED AS PROVIDED IN PARAGRAPH (1) (IV).

21 (5) PROVIDE ON THE INTERNET WEBSITE GENERAL INFORMATION
22 DESIGNED TO INFORM AND EDUCATE THE PUBLIC ABOUT SEXUAL
23 OFFENDERS AND THE OPERATION OF THIS SUBCHAPTER AS WELL AS
24 PERTINENT AND APPROPRIATE INFORMATION CONCERNING CRIME
25 PREVENTION AND PERSONAL SAFETY, WITH APPROPRIATE LINKS TO
26 OTHER RELEVANT INTERNET WEBSITES OPERATED BY THE
27 COMMONWEALTH.

28 (B) REQUIRED INFORMATION.--NOTWITHSTANDING CHAPTER 63
29 (RELATING TO JUVENILE MATTERS) AND 18 PA.C.S. CH. 91 (RELATING
30 TO CRIMINAL HISTORY RECORD INFORMATION), THE INTERNET WEBSITE

1 SHALL CONTAIN THE FOLLOWING INFORMATION REGARDING AN INDIVIDUAL
2 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT
3 PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD:

4 (1) NAME AND ALIASES.

5 (2) YEAR OF BIRTH.

6 (3) STREET ADDRESS, CITY, COUNTY AND ZIP CODE OF
7 RESIDENCES AND INTENDED RESIDENCES. IN THE CASE OF AN
8 INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A
9 SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT
10 CHILD WHO FAILS TO ESTABLISH A RESIDENCE AND IS THEREFORE A
11 TRANSIENT, THE INTERNET WEBSITE SHALL CONTAIN INFORMATION
12 ABOUT THE TRANSIENT'S TEMPORARY HABITAT OR OTHER TEMPORARY
13 PLACE OF ABODE OR DWELLING, INCLUDING A HOMELESS SHELTER OR
14 PARK. IN ADDITION, THE INTERNET WEBSITE SHALL CONTAIN A LIST
15 OF PLACES THE TRANSIENT EATS, FREQUENTS AND ENGAGES IN
16 LEISURE ACTIVITIES.

17 (4) STREET ADDRESS, CITY, COUNTY AND ZIP CODE OF ANY
18 LOCATION AT WHICH AN INDIVIDUAL CONVICTED OF A SEXUALLY
19 VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY
20 VIOLENT DELINQUENT CHILD IS ENROLLED AS A STUDENT.

21 (5) STREET ADDRESS, CITY, COUNTY AND ZIP CODE OF A FIXED
22 LOCATION WHERE AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
23 OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT
24 DELINQUENT CHILD IS EMPLOYED. IF AN INDIVIDUAL CONVICTED OF A
25 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A
26 SEXUALLY VIOLENT DELINQUENT CHILD IS NOT EMPLOYED AT A FIXED
27 ADDRESS, THE INFORMATION SHALL INCLUDE GENERAL TRAVEL ROUTES
28 AND GENERAL AREAS OF WORK.

29 (6) CURRENT PHOTOGRAPH OF AN INDIVIDUAL CONVICTED OF A
30 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A

1 SEXUALLY VIOLENT DELINQUENT CHILD.

2 (7) PHYSICAL DESCRIPTION OF AN INDIVIDUAL CONVICTED OF A
3 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A
4 SEXUALLY VIOLENT DELINQUENT CHILD.

5 (8) LICENSE PLATE NUMBER AND A DESCRIPTION OF A VEHICLE
6 OWNED OR OPERATED BY AN INDIVIDUAL CONVICTED OF A SEXUALLY
7 VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY
8 VIOLENT DELINQUENT CHILD.

9 (9) THE SEXUALLY VIOLENT OFFENSE FOR WHICH AN INDIVIDUAL
10 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT
11 PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD IS REGISTERED
12 UNDER THIS SUBCHAPTER.

13 (10) A STATEMENT WHETHER AN INDIVIDUAL CONVICTED OF A
14 SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A
15 SEXUALLY VIOLENT DELINQUENT CHILD IS IN COMPLIANCE WITH
16 REGISTRATION.

17 (11) A STATEMENT WHETHER THE VICTIM IS A MINOR.

18 (C) PROHIBITED INFORMATION.--THE PUBLIC INTERNET WEBSITE
19 ESTABLISHED UNDER THIS SECTION SHALL NOT CONTAIN:

20 (1) THE IDENTITY OF ANY VICTIM.

21 (2) THE SOCIAL SECURITY NUMBER OF AN INDIVIDUAL
22 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT
23 PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD.

24 (3) ANY INFORMATION RELATING TO ARRESTS OF AN INDIVIDUAL
25 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, A SEXUALLY VIOLENT
26 PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD THAT DID NOT
27 RESULT IN CONVICTION.

28 (4) TRAVEL AND IMMIGRATION DOCUMENT NUMBERS.

29 (D) (RESERVED) .

30 (E) DURATION OF POSTING.--THE INFORMATION LISTED IN

1 SUBSECTION (B) SHALL BE MADE AVAILABLE ON THE INTERNET WEBSITE
2 UNLESS:

3 (1) AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
4 OFFENSE AND WHO IS REQUIRED TO REGISTER FOR A PERIOD OF 15
5 YEARS IS GRANTED RELIEF UNDER SECTION 9799.17 (RELATING TO
6 REDUCTION OF PERIOD OF REGISTRATION).

7 (2) AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
8 OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT
9 DELINQUENT CHILD IS DECEASED, IN WHICH CASE THE INTERNET
10 WEBSITE SHALL CONTAIN A NOTICE OF THE DEATH.

11 (3) AN INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT
12 OFFENSE, A SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT
13 DELINQUENT CHILD HAS TERMINATED RESIDENCE, HAS TERMINATED
14 EMPLOYMENT OR HAS TERMINATED ENROLLMENT AS A STUDENT WITHIN
15 THIS COMMONWEALTH, IN WHICH CASE THE INTERNET WEBSITE SHALL
16 CONTAIN A NOTICE INDICATING SUCH INFORMATION.

17 § 9799.29. ADMINISTRATION.

18 THE GOVERNOR SHALL DIRECT THE PENNSYLVANIA STATE POLICE, THE
19 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE BOARD, THE
20 DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF TRANSPORTATION AND
21 ANY OTHER AGENCY OF THE COMMONWEALTH THAT THE GOVERNOR DEEMS
22 NECESSARY TO COLLABORATIVELY DESIGN, DEVELOP AND IMPLEMENT AN
23 INTEGRATED AND SECURE SYSTEM OF COMMUNICATION, STORAGE AND
24 RETRIEVAL OF INFORMATION TO ASSURE THE TIMELY, ACCURATE AND
25 EFFICIENT ADMINISTRATION OF THIS SUBCHAPTER.

26 § 9799.30. GLOBAL POSITIONING SYSTEM TECHNOLOGY.

27 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND COUNTY
28 PROBATION AUTHORITIES MAY IMPOSE SUPERVISION CONDITIONS THAT
29 INCLUDE TRACKING THROUGH GLOBAL POSITIONING SYSTEM TECHNOLOGY.

30 § 9799.31. IMMUNITY FOR GOOD FAITH CONDUCT.

1 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
2 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

3 (1) AGENTS AND EMPLOYEES OF THE PENNSYLVANIA STATE
4 POLICE AND LOCAL LAW ENFORCEMENT AGENCIES.

5 (2) DISTRICT ATTORNEYS AND THEIR AGENTS AND EMPLOYEES.

6 (3) SUPERINTENDENTS, ADMINISTRATORS, TEACHERS, EMPLOYEES
7 AND VOLUNTEERS ENGAGED IN THE SUPERVISION OF CHILDREN OF ANY
8 PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.

9 (4) DIRECTORS AND EMPLOYEES OF COUNTY CHILDREN AND YOUTH
10 AGENCIES.

11 (5) PRESIDENTS OR SIMILAR OFFICERS OF UNIVERSITIES AND
12 COLLEGES, INCLUDING COMMUNITY COLLEGES.

13 (6) THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND
14 ITS AGENTS AND EMPLOYEES.

15 (7) COUNTY PROBATION AND PAROLE OFFICES AND THEIR AGENTS
16 AND EMPLOYEES.

17 (8) LICENSEES OF CERTIFIED DAY-CARE CENTERS AND
18 DIRECTORS OF LICENSED PRESCHOOL PROGRAMS AND OWNERS AND
19 OPERATORS OF REGISTERED FAMILY DAY-CARE HOMES AND THEIR
20 AGENTS AND EMPLOYEES.

21 (9) THE DEPARTMENT OF CORRECTIONS AND ITS AGENTS AND
22 EMPLOYEES.

23 (10) COUNTY CORRECTIONAL FACILITIES AND THEIR AGENTS AND
24 EMPLOYEES.

25 (11) THE BOARD AND ITS MEMBERS, AGENTS AND EMPLOYEES.

26 (12) JUVENILE PROBATION OFFICES AND THEIR AGENTS AND
27 EMPLOYEES.

28 (13) THE DEPARTMENT OF PUBLIC WELFARE AND ITS AGENTS AND
29 EMPLOYEES.

30 (14) INSTITUTIONS OR FACILITIES SET FORTH IN SECTION

1 6352(A)(3) (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND
2 THEIR AGENTS AND EMPLOYEES.

3 (15) THE UNIT OWNERS' ASSOCIATION OF A COMMON INTEREST
4 COMMUNITY AND ITS AGENTS AND EMPLOYEES AS IT RELATES TO
5 DISTRIBUTING INFORMATION REGARDING SECTION 9799.27(B)(1)
6 (RELATING TO OTHER NOTIFICATION).

7 § 9799.32. PENNSYLVANIA STATE POLICE.

8 THE PENNSYLVANIA STATE POLICE HAVE THE FOLLOWING DUTIES:

9 (1) TO CREATE AND MAINTAIN THE STATEWIDE REGISTRY OF
10 SEXUAL OFFENDERS IN CONFORMITY WITH THE PROVISIONS OF THIS
11 SUBCHAPTER.

12 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,
13 THE OFFICE OF ATTORNEY GENERAL, THE JUVENILE COURT JUDGES'
14 COMMISSION, THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS,
15 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND THE
16 CHAIRMAN AND MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE OF
17 THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
18 JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES, TO
19 PROMULGATE GUIDELINES NECESSARY FOR THE GENERAL
20 ADMINISTRATION OF THIS SUBCHAPTER. THESE GUIDELINES SHALL
21 ESTABLISH PROCEDURES TO ALLOW AN INDIVIDUAL SUBJECT TO THE
22 REQUIREMENTS OF THIS SUBCHAPTER, INCLUDING A TRANSIENT, TO
23 FULFILL THESE REQUIREMENTS AT APPROVED REGISTRATION SITES
24 THROUGHOUT THIS COMMONWEALTH. THE PENNSYLVANIA STATE POLICE
25 SHALL PUBLISH A LIST OF APPROVED REGISTRATION SITES IN THE
26 PENNSYLVANIA BULLETIN AND PROVIDE A LIST OF APPROVED
27 REGISTRATION SITES IN ANY NOTICE SENT TO INDIVIDUALS REQUIRED
28 TO REGISTER UNDER THIS SUBCHAPTER. AN APPROVED REGISTRATION
29 SITE SHALL BE CAPABLE OF SUBMITTING FINGERPRINTS, PALM
30 PRINTS, DNA SAMPLES 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. APPROVED REGISTRATION SITES SHALL NOT
7 BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE
8 AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT
9 AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION
10 SITES SET FORTH IN THIS PARAGRAPH.

11 (3) TO WRITE REGULATIONS REGARDING NEIGHBOR NOTIFICATION
12 UNDER SECTION 9799.27(B)(1) (RELATING TO OTHER NOTIFICATION).

13 (4) WITHIN THREE BUSINESS DAYS, TO TRANSFER INFORMATION
14 AS SET FORTH IN SECTION 9799.18 (RELATING TO INFORMATION
15 SHARING).

16 (5) TO ENFORCE THE PROVISIONS OF THIS SUBCHAPTER AS SET
17 FORTH IN SECTION 9799.22 (RELATING TO ENFORCEMENT).

18 (6) TO FACILITATE VERIFICATION OF INFORMATION FROM
19 INDIVIDUALS REQUIRED TO REGISTER UNDER THIS SUBCHAPTER AS
20 PROVIDED IN SECTION 9799.25 (RELATING TO VERIFICATION BY
21 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE).

22 (7) IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION AND
23 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, TO PROMULGATE
24 GUIDELINES DIRECTING LICENSED DAY-CARE CENTERS, LICENSED
25 PRESCHOOL PROGRAMS, SCHOOLS, UNIVERSITIES AND COLLEGES,
26 INCLUDING COMMUNITY COLLEGES, ON THE PROPER USE AND
27 ADMINISTRATION OF INFORMATION RECEIVED UNDER SECTION 9799.27.

28 (8) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS
29 AND THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, TO
30 PROMULGATE GUIDELINES DIRECTING STATE AND COUNTY CORRECTIONAL

1 FACILITIES AND STATE AND COUNTY PROBATION AND PAROLE OFFICES
2 REGARDING THE COMPLETION OF INFORMATION, INCLUDING THE TAKING
3 OF PHOTOGRAPHS, REQUIRED BY SEXUAL OFFENDERS UNDER THIS
4 SUBCHAPTER.

5 (9) IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF
6 PENNSYLVANIA COURTS, THE DEPARTMENT OF PUBLIC WELFARE AND THE
7 JUVENILE COURT JUDGES' COMMISSION, TO PROMULGATE GUIDELINES
8 REGARDING THE COMPLETION OF INFORMATION REQUIRED BY JUVENILE
9 OFFENDERS AND SEXUALLY VIOLENT DELINQUENT CHILDREN UNDER THIS
10 SUBCHAPTER.

11 § 9799.33. DUTIES OF PROBATION AND PAROLE OFFICIALS.

12 (A) DUTIES.--THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
13 THE COUNTY OFFICE OF PROBATION AND PAROLE AND THE CHIEF JUVENILE
14 PROBATION OFFICER OF THE COURT SHALL:

15 (1) PERFORM THEIR RESPECTIVE DUTIES SET FORTH FOR THE
16 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE COUNTY OFFICE
17 OF PROBATION AND PAROLE AND THE CHIEF JUVENILE PROBATION
18 OFFICER OF THE COURT IN ACCORDANCE WITH SECTION 9799.19
19 (RELATING TO INITIAL REGISTRATION).

20 (2) ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE
21 POLICE, NOTIFY THE PENNSYLVANIA STATE POLICE EACH TIME A
22 SEXUAL OFFENDER IS ARRESTED, RECOMMITTED TO A STATE OR COUNTY
23 CORRECTIONAL INSTITUTION FOR A PAROLE VIOLATION OR
24 INCARCERATED.

25 (B) NOTIFICATION FORM.--THE PENNSYLVANIA BOARD OF PROBATION
26 AND PAROLE SHALL CREATE A NOTIFICATION FORM WHICH WILL INFORM
27 STATE AND COUNTY PRISON AND PROBATION AND PAROLE PERSONNEL HOW
28 TO INFORM SEXUAL OFFENDERS OF THEIR DUTIES UNDER THIS
29 SUBCHAPTER. IN ADDITION, THE PENNSYLVANIA BOARD OF PROBATION AND
30 PAROLE SHALL APPLY FOR FEDERAL FUNDING AS PROVIDED IN THE ADAM

1 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW
2 109-248, 120 STAT. 597) TO SUPPORT AND ENHANCE PROGRAMMING USING
3 GLOBAL SATELLITE POSITIONING SYSTEM TECHNOLOGY.

4 § 9799.34. DUTIES OF FACILITIES HOUSING SEXUAL OFFENDERS.

5 THE DEPARTMENT OF CORRECTIONS, A COUNTY CORRECTIONAL
6 FACILITY, AN INSTITUTION OR FACILITY SET FORTH IN SECTION
7 6352(A)(3) (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND THE
8 SEPARATE, STATE-OWNED FACILITY OR UNIT ESTABLISHED UNDER CHAPTER
9 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN
10 SEXUALLY VIOLENT PERSONS), SHALL HAVE THE FOLLOWING DUTIES:

11 (1) TO PERFORM THEIR RESPECTIVE DUTIES IN ACCORDANCE
12 WITH SECTION 9799.19 (RELATING TO INITIAL REGISTRATION). THIS
13 PARAGRAPH INCLUDES TAKING A CURRENT PHOTOGRAPH OF THE
14 INDIVIDUAL REQUIRED TO REGISTER UNDER THIS SUBCHAPTER BEFORE
15 THE INDIVIDUAL IS RELEASED FROM CONFINEMENT OR COMMITMENT OR
16 IS DISCHARGED.

17 (2) ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE
18 POLICE, TO NOTIFY THE PENNSYLVANIA STATE POLICE EACH TIME A
19 SEXUAL OFFENDER IS INCARCERATED, COMMITTED OR RELEASED,
20 INCLUDING SUPERVISED RELEASE OR TRANSFER TO ANOTHER
21 CORRECTIONAL INSTITUTION OR FACILITY OR INSTITUTION, IN THE
22 CASE OF A JUVENILE OFFENDER OR SEXUALLY VIOLENT DELINQUENT
23 CHILD. THIS PARAGRAPH SHALL INCLUDE A COMMUNITY CORRECTIONS
24 CENTER OR COMMUNITY CONTRACT FACILITY.

25 (3) TO ASSIST SEXUAL OFFENDERS REGISTERING UNDER THIS
26 SUBCHAPTER.

27 § 9799.35. BOARD.

28 (A) COMPOSITION.--THE BOARD SHALL BE COMPOSED OF
29 PSYCHIATRISTS, PSYCHOLOGISTS AND CRIMINAL JUSTICE EXPERTS, EACH
30 OF WHOM IS AN EXPERT IN THE FIELD OF THE BEHAVIOR AND TREATMENT

1 OF SEXUAL OFFENDERS.

2 (B) APPOINTMENT.--THE GOVERNOR SHALL APPOINT THE BOARD
3 MEMBERS.

4 (C) TERM OF OFFICE.--MEMBERS OF THE BOARD SHALL SERVE FOUR-
5 YEAR TERMS.

6 (D) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL BE
7 COMPENSATED AT A RATE OF \$350 PER ASSESSMENT AND RECEIVE
8 REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE
9 PERFORMING THE BUSINESS OF THE BOARD. THE CHAIRMAN SHALL RECEIVE
10 \$500 ADDITIONAL COMPENSATION ANNUALLY.

11 (E) STAFF.--SUPPORT STAFF FOR THE BOARD SHALL BE PROVIDED BY
12 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

13 § 9799.36. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

14 (A) GENERAL RULE.--A SEXUALLY VIOLENT PREDATOR SHALL BE
15 REQUIRED TO ATTEND AT LEAST MONTHLY COUNSELING SESSIONS IN A
16 PROGRAM APPROVED BY THE BOARD AND BE FINANCIALLY RESPONSIBLE FOR
17 ALL FEES ASSESSED FROM THE COUNSELING SESSIONS. THE BOARD SHALL
18 MONITOR THE COMPLIANCE OF THE SEXUALLY VIOLENT PREDATOR. IF THE
19 SEXUALLY VIOLENT PREDATOR CAN PROVE TO THE SATISFACTION OF THE
20 COURT THAT THE SEXUALLY VIOLENT PREDATOR CANNOT AFFORD TO PAY
21 FOR THE COUNSELING SESSIONS, THE SEXUALLY VIOLENT PREDATOR SHALL
22 NONETHELESS ATTEND THE COUNSELING SESSIONS, AND THE PAROLE
23 OFFICE SHALL PAY THE REQUISITE FEES.

24 (B) DESIGNATION IN ANOTHER JURISDICTION.--IF AN INDIVIDUAL
25 REQUIRED TO REGISTER UNDER THIS SUBCHAPTER HAS BEEN DESIGNATED
26 AS A SEXUALLY VIOLENT PREDATOR IN ANOTHER JURISDICTION AND WAS
27 REQUIRED TO UNDERGO COUNSELING, THE INDIVIDUAL SHALL BE SUBJECT
28 TO THE PROVISIONS OF THIS SECTION.

29 (C) PENALTY.--A SEXUALLY VIOLENT PREDATOR WHO KNOWINGLY
30 FAILS TO ATTEND COUNSELING SESSIONS AS PROVIDED IN THIS SECTION

1 MAY BE SUBJECT TO PROSECUTION UNDER 18 PA.C.S. § 4915.1
2 (RELATING TO FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL
3 OFFENDERS REQUIREMENTS).

4 § 9799.37. EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES
5 AND 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 OF THE PERSON, TO DISCLOSE ANY
10 INFORMATION REGARDING AN INDIVIDUAL REQUIRED TO BE INCLUDED IN
11 THE REGISTRY PURSUANT TO THIS SUBCHAPTER.

12 § 9799.38. ANNUAL PERFORMANCE AUDIT.

13 (A) DUTIES OF THE ATTORNEY GENERAL.--THE ATTORNEY GENERAL
14 HAS THE FOLLOWING DUTIES:

15 (1) TO CONDUCT A PERFORMANCE AUDIT ANNUALLY TO DETERMINE
16 COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBCHAPTER AND ANY
17 GUIDELINES PROMULGATED UNDER THIS SUBCHAPTER. THE AUDIT
18 SHALL, AT A MINIMUM, INCLUDE A REVIEW OF THE PRACTICES,
19 PROCEDURES AND RECORDS OF THE PENNSYLVANIA STATE POLICE, THE
20 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT OF
21 CORRECTIONS, THE BOARD, THE ADMINISTRATIVE OFFICE OF
22 PENNSYLVANIA COURTS AND ANY OTHER STATE OR LOCAL AGENCY THE
23 ATTORNEY GENERAL DEEMS NECESSARY IN ORDER TO CONDUCT A
24 THOROUGH AND ACCURATE PERFORMANCE AUDIT.

25 (2) TO PREPARE AN ANNUAL REPORT OF ITS FINDINGS AND ANY
26 ACTION THAT IT RECOMMENDS BE TAKEN BY THE PENNSYLVANIA STATE
27 POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE
28 DEPARTMENT OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE
29 OFFICE OF PENNSYLVANIA COURTS, OTHER STATE OR LOCAL AGENCIES
30 AND THE GENERAL ASSEMBLY TO ENSURE COMPLIANCE WITH THIS

1 SUBCHAPTER. THE FIRST REPORT SHALL BE RELEASED TO THE GENERAL
2 PUBLIC NO FEWER THAN 18 MONTHS FOLLOWING THE EFFECTIVE DATE
3 OF THIS SECTION.

4 (3) TO PROVIDE A COPY OF ITS REPORT TO THE PENNSYLVANIA
5 STATE POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
6 THE DEPARTMENT OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE
7 OFFICE OF PENNSYLVANIA COURTS, STATE OR LOCAL AGENCIES
8 REFERENCED IN THE REPORT, THE CHAIRMAN AND THE MINORITY
9 CHAIRMAN OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
10 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE JUDICIARY COMMITTEE
11 OF THE HOUSE OF REPRESENTATIVES NO FEWER THAN 30 DAYS PRIOR
12 TO ITS RELEASE TO THE GENERAL PUBLIC.

13 (B) COOPERATION REQUIRED.--NOTWITHSTANDING ANY OTHER
14 PROVISION OF LAW TO THE CONTRARY, THE PENNSYLVANIA STATE POLICE,
15 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT
16 OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE OFFICE OF
17 PENNSYLVANIA COURTS, THE PENNSYLVANIA COMMISSION ON SENTENCING
18 AND ANY OTHER STATE OR LOCAL AGENCY REQUESTED TO DO SO SHALL
19 FULLY COOPERATE WITH THE ATTORNEY GENERAL AND ASSIST THE OFFICE
20 OF ATTORNEY GENERAL IN SATISFYING THE REQUIREMENTS OF THIS
21 SECTION. FOR PURPOSES OF THIS SUBSECTION, FULL COOPERATION SHALL
22 INCLUDE, AT A MINIMUM, COMPLETE ACCESS TO UNREDACTED RECORDS,
23 FILES, REPORTS AND DATA SYSTEMS.

24 § 9799.39. PHOTOGRAPHS AND FINGERPRINTING.

25 AN INDIVIDUAL SUBJECT TO REGISTRATION SHALL SUBMIT TO
26 FINGERPRINTING AND PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER.
27 FINGERPRINTING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A
28 MINIMUM, REQUIRE SUBMISSION OF A FULL SET OF FINGERPRINTS AND
29 PALM PRINTS. PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER SHALL,
30 AT A MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE FACE AND

1 ANY SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF THE
2 INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS
3 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND
4 FOR GENERAL LAW ENFORCEMENT PURPOSES.

5 § 9799.40. DUTIES OF PENNSYLVANIA COMMISSION ON SENTENCING.

6 THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL ESTABLISH
7 PROCEDURES TO ENABLE COURTS TO CLASSIFY SEXUAL OFFENDERS AS
8 PROVIDED IN SECTION 9799.23 (RELATING TO COURT NOTIFICATION AND
9 CLASSIFICATION REQUIREMENTS).

10 § 9799.41. EXPIRATION.

11 THE FOLLOWING PROVISIONS SHALL EXPIRE ONE YEAR AFTER THE
12 EFFECTIVE DATE OF THIS SECTION:

13 SECTION 9718.3 (RELATING TO SENTENCE FOR FAILURE TO
14 COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS).

15 SECTION 9791 (RELATING TO LEGISLATIVE FINDINGS AND
16 DECLARATION OF POLICY).

17 SECTION 9792 (RELATING TO DEFINITIONS).

18 SECTION 9795.1 (RELATING TO REGISTRATION).

19 SECTION 9795.2 (RELATING TO REGISTRATION PROCEDURES AND
20 APPLICABILITY).

21 SECTION 9795.3 (RELATING TO SENTENCING COURT
22 INFORMATION).

23 SECTION 9795.4 (RELATING TO ASSESSMENTS).

24 SECTION 9795.5 (RELATING TO EXEMPTION FROM CERTAIN
25 NOTIFICATIONS).

26 SECTION 9796 (RELATING TO VERIFICATION OF REGISTRATION
27 INFORMATION).

28 SECTION 9797 (RELATING TO VICTIM NOTIFICATION).

29 SECTION 9798 (RELATING TO OTHER NOTIFICATION).

30 SECTION 9798.1 (RELATING TO INFORMATION MADE AVAILABLE ON

1 THE INTERNET) .

2 SECTION 9798.2 (RELATING TO ADMINISTRATION) .

3 SECTION 9798.3 (RELATING TO GLOBAL POSITIONING SYSTEM
4 TECHNOLOGY) .

5 SECTION 9799 (RELATING TO IMMUNITY FOR GOOD FAITH
6 CONDUCT) .

7 SECTION 9799.1 (RELATING TO DUTIES OF PENNSYLVANIA STATE
8 POLICE) .

9 SECTION 9799.2 (RELATING TO DUTIES OF PENNSYLVANIA BOARD
10 OF PROBATION AND PAROLE) .

11 SECTION 9799.3 (RELATING TO BOARD) .

12 SECTION 9799.4 (RELATING TO COUNSELING OF SEXUALLY
13 VIOLENT PREDATORS) .

14 SECTION 9799.7 (RELATING TO EXEMPTION FROM NOTIFICATION
15 FOR CERTAIN LICENSEES AND THEIR EMPLOYEES) .

16 SECTION 9799.8 (RELATING TO ANNUAL PERFORMANCE AUDIT) .

17 SECTION 9799.9 (RELATING TO PHOTOGRAPHS AND
18 FINGERPRINTING) .

19 SECTION 13. THE DEFINITION OF "OTHER SPECIFIED OFFENSE" IN
20 SECTION 2303 OF TITLE 44 IS AMENDED TO READ:

21 § 2303. 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 "OTHER SPECIFIED OFFENSE." ANY OF THE FOLLOWING:

27 (1) A FELONY OFFENSE [OR AN] .

28 (2) AN OFFENSE UNDER 18 PA.C.S. § 2910 (RELATING TO
29 LURING A CHILD INTO A MOTOR VEHICLE OR STRUCTURE) OR 3126
30 (RELATING TO INDECENT ASSAULT) OR AN ATTEMPT TO COMMIT SUCH

1 AN OFFENSE.

2 (3) AN OFFENSE SUBJECT TO 42 PA.C.S. CH. 97 SUBCH. H
3 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS).

4 * * *

5 SECTION 14. PARAGRAPH (4) OF THE DEFINITION OF "ELIGIBLE
6 OFFENDER" IN SECTION 4503 OF TITLE 61 IS AMENDED TO READ:
7 § 4503. DEFINITIONS.

8 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
9 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
10 CONTEXT CLEARLY INDICATES OTHERWISE:

11 * * *

12 "ELIGIBLE OFFENDER." A DEFENDANT OR INMATE CONVICTED OF A
13 CRIMINAL OFFENSE WHO WILL BE COMMITTED TO THE CUSTODY OF THE
14 DEPARTMENT AND WHO MEETS ALL OF THE FOLLOWING ELIGIBILITY
15 REQUIREMENTS:

16 * * *

17 (4) HAS NOT BEEN FOUND GUILTY OR PREVIOUSLY CONVICTED OR
18 ADJUDICATED DELINQUENT FOR VIOLATING ANY OF THE FOLLOWING
19 PROVISIONS OR AN EQUIVALENT OFFENSE UNDER THE LAWS OF THE
20 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
21 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
22 PUERTO RICO OR A FOREIGN NATION:

23 18 PA.C.S. § 4302 (RELATING TO INCEST).

24 18 PA.C.S. § 5901 (RELATING TO OPEN LEWDNESS).

25 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

26 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT WITH
27 MINOR).

28 18 PA.C.S. § 6320 (RELATING TO SEXUAL EXPLOITATION OF
29 CHILDREN).

30 18 PA.C.S. CH. 76 SUBCH. C (RELATING TO INTERNET CHILD

1 PORNOGRAPHY) .

2 RECEIVED A CRIMINAL SENTENCE PURSUANT TO 42 PA.C.S.
3 § 9712.1 (RELATING TO SENTENCES FOR CERTAIN DRUG OFFENSES
4 COMMITTED WITH FIREARMS) .

5 ANY SEXUALLY VIOLENT OFFENSE [LISTED UNDER 42 PA.C.S.
6 § 9795.1 (RELATING TO REGISTRATION)] , AS DEFINED IN 42
7 PA.C.S. CH. 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL
8 OFFENDERS) .

9 * * *

10 SECTION 15. SECTION 6137(A) (3.1) (II) OF TITLE 61 IS AMENDED
11 TO READ:

12 § 6137. PAROLE POWER.

13 (A) GENERAL CRITERIA FOR PAROLE.--

14 * * *

15 (3.1) * * *

16 (II) THIS PARAGRAPH SHALL NOT APPLY TO OFFENDERS WHO
17 ARE CURRENTLY SERVING A TERM OF IMPRISONMENT FOR A CRIME
18 OF VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714 (RELATING TO
19 SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES) OR FOR A
20 CRIME REQUIRING REGISTRATION UNDER 42 PA.C.S. [§ 9795.1
21 (RELATING TO REGISTRATION)] CH. 97 SUBCH. H (RELATING TO
22 REGISTRATION OF SEXUAL OFFENDERS) .

23 * * *

24 SECTION 16. ANY REFERENCE IN ANY ACT OR PART OF AN ACT TO 42
25 PA.C.S. § 9795.1 SHALL BE DEEMED A REFERENCE TO 42 PA.C.S.

26 § 9799.15 AS IF FULLY SET FORTH IN THAT ACT OR PART OF THAT ACT.

27 SECTION 17. THIS ACT SHALL APPLY AS FOLLOWS:

28 (1) THE ADDITION OF 42 PA.C.S. § 9799.28(B) (11) SHALL
29 APPLY TO PERSONS CONVICTED AFTER NOVEMBER 30, 2006, OF AN
30 OFFENSE WHICH REQUIRED REGISTRATION UNDER FORMER 42 PA.C.S. §

1 9795.1 AND TO PERSONS REQUIRED TO REGISTER UNDER 42 PA.C.S.
2 CH. 97 SUBCH. H ON OR AFTER THE EFFECTIVE DATE OF THIS
3 SECTION.

4 (2) ALL INDIVIDUALS REQUIRED TO REGISTER UNDER 42
5 PA.C.S. CH. 97 SUBCH. H ON OR AFTER THE EFFECTIVE DATE OF
6 THIS PARAGRAPH.

7 (3) ALL INDIVIDUALS REQUIRED TO REGISTER UNDER 42
8 PA.C.S. CH. 97 SUBCH. H OR FORMER 42 PA.C.S. § 9793 PRIOR TO
9 THE EFFECTIVE DATE OF THIS PARAGRAPH AND WHOSE REGISTRATION
10 HAS NOT EXPIRED PRIOR TO THE EFFECTIVE DATE OF THIS
11 PARAGRAPH.

12 SECTION 18. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

13 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
14 IMMEDIATELY:

15 (I) THIS SECTION.

16 (II) THE ADDITION OF 18 PA.C.S. § 4915(G).

17 (III) THE AMENDMENT OF 42 PA.C.S. § 9791.

18 (IV) THE AMENDMENT OF 42 PA.C.S. § 9795.1(A) AND
19 (B).

20 (V) THE AMENDMENT OF 42 PA.C.S. § 9798.1(A) AND
21 (B)(7).

22 (VI) THE AMENDMENT OF 42 PA.C.S. § 9799.1(2).

23 (VII) THE ADDITION OF 42 PA.C.S. § 9799.41.

24 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN ONE
25 YEAR:

26 (I) THE AMENDMENT OF 18 PA.C.S. § 3130(A)
27 INTRODUCTORY PARAGRAPH AND (1) AND (B).

28 (II) THE AMENDMENT OF 18 PA.C.S. § 3141.

29 (III) THE ADDITION OF 18 PA.C.S. § 4915.1.

30 (IV) THE AMENDMENT OF 23 PA.C.S. § 6707(2)(II).

- 1 (V) THE AMENDMENT OF 42 PA.C.S. § 6358(A) AND (B) .
- 2 (VI) THE AMENDMENT OF 42 PA.C.S. § 6403(A) (2) , (B)
- 3 (3) AND (D) .
- 4 (VII) THE AMENDMENT OF 42 PA.C.S. § 6404 .
- 5 (VIII) THE ADDITION OF 42 PA.C.S. § 6404.1 .
- 6 (IX) THE ADDITION OF 42 PA.C.S. § 6404.2 .
- 7 (X) THE AMENDMENT OF 42 PA.C.S. § 6406(A) .
- 8 (XI) THE AMENDMENT OF 42 PA.C.S. § 6409 .
- 9 (XII) THE AMENDMENT OF 42 PA.C.S. § 9718.1(A)
- 10 INTRODUCTORY PARAGRAPH AND (B) (2) .
- 11 (XIII) THE AMENDMENT OF 42 PA.C.S. § 9718.2(A) AND
- 12 (D) .
- 13 (XIV) THE ADDITION OF 42 PA.C.S. § 9718.4
- 14 (XV) THE ADDITION OF 42 PA.C.S. § 9799.10 .
- 15 (XVI) THE ADDITION OF 42 PA.C.S. § 9799.11 .
- 16 (XVII) THE ADDITION OF 42 PA.C.S. § 9799.12 .
- 17 (XVIII) THE ADDITION OF 42 PA.C.S. § 9799.13 .
- 18 (XIX) THE ADDITION OF 42 PA.C.S. § 9799.14 .
- 19 (XX) THE ADDITION OF 42 PA.C.S. § 9799.15 .
- 20 (XXI) THE ADDITION OF 42 PA.C.S. § 9799.16 .
- 21 (XXII) THE ADDITION OF 42 PA.C.S. § 9799.17 .
- 22 (XXIII) THE ADDITION OF 42 PA.C.S. § 9799.18 .
- 23 (XXIV) THE ADDITION OF 42 PA.C.S. § 9799.19 .
- 24 (XXV) THE ADDITION OF 42 PA.C.S. § 9799.20 .
- 25 (XXVI) THE ADDITION OF 42 PA.C.S. § 9799.21 .
- 26 (XXVII) THE ADDITION OF 42 PA.C.S. § 9799.22 .
- 27 (XXVIII) THE ADDITION OF 42 PA.C.S. § 9799.23 .
- 28 (XXIX) THE ADDITION OF 42 PA.C.S. § 9799.24 .
- 29 (XXX) THE ADDITION OF 42 PA.C.S. § 9799.25 .
- 30 (XXXI) THE ADDITION OF 42 PA.C.S. § 9799.26 .

1 (XXXII) THE ADDITION OF 42 PA.C.S. § 9799.27.
2 (XXXIII) THE ADDITION OF 42 PA.C.S. § 9799.28.
3 (XXXIV) THE ADDITION OF 42 PA.C.S. § 9799.29.
4 (XXXV) THE ADDITION OF 42 PA.C.S. § 9799.30.
5 (XXXVI) THE ADDITION OF 42 PA.C.S. § 9799.31.
6 (XXXVII) THE ADDITION OF 42 PA.C.S. § 9799.32.
7 (XXXVIII) THE ADDITION OF 42 PA.C.S. § 9799.33.
8 (XXXIX) THE ADDITION OF 42 PA.C.S. § 9799.34.
9 (XL) THE ADDITION OF 42 PA.C.S. § 9799.35.
10 (XLI) THE ADDITION OF 42 PA.C.S. § 9799.36.
11 (XLII) THE ADDITION OF 42 PA.C.S. § 9799.37.
12 (XLIII) THE ADDITION OF 42 PA.C.S. § 9799.38.
13 (XLIV) THE ADDITION OF 42 PA.C.S. § 9799.39.
14 (XLV) THE ADDITION OF 42 PA.C.S. § 9799.40.
15 (XLVI) THE AMENDMENT OF THE DEFINITION OF "OTHER
16 SPECIFIED OFFENSE" IN 44 PA.C.S. § 2303.
17 (XLVII) THE AMENDMENT OF PARAGRAPH (4) OF THE
18 DEFINITION OF "ELIGIBLE OFFENDER" IN 44 PA.C.S. § 4503.
19 (XLVIII) THE AMENDMENT OF 61 PA.C.S. § 6137(A) (3.1)
20 (II) .
21 (XLIX) THE AMENDMENT OF 61 PA.C.S. § 6137(A) (3.1)
22 (II) .
23 (L) SECTION 16 OF THIS ACT.
24 (LI) SECTION 17 OF THIS ACT.
25 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
26 DAYS.