
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1378 Session of
2012

INTRODUCED BY BOSCOLA, COSTA, WILLIAMS, FARNESE, FONTANA,
RAFFERTY, BREWSTER, SOLOBAY AND KASUNIC, JANUARY 13, 2012

REFERRED TO JUDICIARY, JANUARY 13, 2012

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for residency restrictions
3 for certain offenders.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 4307. Residency restrictions for certain offenders.

9 (a) General rule.--No person who is subject to registration
10 under 42 Pa.C.S. § 9795.1 (relating to registration) due to
11 conviction for an offense wherein the victim was a minor shall
12 establish a residence, maintain a residence or other living
13 accommodation within 1,000 feet of the real property on which is
14 located any public, private or parochial school, licensed
15 preschool program, certified day-care center, registered family
16 day-care home, public playground recreation center or
17 playground. No such person shall establish a residence, maintain
18 a residence or other living accommodation within 500 feet of any

1 point at which transportation is provided to students of any
2 public, private or parochial school except that provided by a
3 fixed-route public transportation service as defined in 74
4 Pa.C.S. § 1503 (relating to definitions). Further, no such
5 person who is subject to any order of parole, probation or
6 supervision may be placed by any governmental authority in any
7 residential setting that does not comply with the provisions of
8 this section.

9 (b) Applicability.--Nothing in this section shall require
10 any person subject to the provisions of this section or 42
11 Pa.C.S. § 9795.1 to sell or otherwise dispose of any real
12 estate, home or other real property or to cancel any lease of
13 real property that was acquired or entered prior to the
14 effective date of this section. Further, the provision of this
15 section shall not prohibit such a person from maintaining a
16 residence at a location as provided in this subsection. In order
17 for a person to comply with the exemption provided in this
18 subsection, the person is required to provide evidence of such
19 to the court wherein sentencing occurred and to the Pennsylvania
20 State Police at the time of registration under 42 Pa.C.S. §
21 9795.1 and verification under 42 Pa.C.S. § 9796 (relating to
22 verification of residence):

23 (1) For real property, a copy of a deed, security
24 interest or mortgage to which the person is a signatory.

25 (2) For purposes of a leasehold, a copy of the
26 applicable lease agreement to which the person is a
27 signatory.

28 (c) Exceptions.--This section shall not apply to any person
29 who resides in any of the following on a temporary or permanent
30 basis:

1 (1) A hospital licensed by the Commonwealth of
2 Pennsylvania.

3 (2) A nursing home or similar entity licensed by the
4 Commonwealth of Pennsylvania.

5 (3) Except as provided in subsection (a), any place
6 where the person is incarcerated due to a criminal charge or
7 conviction.

8 (4) Any location where a person is voluntarily or
9 involuntarily committed for treatment under the act of July
10 9, 1976 (P.L.817, No.143), known as the Mental Health
11 Procedures Act.

12 (5) A temporary lodging for consideration for a term
13 that is less than 15 consecutive days.

14 (d) Notice.--Any person subject to this section who lives
15 within 1,000 feet of the real property of any entity provided in
16 subsection (a) by operation of subsection (b) or (c) shall be
17 subject to the notification provisions under 42 Pa.C.S. § 9798
18 (relating to other notification).

19 (e) Board of school directors.--Each year, for the
20 forthcoming school year, the board of school directors of any
21 school district that provides for the transportation of students
22 under section 1361 of the act of March 10, 1949 (P.L.30, No.14),
23 known as the Public School Code of 1949, shall determine if a
24 person subject to the restrictions provided in this section
25 resides within 500 feet of a point where students receiving
26 transportation to and from school shall embark or disembark from
27 the conveyance. If it is determined that a person subject to the
28 restrictions provided in this section resides within 500 feet of
29 the point of embarking or disembarking a conveyance and it is
30 impracticable for the school district or its agent to assign

1 another point of embarking or disembarking, the board of school
2 directors shall do all of the following:

3 (1) Notify each law enforcement agency with jurisdiction
4 over the point of embarking or disembarking the conveyance.

5 (2) Notify each law enforcement agency with jurisdiction
6 in the school district.

7 (3) Notify the parents of any student who will be
8 required to use a point of embarking or disembarking that
9 falls within 500 feet of the residence of a person subject to
10 the restrictions of this section.

11 (f) Grading.--

12 (1) Except as provided in paragraph (2), an offense
13 under this section shall be graded as a misdemeanor of the
14 first degree.

15 (2) A second or subsequent offense under this section
16 shall be graded as a felony of the third degree.

17 (g) Immunity for good faith conduct.-- The following shall
18 be immune from liability under this section for good faith
19 conduct:

20 (1) A school district including, but not limited to, its
21 board of school directors and employees.

22 (2) Agents of a school district who, pursuant to their
23 contract with the school district, provide transportation for
24 students to or from any public, private or parochial school.

25 Section 2. This act shall take effect in 60 days.