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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 486 Session of  
2013

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INTRODUCED BY BOSCOLA, HUGHES, FONTANA, BROWNE, FARNESE,  
WOZNIAK, BREWSTER AND WASHINGTON, FEBRUARY 13, 2013

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REFERRED TO JUDICIARY, FEBRUARY 13, 2013

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for  
3 registration of domestic violence predators; establishing the  
4 Domestic Violence Predator Assessment Board; and imposing  
5 powers and duties on the Pennsylvania State Police and on the  
6 Pennsylvania Board of Probation and Parole.

7 It is the intention of the General Assembly that this act be  
8 known as Robin's Law.

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

11 Section 1. Title 42 of the Pennsylvania Consolidated  
12 Statutes is amended by adding a chapter to read:

13 CHAPTER 96

14 REGISTRATION OF DOMESTIC VIOLENCE PREDATORS

15 Sec.

16 9601. Scope of chapter.

17 9602. Definitions.

18 9603. Registration of certain offenders for ten years.

19 9604. Designation of domestic violence predators.

20 9605. Other registration requirements.

- 1 9606. Verification of residence.
- 2 9607. Victim notification.
- 3 9608. Immunity for good faith conduct.
- 4 9609. Duties of Pennsylvania State Police.
- 5 9610. Duties of Pennsylvania Board of Probation and Parole.
- 6 9611. Board.
- 7 9612. Domestic violence predators.
- 8 9613. Exemption from notification.
- 9 § 9601. Scope of chapter.

10 This chapter relates to registration of domestic violence  
11 criminal offenders.

12 § 9602. Definitions.

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

16 "Board." The Domestic Violence Predator Assessment Board  
17 established in section 9611 (relating to board).

18 "Conviction." An adjudication of guilt by a court of  
19 competent jurisdiction whether upon a verdict or plea of guilty  
20 or plea of nolo contendere, notwithstanding a pending appeal or  
21 habeas corpus proceeding arising from the adjudication.

22 "Domestic violence offense." An offense, under the laws of  
23 this Commonwealth or any other jurisdiction:

24 (1) an element of which is the use or attempted use of  
25 physical force;

26 (2) which is punishable by a term of imprisonment  
27 exceeding two years; and

28 (3) which was committed by:

29 (i) the current or former spouse, parent or guardian  
30 of the victim;

1           (ii) an individual with whom the victim shares a  
2           child in common;

3           (iii) an individual who cohabits with or has  
4           cohabited with the victim as a spouse, parent or  
5           guardian; or

6           (iv) an individual similarly situated to a spouse,  
7           parent or guardian of the victim.

8           The relationship specified in this paragraph need not be an  
9           element of the offense to meet the requirements of this  
10          definition.

11          The term includes an attempt, a solicitation or a conspiracy to  
12          commit the offense.

13          "Domestic violence predator." An individual who:

14           (1) has been convicted of a domestic violence offense;  
15          and

16           (2) is determined to be a domestic violence predator  
17          under section 9604 (relating to designation of domestic  
18          violence predators) due to a mental abnormality or  
19          personality disorder that makes the individual likely to  
20          engage in predatory domestic violence offenses.

21          "Mental abnormality." A congenital or acquired condition of  
22          an individual that affects the emotional or volitional capacity  
23          of the individual in a manner as to predispose the individual to  
24          commit violent criminal offenses to a degree that makes the  
25          individual a menace to the health and safety of other persons.

26          "Municipality." A city, borough, incorporated town or  
27          township.

28          "Personality disorder." A personality disorder as defined in  
29          the fourth edition of the Diagnostic and Statistical Manual of  
30          Mental Disorders adopted by the American Psychiatric

1 Association.

2 "Predatory." Directed at an individual with whom a  
3 relationship has been established or promoted for the primary  
4 purpose of victimization.

5 § 9603. Registration of certain offenders for ten years.

6 (a) Requirement.--Except as set forth in subsection (b):

7 (1) An individual convicted of a domestic violence  
8 offense shall register a current address with the  
9 Pennsylvania State Police upon:

10 (i) release from incarceration;

11 (ii) parole from a State or county correctional  
12 facility; or

13 (iii) commencement of a sentence of intermediate  
14 punishment or probation.

15 (2) The period of registration shall be ten years.

16 (b) Exceptions.--

17 (1) Subsection (a) does not apply to an individual  
18 incarcerated in a maximum or medium correctional facility of  
19 the Department of Corrections, a private correctional  
20 facility or a correctional facility of another jurisdiction.  
21 This exception ends upon release from incarceration.

22 (2) Subsection (a) does not apply to an individual  
23 required to register under Subchapter H of Chapter 97  
24 (relating to registration of sexual offenders).

25 (c) Registration information.--The Pennsylvania State Police  
26 shall provide the information obtained under sections 9605  
27 (relating to other registration requirements) and 9606 (relating  
28 to verification of residence) and this section and the address  
29 at which the offender will reside after release from  
30 incarceration, parole or probation to the chief law enforcement

1 officer of the police department of the municipality in which  
2 the offender will reside.

3 § 9604. Designation of domestic violence predators.

4 (a) Order for assessment.--Before sentencing, the court  
5 shall order a person convicted of a domestic violence offense to  
6 be assessed by the board.

7 (b) Presumption.--There shall be a presumption that an  
8 offender convicted of a domestic violence offense is a domestic  
9 violence predator. The presumption may be rebutted by clear and  
10 convincing evidence at a hearing held under subsection (e).

11 (c) Assessment.--The board shall conduct an assessment of  
12 the offender to determine if the offender is a domestic violence  
13 predator. An assessment shall include, but not be limited to,  
14 the following:

15 (1) Age of the offender.

16 (2) Offender's prior criminal record of domestic  
17 violence offenses and any other offenses.

18 (3) Age of the victim.

19 (4) Whether the domestic violence offense involved  
20 multiple victims.

21 (5) Use of illegal drugs by the offender.

22 (6) Whether the offender completed any prior sentence  
23 and participated in a program for violent offenders.

24 (7) Mental illness or mental disability of the offender.

25 (8) The nature of the violent contact with the victim  
26 and whether the contact was part of a demonstrated pattern of  
27 abuse.

28 (9) Whether the domestic violence offense included a  
29 display of unusual cruelty by the offender during commission  
30 of the crime.

1           (10) Behavioral characteristics that contribute to the  
2           offender's conduct.

3           (d) Submission of report by board.--The board shall submit a  
4           written report containing its assessment to the court no later  
5           than 30 days after the assessment was ordered.

6           (e) Court review of findings.--Upon receipt of the board's  
7           report, the court shall determine if the offender is a domestic  
8           violence predator. The determination shall be based on evidence  
9           presented at a hearing held prior to sentencing and before the  
10           trial judge. The offender and district attorney shall be given  
11           notice of the hearing and an opportunity to be heard, the right  
12           to call witnesses, including expert witnesses, and the right to  
13           conduct cross-examination. The offender shall have the right to  
14           counsel and to have an attorney appointed to represent the  
15           offender if he cannot afford one.

16           (f) Subsequent review.--No sooner than one year prior to  
17           release from a State or county correctional facility and in  
18           five-year intervals thereafter, an offender designated a  
19           domestic violence predator may petition a court having original  
20           jurisdiction in the matter for reconsideration. The court may  
21           request a new report by the board and enter an order terminating  
22           the designation, in which case the court shall notify the  
23           Pennsylvania State Police.

24           § 9605. Other registration requirements.

25           (a) Registration of domestic violence predators.--A domestic  
26           violence predator shall be required to register all current  
27           addresses with the Pennsylvania State Police upon release from  
28           incarceration, upon parole from a State or county correctional  
29           facility or upon commencing a sentence of intermediate  
30           punishment. Registration shall continue unless a court

1 terminates designation under section 9604(f) (relating to  
2 designation of domestic violence predators).

3 (b) Court information for all offenders.--At the time of  
4 sentencing, the court shall inform offenders designated in  
5 section 9603 (relating to registration of certain offenders for  
6 ten years) and domestic violence predators designated in  
7 subsection (a) of the provisions of this chapter. The court  
8 shall:

9 (1) Specifically inform the offender of the duty to  
10 register and obtain the information required for each  
11 registration.

12 (2) Specifically inform the offender of the duty to  
13 inform the Pennsylvania State Police within ten days if the  
14 offender changes residence.

15 (3) Specifically inform the offender of the duty to  
16 register with a new law enforcement agency not later than ten  
17 days after establishing residence in another state.

18 (4) Order the fingerprints and photograph of the person  
19 to be provided to the Pennsylvania State Police upon  
20 sentencing.

21 (5) Require the offender to read and sign a form stating  
22 that the duty to register under this chapter has been  
23 explained. If the offender is unable to read, the court shall  
24 certify that the duty to register was explained to the  
25 offender and the offender indicated an understanding of the  
26 duty.

27 (c) Correctional facilities and parole authorities.--When an  
28 offender is about to be released from incarceration or paroled  
29 from a State or county correctional facility, the prison  
30 official of the State or county correctional facility, no later

1 than ten days prior to the release or parole of the offender,  
2 shall again provide the offender with notice of the duty to  
3 register with the Pennsylvania State Police under this chapter.

4 (d) Penalty.--An offender who fails to register as required  
5 in this section commits a felony of the third degree.

6 § 9606. Verification of residence.

7 (a) Quarterly verification.--The Pennsylvania State Police  
8 shall verify the residence of domestic violence predators every  
9 90 days through use of a nonforwardable verification form to the  
10 last reported address. The form must be returned by the offender  
11 within ten days.

12 (b) Annual verification.--The Pennsylvania State Police  
13 shall verify the residence of offenders designated in section  
14 9603 (relating to registration of certain offenders for ten  
15 years), annually through the use of a residence verification  
16 form. The form must be returned by the offender within ten days.

17 (c) Notification of address change.--A change of address of  
18 an offender required to register under this chapter reported to  
19 the Pennsylvania State Police shall be immediately reported by  
20 the Pennsylvania State Police to the appropriate law enforcement  
21 agency having jurisdiction over the offender's new place of  
22 residence. The Pennsylvania State Police shall, if the offender  
23 changes residence to another state, notify the law enforcement  
24 agency having jurisdiction of the offender's new place of  
25 residence.

26 (d) Failure to provide verification.--If an offender fails  
27 to provide verification of residence within the required ten-day  
28 period, the Pennsylvania State Police shall immediately notify  
29 the local municipal police department of the offender's last  
30 verified residence. The local municipal police shall locate the



1 offender and place the offender under arrest. The Pennsylvania  
2 State Police shall assume responsibility for locating the  
3 offender and making the arrest in jurisdictions where there is  
4 no local municipal police force. The Pennsylvania State Police  
5 shall assist any local municipal police department requesting  
6 assistance with locating and arresting an offender who fails to  
7 verify his residence.

8 (e) Penalty.--An offender who fails to verify his residence  
9 as required in this section commits a felony of the third  
10 degree.

11 § 9607. Victim notification.

12 (a) Duty to inform victim.--

13 (1) If an offender is determined to be a domestic  
14 violence predator by a court order under section 9604(e)  
15 (relating to designation of domestic violence predators), the  
16 local municipal police department or, if there is no local  
17 municipal police department, the Pennsylvania State Police  
18 shall give written notice to the victim of the offender  
19 within 72 hours after the offender registers initially or  
20 notifies the Pennsylvania State Police of an address change.  
21 The notice shall contain the offender's name and the address  
22 or addresses where the offender resides.

23 (2) A victim may waive the right to be informed under  
24 paragraph (1) by providing the local municipal police  
25 department or, if there is no local municipal police  
26 department, the Pennsylvania State Police with a written  
27 request.

28 (b) Public information.--Information provided under  
29 subsection (a) shall be available to the general public upon  
30 request.

1 (c) Offenders not designated as domestic violence  
2 predators.--If an offender is not determined to be a domestic  
3 violence predator, the victim shall be notified under the act of  
4 November 24, 1998 (P.L.882, No.111), known as the Crime Victims  
5 Act.

6 § 9608. Immunity for good faith conduct.

7 The following entities shall not be held liable for damages  
8 arising from a good faith discretionary release or dissemination  
9 of or good faith failure to release or disseminate information  
10 under this section:

11 (1) The Pennsylvania State Police and local law  
12 enforcement agencies and their agents and employees.

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

14 (3) Directors and employees of county children and youth  
15 agencies.

16 (4) The Pennsylvania Board of Probation and Parole and  
17 its agents and employees.

18 § 9609. Duties of Pennsylvania State Police.

19 (a) General rule.--The Pennsylvania State Police shall:

20 (1) Create and maintain a State registry of offenders  
21 pursuant to section 9603 (relating to registration of certain  
22 offenders for ten years) that will be available on the  
23 Internet.

24 (2) In consultation with the Attorney General and the  
25 Pennsylvania Board of Probation and Parole, promulgate  
26 guidelines necessary for administration of this chapter.

27 (3) Within 72 hours of receiving a registration, notify  
28 the chief law enforcement officer of the police department  
29 having primary jurisdiction of the municipality in which an  
30 offender resides that the offender is registered with the

1 Pennsylvania State Police under this chapter.

2 (4) Immediately forward to the Federal Bureau of  
3 Investigation information received from the Pennsylvania  
4 Board of Probation and Parole under this chapter and the  
5 fingerprints of the domestic violence predator.

6 (b) Publication.--Regulations under this chapter shall be  
7 published in the Pennsylvania Bulletin no later than one year  
8 after the effective date of this section.

9 § 9610. Duties of Pennsylvania Board of Probation and Parole.

10 The Pennsylvania Board of Probation and Parole shall:

11 (1) Formulate a process to be followed by State and  
12 county prison and probation and parole personnel when  
13 informing offenders of their duties and responsibilities  
14 under this chapter.

15 (2) Obtain the following information concerning each  
16 offender to whom this chapter applies:

17 (i) Name, including any aliases.

18 (ii) Identifying factors.

19 (iii) Anticipated future residence.

20 (iv) Offense history.

21 (v) Documentation of treatment received for mental  
22 abnormalities and personality disorders.

23 (3) Transmit the information in paragraph (2) to the  
24 Pennsylvania State Police without delay for immediate entry  
25 into the State registry of domestic violence offenders and  
26 the criminal history record of the offender as provided in 18  
27 Pa.C.S. Ch. 91 (relating to criminal history record  
28 information).

29 § 9611. Board.

30 (a) Establishment.--The Domestic Violence Predator

1 Assessment Board is hereby established and shall be composed of  
2 three persons, including a psychiatrist, a psychologist and a  
3 criminal justice expert, each of whom shall have a minimum of  
4 ten years of experience and specialized training in the behavior  
5 and treatment of violent offenders.

6 (b) Appointment.--The Governor shall appoint the  
7 psychiatrist and psychologist board members, and the Attorney  
8 General shall appoint the criminal justice expert. All  
9 appointments shall be made within 30 days of the effective date  
10 of this section.

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

13 (d) Compensation.--Members of the board shall be compensated  
14 at a rate of \$125 per day and receive reimbursement for their  
15 actual and necessary expenses while performing the business of  
16 the board. The chairman shall receive \$500 additional  
17 compensation per year.

18 (e) Staff.--Support staff for the board shall be provided by  
19 the Pennsylvania Board of Probation and Parole.  
20 § 9612. Domestic violence predators.

21 (a) Lifetime parole; counseling.--Notwithstanding any other  
22 provision of law, a person designated as a domestic violence  
23 predator under this chapter shall remain on lifetime parole when  
24 released from a State or county correctional facility unless the  
25 court terminates the designation under section 9604(f) (relating  
26 to designation of domestic violence predators). The offender  
27 shall be required to attend at least monthly counseling sessions  
28 in a program approved by the board and be financially  
29 responsible for all fees assessed from such counseling sessions.  
30 If the offender can establish to the satisfaction of the court

1 inability to pay for counseling sessions, the offender shall  
2 attend the sessions and the parole office shall pay the  
3 requisite fees.

4 (b) Lifetime registration.--

5 (1) Notwithstanding any other provision of law, an  
6 offender designated as a domestic violence predator under  
7 this chapter shall register for life if the offender:

8 (i) is convicted of a subsequent domestic violence  
9 offense requiring registration; or

10 (ii) enters this Commonwealth after the effective  
11 date of this chapter and has a conviction in another  
12 jurisdiction that would have required registration if  
13 committed in Pennsylvania.

14 (2) If a conviction is vacated and an acquittal or final  
15 discharge is entered after it has been determined that this  
16 section applies, the offender shall have the right to  
17 petition the sentencing court for reconsideration if this  
18 section would not have applied except for the conviction that  
19 was vacated.

20 (c) Authority of court in sentencing.--A court may not  
21 impose on an offender to which this section is applicable any  
22 lesser sentence than provided for in subsection (b), place the  
23 offender on probation or suspend the offender's sentence.  
24 Nothing in this section may prevent the sentencing court from  
25 imposing a sentence greater than that provided in this section.  
26 Sentencing guidelines promulgated by the Pennsylvania Commission  
27 on Sentencing shall not supersede the mandatory sentence  
28 provided in this section.

29 (d) Appeal by Commonwealth.--If a sentencing court refuses  
30 to apply this section when applicable, the Commonwealth shall

1 have a right to appellate review. The appellate court shall  
2 vacate the sentence and remand the case to the sentencing court  
3 for the imposition of a sentence in accordance with this section  
4 if it finds that the sentence was imposed in violation of this  
5 section.

6 § 9613. Exemption from notification.

7 Nothing in this chapter may be construed to impose a duty on  
8 a person licensed under the act of February 19, 1980 (P.L.15,  
9 No.9), known as the Real Estate Licensing and Registration Act,  
10 or an employee of the person, to disclose information regarding  
11 an offender required to register under this chapter.

12 Section 2. This act shall take effect in six months.