
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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APRIL 22, 2013

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 22, 2013

AN ACT

1 Providing for registration by sex offenders and sexually violent
2 predators of Internet accounts and Internet identifiers;
3 establishing a State registry of Internet accounts and
4 Internet identifiers of sex offenders and sexually violent
5 predators; and establishing a matching system for social
6 networking Internet websites.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Pennsylvania
11 Kids Act.

12 Section 2. Definitions.

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

16 "Internet access provider." A business, organization or
17 other entity engaged in the business of providing access to the
18 Internet in exchange for consideration or through an agreement

1 to view specific advertisement or content.

2 "Internet account." System information provided by an
3 Internet access provider to allow a user to access the Internet,
4 including the ability to communicate through electronic messages
5 with other users.

6 "Internet identifier." An electronic mail address or other
7 designation used for self-identification or routing in Internet
8 communication or postings on or using a social networking
9 website.

10 "PSP." The Pennsylvania State Police.

11 "Registry." The database of information established and
12 maintained by the Pennsylvania State Police under section 4.

13 "Sex offender." A sexually violent predator or any other
14 individual required to register under 42 Pa.C.S. Ch. 97 Subch. H
15 (relating to registration of sexual offenders).

16 "Sexually violent predator." The term shall have the meaning
17 given to it in 42 Pa.C.S. § 9799.12 (relating to definitions).

18 "Social networking website." An Internet website with all of
19 the following characteristics:

20 (1) It allows users, through the creation of Internet
21 web pages or profiles or by other means, to provide
22 information about themselves that is available to the public
23 or to other users.

24 (2) It offers a mechanism for communication with other
25 users.

26 (3) Its primary purpose is to facilitate online social
27 interactions.

28 The term includes contractors or agents used by the Internet
29 website to act on behalf of the Internet website in carrying out
30 the purposes of this act.

1 Section 3. Registration procedures.

2 (a) Registration.--

3 (1) From and after the effective date of this section,
4 sex offenders shall register all of their current or intended
5 Internet accounts and Internet identifiers with the PSP, on a
6 form and in a manner determined by the PSP, upon the
7 occurrence of any of the following:

8 (i) Release from incarceration.

9 (ii) Parole from a State or county correctional
10 institution.

11 (iii) Commencement of a sentence of intermediate
12 punishment or probation.

13 (2) An individual subject to the provisions of this
14 subsection shall be required to keep the information
15 registered under paragraph (1) current. This obligation shall
16 include, but not be limited to, providing the following
17 information to the PSP as soon as practicable but in no event
18 later than 48 hours following receipt by the individual of
19 the information:

20 (i) A change of an Internet account or establishment
21 of an additional Internet account.

22 (ii) A change of an Internet identifier or
23 establishment of an additional Internet identifier.

24 (b) Failure to register.--An individual subject to the
25 provisions of subsection (a) who fails to register or fails to
26 keep the information registered current as required by this
27 section may be subject to prosecution under 18 Pa.C.S. § 4915
28 (relating to failure to comply with registration of sexual
29 offenders requirements) as if the individual failed to register
30 under 42 Pa.C.S. § 9799.16 (relating to registry).

1 Section 4. Registry.

2 The PSP shall create and maintain a searchable electronic
3 database of the information registered under section 3.

4 Section 5. Matching of Internet accounts and Internet
5 identifiers.

6 (a) General rule.--

7 (1) The PSP shall establish and maintain a secure system
8 that permits a participating social networking website to
9 compare information contained in the registry with the
10 Internet accounts and Internet identifiers of users of the
11 social networking website for purposes of determining whether
12 any users of the social networking website are sex offenders.
13 The following shall apply:

14 (i) The system shall not require or permit a social
15 networking website to transmit Internet account or
16 Internet identifier information to the operator of the
17 system.

18 (ii) The system shall use secure procedures that
19 preserve the confidentiality of the information made
20 available by the PSP, including measures that render the
21 Internet account and Internet identifier information and
22 other data elements indecipherable.

23 (b) Requirements for use of the matching system.--A social
24 networking website that desires to participate in the matching
25 activity described in subsection (a) must obtain the approval of
26 the PSP for such use. To initiate the approval process, the
27 website manager or owner of the social networking website shall
28 submit an application to the PSP, on a form provided by the PSP,
29 which provides the following information:

30 (1) The name and legal status of the social networking

1 website.

2 (2) The contact information for the social networking
3 website.

4 (3) A description of the nature and operations of the
5 social networking website.

6 (4) Evidence that the social networking website has
7 adopted policies and procedures to ensure that:

8 (i) An individual who is denied access to the social
9 networking website on the basis of information obtained
10 through the system described in subsection (a) is
11 promptly notified of the basis for the denial and has the
12 ability to challenge the denial of access.

13 (ii) If the social networking website finds that
14 information is inaccurate, incomplete or cannot be
15 verified, the social networking website immediately
16 notifies the PSP so that the PSP may delete or correct
17 the information in the registry.

18 (5) The identity and address of, and contact information
19 for, any contractor that will be engaged by the social
20 networking website to use the system.

21 (6) Such other information as the PSP may reasonably
22 require.

23 (c) Use of the system.--The following shall apply:

24 (1) A social networking website may only use the system
25 described in subsection (a) for the purpose of determining
26 whether any of its users has registered with the PSP under
27 section 3.

28 (2) A social networking website approved by the PSP to
29 use the system may conduct searches under the system as
30 frequently as the PSP may allow in its approval but only so

1 long as the PSP's approval is in place.

2 (3) The PSP may deny, suspend or terminate use of the
3 system by a social networking website that:

4 (i) Provides false information in its application
5 for use of the system.

6 (ii) Uses or seeks to use the system for any
7 unlawful or improper purpose.

8 (iii) Fails to comply with its own policies and
9 procedures required under section (b) (4).

10 (iv) Uses information obtained from the system in
11 any way that is inconsistent with the purposes of this
12 act or violates the nondisclosure provisions of paragraph
13 (4).

14 (4) Neither the PSP nor a social networking website
15 approved to use the system may disclose or otherwise release
16 to the public any Internet account or Internet identifier
17 information contained in the registry.

18 (5) A social networking website shall minimize the
19 number of employees that are provided with access to the
20 Internet account and Internet identifier information for
21 which a match has been found through the system.

22 (6) The PSP may charge a reasonable fee to a social
23 networking website for access to the system. Fees collected
24 under this paragraph shall be retained by the PSP to be used
25 to defray the cost of the PSP's obligations under this act,
26 including the creation and maintenance of the registry. Such
27 fees are appropriated to the PSP on a continuing basis for
28 such use.

29 (7) The PSP may post on its Internet website the names
30 of social networking systems approved to use the system.

1 Section 6. Limitation of liability.

2 A social networking website or Internet access provider shall
3 not be liable for any of the following:

4 (1) Identifying, removing, disabling, blocking or
5 otherwise affecting an individual in accordance with this act
6 based on a good faith belief that the individual's Internet
7 account or Internet identifier information appeared in the
8 registry.

9 (2) Failing to identify or block or otherwise preventing
10 an individual from registering for its services, or failing
11 to remove or disable or otherwise affecting an individual
12 whose Internet account or Internet identifier information
13 appears in the registry.

14 (3) Not participating in the use of the system described
15 in section 5(a).

16 Section 7. Limited Internet access.

17 (a) General rule.--A judge imposing a sentence on an
18 individual convicted of an offense referred to in 42 Pa.C.S. §
19 9799.15 (relating to period of registration) or convicted of an
20 attempt to commit an offense referred to in section 9799.15 may
21 include as part of the sentence a limitation on the individual's
22 Internet access if the Internet was used by the individual in
23 commission of the crime or if Internet use is determined to be
24 an activity leading to the commission of the crime. The
25 limitation shall be tailored to prevent further use of the
26 Internet by the individual to commit a crime. The Board of
27 Probation and Parole shall consider a sentencing order issued
28 under this section for an individual with a maximum period of
29 incarceration of more than two years to be an advisory under 61
30 Pa.C.S. § 6134(b)(2) (relating to sentencing court to transmit

1 records to board).

2 (b) Exception.--An individual subject to limited Internet
3 access under subsection (a) may be authorized during the period
4 of limitation, by a parole or probation officer or by order of
5 the court, to access the Internet for the purpose of engaging in
6 or seeking employment or for other employment-related purposes.
7 This use may be subject to reasonable conditions prescribed by
8 the parole or probation officer or the judge.

9 (c) Periodic inspection.--An individual subject to limited
10 Internet access under subsection (a) shall be required to submit
11 to periodic, unannounced inspection and examination of all
12 computers and computer-related equipment owned or possessed by
13 the individual during the period of limitation, as directed by a
14 parole or probation officer or by order of the court.

15 (d) Key logging.--An individual subject to limited Internet
16 access under subsection (a) may be required to install, at the
17 individual's expense, on any computer to which the individual
18 may have access, one or more key logging programs or other
19 hardware or software designed to monitor computer usage directed
20 by a parole or probation officer or a judge.

21 Section 8. Construction.

22 Nothing in this act shall be construed to require an Internet
23 access provider or social networking website to participate in
24 the matching activity described in section 5(a) or to otherwise
25 use the system described in that section.

26 Section 9. Effective date.

27 This act shall take effect in 60 days.