
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **631** Session of
2017

INTRODUCED BY MARSICO, BAKER, STEPHENS, MURT, KEEFER, MILLARD,
RYAN, CALTAGIRONE, ENGLISH, JOZWIAK, SAYLOR, PICKETT, COX,
IRVIN, WARD, MOUL, TOOHL, WATSON, GILLEN, MICCARELLI AND
ROZZI, FEBRUARY 24, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, FEBRUARY 5, 2018

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ <--
 2 ~~Pennsylvania Consolidated Statutes, in sentencing, providing~~
 3 ~~for a mandatory period of probation for certain sexual~~
 4 ~~offenders.~~

5 AMENDING TITLES 18 (CRIMES AND OFFENSES), 23 (DOMESTIC <--
 6 RELATIONS) AND 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE
 7 PENNSYLVANIA CONSOLIDATED STATUTES, IN SEXUAL OFFENSES,
 8 FURTHER PROVIDING FOR CONDUCT RELATING TO SEX OFFENDERS AND
 9 FOR GENERAL RULE; IN FALSIFICATION AND INTIMIDATION, FURTHER
 10 PROVIDING FOR THE OFFENSE OF FAILURE TO COMPLY WITH
 11 REGISTRATION REQUIREMENTS, DEFINING THE OFFENSE OF FAILURE TO
 12 COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I REGISTRATION
 13 REQUIREMENTS AND IMPOSING PENALTIES; IN PROCEEDINGS PRIOR TO
 14 PETITION TO ADOPT, FURTHER PROVIDING FOR GROUNDS FOR
 15 INVOLUNTARY TERMINATION AND FOR DEFINITIONS; IN DOMESTIC AND
 16 SEXUAL VIOLENCE VICTIM ADDRESS CONFIDENTIALITY, FURTHER
 17 PROVIDING FOR AGENCY USE OF DESIGNATED ADDRESS; IN
 18 SENTENCING, PROVIDING FOR A MANDATORY PERIOD OF PROBATION FOR
 19 CERTAIN SEXUAL OFFENDERS AND EXTENSIVELY REVISING
 20 REGISTRATION OF SEXUAL OFFENDERS PROVISIONS; AND MAKING
 21 EDITORIAL CHANGES.

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

24 ~~Section 1. Title 42 of the Pennsylvania Consolidated~~ <--
 25 ~~Statutes is amended by adding a section to read:~~

26 SECTION 1. SECTION 3130 OF TITLE 18 OF THE PENNSYLVANIA <--

1 CONSOLIDATED STATUTES IS AMENDED TO READ:

2 § 3130. CONDUCT RELATING TO SEX OFFENDERS.

3 (A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE THIRD
4 DEGREE IF THE PERSON HAS REASON TO BELIEVE THAT A SEX OFFENDER
5 IS NOT COMPLYING WITH OR HAS NOT COMPLIED WITH THE REQUIREMENTS
6 OF THE SEX OFFENDER'S PROBATION OR PAROLE, IMPOSED BY STATUTE OR
7 COURT ORDER, OR WITH THE REGISTRATION REQUIREMENTS OF 42 PA.C.S.
8 CH. 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS)
9 OR I (RELATING TO CONTINUED REGISTRATION OF SEXUAL OFFENDERS),
10 AND THE PERSON, WITH THE INTENT TO ASSIST THE SEX OFFENDER IN
11 ELUDING A LAW ENFORCEMENT AGENT OR AGENCY THAT IS SEEKING TO
12 FIND THE SEX OFFENDER TO QUESTION THE SEX OFFENDER ABOUT, OR TO
13 ARREST THE SEX OFFENDER FOR, NONCOMPLIANCE WITH THE REQUIREMENTS
14 OF THE SEX OFFENDER'S PROBATION OR PAROLE OR THE REQUIREMENTS OF
15 42 PA.C.S. CH. 97 SUBCH. H OR I:

16 (1) WITHHOLDS INFORMATION FROM OR DOES NOT NOTIFY THE
17 LAW ENFORCEMENT AGENT OR AGENCY ABOUT THE SEX OFFENDER'S
18 NONCOMPLIANCE WITH THE REQUIREMENTS OF PAROLE, THE
19 REQUIREMENTS OF 42 PA.C.S. CH. 97 SUBCH. H OR I OR, IF KNOWN,
20 THE SEX OFFENDER'S WHEREABOUTS;

21 (2) HARBORS OR ATTEMPTS TO HARBOR OR ASSIST ANOTHER
22 PERSON IN HARBORING OR ATTEMPTING TO HARBOR THE SEX OFFENDER;

23 (3) CONCEALS OR ATTEMPTS TO CONCEAL, OR ASSISTS ANOTHER
24 PERSON IN CONCEALING OR ATTEMPTING TO CONCEAL, THE SEX
25 OFFENDER; OR

26 (4) PROVIDES INFORMATION TO THE LAW ENFORCEMENT AGENT OR
27 AGENCY REGARDING THE SEX OFFENDER WHICH THE PERSON KNOWS TO
28 BE FALSE.

29 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SEX
30 OFFENDER" MEANS A PERSON WHO IS REQUIRED TO REGISTER WITH THE

1 PENNSYLVANIA STATE POLICE PURSUANT TO THE PROVISIONS OF 42
2 PA.C.S. CH. 97 SUBCH. H OR I.

3 SECTION 1.1. SECTION 3141 OF TITLE 18, AMENDED JUNE 29, 2017
4 (P.L.247, NO.13), IS AMENDED TO READ:

5 § 3141. GENERAL RULE.

6 A PERSON:

7 (1) CONVICTED UNDER SECTION 3121 (RELATING TO RAPE),
8 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT), 3123 (RELATING
9 TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE), 3124.1 (RELATING
10 TO SEXUAL ASSAULT), 3125 (RELATING TO AGGRAVATED INDECENT
11 ASSAULT) OR 3126 (RELATING TO INDECENT ASSAULT); OR

12 (2) REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE
13 POLICE UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO
14 REGISTRATION OF SEXUAL OFFENDERS) OR I (RELATING TO CONTINUED
15 REGISTRATION OF SEXUAL OFFENDERS);

16 MAY BE REQUIRED TO FORFEIT PROPERTY RIGHTS IN ANY PROPERTY OR
17 ASSETS USED TO IMPLEMENT OR FACILITATE COMMISSION OF THE CRIME
18 OR CRIMES OF WHICH THE PERSON HAS BEEN CONVICTED. THE FORFEITURE
19 SHALL BE CONDUCTED IN ACCORDANCE WITH 42 PA.C.S. §§ 5803
20 (RELATING TO ASSET FORFEITURE), 5805 (RELATING TO FORFEITURE
21 PROCEDURE), 5806 (RELATING TO MOTION FOR RETURN OF PROPERTY),
22 5807 (RELATING TO RESTRICTIONS ON USE), 5807.1 (RELATING TO
23 PROHIBITION ON ADOPTIVE SEIZURES) AND 5808 (RELATING TO
24 EXCEPTIONS).

25 SECTION 2. SECTION 4915.1(A.2)(2), (B)(4), (C.1)(4), (C.3)
26 AND (D) OF TITLE 18 ARE AMENDED, SUBSECTION (F) IS AMENDED BY
27 ADDING A DEFINITION AND THE SECTION IS AMENDED BY ADDING A
28 SUBSECTION TO READ:

29 § 4915.1. FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.

30 * * *

1 (A.2) COUNSELING.--THE FOLLOWING APPLY:

2 * * *

3 (2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
4 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE
5 FOLLOWING CONVICTION IN ANOTHER JURISDICTION WHERE THE
6 REQUIREMENT IS BASED ON THE COMMITMENT OF AN OFFENSE ON OR
7 AFTER DECEMBER 20, 2012, FOR WHICH THE INDIVIDUAL WAS
8 CONVICTED, COMMITS AN OFFENSE IF [HE] THE INDIVIDUAL
9 KNOWINGLY FAILS TO COMPLY WITH 42 PA.C.S. § 9799.36.

10 (B) GRADING FOR SEXUAL OFFENDERS WHO MUST REGISTER FOR 15
11 YEARS OR WHO MUST REGISTER PURSUANT TO 42 PA.C.S. §
12 9799.13(7.1).--

13 * * *

14 (4) FOR THE PURPOSES OF THIS SUBSECTION, AN INDIVIDUAL
15 SHALL MEAN AN INDIVIDUAL THAT MEETS ANY OF THE FOLLOWING:

16 (I) IS A SEXUAL OFFENDER SUBJECT TO REGISTRATION
17 UNDER 42 PA.C.S. § 9799.13 AND IS REQUIRED TO REGISTER
18 FOR A PERIOD OF 15 YEARS.

19 (II) IS A SEXUAL OFFENDER SUBJECT TO REGISTRATION
20 UNDER 42 PA.C.S. § 9799.13(7.1).

21 * * *

22 (C.1) GRADING FOR SEXUAL OFFENDERS WHO ARE TRANSIENTS WHO
23 MUST REGISTER FOR 15 YEARS.--

24 * * *

25 (4) FOR THE PURPOSES OF THIS SUBSECTION, AN INDIVIDUAL
26 SHALL MEAN AN INDIVIDUAL THAT MEETS ANY OF THE FOLLOWING:

27 (I) IS A SEXUAL OFFENDER SUBJECT TO REGISTRATION
28 UNDER 42 PA.C.S. § 9799.13 AND IS A TRANSIENT WHO MUST
29 REGISTER FOR A PERIOD OF 15 YEARS.

30 (II) IS A SEXUAL OFFENDER SUBJECT TO REGISTRATION

1 UNDER 42 PA.C.S. § 9799.13(7.1) AND IS A TRANSIENT.

2 * * *

3 (C.3) GRADING FOR FAILURE TO COMPLY WITH COUNSELING
4 REQUIREMENTS.--AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT
5 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD OR AN INDIVIDUAL
6 WHO IS SUBJECT TO A COUNSELING REQUIREMENT UNDER A SEX OFFENDER
7 REGISTRATION STATUTE FOLLOWING CONVICTION OF A SEXUAL OFFENSE ON
8 OR AFTER DECEMBER 20, 2012, IN ANOTHER JURISDICTION COMMITS A
9 MISDEMEANOR OF THE FIRST DEGREE IF THE INDIVIDUAL VIOLATES
10 SUBSECTION (A.2).

11 (D) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
12 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
13 VIOLENT PREDATOR OR SEXUAL OFFENDER TO RECEIVE ANY NOTICE OR
14 INFORMATION PURSUANT TO 42 PA.C.S. § 9799.25 SHALL BE A DEFENSE
15 TO A PROSECUTION COMMENCED AGAINST AN INDIVIDUAL ARISING FROM A
16 VIOLATION OF THIS SECTION. THE PROVISIONS OF 42 PA.C.S. §
17 9799.25 ARE NOT AN ELEMENT OF AN OFFENSE UNDER THIS SECTION.

18 * * *

19 (E.1) AFFIRMATIVE DEFENSE.--IT IS AN AFFIRMATIVE DEFENSE FOR
20 A PROSECUTION UNDER THIS SECTION THAT THE INDIVIDUAL ACTED IN
21 ACCORDANCE WITH A COURT ORDER UNDER 42 PA.C.S. § 9799.15(A.2)
22 (RELATING TO PERIOD OF REGISTRATION).

23 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
24 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
25 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

26 "SEXUAL OFFENDER." THE TERM SHALL HAVE THE MEANING GIVEN TO
27 IT IN 42 PA.C.S. § 9799.12 (RELATING TO DEFINITIONS).

28 * * *

29 SECTION 3. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
30 § 4915.2. FAILURE TO COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I

1 REGISTRATION REQUIREMENTS.

2 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO
3 REGISTRATION UNDER 42 PA.C.S. § 9799.55(A), (A.1) OR (B)
4 (RELATING TO REGISTRATION) OR WHO WAS SUBJECT TO REGISTRATION
5 UNDER FORMER 42 PA.C.S. § 9793 (RELATING TO REGISTRATION OF
6 CERTAIN OFFENDERS FOR TEN YEARS) COMMITS AN OFFENSE IF THE
7 INDIVIDUAL KNOWINGLY FAILS TO:

8 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS
9 REQUIRED UNDER 42 PA.C.S. § 9799.56 (RELATING TO REGISTRATION
10 PROCEDURES AND APPLICABILITY);

11 (2) VERIFY THE INDIVIDUAL'S RESIDENCE OR BE PHOTOGRAPHED
12 AS REQUIRED UNDER 42 PA.C.S. § 9799.60 (RELATING TO
13 VERIFICATION OF RESIDENCE); OR

14 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER
15 42 PA.C.S. § 9799.56 OR VERIFYING A RESIDENCE UNDER 42
16 PA.C.S. § 9799.60.

17 (A.1) COUNSELING.--THE FOLLOWING APPLY:

18 (1) AN INDIVIDUAL WHO IS DESIGNATED AS A SEXUALLY
19 VIOLENT PREDATOR COMMITS AN OFFENSE IF THE INDIVIDUAL
20 KNOWINGLY FAILS TO COMPLY WITH 42 PA.C.S. § 9799.70 (RELATING
21 TO COUNSELING OF SEXUALLY VIOLENT PREDATORS).

22 (2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING
23 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE
24 FOLLOWING CONVICTION IN ANOTHER JURISDICTION COMMITS AN
25 OFFENSE IF THE INDIVIDUAL KNOWINGLY FAILS TO COMPLY WITH THAT
26 REQUIREMENT, AS PROVIDED IN 42 PA.C.S. § 9799.56(B)(4)(I).

27 (B) GRADING FOR OFFENDERS WHO MUST REGISTER FOR 10 YEARS.--

28 (1) (RESERVED).

29 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
30 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.55(A) OR

1 (A.1) OR FORMER 42 PA.C.S. § 9793 AND REQUIRED TO REGISTER
2 FOR A PERIOD OF 10 YEARS WHO COMMITS A VIOLATION OF
3 SUBSECTION (A) (1) OR (2) COMMITS A FELONY OF THE THIRD
4 DEGREE.

5 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
6 PA.C.S. § 9799.55(A) OR (A.1) OR FORMER 42 PA.C.S. § 9793 AND
7 REQUIRED TO REGISTER FOR A PERIOD OF 10 YEARS WHO COMMITS A
8 VIOLATION OF SUBSECTION (A) (1) OR (2) AND WHO HAS PREVIOUSLY
9 BEEN CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (1) OR (2)
10 OR A SIMILAR OFFENSE COMMITS A FELONY OF THE SECOND DEGREE.

11 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
12 PA.C.S. § 9799.55(A) OR (A.1) OR FORMER 42 PA.C.S. § 9793 AND
13 REQUIRED TO REGISTER FOR A PERIOD OF 10 YEARS WHO VIOLATES
14 SUBSECTION (A) (3) COMMITS A FELONY OF THE SECOND DEGREE.

15 (C) GRADING FOR SEXUALLY VIOLENT PREDATORS AND OTHERS WITH
16 LIFETIME REGISTRATION.--

17 (1) (RESERVED).

18 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL
19 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.55(B) OR
20 FORMER 42 PA.C.S. § 9793 AND WHO IS SUBJECT TO LIFETIME
21 REGISTRATION WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR
22 (2) COMMITS A FELONY OF THE SECOND DEGREE.

23 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
24 PA.C.S. § 9799.55(B) OR FORMER 42 PA.C.S. § 9793 AND WHO IS
25 SUBJECT TO LIFETIME REGISTRATION WHO COMMITS A VIOLATION OF
26 SUBSECTION (A) (1) OR (2) AND WHO HAS PREVIOUSLY BEEN
27 CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (1) OR (2) OR A
28 SIMILAR OFFENSE COMMITS A FELONY OF THE FIRST DEGREE.

29 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42
30 PA.C.S. § 9799.55(B) OR FORMER 42 PA.C.S. § 9793 AND WHO IS

1 SUBJECT TO LIFETIME REGISTRATION WHO VIOLATES SUBSECTION (A)
2 (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 A NOTICE OR INFORMATION
12 UNDER 42 PA.C.S. § 9799.54(B) (RELATING TO APPLICABILITY) OR
13 9799.60(A.1), (B.1) OR (B.3) SHALL BE A DEFENSE TO A PROSECUTION
14 COMMENCED AGAINST AN INDIVIDUAL ARISING FROM A VIOLATION OF THIS
15 SECTION. THE PROVISIONS OF 42 PA.C.S. §§ 9799.54(B) AND
16 9799.60(A.1), (B.1) OR (B.3) ARE NOT AN ELEMENT OF AN OFFENSE
17 UNDER THIS SECTION.

18 (E) ARRESTS FOR VIOLATION.--

19 (1) A POLICE OFFICER SHALL HAVE THE SAME RIGHT OF ARREST
20 WITHOUT A WARRANT AS IN A FELONY WHENEVER THE POLICE OFFICER
21 HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL HAS COMMITTED A
22 VIOLATION OF THIS SECTION REGARDLESS OF WHETHER THE VIOLATION
23 OCCURRED IN THE PRESENCE OF THE POLICE OFFICER.

24 (2) AN INDIVIDUAL ARRESTED FOR A VIOLATION OF THIS
25 SECTION SHALL BE AFFORDED A PRELIMINARY ARRAIGNMENT BY THE
26 PROPER ISSUING AUTHORITY WITHOUT UNNECESSARY DELAY. IN NO
27 CASE MAY THE INDIVIDUAL BE RELEASED FROM CUSTODY WITHOUT
28 FIRST HAVING APPEARED BEFORE THE ISSUING AUTHORITY.

29 (3) PRIOR TO ADMITTING AN INDIVIDUAL ARRESTED FOR A
30 VIOLATION OF THIS SECTION TO BAIL, THE ISSUING AUTHORITY

1 SHALL REQUIRE ALL OF THE FOLLOWING:

2 (I) THE INDIVIDUAL MUST BE FINGERPRINTED AND
3 PHOTOGRAPHED IN THE MANNER REQUIRED BY 42 PA.C.S. CH. 97
4 SUBCH. I (RELATING TO CONTINUED REGISTRATION OF SEXUAL
5 OFFENDERS).

6 (II) THE INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA
7 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL
8 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT,
9 INCLUDING ALL EMPLOYMENT LOCATIONS, AND ALL INFORMATION
10 CONCERNING CURRENT OR INTENDED ENROLLMENT AS A STUDENT.
11 IF THE INDIVIDUAL HAS A RESIDENCE AS DEFINED IN PARAGRAPH
12 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN 42
13 PA.C.S. § 9799.53 (RELATING TO DEFINITIONS), THE
14 INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA STATE POLICE
15 WITH THE INFORMATION REQUIRED UNDER 42 PA.C.S. §
16 9799.56(A)(2)(I)(A), (B) AND (C).

17 (III) LAW ENFORCEMENT MUST MAKE REASONABLE ATTEMPTS
18 TO VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL.

19 (E.1) AFFIRMATIVE DEFENSE.--IT IS AN AFFIRMATIVE DEFENSE FOR
20 ANY PROSECUTION UNDER THIS SECTION THAT THE INDIVIDUAL ACTED IN
21 ACCORDANCE WITH A COURT ORDER UNDER SECTION 9799.59 (RELATING TO
22 EXEMPTION FROM CERTAIN NOTIFICATIONS).

23 (F) APPLICABILITY.--THIS SECTION APPLIES TO:

24 (1) AN INDIVIDUAL WHO COMMITTED AN OFFENSE SET FORTH IN
25 42 PA.C.S. § 9799.55 ON OR AFTER APRIL 22, 1996, BUT BEFORE
26 DECEMBER 20, 2012, AND WHOSE PERIOD OF REGISTRATION UNDER 42
27 PA.C.S. § 9799.55 HAS NOT EXPIRED.

28 (2) AN INDIVIDUAL WHO WAS REQUIRED TO REGISTER WITH THE
29 PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL OFFENDER
30 REGISTRATION LAW OF THIS COMMONWEALTH ON OR AFTER APRIL 22,

1 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE PERIOD OF
2 REGISTRATION HAS NOT EXPIRED.

3 (3) AN INDIVIDUAL WHO, BEFORE THE EFFECTIVE DATE OF THIS
4 PARAGRAPH:

5 (I) COMMITS AN OFFENSE SUBJECT TO 42 PA.C.S. CH. 97
6 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS);
7 BUT

8 (II) BECAUSE OF A JUDICIAL DETERMINATION ON OR AFTER
9 THE EFFECTIVE DATE OF THIS SECTION OF THE INVALIDITY OF
10 42 PA.C.S. CH. 97 SUBCH. H, IS NOT SUBJECT TO
11 REGISTRATION AS A SEXUAL OFFENDER.

12 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
14 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

15 "SEXUALLY VIOLENT PREDATOR." AS DEFINED IN 42 PA.C.S. §
16 9799.53.

17 "SIMILAR OFFENSE." AN OFFENSE SIMILAR TO AN OFFENSE UNDER
18 EITHER SUBSECTION (A) (1) OR (2) UNDER THE LAWS OF THIS
19 COMMONWEALTH, THE UNITED STATES OR ONE OF ITS TERRITORIES OR
20 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
21 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION.

22 SECTION 4. SECTIONS 2511(A)(11), 6303(B.1)(8)(VII),
23 6338.1(C)(4) AND 6707 OF TITLE 23 ARE AMENDED TO READ:
24 § 2511. GROUNDS FOR INVOLUNTARY TERMINATION.

25 (A) GENERAL RULE.--THE RIGHTS OF A PARENT IN REGARD TO A
26 CHILD MAY BE TERMINATED AFTER A PETITION FILED ON ANY OF THE
27 FOLLOWING GROUNDS:

28 * * *

29 (11) THE PARENT IS REQUIRED TO REGISTER AS A SEXUAL
30 OFFENDER UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO

1 REGISTRATION OF SEXUAL OFFENDERS) OR I (RELATING TO CONTINUED
2 REGISTRATION OF SEXUAL OFFENDERS) OR TO REGISTER WITH A
3 SEXUAL OFFENDER REGISTRY IN ANOTHER JURISDICTION OR FOREIGN
4 COUNTRY.

5 * * *

6 § 6303. DEFINITIONS.

7 * * *

8 (B.1) CHILD ABUSE.--THE TERM "CHILD ABUSE" SHALL MEAN
9 INTENTIONALLY, KNOWINGLY OR RECKLESSLY DOING ANY OF THE
10 FOLLOWING:

11 * * *

12 (8) ENGAGING IN ANY OF THE FOLLOWING RECENT ACTS:

13 * * *

14 (VII) LEAVING A CHILD UNSUPERVISED WITH AN
15 INDIVIDUAL, OTHER THAN THE CHILD'S PARENT, WHO THE ACTOR
16 KNOWS OR REASONABLY SHOULD HAVE KNOWN:

17 (A) IS REQUIRED TO REGISTER AS A TIER II OR TIER
18 III SEXUAL OFFENDER UNDER 42 PA.C.S. CH. 97 SUBCH. H
19 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS), WHERE
20 THE VICTIM OF THE SEXUAL OFFENSE WAS UNDER 18 YEARS
21 OF AGE WHEN THE CRIME WAS COMMITTED.

22 (B) HAS BEEN DETERMINED TO BE A SEXUALLY VIOLENT
23 PREDATOR UNDER 42 PA.C.S. § 9799.24 (RELATING TO
24 ASSESSMENTS) OR ANY OF ITS PREDECESSORS.

25 (C) HAS BEEN DETERMINED TO BE A SEXUALLY VIOLENT
26 DELINQUENT CHILD AS DEFINED IN 42 PA.C.S. § 9799.12
27 (RELATING TO DEFINITIONS).

28 (D) HAS BEEN DETERMINED TO BE A SEXUALLY VIOLENT
29 PREDATOR UNDER 42 PA.C.S. § 9799.58 (RELATING TO
30 ASSESSMENTS) OR HAS TO REGISTER FOR LIFE UNDER 42

1 PA.C.S. § 9799.55(B) (RELATING TO REGISTRATION).

2 * * *

3 § 6338.1. EXPUNCTION OF INFORMATION OF PERPETRATOR WHO WAS
4 UNDER 18 YEARS OF AGE WHEN CHILD ABUSE WAS COMMITTED.

5 * * *

6 (C) NONAPPLICABILITY.--THE PROVISIONS OF THIS SECTION SHALL
7 NOT APPLY TO ANY OF THE FOLLOWING CASES:

8 * * *

9 (4) [A SEXUAL OFFENDER, AS DEFINED IN 42 PA.C.S. §
10 9799.12, WHO MEETS ALL OF THE FOLLOWING:] AN INDIVIDUAL WHO:

11 (I) IS REQUIRED TO REGISTER UNDER 42 PA.C.S. CH. 97
12 SUBCH. H OR I (RELATING TO CONTINUED REGISTRATION OF
13 SEXUAL OFFENDERS) AS A RESULT OF A CRIMINAL CONVICTION
14 FOR THE SAME ACTS WHICH RESULTED IN THE SEXUAL OFFENDER
15 BEING NAMED A PERPETRATOR OF CHILD ABUSE.

16 (II) HAS NOT COMPLETED THE PERIOD OF REGISTRATION
17 REQUIRED UNDER 42 PA.C.S. [§ 9799.15 (RELATING TO PERIOD
18 OF REGISTRATION)] SUBCH. H OR I.

19 § 6707. AGENCY USE OF DESIGNATED ADDRESS.

20 STATE AND LOCAL GOVERNMENT AGENCIES SHALL ACCEPT THE
21 SUBSTITUTE ADDRESS DESIGNATED ON A VALID PROGRAM PARTICIPATION
22 CARD ISSUED TO THE PROGRAM PARTICIPANT BY THE OFFICE OF VICTIM
23 ADVOCATE AS THE PROGRAM PARTICIPANT'S ADDRESS EXCEPT AS FOLLOWS:

24 (1) WHEN THE STATE OR LOCAL GOVERNMENT AGENCY HAS BEEN
25 GRANTED A WAIVER PURSUANT TO SECTION 6709 (RELATING TO WAIVER
26 PROCESS); OR

27 (2) WHEN THE PROGRAM PARTICIPANT IS ANY OF THE
28 FOLLOWING:

29 (I) A RELEASED OFFENDER COMPLYING WITH STATE OR
30 COUNTY PROBATION OR PAROLE REQUIREMENTS; OR

1 (II) A CONVICTED SEXUAL OFFENDER WHO HAS FULFILLED
2 THE OFFENDER'S SENTENCE BUT MUST REGISTER THE OFFENDER'S
3 COMMUNITY RESIDENCE AS REQUIRED UNDER 42 PA.C.S. CH. 97
4 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS)
5 OR I (RELATING TO CONTINUED REGISTRATION OF SEXUAL
6 OFFENDERS) OR ANY SIMILAR REGISTRATION REQUIREMENT
7 IMPOSED BY ANY OTHER JURISDICTION.

8 SECTION 5. SECTION 9718.1(A) INTRODUCTORY PARAGRAPH OF TITLE
9 42 IS AMENDED TO READ:

10 § 9718.1. SEXUAL OFFENDER TREATMENT.

11 (A) GENERAL RULE.--A PERSON, INCLUDING AN OFFENDER
12 DESIGNATED AS A "SEXUALLY VIOLENT PREDATOR" AS DEFINED IN
13 SECTION 9799.12 (RELATING TO DEFINITIONS) OR 9799.53 (RELATING
14 TO DEFINITIONS), SHALL ATTEND AND PARTICIPATE IN A DEPARTMENT OF
15 CORRECTIONS PROGRAM OF COUNSELING OR THERAPY DESIGNED FOR
16 INCARCERATED SEX OFFENDERS IF THE PERSON IS INCARCERATED IN A
17 STATE INSTITUTION FOR ANY OF THE FOLLOWING PROVISIONS UNDER 18
18 PA.C.S. (RELATING TO CRIMES AND OFFENSES):

19 * * *

20 SECTION 5.1. TITLE 42 IS AMENDED BY ADDING A SECTION TO
21 READ:

22 § 9718.5. Mandatory period of probation for certain sexual
23 offenders.

24 (a) Mandatory probation supervision after release from
25 confinement.--A person who is convicted in a court of this
26 Commonwealth of an offense under section 9799.14(d) (relating to
27 sexual offenses and tier system) shall be sentenced to a
28 mandatory period of probation of three years consecutive to and
29 in addition to any other lawful sentence issued by the court.

30 (b) Imposition.--The court may impose the term of probation

1 required under subsection (a) in addition to the maximum
2 sentence permitted for the offense for which the defendant was
3 convicted.

4 (c) Authority of court in sentencing.--There shall be no
5 authority in a court to impose on an offender to which this
6 section is applicable a lesser period of probation than provided
7 for under subsection (a). Sentencing guidelines promulgated by
8 the Pennsylvania Commission on Sentencing shall not supersede
9 the mandatory period of probation provided under this section.

10 (d) Direct supervision.--Nothing under this section shall
11 limit the court's authority to direct supervision by the
12 Pennsylvania Board of Probation and Parole by special order as
13 provided under 61 Pa.C.S. § 6133(a) (relating to probation
14 services).

15 ~~Section 2. This act shall take effect in 60 days.~~ <--

16 SECTION 5.2. SECTION 9799.10(4) OF TITLE 42 IS AMENDED TO <--

17 READ:

18 § 9799.10. PURPOSES OF SUBCHAPTER.

19 THIS SUBCHAPTER SHALL BE INTERPRETED AND CONSTRUED TO
20 EFFECTUATE THE FOLLOWING PURPOSES:

21 * * *

22 (4) TO REQUIRE INDIVIDUALS WHO ARE [CURRENTLY] SUBJECT
23 TO THE CRIMINAL JUSTICE SYSTEM OF THIS COMMONWEALTH AS
24 INMATES, SUPERVISED WITH RESPECT TO PROBATION OR PAROLE OR
25 REGISTRANTS [UNDER THIS SUBCHAPTER] DUE TO COMMITTING A
26 SEXUALLY VIOLENT OFFENSE ON OR AFTER DECEMBER 20, 2012, FOR
27 WHICH THE INDIVIDUAL WAS CONVICTED, TO REGISTER WITH THE
28 PENNSYLVANIA STATE POLICE AND TO OTHERWISE COMPLY WITH THIS
29 SUBCHAPTER. TO THE EXTENT PRACTICABLE AND CONSISTENT WITH THE
30 REQUIREMENTS OF THE ADAM WALSH CHILD PROTECTION AND SAFETY

1 ACT OF 2006, THIS SUBCHAPTER SHALL BE CONSTRUED TO MAINTAIN
2 EXISTING PROCEDURES REGARDING REGISTRATION OF SEXUAL
3 OFFENDERS WHO ARE SUBJECT TO THE CRIMINAL JUSTICE SYSTEM OF
4 THIS COMMONWEALTH.

5 * * *

6 SECTION 6. SECTION 9799.11 HEADING OF TITLE 42 IS AMENDED,
7 SUBSECTION (B) IS AMENDED BY ADDING A PARAGRAPH AND THE SECTION
8 IS AMENDED BY ADDING A SUBSECTION TO READ:

9 § 9799.11. LEGISLATIVE FINDINGS [AND], DECLARATION OF POLICY
10 AND SCOPE.

11 * * *

12 (B) DECLARATION OF POLICY.--THE GENERAL ASSEMBLY DECLARES AS
13 FOLLOWS:

14 * * *

15 (4) IT IS THE INTENTION OF THE GENERAL ASSEMBLY TO
16 ADDRESS THE PENNSYLVANIA SUPREME COURT'S DECISION IN
17 COMMONWEALTH V. MUNIZ, 164 A.3D 1189 (PA. 2017) AND THE
18 PENNSYLVANIA SUPERIOR COURT'S DECISION IN COMMONWEALTH V.
19 BUTLER (2017 WL3882445).

20 (C) SCOPE.--THIS SUBCHAPTER SHALL APPLY TO INDIVIDUALS WHO
21 COMMITTED A SEXUALLY VIOLENT OFFENSE ON OR AFTER DECEMBER 20,
22 2012, FOR WHICH THE INDIVIDUAL WAS CONVICTED.

23 SECTION 7. THE DEFINITIONS OF "SEXUAL OFFENDER," "SEXUALLY
24 VIOLENT DELINQUENT CHILD," "SEXUALLY VIOLENT OFFENSE," "SEXUALLY
25 VIOLENT PREDATOR" AND "TRANSIENT" IN SECTION 9799.12 OF TITLE 42
26 ARE AMENDED TO READ:

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 * * *

2 "SEXUAL OFFENDER." AN INDIVIDUAL [REQUIRED TO REGISTER UNDER
3 THIS SUBCHAPTER.] WHO HAS COMMITTED A SEXUALLY VIOLENT OFFENSE.
4 THE TERM INCLUDES A SEXUALLY VIOLENT PREDATOR.

5 "SEXUALLY VIOLENT DELINQUENT CHILD." AS DEFINED IN SECTION
6 6402 (RELATING TO DEFINITIONS) [.] IF THE DETERMINATION AS A
7 SEXUALLY VIOLENT DELINQUENT CHILD IS BASED ON AN ACT OF SEXUAL
8 VIOLENCE, AS DEFINED IN SECTION 6402, COMMITTED ON OR AFTER
9 DECEMBER 20, 2012, FOR WHICH THE CHILD WAS ADJUDICATED
10 DELINQUENT AND DETERMINED TO BE IN NEED OF COMMITMENT FOR
11 INVOLUNTARY TREATMENT AS SPECIFIED IN CHAPTER 64 (RELATING TO
12 COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT
13 PERSONS).

14 "SEXUALLY VIOLENT OFFENSE." AN OFFENSE SPECIFIED IN SECTION
15 9799.14 (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM) AS A TIER
16 I, TIER II OR TIER III SEXUAL OFFENSE COMMITTED ON OR AFTER
17 DECEMBER 20, 2012, FOR WHICH THE INDIVIDUAL WAS CONVICTED.

18 "SEXUALLY VIOLENT PREDATOR." AN INDIVIDUAL [DETERMINED TO BE
19 A SEXUALLY VIOLENT PREDATOR UNDER SECTION 9795.4 (RELATING TO
20 ASSESSMENTS) PRIOR TO THE EFFECTIVE DATE OF THIS SUBCHAPTER OR
21 AN INDIVIDUAL CONVICTED OF AN OFFENSE] WHO COMMITTED A SEXUALLY
22 VIOLENT OFFENSE ON OR AFTER DECEMBER 20, 2012, FOR WHICH THE
23 INDIVIDUAL WAS CONVICTED, SPECIFIED IN:

24 (1) SECTION 9799.14(B) (1), (2), (3), (4), (5), (6), (8),
25 (9) OR (10) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM) OR
26 AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT ANY OFFENSE
27 UNDER SECTION 9799.14(B) (1), (2), (3), (4), (5), (6), (8),
28 (9) OR (10);

29 (2) SECTION 9799.14(C) (1), (1.1), (1.2), (1.3), (2),
30 (3), (4), (5) OR (6) OR AN ATTEMPT, CONSPIRACY OR

1 SOLICITATION TO COMMIT AN OFFENSE UNDER SECTION 9799.14(C)
2 (1), (1.1), (1.2), (1.3), (2), (3), (4), (5) OR (6); OR
3 (3) SECTION 9799.14(D) (1), (2), (3), (4), (5), (6), (7),
4 (8) OR (9) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO
5 COMMIT AN OFFENSE UNDER SECTION 9799.14(D) (1), (2), (3), (4),
6 (5), (6), (7), (8) OR (9)

7 WHO[, ON OR AFTER THE EFFECTIVE DATE OF THIS SUBCHAPTER,] IS
8 DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER SECTION
9 9799.24 (RELATING TO ASSESSMENTS) DUE TO A MENTAL ABNORMALITY OR
10 PERSONALITY DISORDER THAT MAKES THE INDIVIDUAL LIKELY TO ENGAGE
11 IN PREDATORY SEXUALLY VIOLENT OFFENSES. THE TERM INCLUDES AN
12 INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR OR
13 SIMILAR DESIGNATION WHERE THE DETERMINATION OCCURRED IN ANOTHER
14 JURISDICTION, A FOREIGN COUNTRY OR BY COURT MARTIAL FOLLOWING A
15 JUDICIAL OR ADMINISTRATIVE DETERMINATION PURSUANT TO A PROCESS
16 SIMILAR TO THAT UNDER SECTION 9799.24[. IN ADDITION, THE TERM
17 SHALL INCLUDE ANY PERSON CONVICTED BETWEEN JANUARY 23, 2005, AND
18 DECEMBER 19, 2012, OF ANY OFFENSE SET FORTH IN SECTION
19 9799.13(3.1) (RELATING TO APPLICABILITY) DETERMINED BY A COURT
20 TO BE A SEXUALLY VIOLENT PREDATOR DUE TO A MENTAL ABNORMALITY OR
21 PERSONALITY DISORDER THAT MADE THE PERSON LIKELY TO ENGAGE IN
22 PREDATORY SEXUALLY VIOLENT OFFENSES, WHICH PERSON SHALL BE
23 DEEMED A SEXUALLY VIOLENT PREDATOR UNDER THIS SUBCHAPTER.] WHERE
24 THE DETERMINATION OR DESIGNATION IS BASED ON THE COMMITMENT OF A
25 SEXUALLY VIOLENT OFFENSE ON OR AFTER DECEMBER 20, 2012, FOR
26 WHICH THE INDIVIDUAL WAS CONVICTED.

27 * * *

28 "TRANSIENT." [AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS
29 SUBCHAPTER] A SEXUAL OFFENDER WHO DOES NOT HAVE A RESIDENCE BUT
30 NEVERTHELESS RESIDES IN THIS COMMONWEALTH IN A TEMPORARY HABITAT

1 OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING, BUT
2 NOT LIMITED TO, A HOMELESS SHELTER OR PARK.

3 SECTION 8. SECTION 9799.13 OF TITLE 42 IS AMENDED TO READ:
4 § 9799.13. APPLICABILITY.

5 THE FOLLOWING INDIVIDUALS SHALL REGISTER WITH THE
6 PENNSYLVANIA STATE POLICE AS PROVIDED IN SECTIONS 9799.15
7 (RELATING TO PERIOD OF REGISTRATION), 9799.19 (RELATING TO
8 INITIAL REGISTRATION) AND 9799.25 (RELATING TO VERIFICATION BY
9 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE) AND OTHERWISE
10 COMPLY WITH THE PROVISIONS OF THIS SUBCHAPTER:

11 (1) [AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
12 OF THIS SECTION, IS CONVICTED OF A SEXUALLY VIOLENT OFFENSE
13 AND WHO HAS A RESIDENCE WITHIN THIS COMMONWEALTH OR IS A
14 TRANSIENT.] A SEXUAL OFFENDER WHO HAS A RESIDENCE WITHIN THIS
15 COMMONWEALTH OR IS A TRANSIENT.

16 (1.1) [AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
17 OF THIS SECTION, IS CONVICTED OF A SEXUALLY VIOLENT OFFENSE
18 IN THIS COMMONWEALTH AND] A SEXUAL OFFENDER WHO IS CONVICTED
19 IN THIS COMMONWEALTH AND WHO DOES NOT HAVE A RESIDENCE IN
20 THIS COMMONWEALTH AND:

- 21 (I) IS EMPLOYED IN THIS COMMONWEALTH; OR
22 (II) IS A STUDENT IN THIS COMMONWEALTH.

23 (1.2) [AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
24 OF THIS SECTION, IS CONVICTED OF A SEXUALLY VIOLENT OFFENSE
25 AND] A SEXUAL OFFENDER WHO DOES NOT HAVE A RESIDENCE WITHIN
26 THIS COMMONWEALTH OR IS NOT A TRANSIENT IN THIS COMMONWEALTH
27 AND:

- 28 (I) IS EMPLOYED IN THIS COMMONWEALTH; OR
29 (II) IS A STUDENT IN THIS COMMONWEALTH.

30 (2) [AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE

1 OF THIS SECTION, IS, AS A RESULT OF A CONVICTION FOR A
2 SEXUALLY VIOLENT OFFENSE,] A SEXUAL OFFENDER WHO IS AN INMATE
3 IN A STATE OR COUNTY CORRECTIONAL INSTITUTION OF THIS
4 COMMONWEALTH, INCLUDING A COMMUNITY CORRECTIONS CENTER OR A
5 COMMUNITY CONTRACT FACILITY, IS BEING SUPERVISED BY THE
6 PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR COUNTY
7 PROBATION OR PAROLE, IS SUBJECT TO A SENTENCE OF INTERMEDIATE
8 PUNISHMENT OR HAS SUPERVISION TRANSFERRED PURSUANT TO THE
9 INTERSTATE COMPACT FOR ADULT SUPERVISION IN ACCORDANCE WITH
10 SECTION 9799.19(G).

11 (2.1) [AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
12 OF THIS SECTION, IS, AS A RESULT OF A CONVICTION FOR A
13 SEXUALLY VIOLENT OFFENSE,] A SEXUAL OFFENDER WHO IS AN INMATE
14 IN A FEDERAL CORRECTIONAL INSTITUTION OR IS SUPERVISED BY
15 FEDERAL PROBATION AUTHORITIES AND WHO:

16 (I) HAS A RESIDENCE WITHIN THIS COMMONWEALTH OR IS A
17 TRANSIENT;

18 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

19 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

20 [(3) AN INDIVIDUAL WHO:

21 (I) WAS REQUIRED TO REGISTER WITH THE PENNSYLVANIA
22 STATE POLICE PURSUANT TO THIS SUBCHAPTER PRIOR TO
23 DECEMBER 20, 2012, AND WHO HAD NOT FULFILLED THE
24 INDIVIDUAL'S PERIOD OF REGISTRATION AS OF DECEMBER 20,
25 2012; OR

26 (II) WAS REQUIRED TO REGISTER WITH THE PENNSYLVANIA
27 STATE POLICE PURSUANT TO THIS SUBCHAPTER PRIOR TO
28 DECEMBER 20, 2012, AND DID NOT REGISTER.

29 (3.1) THE FOLLOWING:

30 (I) AN INDIVIDUAL WHO BETWEEN JANUARY 23, 2005, AND

1 DECEMBER 19, 2012, WAS:

2 (A) CONVICTED OF A SEXUALLY VIOLENT OFFENSE;

3 (B) RELEASED FROM A PERIOD OF INCARCERATION
4 RESULTING FROM A CONVICTION FOR A SEXUALLY VIOLENT
5 OFFENSE; OR

6 (C) UNDER THE SUPERVISION OF THE PENNSYLVANIA
7 BOARD OF PROBATION AND PAROLE OR COUNTY PROBATION OR
8 PAROLE AS A RESULT OF A CONVICTION FOR A SEXUALLY
9 VIOLENT OFFENSE.

10 (II) FOR PURPOSES OF THIS PARAGRAPH, THE TERM
11 "SEXUALLY VIOLENT OFFENSE" SHALL HAVE THE MEANING SET
12 FORTH IN SECTION 9799.12 (RELATING TO DEFINITIONS),
13 EXCEPT THAT IT SHALL NOT INCLUDE:

14 (A) CONVICTIONS:

15 (I) UNDER THE FOLLOWING PROVISIONS OF 18
16 PA.C.S. (RELATING TO CRIMES AND OFFENSES):

17 SECTION 2902(B) (RELATING TO UNLAWFUL
18 RESTRAINT).

19 SECTION 2903(B) (RELATING TO FALSE
20 IMPRISONMENT).

21 SECTION 2904 (RELATING TO INTERFERENCE
22 WITH CUSTODY OF CHILDREN).

23 SECTION 3122.1 (RELATING TO STATUTORY
24 SEXUAL ASSAULT).

25 SECTION 6301 (RELATING TO CORRUPTION OF
26 MINORS).

27 SECTION 7507.1 (RELATING TO INVASION OF
28 PRIVACY).

29 (II) FOR A COMPARABLE MILITARY OFFENSE OR
30 SIMILAR OFFENSE UNDER THE LAWS OF ANOTHER

1 JURISDICTION OR FOREIGN COUNTRY OR UNDER A FORMER
2 LAW OF THIS COMMONWEALTH PRIOR TO DECEMBER 8,
3 2008.

4 (B) A CONVICTION UNDER 18 PA.C.S. § 3126
5 (RELATING TO INDECENT ASSAULT) WHERE THE CRIME IS
6 GRADED AS A MISDEMEANOR OF THE SECOND DEGREE OR WHERE
7 THE CONVICTION OCCURRED BETWEEN JANUARY 22, 2006, AND
8 JANUARY 1, 2007, WHEN THE CRIME IS GRADED AS A FELONY
9 OF THE THIRD DEGREE.

10 (3.2) AN INDIVIDUAL WHO BETWEEN DECEMBER 8, 2008, AND
11 DECEMBER 19, 2012, WAS:

12 (I) CONVICTED OF CONSPIRACY OR SOLICITATION TO
13 COMMIT A SEXUALLY VIOLENT OFFENSE AS DEFINED IN
14 PARAGRAPH (3.1);

15 (II) RELEASED FROM SERVING A PERIOD OF INCARCERATION
16 RESULTING FROM A CONVICTION FOR CONSPIRACY OR
17 SOLICITATION TO COMMIT A SEXUALLY VIOLENT OFFENSE AS
18 DEFINED IN PARAGRAPH (3.1); OR

19 (III) UNDER THE SUPERVISION OF THE PENNSYLVANIA
20 BOARD OF PROBATION AND PAROLE OR COUNTY PROBATION OR
21 PAROLE AS A RESULT OF A CONVICTION FOR CONSPIRACY OR
22 SOLICITATION TO COMMIT A SEXUALLY VIOLENT OFFENSE AS
23 DEFINED IN PARAGRAPH (3.1).]

24 (7) [AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
25 OF THIS SECTION, IS] A SEXUAL OFFENDER REQUIRED TO REGISTER
26 IN A SEXUAL OFFENDER REGISTRY IN ANOTHER JURISDICTION OR IN A
27 FOREIGN COUNTRY BASED UPON A CONVICTION FOR A SEXUALLY
28 VIOLENT OFFENSE OR UNDER A SEXUAL OFFENDER STATUTE IN THE
29 JURISDICTION WHERE THE INDIVIDUAL IS CONVICTED AND:

30 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A

1 TRANSIENT;

2 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

3 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

4 (7.1) AN INDIVIDUAL WHO, [ON OR AFTER THE EFFECTIVE DATE
5 OF THIS SECTION,] AS A RESULT OF COMMITTING AN OFFENSE SET
6 FORTH IN SECTION 9799.14(B) (23) (RELATING TO SEXUAL OFFENSES
7 AND TIER SYSTEM) ON OR AFTER DECEMBER 20, 2012, FOR WHICH THE
8 INDIVIDUAL WAS CONVICTED, IS REQUIRED TO REGISTER IN A SEXUAL
9 OFFENDER REGISTRY IN ANOTHER JURISDICTION OR FOREIGN COUNTRY
10 [BASED UPON A CONVICTION OF AN OFFENSE SET FORTH IN SECTION
11 9799.14(B) (23) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM)]
12 AND:

13 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A
14 TRANSIENT;

15 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

16 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

17 (7.2) [AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE
18 OF THIS PARAGRAPH,] A SEXUAL OFFENDER WHO IS CONVICTED [OF A
19 SEXUALLY VIOLENT OFFENSE] IN ANOTHER JURISDICTION OR FOREIGN
20 COUNTRY, OR IS INCARCERATED OR UNDER SUPERVISION AS A RESULT
21 OF A CONVICTION [FOR A SEXUALLY VIOLENT OFFENSE] IN ANOTHER
22 JURISDICTION OR FOREIGN COUNTRY AND:

23 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A
24 TRANSIENT;

25 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

26 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

27 (8) AN INDIVIDUAL WHO, ON OR AFTER THE EFFECTIVE DATE OF
28 THIS SECTION, IS A JUVENILE OFFENDER WHO WAS ADJUDICATED
29 DELINQUENT WITHIN THIS COMMONWEALTH OR WAS ADJUDICATED
30 DELINQUENT IN ANOTHER JURISDICTION OR A FOREIGN COUNTRY AND:

1 (I) HAS A RESIDENCE WITHIN THIS COMMONWEALTH;

2 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

3 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

4 (8.1) AN INDIVIDUAL WHO IS A JUVENILE OFFENDER WHO IS
5 ADJUDICATED DELINQUENT IN THIS COMMONWEALTH ON OR AFTER THE
6 EFFECTIVE DATE OF THIS PARAGRAPH BUT WHO DOES NOT HAVE A
7 RESIDENCE WITHIN THIS COMMONWEALTH, IS NOT A TRANSIENT, IS
8 NOT EMPLOYED IN THIS COMMONWEALTH OR IS NOT A STUDENT WITHIN
9 THIS COMMONWEALTH MUST REGISTER WITH THE PENNSYLVANIA STATE
10 POLICE IN ACCORDANCE WITH SECTION 9799.19 PRIOR TO LEAVING
11 THIS COMMONWEALTH.

12 (8.2) AN INDIVIDUAL WHO BETWEEN JANUARY 23, 2005, AND
13 DECEMBER 19, 2012, ESTABLISHED A RESIDENCE OR WAS A TRANSIENT
14 IN THIS COMMONWEALTH, WAS EMPLOYED WITHIN THIS COMMONWEALTH,
15 OR WAS A STUDENT IN THIS COMMONWEALTH, AND WHO WAS REQUIRED
16 TO REGISTER IN A SEXUAL OFFENDER REGISTRY AS A RESULT OF AN
17 ADJUDICATION OF DELINQUENCY FOR AN OFFENSE WHICH OCCURRED IN
18 A FOREIGN COUNTRY OR ANOTHER JURISDICTION AND THAT REQUIRED
19 THE INDIVIDUAL TO REGISTER IN THAT FOREIGN COUNTRY OR OTHER
20 JURISDICTION.

21 (9) AN INDIVIDUAL WHO[, ON OR AFTER THE EFFECTIVE DATE
22 OF THIS SECTION,] IS A SEXUALLY VIOLENT DELINQUENT CHILD.
23 [WHO IS COMMITTED FOR INVOLUNTARY TREATMENT OR, ON THE
24 EFFECTIVE DATE OF THIS SECTION, IS UNDER COMMITMENT RECEIVING
25 INVOLUNTARY TREATMENT IN THE STATE-OWNED FACILITY OR UNIT AS
26 SET FORTH IN CHAPTER 64 (RELATING TO COURT-ORDERED
27 INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT PERSONS).]

28 SECTION 9. SECTION 9799.14 (B) (3) OF TITLE 42 IS AMENDED AND
29 SUBSECTION (D) IS AMENDED BY ADDING A PARAGRAPH TO READ:

30 § 9799.14. SEXUAL OFFENSES AND TIER SYSTEM.

1 * * *

2 (B) TIER I SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL BE
3 CLASSIFIED AS TIER I SEXUAL OFFENSES:

4 * * *

5 (3) 18 PA.C.S. § 2904 (RELATING TO INTERFERENCE WITH
6 CUSTODY OF CHILDREN), EXCEPT IN CASES WHERE THE DEFENDANT IS
7 THE CHILD'S PARENT, GUARDIAN OR OTHER LAWFUL CUSTODIAN.

8 * * *

9 (D) TIER III SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL
10 BE CLASSIFIED AS TIER III SEXUAL OFFENSES:

11 * * *

12 (17) ONE CONVICTION OF A SEXUALLY VIOLENT OFFENSE AND
13 ONE CONVICTION OF A SEXUALLY VIOLENT OFFENSES AS DEFINED IN
14 SECTION 9799.55 (RELATING TO REGISTRATION).

15 SECTION 10. SECTION 9799.15(A.1) AND (B) (1) (I) AND (IV) OF
16 TITLE 42 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
17 SUBSECTION TO READ:

18 § 9799.15. PERIOD OF REGISTRATION.

19 * * *

20 [(A.1) CREDIT FOR TIME ON REGISTRY.--THE FOLLOWING APPLY:

21 (1) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER THIS
22 SUBCHAPTER SHALL RECEIVE CREDIT FOR ANY TIME REGISTERED WITH
23 THE PENNSYLVANIA STATE POLICE PRIOR TO DECEMBER 20, 2012.

24 (2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER THIS
25 SUBCHAPTER SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE
26 FOR THE PERIOD OF TIME SET FORTH IN SUBSECTION (A), EXCEPT
27 THAT:

28 (I) AN INDIVIDUAL REGISTERED PURSUANT TO SECTION
29 9799.13(2), (2.1), (3), (3.1) OR (3.2) FOR A SEXUALLY
30 VIOLENT OFFENSE SHALL REGISTER FOR THE PERIOD SET FORTH

1 IN SUBSECTION (A), LESS ANY CREDIT FOR TIME SPENT
2 REGISTERED PURSUANT TO THIS SUBCHAPTER FOR THAT OFFENSE
3 PRIOR TO DECEMBER 20, 2012.

4 (II) AN INDIVIDUAL REGISTERED PURSUANT TO SECTION
5 9799.13(7), (7.1) OR (7.2) FOR A SEXUALLY VIOLENT OFFENSE
6 SHALL REGISTER FOR THE PERIOD SET FORTH IN SUBSECTION
7 (A), LESS ANY CREDIT AS A RESULT OF TIME REGISTERED IN A
8 SEXUAL OFFENDER REGISTRY FOR THAT SEXUALLY VIOLENT
9 OFFENSE IN THE FOREIGN COUNTRY OR OTHER JURISDICTION
10 WHERE THE INDIVIDUAL WAS CONVICTED.

11 (III) AN INDIVIDUAL REGISTERED PURSUANT TO SECTION
12 9799.13(8), (8.1) OR (8.2) AS A RESULT OF AN ADJUDICATION
13 OF DELINQUENCY OCCURRING IN A FOREIGN COUNTRY OR OTHER
14 JURISDICTION SHALL REGISTER FOR THE PERIOD SET FORTH IN
15 SUBSECTION (A), LESS ANY CREDIT AS A RESULT OF TIME
16 REGISTERED IN A SEXUAL OFFENDER REGISTRY IN THE FOREIGN
17 COUNTRY OR OTHER JURISDICTION WHERE THE INDIVIDUAL WAS
18 ADJUDICATED DELINQUENT.]

19 (A.2) ASSESSMENT BY COURT AFTER 25 YEARS.--AN INDIVIDUAL
20 REQUIRED TO REGISTER UNDER SUBSECTION (A) (3), (5), (6) AND (7)
21 MAY BE EXEMPT FROM THE REQUIREMENT TO REGISTER, THE REQUIREMENT
22 TO VERIFY RESIDENCE, EMPLOYMENT AND ENROLLMENT IN AN EDUCATIONAL
23 INSTITUTION, THE REQUIREMENT TO APPEAR ON THE PUBLICLY
24 ACCESSIBLE INTERNET WEBSITE MAINTAINED BY THE PENNSYLVANIA STATE
25 POLICE AND ALL OTHER REQUIREMENTS OF THIS SUBCHAPTER IF:

26 (1) SUBJECT TO SUBSECTION (C), AT LEAST 25 YEARS HAVE
27 ELAPSED PRIOR TO FILING A PETITION WITH THE SENTENCING COURT
28 TO BE EXEMPT FROM THE REQUIREMENTS OF THIS SUBCHAPTER, DURING
29 WHICH TIME THE PETITIONER HAS NOT BEEN CONVICTED IN THIS
30 COMMONWEALTH OR ANY OTHER JURISDICTION OR FOREIGN COUNTRY OF

1 AN OFFENSE PUNISHABLE BY IMPRISONMENT OF MORE THAN ONE YEAR,
2 OR THE PETITIONER'S RELEASE FROM CUSTODY FOLLOWING THE
3 PETITIONER'S MOST RECENT CONVICTION FOR AN OFFENSE, WHICHEVER
4 IS LATER.

5 (2) UPON RECEIPT OF A PETITION FILED UNDER PARAGRAPH
6 (1), THE SENTENCING COURT SHALL ENTER AN ORDER DIRECTING THAT
7 THE PETITIONER BE ASSESSED BY THE BOARD. UPON RECEIPT FROM
8 THE COURT OF AN ORDER FOR AN ASSESSMENT UNDER THIS
9 SUBSECTION, A MEMBER OF THE BOARD DESIGNATED BY THE
10 ADMINISTRATIVE OFFICER OF THE BOARD SHALL CONDUCT AN
11 ASSESSMENT OF THE PETITIONER TO DETERMINE IF THE RELIEF
12 SOUGHT, IF GRANTED, IS LIKELY TO POSE A THREAT TO THE SAFETY
13 OF ANY OTHER PERSON. THE BOARD SHALL ESTABLISH STANDARDS FOR
14 EVALUATIONS AND FOR EVALUATORS CONDUCTING ASSESSMENTS.

15 (3) THE ORDER FOR AN ASSESSMENT UNDER THIS SUBSECTION
16 SHALL BE SENT TO THE ADMINISTRATIVE OFFICER OF THE BOARD
17 WITHIN 10 DAYS OF THE ENTRY. NO LATER THAN 90 DAYS FOLLOWING
18 RECEIPT OF THE ORDER, THE BOARD SHALL SUBMIT A WRITTEN REPORT
19 CONTAINING THE BOARD'S ASSESSMENT TO THE SENTENCING COURT,
20 THE DISTRICT ATTORNEY AND THE ATTORNEY FOR THE PETITIONER.

21 (4) WITHIN 120 DAYS OF FILING THE PETITION UNDER
22 PARAGRAPH (1), THE SENTENCING COURT SHALL HOLD A HEARING TO
23 DETERMINE WHETHER TO EXEMPT THE PETITIONER FROM THE
24 APPLICATION OF ANY OR ALL OF THE REQUIREMENTS OF THIS
25 SUBCHAPTER. THE PETITIONER AND THE DISTRICT ATTORNEY SHALL BE
26 GIVEN NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD,
27 THE RIGHT TO CALL WITNESSES AND THE RIGHT TO CROSS-EXAMINE
28 WITNESSES. THE PETITIONER SHALL HAVE THE RIGHT TO COUNSEL AND
29 TO HAVE A LAWYER APPOINTED TO REPRESENT THE PETITIONER IF THE
30 PETITIONER CANNOT AFFORD ONE.

1 (5) THE SENTENCING COURT SHALL EXEMPT THE PETITIONER
2 FROM APPLICATION OF ANY OR ALL OF THE REQUIREMENTS OF THIS
3 SUBCHAPTER, AT THE DISCRETION OF THE COURT, ONLY UPON A
4 FINDING OF CLEAR AND CONVINCING EVIDENCE THAT EXEMPTING THE
5 SEXUAL OFFENDER FROM A PARTICULAR REQUIREMENT OR ALL OF THE
6 REQUIREMENTS OF THIS SUBCHAPTER IS NOT LIKELY TO POSE A
7 THREAT TO THE SAFETY OF ANY OTHER PERSON.

8 (6) A COURT GRANTING RELIEF UNDER THIS SUBSECTION SHALL
9 NOTIFY THE PENNSYLVANIA STATE POLICE IN WRITING WITHIN 10
10 DAYS FROM THE DATE THE RELIEF IS GRANTED. IF A MEMORANDUM OF
11 UNDERSTANDING HAS BEEN ENTERED INTO UNDER SECTION 9799.26
12 (RELATING TO VICTIM NOTIFICATION) WITH RESPECT TO RELIEF
13 GRANTED TO THE PETITIONER, THE PENNSYLVANIA STATE POLICE
14 SHALL TRANSMIT THE INFORMATION ABOUT THE RELIEF TO THE OFFICE
15 OF VICTIM ADVOCATE AS SOON AS IS PRACTICABLE. THE OFFICE OF
16 VICTIM ADVOCATE SHALL NOTIFY THE VICTIM OF THE RELIEF, IN
17 ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING, AS DESCRIBED
18 IN SECTION 9799.26.

19 (7) THE PETITIONER AND THE COMMONWEALTH SHALL HAVE THE
20 RIGHT TO APPELLATE REVIEW OF THE ACTIONS OF THE SENTENCING
21 COURT UNDER THIS SUBSECTION. AN APPEAL BY THE COMMONWEALTH
22 SHALL STAY THE ORDER OF THE SENTENCING COURT.

23 (8) THE PETITIONER MAY FILE AN ADDITIONAL PETITION WITH
24 THE SENTENCING COURT NO SOONER THAN FIVE YEARS FROM THE DATE
25 OF THE FINAL DETERMINATION OF A COURT REGARDING THE PETITION
26 AND NO SOONER THAN EVERY FIVE YEARS THEREAFTER.

27 (9) IF THE PETITIONER IS EXEMPT FROM ANY PROVISIONS OF
28 THIS SUBCHAPTER AND THE PETITIONER IS SUBSEQUENTLY CONVICTED
29 UNDER 18 PA.C.S. § 4915.1 (RELATING TO FAILURE TO COMPLY WITH
30 REGISTRATION REQUIREMENTS), RELIEF GRANTED UNDER THIS

1 SUBSECTION SHALL BE VOID AND THE PETITIONER SHALL
2 AUTOMATICALLY AND IMMEDIATELY AGAIN BE SUBJECT TO THE
3 PROVISIONS OF THIS SUBCHAPTER, AS PREVIOUSLY DETERMINED BY
4 THIS SUBCHAPTER.

5 (A.3) AGENCY COOPERATION.--ALL STATE, COUNTY AND LOCAL
6 AGENCIES, OFFICES AND ENTITIES IN THIS COMMONWEALTH, INCLUDING
7 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING ACCESS
8 TO RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN
9 CONNECTION WITH THE COURT-ORDERED ASSESSMENT UNDER SUBSECTION
10 (A.2).

11 (B) COMMENCEMENT OF REGISTRATION.--THE FOLLOWING APPLY:

12 (1) THE PERIOD OF REGISTRATION SET FORTH IN SUBSECTION

13 (A) SHALL COMMENCE AS FOLLOWS:

14 (I) FOR AN INDIVIDUAL [CONVICTED OF] WHO COMMITTED A
15 SEXUALLY VIOLENT OFFENSE IN THIS COMMONWEALTH, THE PERIOD
16 OF REGISTRATION SHALL COMMENCE UPON:

17 (A) RELEASE FROM INCARCERATION IN A STATE OR
18 COUNTY CORRECTIONAL FACILITY, INCLUDING RELEASE TO A
19 COMMUNITY CORRECTION CENTER OR COMMUNITY CONTRACT
20 FACILITY;

21 (B) PAROLE OR A SENTENCE OF PROBATION; OR

22 (C) A SENTENCE OF STATE OR COUNTY INTERMEDIATE
23 PUNISHMENT IN WHICH THE PERSON IS NOT SENTENCED TO A
24 PERIOD OF INCARCERATION.

25 * * *

26 (IV) FOR AN INDIVIDUAL WHO [IS CONVICTED OF]
27 COMMITTED A SEXUALLY VIOLENT OFFENSE IN ANOTHER
28 JURISDICTION OR FOREIGN COUNTRY OR A COMPARABLE MILITARY
29 OFFENSE, THE PERIOD OF REGISTRATION SHALL COMMENCE UPON
30 ESTABLISHMENT OF A RESIDENCE OR COMMENCEMENT OF

1 EMPLOYMENT OR ENROLLMENT AS A STUDENT WITHIN THIS
2 COMMONWEALTH. THIS SUBPARAGRAPH SHALL APPLY TO AN
3 INDIVIDUAL CONVICTED OF A SEXUALLY VIOLENT OFFENSE IN
4 ANOTHER JURISDICTION OR FOREIGN COUNTRY OR COMPARABLE
5 MILITARY OFFENSE AND WHO IS A TRANSIENT.

6 * * *

7 SECTION 11. SECTION 9799.16(A) OF TITLE 42 IS AMENDED BY
8 ADDING A PARAGRAPH TO READ:

9 § 9799.16. REGISTRY.

10 (A) ESTABLISHMENT.--THERE IS ESTABLISHED A STATEWIDE
11 REGISTRY OF SEXUAL OFFENDERS IN ORDER TO CARRY OUT THE
12 PROVISIONS OF THIS SUBCHAPTER. THE PENNSYLVANIA STATE POLICE
13 SHALL CREATE AND MAINTAIN THE REGISTRY. THE REGISTRY SHALL
14 MAINTAIN A COMPLETE AND SYSTEMATIC INDEX OF ALL RECORDS REQUIRED
15 REGARDING SEXUAL OFFENDERS IN ORDER TO COMPLY WITH THE ADAM
16 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW 109-
17 248, 120 STAT. 587). THE REGISTRY SHALL:

18 (1) BE COMPOSED OF AN ELECTRONIC DATABASE AND DIGITIZED
19 RECORDS.

20 (2) BE ABLE TO COMMUNICATE WITH THE SEX OFFENDER
21 REGISTRATION AND NOTIFICATION ACT EXCHANGE PORTAL DEVELOPED
22 BY THE UNITED STATES DEPARTMENT OF JUSTICE, THE NATIONAL SEX
23 OFFENDER REGISTRY OR ANY SUCCESSOR DATABASE WHICH IS
24 MAINTAINED BY THE DEPARTMENT OF JUSTICE AND THE DRU SJODIN
25 NATIONAL SEX OFFENDER PUBLIC INTERNET WEBSITE MAINTAINED BY
26 THE DEPARTMENT OF JUSTICE.

27 (3) BE ABLE TO COMMUNICATE WITH SEXUAL OFFENDER
28 REGISTRIES ESTABLISHED IN OTHER JURISDICTIONS.

29 (4) CONTAIN INFORMATION ABOUT INDIVIDUALS REQUIRED TO
30 REGISTER WITH THE PENNSYLVANIA STATE POLICE UNDER SUBCHAPTER

1 I (RELATING TO CONTINUED REGISTRATION OF SEXUAL OFFENDERS)

2 * * *

3 SECTION 12. SECTION 9799.19(B), (B.1), (C), (D), (E), (E.1),
4 (E.2), (F), (G), (I) (3) AND (J) OF TITLE 42 ARE AMENDED AND THE
5 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

6 § 9799.19. INITIAL REGISTRATION.

7 * * *

8 [(B) INITIAL REGISTRATION IF INCARCERATED WITHIN
9 COMMONWEALTH OR BY FEDERAL COURT ON EFFECTIVE DATE OF SECTION.--
10 THE FOLLOWING APPLY:]

11 (1) IF THE INDIVIDUAL IS, PRIOR TO THE EFFECTIVE DATE OF
12 THIS SECTION, INCARCERATED IN A FEDERAL, STATE OR COUNTY
13 CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL PROVIDE THE
14 INFORMATION SET FORTH IN SECTION 9799.16(B) (RELATING TO
15 REGISTRY) TO THE APPROPRIATE OFFICIAL OF THE FEDERAL, STATE
16 OR COUNTY CORRECTIONAL FACILITY OR THE PENNSYLVANIA BOARD OF
17 PROBATION AND PAROLE FOR INCLUSION IN THE REGISTRY BEFORE
18 BEING RELEASED DUE TO:

19 (I) THE EXPIRATION OF SENTENCE, IN WHICH CASE THE
20 INFORMATION SHALL BE COLLECTED NO LATER THAN TEN DAYS
21 PRIOR TO THE MAXIMUM EXPIRATION DATE;

22 (II) PAROLE;

23 (III) STATE OR COUNTY INTERMEDIATE PUNISHMENT WHERE
24 THE SENTENCE IS RESTRICTIVE AND THE INDIVIDUAL IS
25 SENTENCED TO A PERIOD OF INCARCERATION IN A STATE OR
26 COUNTY CORRECTIONAL INSTITUTION OR A WORK RELEASE
27 FACILITY; OR

28 (IV) SPECIAL PROBATION SUPERVISED BY THE
29 PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

30 (2) FOR INDIVIDUALS SET FORTH IN PARAGRAPH (1), THE

1 APPROPRIATE OFFICIAL OF THE FEDERAL, STATE OR COUNTY
2 CORRECTIONAL FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION
3 AND PAROLE SHALL COLLECT AND FORWARD THE INFORMATION IN
4 SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE. THE
5 APPROPRIATE OFFICIAL SHALL, IN ADDITION, ENSURE THAT THE
6 INFORMATION SET FORTH IN SECTION 9799.16(C) IS COLLECTED AND
7 FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE INFORMATION
8 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
9 REGISTRY. WITH RESPECT TO INDIVIDUALS RELEASED UNDER
10 PARAGRAPH (1) (II), (III) OR (IV), THE STATE OR COUNTY
11 CORRECTIONAL FACILITY SHALL NOT RELEASE THE INDIVIDUAL UNTIL
12 IT RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE POLICE
13 THAT IT HAS RECEIVED THE INFORMATION SET FORTH IN SECTION
14 9799.16(B) AND (C). VERIFICATION MAY TAKE PLACE BY ELECTRONIC
15 MEANS. WITH RESPECT TO INDIVIDUALS RELEASED UNDER PARAGRAPH
16 (1) (I), IF THE INDIVIDUAL REFUSES TO PROVIDE THE INFORMATION
17 SET FORTH IN SECTION 9799.16(B), THE STATE OR COUNTY
18 CORRECTIONAL INSTITUTION SHALL NOTIFY THE PENNSYLVANIA STATE
19 POLICE OR THE MUNICIPAL POLICE DEPARTMENT WITH JURISDICTION
20 OVER THE FACILITY OF THE FAILURE TO PROVIDE THE INFORMATION
21 AND OF THE EXPECTED DATE, TIME AND LOCATION OF THE RELEASE OF
22 THE INDIVIDUAL.

23 (B.1) INITIAL REGISTRATION IF SENTENCED TO A COUNTY OR STATE
24 CORRECTIONAL FACILITY ON OR AFTER THE EFFECTIVE DATE OF
25 SECTION.--IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE DATE
26 OF THIS SECTION, SENTENCED TO A PERIOD OF INCARCERATION IN A
27 COUNTY OR STATE CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL
28 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B) AS
29 FOLLOWS:

30 (1) AT THE TIME OF SENTENCING, THE COURT SHALL REQUIRE

1 THE INDIVIDUAL TO IMMEDIATELY REPORT TO THE OFFICE OF
2 PROBATION AND PAROLE SERVING THAT COUNTY TO REGISTER UNDER
3 THIS SUBCHAPTER. THE APPROPRIATE OFFICE OF PROBATION AND
4 PAROLE SHALL COLLECT THE INFORMATION SET FORTH IN SECTION
5 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE INFORMATION TO
6 THE PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICE OF
7 PROBATION AND PAROLE SHALL, IN ADDITION, ENSURE THE
8 INFORMATION SET FORTH IN 9799.16(C) IS COLLECTED AND
9 FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE INFORMATION
10 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
11 REGISTRY.

12 (2) IF THE INDIVIDUAL IS INCARCERATED IN A STATE
13 CORRECTIONAL FACILITY OR COUNTY CORRECTIONAL FACILITY, THE
14 CORRECTIONAL FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE
15 POLICE, NOT MORE THAN 30 DAYS IN ADVANCE OF, BUT NOT LATER
16 THAN TEN DAYS PRIOR TO, THE INDIVIDUAL'S RELEASE FROM THE
17 CORRECTIONAL FACILITY. THE FOLLOWING APPLY:

18 (I) THE CORRECTIONAL FACILITY SHALL ENSURE THAT THE
19 INFORMATION SET FORTH IN SECTION 9799.16(B) AND (C) FOR
20 THE INDIVIDUAL HAS BEEN SUBMITTED TO THE PENNSYLVANIA
21 STATE POLICE.

22 (II) IF THE INFORMATION HAS NOT BEEN SUBMITTED TO
23 THE PENNSYLVANIA STATE POLICE, THE CORRECTIONAL FACILITY
24 SHALL COLLECT THE INFORMATION SET FORTH IN SECTION
25 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE
26 INFORMATION TO THE PENNSYLVANIA STATE POLICE.

27 (III) THE CORRECTIONAL FACILITY SHALL ALSO REPORT
28 ANY CHANGES TO THE INFORMATION SET FORTH IN SECTION
29 9799.16(B) AND (C) ON FILE WITH THE PENNSYLVANIA STATE
30 POLICE.

1 (IV) IN THE CASE OF PAROLE, STATE OR COUNTY
2 INTERMEDIATE PUNISHMENT WHERE THE SENTENCE IS RESTRICTIVE
3 AND THE INDIVIDUAL IS SENTENCED TO A PERIOD OF
4 INCARCERATION IN A STATE OR COUNTY CORRECTIONAL
5 INSTITUTION OR WORK RELEASE FACILITY OR SPECIAL PROBATION
6 SUPERVISED BY THE PENNSYLVANIA BOARD OF PROBATION AND
7 PAROLE, THE CORRECTIONAL FACILITY MAY NOT RELEASE THE
8 INDIVIDUAL UNTIL THE CORRECTIONAL FACILITY RECEIVES
9 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
10 PENNSYLVANIA STATE POLICE HAS RECEIVED THE INFORMATION
11 SET FORTH IN SECTION 9799.16(B) AND (C). VERIFICATION BY
12 THE PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC
13 MEANS.

14 (V) IF THE INDIVIDUAL IS SCHEDULED TO BE RELEASED
15 FROM A STATE OR COUNTY CORRECTIONAL INSTITUTION DUE TO
16 THE EXPIRATION OF SENTENCE AND THE INDIVIDUAL REFUSES TO
17 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B),
18 THE STATE OR COUNTY CORRECTIONAL INSTITUTION SHALL NOTIFY
19 THE PENNSYLVANIA STATE POLICE OR THE MUNICIPAL POLICE
20 DEPARTMENT WITH JURISDICTION OVER THE FACILITY OF THE
21 FAILURE TO PROVIDE THE INFORMATION AND OF THE EXPECTED
22 DATE, TIME AND LOCATION OF THE RELEASE OF THE INDIVIDUAL.

23 (C) INITIAL REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE
24 PUNISHMENT ON EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL IS,
25 ON THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO COUNTY
26 INTERMEDIATE PUNISHMENT WHICH IS RESTORATIVE WHERE THE
27 INDIVIDUAL IS NOT SENTENCED TO INCARCERATION OR TO A WORK
28 RELEASE FACILITY, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION
29 SET FORTH IN SECTION 9799.16(B) BY APPEARING AT AN APPROVED
30 REGISTRATION SITE WITHIN 48 HOURS OF THE EFFECTIVE DATE OF THIS

1 SECTION. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
2 PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS
3 APPEARED AT AN APPROVED REGISTRATION SITE AS SET FORTH IN THIS
4 SUBSECTION. IF THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE
5 OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND PAROLE SHALL
6 NOTIFY THE PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE
7 POLICE SHALL ENSURE THE INFORMATION SET FORTH IN SECTION
8 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS COLLECTED AND
9 ENTERED IN THE REGISTRY.

10 (D) INITIAL REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE
11 PUNISHMENT AFTER EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL
12 IS, AFTER THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO
13 COUNTY INTERMEDIATE PUNISHMENT, THE FOLLOWING APPLY:

14 (1) IF THE INDIVIDUAL IS SENTENCED TO COUNTY
15 INTERMEDIATE PUNISHMENT WHICH IS RESTORATIVE, THE INDIVIDUAL
16 SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
17 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
18 OF BEING SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY
19 OFFICE OF PROBATION AND PAROLE SHALL ENSURE THAT THE
20 INDIVIDUAL HAS APPEARED AT AN APPROVED REGISTRATION SITE AS
21 SET FORTH IN THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO
22 APPEAR, THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
23 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE
24 POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THE
25 INFORMATION SET FORTH IN SECTION 9799.16(C) WITH RESPECT TO
26 THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

27 (2) IF THE INDIVIDUAL IS SENTENCED TO COUNTY
28 INTERMEDIATE PUNISHMENT WHICH IS RESTRICTIVE WHERE THE
29 INDIVIDUAL IS NOT SENTENCED TO INCARCERATION OR TO A WORK
30 RELEASE FACILITY, THE INDIVIDUAL SHALL PROVIDE THE

1 INFORMATION SET FORTH IN SECTION 9799.16(B) BY APPEARING AT
2 AN APPROVED REGISTRATION SITE WITHIN 48 HOURS OF BEING
3 SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
4 PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS
5 APPEARED AT AN APPROVED REGISTRATION SITE AS SET FORTH IN
6 THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO APPEAR, THE
7 APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND
8 PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE POLICE. THE
9 PENNSYLVANIA STATE POLICE SHALL ENSURE THE INFORMATION SET
10 FORTH IN SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
11 COLLECTED AND ENTERED IN THE REGISTRY.

12 (E) INITIAL REGISTRATION IF SENTENCED TO COUNTY PROBATION ON
13 OR AFTER EFFECTIVE DATE OF SECTION.--IF THE INDIVIDUAL IS, ON OR
14 AFTER THE EFFECTIVE DATE OF THIS SECTION, SENTENCED TO COUNTY
15 PROBATION, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION SET
16 FORTH IN SECTION 9799.16(B) BY APPEARING AT AN APPROVED
17 REGISTRATION SITE WITHIN 48 HOURS OF BEING SENTENCED. THE
18 APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND
19 PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS APPEARED AT AN
20 APPROVED REGISTRATION SITE AS SET FORTH IN THIS PARAGRAPH. IF
21 THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE OFFICIAL OF THE
22 COUNTY OFFICE OF PROBATION AND PAROLE SHALL NOTIFY THE
23 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL
24 ENSURE THE INFORMATION SET FORTH IN SECTION 9799.16(C) WITH
25 RESPECT TO THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE
26 REGISTRY.

27 (E.1) INITIAL REGISTRATION FOR COUNTY OR FEDERAL
28 PROBATIONERS ON THE EFFECTIVE DATE OF THIS SECTION.--

29 (1) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
30 SECTION, ALREADY SERVING A SENTENCE OF COUNTY PROBATION, THE

1 APPROPRIATE OFFICE OF PROBATION AND PAROLE SERVING THE COUNTY
2 SHALL REGISTER THE INDIVIDUAL WITHIN 48 HOURS. THE
3 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL COLLECT THE
4 INFORMATION SET FORTH IN SECTION 9799.16(B) AND FORWARD THAT
5 INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE
6 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION
7 SET FORTH IN SECTION 9799.16(C) IS COLLECTED. THE INFORMATION
8 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
9 REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY, THE APPROPRIATE
10 OFFICIAL OF THAT OFFICE SHALL NOTIFY THE PENNSYLVANIA STATE
11 POLICE.

12 (2) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
13 SECTION, ALREADY UNDER THE SUPERVISION OF FEDERAL PROBATION
14 AUTHORITIES FOR A SEXUALLY VIOLENT OFFENSE, THE INDIVIDUAL
15 SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
16 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
17 OF THE EFFECTIVE DATE OF THIS SECTION.

18 (E.2) INITIAL REGISTRATION FOR COUNTY OR STATE PAROLEES ON
19 THE EFFECTIVE DATE OF THIS SECTION.--

20 (1) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
21 SECTION, ALREADY SERVING A SENTENCE OF COUNTY PAROLE, THE
22 APPROPRIATE OFFICE OF PROBATION AND PAROLE SERVING THE COUNTY
23 SHALL REGISTER THE INDIVIDUAL WITHIN 48 HOURS. THE
24 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL COLLECT THE
25 INFORMATION SET FORTH IN SECTION 9799.16(B) AND FORWARD THAT
26 INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE
27 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION
28 SET FORTH IN SECTION 9799.16(C) IS COLLECTED. THE INFORMATION
29 IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN THE
30 REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY, THE APPROPRIATE

1 OFFICIAL OF THAT OFFICE SHALL NOTIFY THE PENNSYLVANIA STATE
2 POLICE.

3 (2) IF THE INDIVIDUAL IS, ON THE EFFECTIVE DATE OF THIS
4 SECTION, ALREADY SERVING A SENTENCE OF STATE PAROLE, THE
5 PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL REGISTER THE
6 INDIVIDUAL WITHIN 48 HOURS. THE APPROPRIATE OFFICIAL OF THE
7 PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL COLLECT THE
8 INFORMATION SET FORTH IN SECTION 9799.16(B) FROM THE
9 INDIVIDUAL AND FORWARD THE INFORMATION TO THE PENNSYLVANIA
10 STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT
11 THE INFORMATION SET FORTH IN SECTION 9799.16(C) IS COLLECTED.
12 THE INFORMATION IN SECTION 9799.16(B) AND (C) SHALL BE
13 INCLUDED IN THE REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY,
14 THE APPROPRIATE OFFICIAL OF THE PENNSYLVANIA BOARD OF
15 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE
16 POLICE.]

17 (F) INITIAL REGISTRATION IF BEING SUPERVISED BY
18 COMMONWEALTH UNDER INTERSTATE COMPACT FOR ADULT OFFENDER
19 SUPERVISION.--IF AN INDIVIDUAL IS IN THIS COMMONWEALTH AND IS
20 BEING SUPERVISED BY THE STATE BOARD OF PROBATION AND PAROLE OR
21 THE COUNTY OFFICE OF PROBATION AND PAROLE PURSUANT TO THE
22 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION, THE FOLLOWING
23 APPLY:

24 (1) IF THE INDIVIDUAL IS BEING SUPERVISED UNDER THE
25 COMPACT [AFTER THE EFFECTIVE DATE OF THIS SECTION,] FOR
26 COMMITTING A SEXUALLY VIOLENT OFFENSE WHICH REQUIRES
27 REGISTRATION IN ANOTHER JURISDICTION OR FOREIGN COUNTRY
28 WHETHER OR NOT THE SEXUAL OFFENSE IS DESIGNATED AS A SEXUALLY
29 VIOLENT OFFENSE, THE INDIVIDUAL SHALL PROVIDE THE INFORMATION
30 SET FORTH IN SECTION 9799.16(B) TO THE APPROPRIATE OFFICIAL

1 OF THE STATE BOARD OF PROBATION AND PAROLE OR THE COUNTY
2 OFFICE OF PROBATION AND PAROLE FOR INCLUSION IN THE REGISTRY.
3 THE APPROPRIATE OFFICIAL SHALL COLLECT THE INFORMATION SET
4 FORTH IN SECTION 9799.16(B) AND FORWARD THE INFORMATION TO
5 THE PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICIAL
6 SHALL, IN ADDITION, ENSURE THAT THE INFORMATION SET FORTH IN
7 SECTION 9799.16(C) IS COLLECTED AND FORWARDED TO THE
8 PENNSYLVANIA STATE POLICE. IF THE INDIVIDUAL FAILS TO PROVIDE
9 THE INFORMATION IN SECTION 9799.16(B), THE APPROPRIATE
10 OFFICIAL OF THE STATE BOARD OF PROBATION AND PAROLE OR COUNTY
11 OFFICE OF PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA
12 STATE POLICE.

13 [(2) IF THE INDIVIDUAL IS BEING SUPERVISED UNDER THE
14 COMPACT ON THE EFFECTIVE DATE OF THIS SECTION, THE INDIVIDUAL
15 SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)
16 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
17 OF THE EFFECTIVE DATE OF THIS SECTION. THE APPROPRIATE
18 OFFICIAL OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR
19 THE COUNTY OFFICE OF PROBATION AND PAROLE SHALL ENSURE THAT
20 THE INDIVIDUAL HAS APPEARED AT AN APPROVED REGISTRATION SITE
21 AS SET FORTH IN THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO
22 APPEAR, THE APPROPRIATE OFFICIAL SHALL NOTIFY THE
23 PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICIAL SHALL, IN
24 ADDITION, ENSURE THE INFORMATION SET FORTH IN SECTION
25 9799.16(C) IS COLLECTED AND FORWARDED TO THE PENNSYLVANIA
26 STATE POLICE.]

27 (G) SUPERVISION OF INDIVIDUAL CONVICTED IN COMMONWEALTH WHO
28 DOES NOT INTEND TO RESIDE IN COMMONWEALTH.--[ON OR AFTER THE
29 EFFECTIVE DATE OF THIS SECTION, AN INDIVIDUAL CONVICTED OF] AN
30 INDIVIDUAL WHO COMMITTED A SEXUALLY VIOLENT OFFENSE WITHIN THIS

1 COMMONWEALTH WHO SEEKS TRANSFER OF SUPERVISION TO ANOTHER
2 JURISDICTION PURSUANT TO THE INTERSTATE COMPACT FOR ADULT
3 OFFENDER SUPERVISION SHALL NOT HAVE SUPERVISION TRANSFERRED TO
4 ANOTHER JURISDICTION PRIOR TO THE INDIVIDUAL'S REGISTRATION WITH
5 THE PENNSYLVANIA STATE POLICE AS SET FORTH IN THIS SECTION.

6 * * *

7 (I) INITIAL REGISTRATION IF CONVICTED OR ADJUDICATED
8 DELINQUENT OUTSIDE COMMONWEALTH.--

9 * * *

10 (3) IF THE INDIVIDUAL IS[, ON OR AFTER THE EFFECTIVE
11 DATE OF THIS SECTION,] CONVICTED OF A SEXUALLY VIOLENT
12 OFFENSE AND INCARCERATED IN A FEDERAL CORRECTIONAL
13 INSTITUTION OR BEING SUPERVISED BY FEDERAL PROBATION
14 AUTHORITIES, THE INDIVIDUAL SHALL APPEAR IN PERSON AT AN
15 APPROVED REGISTRATION SITE TO PROVIDE THE INFORMATION SET
16 FORTH IN SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE
17 WITHIN THREE BUSINESS DAYS OF ESTABLISHING RESIDENCE,
18 COMMENCING EMPLOYMENT OR COMMENCING ENROLLMENT AS A STUDENT
19 IN THIS COMMONWEALTH. IN ADDITION, THE INDIVIDUAL SHALL
20 COMPLY WITH OTHER PROVISIONS OF THIS SUBCHAPTER, INCLUDING
21 SECTION 9799.15. IF THE INDIVIDUAL FAILS TO ESTABLISH A
22 RESIDENCE BUT NEVERTHELESS RESIDES IN THIS COMMONWEALTH, THE
23 INDIVIDUAL SHALL REGISTER AS A TRANSIENT. THE PENNSYLVANIA
24 STATE POLICE SHALL ENSURE THAT THE INFORMATION SET FORTH IN
25 SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
26 COLLECTED AND ENTERED INTO THE REGISTRY.

27 [(J) FORMER LAW AND REGISTRATION.--AN INDIVIDUAL SUBJECT TO
28 REGISTRATION UNDER SECTION 9799.13(3) SHALL APPEAR AT AN
29 APPROVED REGISTRATION SITE TO UPDATE REGISTRATION OR, IF
30 NECESSARY, TO PROVIDE THE INFORMATION SET FORTH IN SECTION

1 9799.16(B) TO THE PENNSYLVANIA STATE POLICE WITHIN 90 DAYS OF
2 THE EFFECTIVE DATE OF THIS SECTION. IN ADDITION, THE INDIVIDUAL
3 SHALL COMPLY WITH THE OTHER PROVISIONS OF THIS SUBCHAPTER,
4 INCLUDING SECTION 9799.15. IF THE INDIVIDUAL FAILS TO ESTABLISH
5 A RESIDENCE, THE INDIVIDUAL SHALL REGISTER AS A TRANSIENT. THE
6 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION SET
7 FORTH IN SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS
8 COLLECTED AND ENTERED IN THE REGISTRY.]

9 (K) REGISTRATION IF INCARCERATED WITHIN COMMONWEALTH OR BY
10 FEDERAL COURT.--THE FOLLOWING APPLY TO AN INDIVIDUAL WHO
11 COMMITTED A SEXUALLY VIOLENT OFFENSE:

12 (1) IF THE INDIVIDUAL IS INCARCERATED IN A FEDERAL,
13 STATE OR COUNTY CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL
14 PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B)
15 (RELATING TO REGISTRY) TO THE APPROPRIATE OFFICIAL OF THE
16 FEDERAL, STATE OR COUNTY CORRECTIONAL FACILITY OR THE
17 PENNSYLVANIA BOARD OF PROBATION AND PAROLE FOR INCLUSION IN
18 THE REGISTRY BEFORE BEING RELEASED DUE TO:

19 (I) THE EXPIRATION OF SENTENCE, IN WHICH CASE THE
20 INFORMATION SHALL BE COLLECTED NO LATER THAN 10 DAYS
21 PRIOR TO THE MAXIMUM EXPIRATION DATE;

22 (II) PAROLE;

23 (III) STATE OR COUNTY INTERMEDIATE PUNISHMENT WHERE
24 THE SENTENCE IS RESTRICTIVE AND THE INDIVIDUAL IS
25 SENTENCED TO A PERIOD OF INCARCERATION IN A STATE OR
26 COUNTY CORRECTIONAL FACILITY OR A WORK RELEASE FACILITY;
27 OR

28 (IV) SPECIAL PROBATION SUPERVISED BY THE
29 PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

30 (2) FOR INDIVIDUALS DESCRIBED IN PARAGRAPH (1), THE

1 APPROPRIATE OFFICIAL OF THE FEDERAL, STATE OR COUNTY
2 CORRECTIONAL FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION
3 AND PAROLE SHALL COLLECT AND FORWARD THE INFORMATION IN
4 SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE. THE
5 APPROPRIATE OFFICIAL SHALL, IN ADDITION, ENSURE THAT THE
6 INFORMATION SPECIFIED IN SECTION 9799.16(C) IS COLLECTED AND
7 FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE INFORMATION
8 SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN
9 THE REGISTRY. WITH RESPECT TO INDIVIDUALS RELEASED UNDER
10 PARAGRAPH (1) (II), (III) OR (IV), THE STATE OR COUNTY
11 CORRECTIONAL FACILITY SHALL NOT RELEASE THE INDIVIDUAL UNTIL
12 THE STATE OR COUNTY CORRECTIONAL FACILITY RECEIVES
13 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
14 PENNSYLVANIA STATE POLICE HAS RECEIVED THE INFORMATION
15 SPECIFIED IN SECTION 9799.16(B) AND (C). VERIFICATION MAY
16 TAKE PLACE BY ELECTRONIC MEANS. WITH RESPECT TO INDIVIDUALS
17 RELEASED UNDER PARAGRAPH (1) (I), IF THE INDIVIDUAL REFUSES TO
18 PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B), THE
19 STATE OR COUNTY CORRECTIONAL FACILITY SHALL NOTIFY THE
20 PENNSYLVANIA STATE POLICE OR THE MUNICIPAL POLICE DEPARTMENT
21 WITH JURISDICTION OVER THE FACILITY OF THE FAILURE TO PROVIDE
22 THE INFORMATION AND OF THE EXPECTED DATE, TIME AND LOCATION
23 OF THE RELEASE OF THE INDIVIDUAL.

24 (L) REGISTRATION IF SENTENCED TO A STATE OR COUNTY
25 CORRECTIONAL FACILITY.--IF THE INDIVIDUAL COMMITTED A SEXUALLY
26 VIOLENT OFFENSE AND IS SENTENCED TO A PERIOD OF INCARCERATION IN
27 A STATE OR COUNTY CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL
28 PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B) AS
29 FOLLOWS:

30 (1) AT THE TIME OF SENTENCING, THE COURT SHALL REQUIRE

1 THE INDIVIDUAL TO IMMEDIATELY REPORT TO THE OFFICE OF
2 PROBATION AND PAROLE SERVING THAT COUNTY TO REGISTER UNDER
3 THIS SUBCHAPTER. THE APPROPRIATE OFFICE OF PROBATION AND
4 PAROLE SHALL COLLECT THE INFORMATION SPECIFIED IN SECTION
5 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE INFORMATION TO
6 THE PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICE OF
7 PROBATION AND PAROLE SHALL, IN ADDITION, ENSURE THE
8 INFORMATION SPECIFIED IN SECTION 9799.16(C) IS COLLECTED AND
9 FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE INFORMATION
10 SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN
11 THE REGISTRY.

12 (2) IF THE INDIVIDUAL IS INCARCERATED IN A STATE OR
13 COUNTY CORRECTIONAL FACILITY, THE CORRECTIONAL FACILITY SHALL
14 NOTIFY THE PENNSYLVANIA STATE POLICE, NOT MORE THAN 30 DAYS
15 IN ADVANCE OF, BUT NOT LATER THAN 10 DAYS PRIOR TO, THE
16 INDIVIDUAL'S RELEASE FROM THE CORRECTIONAL FACILITY. THE
17 FOLLOWING APPLY:

18 (I) THE CORRECTIONAL FACILITY SHALL ENSURE THAT THE
19 INFORMATION SPECIFIED IN SECTION 9799.16(B) AND (C) FOR
20 THE INDIVIDUAL HAS BEEN SUBMITTED TO THE PENNSYLVANIA
21 STATE POLICE.

22 (II) IF THE INFORMATION HAS NOT BEEN SUBMITTED TO
23 THE PENNSYLVANIA STATE POLICE, THE CORRECTIONAL FACILITY
24 SHALL COLLECT THE INFORMATION SPECIFIED IN SECTION
25 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE
26 INFORMATION TO THE PENNSYLVANIA STATE POLICE.

27 (III) THE CORRECTIONAL FACILITY SHALL ALSO REPORT
28 ANY CHANGES TO THE INFORMATION SPECIFIED IN SECTION
29 9799.16(B) AND (C) ON FILE WITH THE PENNSYLVANIA STATE
30 POLICE.

1 (IV) IN THE CASE OF PAROLE, STATE OR COUNTY
2 INTERMEDIATE PUNISHMENT WHERE THE SENTENCE IS
3 RESTRICTIVE AND THE INDIVIDUAL IS SENTENCED TO A PERIOD
4 OF INCARCERATION IN A STATE OR COUNTY CORRECTIONAL
5 FACILITY OR WORK RELEASE FACILITY OR SPECIAL PROBATION
6 SUPERVISED BY THE PENNSYLVANIA BOARD OF PROBATION AND
7 PAROLE, THE CORRECTIONAL FACILITY MAY NOT RELEASE THE
8 INDIVIDUAL UNTIL THE CORRECTIONAL FACILITY RECEIVES
9 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
10 PENNSYLVANIA STATE POLICE HAS RECEIVED THE INFORMATION
11 SPECIFIED IN SECTION 9799.16 (B) AND (C). VERIFICATION BY
12 THE PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC
13 MEANS.

14 (V) IF THE INDIVIDUAL IS SCHEDULED TO BE RELEASED
15 FROM A STATE OR COUNTY CORRECTIONAL FACILITY DUE TO THE
16 EXPIRATION OF SENTENCE AND THE INDIVIDUAL REFUSES TO
17 PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16 (B),
18 THE STATE OR COUNTY CORRECTIONAL FACILITY SHALL NOTIFY
19 THE PENNSYLVANIA STATE POLICE OR THE MUNICIPAL POLICE
20 DEPARTMENT WITH JURISDICTION OVER THE FACILITY OF THE
21 FAILURE TO PROVIDE THE INFORMATION AND OF THE EXPECTED
22 DATE, TIME AND LOCATION OF THE RELEASE OF THE INDIVIDUAL.

23 (M) REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE
24 PUNISHMENT.--IF THE INDIVIDUAL COMMITTED A SEXUALLY VIOLENT
25 OFFENSE AND IS SENTENCED TO COUNTY INTERMEDIATE PUNISHMENT WHICH
26 IS RESTORATIVE WHERE THE INDIVIDUAL IS NOT SENTENCED TO
27 INCARCERATION OR TO A WORK RELEASE FACILITY, THE INDIVIDUAL
28 SHALL PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16 (B) BY
29 APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS OF
30 BEING SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE

1 OF PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS
2 APPEARED AT AN APPROVED REGISTRATION SITE AS DESCRIBED IN THIS
3 SUBSECTION. IF THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE
4 OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND PAROLE SHALL
5 NOTIFY THE PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE
6 POLICE SHALL ENSURE THE INFORMATION SPECIFIED IN SECTION
7 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS COLLECTED AND
8 ENTERED IN THE REGISTRY.

9 (N) REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE
10 PUNISHMENT.--IF THE INDIVIDUAL COMMITTED A SEXUALLY VIOLENT
11 OFFENSE AND IS SENTENCED TO COUNTY INTERMEDIATE PUNISHMENT, THE
12 FOLLOWING APPLY:

13 (1) IF THE INDIVIDUAL IS SENTENCED TO COUNTY
14 INTERMEDIATE PUNISHMENT WHICH IS RESTORATIVE, THE INDIVIDUAL
15 SHALL PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B)
16 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS
17 OF BEING SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY
18 OFFICE OF PROBATION AND PAROLE SHALL ENSURE THAT THE
19 INDIVIDUAL HAS APPEARED AT AN APPROVED REGISTRATION SITE AS
20 SPECIFIED IN THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO
21 APPEAR, THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
22 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE
23 POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THE
24 INFORMATION SPECIFIED IN SECTION 9799.16(C) WITH RESPECT TO
25 THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

26 (2) IF THE INDIVIDUAL IS SENTENCED TO COUNTY
27 INTERMEDIATE PUNISHMENT WHICH IS RESTRICTIVE WHERE THE
28 INDIVIDUAL IS NOT SENTENCED TO INCARCERATION OR TO A WORK
29 RELEASE FACILITY, THE INDIVIDUAL SHALL PROVIDE THE
30 INFORMATION SPECIFIED IN SECTION 9799.16(B) BY APPEARING AT

1 AN APPROVED REGISTRATION SITE WITHIN 48 HOURS OF BEING
2 SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF
3 PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS
4 APPEARED AT AN APPROVED REGISTRATION SITE AS DESCRIBED IN
5 THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO APPEAR, THE
6 APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND
7 PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE POLICE. THE
8 PENNSYLVANIA STATE POLICE SHALL ENSURE THE INFORMATION
9 SPECIFIED IN SECTION 9799.16(C) WITH RESPECT TO THE
10 INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

11 (O) REGISTRATION IF SENTENCED TO COUNTY PROBATION.--IF THE
12 INDIVIDUAL COMMITTED A SEXUALLY VIOLENT OFFENSE AND IS SENTENCED
13 TO COUNTY PROBATION, THE INDIVIDUAL SHALL PROVIDE THE
14 INFORMATION SPECIFIED IN SECTION 9799.16(B) BY APPEARING AT AN
15 APPROVED REGISTRATION SITE WITHIN 48 HOURS OF BEING SENTENCED.
16 THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND
17 PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS APPEARED AT AN
18 APPROVED REGISTRATION SITE AS DESCRIBED IN THIS SUBSECTION. IF
19 THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE OFFICIAL OF THE
20 COUNTY OFFICE OF PROBATION AND PAROLE SHALL NOTIFY THE
21 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL
22 ENSURE THE INFORMATION SPECIFIED IN SECTION 9799.16(C) WITH
23 RESPECT TO THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE
24 REGISTRY.

25 (P) REGISTRATION FOR COUNTY OR FEDERAL PROBATIONERS.--IF THE
26 INDIVIDUAL COMMITTED A SEXUALLY VIOLENT OFFENSE, THE FOLLOWING
27 APPLY:

28 (1) IF THE INDIVIDUAL IS SERVING A SENTENCE OF COUNTY
29 PROBATION, THE APPROPRIATE OFFICE OF PROBATION AND PAROLE
30 SERVING THE COUNTY SHALL REGISTER THE INDIVIDUAL WITHIN 48

1 HOURS. THE APPROPRIATE OFFICIAL OF THAT OFFICE SHALL COLLECT
2 THE INFORMATION SPECIFIED IN SECTION 9799.16(B) AND FORWARD
3 THAT INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE
4 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION
5 SPECIFIED IN SECTION 9799.16(C) IS COLLECTED. THE INFORMATION
6 SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN
7 THE REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY, THE
8 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL NOTIFY THE
9 PENNSYLVANIA STATE POLICE.

10 (2) IF THE INDIVIDUAL IS UNDER THE SUPERVISION OF
11 FEDERAL PROBATION AUTHORITIES FOR A SEXUALLY VIOLENT OFFENSE,
12 THE INDIVIDUAL SHALL PROVIDE THE INFORMATION SPECIFIED IN
13 SECTION 9799.16(B) BY APPEARING AT AN APPROVED REGISTRATION
14 SITE WITHIN 48 HOURS OF THE EFFECTIVE DATE OF THIS SECTION.

15 (O) REGISTRATION FOR STATE OR COUNTY PAROLEES.--

16 (1) IF THE INDIVIDUAL COMMITTED A SEXUALLY VIOLENT
17 OFFENSE AND IS SERVING A SENTENCE OF COUNTY PAROLE, THE
18 APPROPRIATE OFFICE OF PROBATION AND PAROLE SERVING THE COUNTY
19 SHALL REGISTER THE INDIVIDUAL WITHIN 48 HOURS. THE
20 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL COLLECT THE
21 INFORMATION SPECIFIED IN SECTION 9799.16(B) AND FORWARD THAT
22 INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE
23 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION
24 SPECIFIED IN SECTION 9799.16(C) IS COLLECTED. THE INFORMATION
25 SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN
26 THE REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY, THE
27 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL NOTIFY THE
28 PENNSYLVANIA STATE POLICE.

29 (2) IF THE INDIVIDUAL COMMITTED A SEXUALLY VIOLENT
30 OFFENSE AND IS SERVING A SENTENCE OF STATE PAROLE, THE

1 PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL REGISTER THE
2 INDIVIDUAL WITHIN 48 HOURS. THE APPROPRIATE OFFICIAL OF THE
3 PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL COLLECT THE
4 INFORMATION SPECIFIED IN SECTION 9799.16(B) FROM THE
5 INDIVIDUAL AND FORWARD THE INFORMATION TO THE PENNSYLVANIA
6 STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT
7 THE INFORMATION SPECIFIED IN SECTION 9799.16(C) IS COLLECTED.
8 THE INFORMATION SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL
9 BE INCLUDED IN THE REGISTRY. IF THE INDIVIDUAL FAILS TO
10 COMPLY, THE APPROPRIATE OFFICIAL OF THE PENNSYLVANIA BOARD OF
11 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE
12 POLICE.

13 SECTION 13. SECTION 9799.23(B) (2) OF TITLE 42 IS AMENDED TO
14 READ:

15 § 9799.23. COURT NOTIFICATION AND CLASSIFICATION REQUIREMENTS.

16 * * *

17 (B) MANDATORY REGISTRATION.--ALL SEXUAL OFFENDERS MUST
18 REGISTER IN ACCORDANCE WITH THIS SUBCHAPTER. THE FOLLOWING
19 APPLY:

20 * * *

21 (2) EXCEPT AS PROVIDED IN [SECTION] SECTIONS
22 9799.15(A.2) (RELATING TO PERIOD OF REGISTRATION) AND 9799.17
23 (RELATING TO TERMINATION OF PERIOD OF REGISTRATION FOR
24 JUVENILE OFFENDERS), THE COURT SHALL HAVE NO AUTHORITY TO
25 RELIEVE A SEXUAL OFFENDER FROM THE DUTY TO REGISTER UNDER
26 THIS SUBCHAPTER OR TO MODIFY THE REQUIREMENTS OF THIS
27 SUBCHAPTER AS THEY RELATE TO THE SEXUAL OFFENDER.

28 SECTION 14. SECTIONS 9799.25(B) (2) AND (3), (C) (1) AND (F)
29 (1) AND 9799.26(A) (1) OF TITLE 42 ARE AMENDED AND THE SECTIONS
30 ARE AMENDED BY ADDING SUBSECTIONS TO READ:

1 § 9799.25. VERIFICATION BY SEXUAL OFFENDERS AND PENNSYLVANIA
2 STATE POLICE.

3 * * *

4 (A.1) ALTERNATE REQUIREMENTS REGARDING VERIFICATION.--THE
5 FOLLOWING APPLY TO AN INDIVIDUAL REQUIRED TO APPEAR IN PERSON
6 UNDER SUBSECTION (A) (2) OR (A) (3):

7 (1) IF THE INDIVIDUAL HAS BEEN IN COMPLIANCE WITH THE
8 REQUIREMENTS OF THIS SUBCHAPTER FOR THE FIRST THREE YEARS OF
9 THE INDIVIDUAL'S PERIOD OF REGISTRATION AND, DURING THE SAME
10 THREE-YEAR PERIOD, THE INDIVIDUAL HAS NOT BEEN CONVICTED IN
11 THIS COMMONWEALTH OR ANY OTHER JURISDICTION OR FOREIGN
12 COUNTRY OF AN OFFENSE PUNISHABLE BY IMPRISONMENT OF MORE THAN
13 ONE YEAR, THE INDIVIDUAL SHALL APPEAR AT AN APPROVED
14 REGISTRATION SITE ANNUALLY. THE INDIVIDUAL SHALL APPEAR
15 WITHIN 10 DAYS BEFORE THE DATE DESIGNATED BY THE PENNSYLVANIA
16 STATE POLICE TO VERIFY INFORMATION IN SECTION 9799.16(B) AND
17 BE PHOTOGRAPHED.

18 (2) THE OTHER APPEARANCES REQUIRED OF THE INDIVIDUAL
19 UNDER THIS SECTION MAY BE COMPLETED BY CONTACTING THE
20 PENNSYLVANIA STATE POLICE BY TELEPHONE AT A TELEPHONE NUMBER
21 DESIGNATED BY THE PENNSYLVANIA STATE POLICE. THE INDIVIDUAL
22 SHALL CALL THE PENNSYLVANIA STATE POLICE WITHIN THREE
23 BUSINESS DAYS OF THE DATE DESIGNATED BY THE PENNSYLVANIA
24 STATE POLICE.

25 (3) IF THE INDIVIDUAL FAILS TO COMPLY WITH THE
26 PROVISIONS OF THIS SUBSECTION AND THE INDIVIDUAL IS
27 SUBSEQUENTLY CONVICTED UNDER 18 PA.C.S. § 4915.1 (RELATING TO
28 FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS), ANY RELIEF
29 GRANTED UNDER THIS SUBSECTION SHALL BE VOID, AND THE
30 PETITIONER SHALL AUTOMATICALLY AND IMMEDIATELY AGAIN BE

1 SUBJECT TO THE PROVISIONS OF THIS SUBCHAPTER, AS PREVIOUSLY
2 DETERMINED BY THIS SUBCHAPTER.

3 (A.2) TELEPHONIC VERIFICATION SYSTEM.--THE PENNSYLVANIA
4 STATE POLICE SHALL DEVELOP A MECHANISM TO PERMIT INDIVIDUALS TO
5 UTILIZE THE TELEPHONIC VERIFICATION SYSTEM ESTABLISHED IN THIS
6 SECTION. NO INDIVIDUAL MAY UTILIZE THE TELEPHONIC VERIFICATION
7 SYSTEM UNTIL THE PENNSYLVANIA STATE POLICE PUBLISHES NOTICE IN
8 THE PENNSYLVANIA BULLETIN THAT THE SYSTEM IS OPERATIONAL.

9 (B) DEADLINE.--THE FOLLOWING APPLY:

10 * * *

11 (2) IN THE CASE OF A SEXUAL OFFENDER WHO FAILS TO APPEAR
12 IN PERSON OR TELEPHONICALLY AS REQUIRED UNDER THIS SECTION,
13 THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE MUNICIPAL
14 POLICE DEPARTMENT WHERE THE SEXUAL OFFENDER HAS A RESIDENCE,
15 IS EMPLOYED OR IS ENROLLED AS A STUDENT. THE MUNICIPAL POLICE
16 SHALL LOCATE THE SEXUAL OFFENDER AND ARREST THE SEXUAL
17 OFFENDER FOR VIOLATING THIS SECTION. A MUNICIPAL POLICE
18 DEPARTMENT MAY REQUEST ASSISTANCE LOCATING OR ARRESTING A
19 SEXUAL OFFENDER FROM THE PENNSYLVANIA STATE POLICE. IN
20 MUNICIPALITIES WHERE NO MUNICIPAL POLICE DEPARTMENT EXISTS,
21 THE PENNSYLVANIA STATE POLICE SHALL LOCATE THE OFFENDER AND
22 ARREST THE SEXUAL OFFENDER FOR VIOLATING THIS SECTION.

23 (3) IN THE CASE OF A SEXUAL OFFENDER WHO FAILS TO APPEAR
24 IN PERSON OR TELEPHONICALLY AS REQUIRED UNDER THIS SECTION,
25 THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE UNITED STATES
26 MARSHALS SERVICE IN ACCORDANCE WITH SECTION 9799.22 (B) (3)
27 (RELATING TO ENFORCEMENT).

28 (C) FACILITATION OF VERIFICATION.--THE PENNSYLVANIA STATE
29 POLICE SHALL ADMINISTER AND FACILITATE THE PROCESS OF
30 VERIFICATION OF INFORMATION, INCLUDING COMPLIANCE WITH

1 COUNSELING IN THE CASE OF SEXUALLY VIOLENT PREDATORS AND
2 SEXUALLY VIOLENT DELINQUENT CHILDREN, AND PHOTOGRAPHING THE
3 SEXUAL OFFENDER BY:

4 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
5 TO EACH SEXUAL OFFENDER AT THE LAST REPORTED LOCATION WHERE
6 THE OFFENDER RECEIVES MAIL. THE NOTICE SHALL BE SENT NOT MORE
7 THAN 30 DAYS NOR LESS THAN 15 DAYS PRIOR TO THE DATE A SEXUAL
8 OFFENDER IS REQUIRED TO APPEAR PURSUANT TO SUBSECTION (A) OR
9 (A.1). THE NOTICE SHALL REMIND THE SEXUAL OFFENDER OF THE
10 SEXUAL OFFENDER'S RESPONSIBILITIES UNDER THIS SUBCHAPTER,
11 INCLUDING COUNSELING IN THE CASE OF SEXUALLY VIOLENT
12 PREDATORS AND SEXUALLY VIOLENT DELINQUENT CHILDREN, AND
13 PROVIDE A LIST OF APPROVED REGISTRATION SITES AND THE
14 TELEPHONE NUMBER TO CONTACT THE PENNSYLVANIA STATE POLICE
15 UNDER SUBSECTION (A.1).

16 * * *

17 (F) RESIDENTS IN GROUP-BASED HOMES.--

18 (1) A GROUP-BASED HOME MAY NOT PROVIDE CONCURRENT
19 RESIDENCE IN THE GROUP-BASED HOME TO MORE THAN FIVE
20 INDIVIDUALS IN TOTAL WHO ARE REQUIRED TO REGISTER UNDER THIS
21 [CHAPTER] SUBCHAPTER AND SUBCHAPTER I (RELATING TO CONTINUED
22 REGISTRATION OF SEXUAL OFFENDERS) AS SEXUALLY VIOLENT
23 PREDATORS.

24 * * *

25 § 9799.26. VICTIM NOTIFICATION.

26 (A) DUTY TO INFORM VICTIM.--

27 (1) IF AN [OFFENDER] INDIVIDUAL IS DETERMINED TO BE A
28 SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT
29 CHILD, THE MUNICIPAL POLICE DEPARTMENT OR THE PENNSYLVANIA
30 STATE POLICE, IF NO MUNICIPAL POLICE JURISDICTION EXISTS,

1 SHALL GIVE WRITTEN NOTICE TO THE VICTIM WHEN THE SEXUALLY
2 VIOLENT PREDATOR OR THE SEXUALLY VIOLENT DELINQUENT CHILD
3 REGISTERS INITIALLY UNDER SECTION 9799.19 (RELATING TO
4 INITIAL REGISTRATION) OR UNDER SECTION 9799.15(G) (2), (3) OR
5 (4) (RELATING TO PERIOD OF REGISTRATION). THE NOTICE SHALL BE
6 GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT PREDATOR OR
7 THE SEXUALLY VIOLENT DELINQUENT CHILD REGISTERS OR NOTIFIES
8 THE PENNSYLVANIA STATE POLICE OF CURRENT INFORMATION UNDER
9 SECTION 9799.15(G). THE NOTICE SHALL CONTAIN THE FOLLOWING
10 INFORMATION ABOUT THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY
11 VIOLENT DELINQUENT CHILD:

12 (I) NAME.

13 (II) RESIDENCE. THIS SUBPARAGRAPH INCLUDES WHETHER
14 THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT
15 DELINQUENT CHILD IS A TRANSIENT, IN WHICH CASE THE NOTICE
16 SHALL CONTAIN INFORMATION ABOUT THE TRANSIENT'S TEMPORARY
17 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
18 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR
19 PARK. IN ADDITION, THE NOTICE SHALL CONTAIN A LIST OF
20 PLACES THE TRANSIENT EATS, FREQUENTS AND ENGAGES IN
21 LEISURE ACTIVITIES.

22 (III) THE ADDRESS OF EMPLOYMENT.

23 (IV) THE ADDRESS WHERE THE SEXUALLY VIOLENT PREDATOR
24 OR SEXUALLY VIOLENT DELINQUENT CHILD IS ENROLLED AS A
25 STUDENT.

26 * * *

27 (D) ALTERNATE MEANS OF NOTIFYING VICTIMS.--

28 (1) THE PENNSYLVANIA STATE POLICE MAY ENTER INTO A
29 MEMORANDUM OF UNDERSTANDING WITH THE OFFICE OF VICTIM
30 ADVOCATE TO ASSIST THE PENNSYLVANIA STATE POLICE IN NOTIFYING

1 VICTIMS AND PROVIDING THE INFORMATION UNDER SUBSECTION (A).
2 IN ADDITION, THE MEMORANDUM OF UNDERSTANDING MAY ALSO INCLUDE
3 THE OFFICE OF VICTIM ADVOCATE'S NOTIFYING A VICTIM OF RELIEF
4 GRANTED TO A PETITIONER UNDER SECTION 9799.15(A.2). THE
5 MEMORANDUM OF UNDERSTANDING MUST STATE THE MANNER AND METHOD
6 OF NOTIFYING VICTIMS AND THE DUTIES OF THE PENNSYLVANIA STATE
7 POLICE AND THE OFFICE OF VICTIM ADVOCATE UNDER THIS SECTION
8 AND SECTION 9799.15(A.2). A MEMORANDUM OF UNDERSTANDING
9 ENTERED INTO UNDER THIS SUBSECTION SHALL BE VALID FOR NO MORE
10 THAN 10 YEARS. THERE SHALL BE NO LIMIT TO THE NUMBER OF
11 MEMORANDA OF UNDERSTANDING WHICH MAY BE EXECUTED BY THE
12 PENNSYLVANIA STATE POLICE AND THE OFFICE OF VICTIM ADVOCATE
13 UNDER THIS SUBSECTION.

14 (2) AS USED IN THIS SUBSECTION, THE TERM "OFFICE OF
15 VICTIM ADVOCATE" SHALL MEAN THE OFFICE ESTABLISHED UNDER
16 SECTION 301 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882,
17 NO.111), KNOWN AS THE CRIME VICTIMS ACT.

18 SECTION 15. SECTION 9799.31(13) OF TITLE 42 IS AMENDED TO
19 READ:

20 § 9799.31. IMMUNITY FOR GOOD FAITH CONDUCT.

21 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
22 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

23 * * *

24 (13) THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES
25 AND ITS AGENTS AND EMPLOYEES.

26 * * *

27 SECTION 16. SECTION 9799.32(6) OF TITLE 42 IS AMENDED AND
28 THE SECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

29 § 9799.32. PENNSYLVANIA STATE POLICE.

30 THE PENNSYLVANIA STATE POLICE HAVE THE FOLLOWING DUTIES:

1 * * *

2 (6) TO FACILITATE VERIFICATION OF INFORMATION FROM
3 INDIVIDUALS [REQUIRED TO REGISTER UNDER THIS SUBCHAPTER]
4 UNDER SECTION 9799.13 (RELATING TO APPLICABILITY) AS PROVIDED
5 IN SECTION 9799.25 (RELATING TO VERIFICATION BY SEXUAL
6 OFFENDERS AND PENNSYLVANIA STATE POLICE).

7 * * *

8 (10) TO DEVELOP THE TELEPHONIC VERIFICATION SYSTEM
9 ESTABLISHED UNDER SECTION 9799.25 (RELATING TO VERIFICATION
10 BY SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE).

11 SECTION 17. SECTIONS 9799.34(1), 9799.36(B), 9799.38(A)(1)
12 AND (2) AND 9799.39 OF TITLE 42 ARE AMENDED TO READ:

13 § 9799.34. DUTIES OF FACILITIES HOUSING SEXUAL OFFENDERS.

14 THE DEPARTMENT OF CORRECTIONS, A COUNTY CORRECTIONAL
15 FACILITY, AN INSTITUTION OR FACILITY SET FORTH IN SECTION
16 6352(A)(3) (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND THE
17 SEPARATE, STATE-OWNED FACILITY OR UNIT ESTABLISHED UNDER CHAPTER
18 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN
19 SEXUALLY VIOLENT PERSONS) SHALL HAVE THE FOLLOWING DUTIES:

20 (1) TO PERFORM THEIR RESPECTIVE DUTIES IN ACCORDANCE
21 WITH SECTION 9799.19 (RELATING TO INITIAL REGISTRATION). THIS
22 PARAGRAPH INCLUDES TAKING A CURRENT PHOTOGRAPH OF THE
23 INDIVIDUAL [REQUIRED TO REGISTER UNDER THIS SUBCHAPTER]
24 SPECIFIED IN SECTION 9799.13 (RELATING TO APPLICABILITY)
25 BEFORE THE INDIVIDUAL IS RELEASED FROM CONFINEMENT OR
26 COMMITMENT OR IS DISCHARGED.

27 * * *

28 § 9799.36. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

29 * * *

30 (B) DESIGNATION IN ANOTHER JURISDICTION.--IF AN INDIVIDUAL

1 [REQUIRED TO REGISTER UNDER THIS SUBCHAPTER] SPECIFIED IN
2 SECTION 9799.13 (RELATING TO APPLICABILITY) HAS BEEN DESIGNATED
3 AS A SEXUALLY VIOLENT PREDATOR IN ANOTHER JURISDICTION AND WAS
4 REQUIRED TO UNDERGO COUNSELING, THE INDIVIDUAL SHALL BE SUBJECT
5 TO THE PROVISIONS OF THIS SECTION.

6 * * *

7 § 9799.38. ANNUAL PERFORMANCE AUDIT.

8 (A) DUTIES OF THE ATTORNEY GENERAL.--THE ATTORNEY GENERAL
9 HAS THE FOLLOWING DUTIES:

10 (1) TO CONDUCT A PERFORMANCE AUDIT ANNUALLY TO DETERMINE
11 COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBCHAPTER AND
12 SUBCHAPTER I (RELATING TO CONTINUED REGISTRATION OF SEXUAL
13 OFFENDERS) AND ANY GUIDELINES PROMULGATED UNDER THIS
14 SUBCHAPTER AND SUBCHAPTER I. THE AUDIT SHALL, AT A MINIMUM,
15 INCLUDE A REVIEW OF THE PRACTICES, PROCEDURES AND RECORDS OF
16 THE PENNSYLVANIA STATE POLICE, THE PENNSYLVANIA BOARD OF
17 PROBATION AND PAROLE, THE DEPARTMENT OF CORRECTIONS, THE
18 BOARD, THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS AND
19 ANY OTHER STATE OR LOCAL AGENCY THE ATTORNEY GENERAL DEEMS
20 NECESSARY IN ORDER TO CONDUCT A THOROUGH AND ACCURATE
21 PERFORMANCE AUDIT.

22 (2) TO PREPARE AN ANNUAL REPORT OF ITS FINDINGS AND ANY
23 ACTION THAT IT RECOMMENDS BE TAKEN BY THE PENNSYLVANIA STATE
24 POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE
25 DEPARTMENT OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE
26 OFFICE OF PENNSYLVANIA COURTS, OTHER STATE OR LOCAL AGENCIES
27 AND THE GENERAL ASSEMBLY TO ENSURE COMPLIANCE WITH THIS
28 SUBCHAPTER AND SUBCHAPTER I. THE FIRST REPORT SHALL BE
29 RELEASED TO THE GENERAL PUBLIC NO FEWER THAN 18 MONTHS
30 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION.

1 * * *

2 § 9799.39. PHOTOGRAPHS AND FINGERPRINTING.

3 AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER SECTION 9799.13
4 (RELATING TO APPLICABILITY) SHALL SUBMIT TO FINGERPRINTING AND
5 PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER. FINGERPRINTING AS
6 REQUIRED BY THIS SUBCHAPTER SHALL, AT A MINIMUM, REQUIRE
7 SUBMISSION OF A FULL SET OF FINGERPRINTS AND PALM PRINTS.
8 PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A
9 MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE FACE AND ANY
10 SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF THE
11 INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS
12 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND
13 FOR GENERAL LAW ENFORCEMENT PURPOSES.

14 SECTION 18. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:

15 § 9799.42. STANDING FOR PENNSYLVANIA STATE POLICE.

16 EXCEPT FOR PETITIONS FILED UNDER SECTION 9799.15(A.2)
17 (RELATING TO PERIOD OF REGISTRATION), THE PENNSYLVANIA STATE
18 POLICE SHALL HAVE STANDING TO APPEAR AND CONTEST A FILING IN A
19 COURT OF THIS COMMONWEALTH WHICH SEEKS TO CHALLENGE IN ANY WAY
20 THE OBLIGATION OF AN INDIVIDUAL REQUIRED TO REGISTER WITH THE
21 PENNSYLVANIA STATE POLICE UNDER THIS SUBCHAPTER.

22 SECTION 19. CHAPTER 97 OF TITLE 42 IS AMENDED BY ADDING A
23 SUBCHAPTER TO READ:

24 SUBCHAPTER I

25 CONTINUED REGISTRATION OF SEXUAL OFFENDERS

26 SEC.

27 9799.51. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY.

28 9799.52. SCOPE.

29 9799.53. DEFINITIONS.

30 9799.54. APPLICABILITY.

1 9799.55. REGISTRATION.
2 9799.56. REGISTRATION PROCEDURES AND APPLICABILITY.
3 9799.57. SENTENCING COURT INFORMATION.
4 9799.58. ASSESSMENTS.
5 9799.59. EXEMPTION FROM CERTAIN NOTIFICATIONS.
6 9799.60. VERIFICATION OF RESIDENCE.
7 9799.61. VICTIM NOTIFICATION.
8 9799.62. OTHER NOTIFICATION.
9 9799.63. INFORMATION MADE AVAILABLE ON INTERNET AND ELECTRONIC
10 NOTIFICATION.
11 9799.64. ADMINISTRATION.
12 9799.65. GLOBAL POSITIONING SYSTEM TECHNOLOGY.
13 9799.66. IMMUNITY FOR GOOD FAITH CONDUCT.
14 9799.67. DUTIES OF PENNSYLVANIA STATE POLICE.
15 9799.68. DUTIES OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE.
16 9799.69. BOARD.
17 9799.70. COUNSELING OF SEXUALLY VIOLENT PREDATORS.
18 9799.71. EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES AND
19 THEIR EMPLOYEES.
20 9799.72. ANNUAL PERFORMANCE AUDIT.
21 9799.73. PHOTOGRAPHS AND FINGERPRINTING.
22 § 9799.51. 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 OFFENDERS,
27 AS WELL AS THOSE SEXUALLY VIOLENT PREDATORS AND OFFENDERS WHO
28 DO NOT HAVE A FIXED PLACE OF HABITATION OR ABODE, THE
29 COMMUNITY CAN DEVELOP CONSTRUCTIVE PLANS TO PREPARE ITSELF
30 FOR THE RELEASE OF SEXUALLY VIOLENT PREDATORS AND OFFENDERS.

1 THIS ALLOWS COMMUNITIES TO MEET WITH LAW ENFORCEMENT TO
2 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 AND OFFENDERS POSE
6 A HIGH RISK OF ENGAGING IN FURTHER OFFENSES EVEN AFTER BEING
7 RELEASED FROM INCARCERATION OR COMMITMENTS AND PROTECTION OF
8 THE PUBLIC FROM THIS TYPE OF OFFENDER IS A PARAMOUNT
9 GOVERNMENTAL 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 AND OFFENDERS HAVE REDUCED THE WILLINGNESS
17 TO RELEASE INFORMATION THAT COULD BE APPROPRIATELY RELEASED
18 UNDER THE PUBLIC DISCLOSURE LAWS AND HAVE INCREASED RISKS TO
19 PUBLIC SAFETY.

20 (5) PERSONS FOUND TO HAVE COMMITTED A SEXUAL OFFENSE
21 HAVE 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 AND OFFENDERS TO PUBLIC AGENCIES AND THE GENERAL
26 PUBLIC WILL FURTHER THE GOVERNMENTAL INTERESTS OF PUBLIC
27 SAFETY AND PUBLIC SCRUTINY OF THE CRIMINAL AND MENTAL HEALTH
28 SYSTEMS SO LONG AS THE INFORMATION RELEASED IS RATIONALLY
29 RELATED TO THE FURTHERANCE OF THOSE GOALS.

30 (B) DECLARATION OF POLICY.--IT IS HEREBY DECLARED TO BE THE

1 INTENTION OF THE GENERAL ASSEMBLY TO:

2 (1) PROTECT THE SAFETY AND GENERAL WELFARE OF THE PEOPLE
3 OF THIS COMMONWEALTH BY PROVIDING FOR REGISTRATION, COMMUNITY
4 NOTIFICATION AND ACCESS TO INFORMATION REGARDING SEXUALLY
5 VIOLENT PREDATORS AND OFFENDERS WHO ARE ABOUT TO BE RELEASED
6 FROM CUSTODY AND WILL LIVE IN OR NEAR THEIR NEIGHBORHOOD.

7 (2) REQUIRE THE EXCHANGE OF RELEVANT INFORMATION ABOUT
8 SEXUALLY VIOLENT PREDATORS AND OFFENDERS AMONG PUBLIC
9 AGENCIES AND OFFICIALS AND TO AUTHORIZE THE RELEASE OF
10 NECESSARY AND RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT
11 PREDATORS AND OFFENDERS TO MEMBERS OF THE GENERAL PUBLIC,
12 INCLUDING INFORMATION AVAILABLE THROUGH THE PUBLICLY
13 ACCESSIBLE INTERNET WEBSITE OF THE PENNSYLVANIA STATE POLICE,
14 AS A MEANS OF ASSURING PUBLIC PROTECTION AND SHALL NOT BE
15 CONSTRUED AS PUNITIVE.

16 (3) ADDRESS THE SUPERIOR COURT'S OPINION IN THE CASE OF
17 COMMONWEALTH V. WILGUS, 975 A.2D 1183 (2009), BY REQUIRING
18 SEXUALLY VIOLENT PREDATORS AND OFFENDERS WITHOUT A FIXED
19 PLACE OF HABITATION OR ABODE TO REGISTER UNDER THIS
20 SUBCHAPTER.

21 (4) ADDRESS THE PENNSYLVANIA SUPREME COURT'S DECISION IN
22 COMMONWEALTH V. MUNIZ, NO. 47 MAP 2016 (PA. 2016), AND THE
23 PENNSYLVANIA SUPERIOR COURT'S DECISION IN COMMONWEALTH V.
24 BUTLER (2017 WL3882445).

25 § 9799.52. SCOPE.

26 THIS SUBCHAPTER SHALL APPLY TO INDIVIDUALS WHO WERE:

27 (1) CONVICTED OF A SEXUALLY VIOLENT OFFENSE COMMITTED ON
28 OR AFTER APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE
29 PERIOD OF REGISTRATION WITH THE PENNSYLVANIA STATE POLICE, AS
30 DESCRIBED IN SECTION 9799.55 (RELATING TO REGISTRATION), HAS

1 NOT EXPIRED; OR

2 (2) REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE
3 POLICE UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW OF
4 THIS COMMONWEALTH ON OR AFTER APRIL 22, 1996, BUT BEFORE
5 DECEMBER 20, 2012, WHOSE PERIOD OF REGISTRATION HAS NOT
6 EXPIRED.

7 § 9799.53. 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 "ACTIVE NOTIFICATION." NOTIFICATION IN ACCORDANCE WITH
12 SECTION 9799.62 (RELATING TO OTHER NOTIFICATION) OR A PROCESS
13 WHEREBY LAW ENFORCEMENT, PURSUANT TO THE LAWS OF THE UNITED
14 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE,
15 THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A
16 FOREIGN NATION, NOTIFIES PERSONS IN THE COMMUNITY IN WHICH THE
17 INDIVIDUAL RESIDES, INCLUDING A PERSON IDENTIFIED IN SECTION
18 9799.62(B), OF THE RESIDENCE, EMPLOYMENT OR SCHOOL LOCATION OF
19 THE INDIVIDUAL.

20 "APPROVED REGISTRATION SITE." A SITE IN THIS COMMONWEALTH
21 APPROVED BY THE PENNSYLVANIA STATE POLICE AS REQUIRED BY SECTION
22 9799.67(2) (RELATING TO DUTIES OF PENNSYLVANIA STATE POLICE):

23 (1) AT WHICH INDIVIDUALS SUBJECT TO THIS SUBCHAPTER MAY
24 REGISTER, VERIFY INFORMATION OR BE FINGERPRINTED OR
25 PHOTOGRAPHED AS REQUIRED BY THIS SUBCHAPTER;

26 (2) WHICH IS CAPABLE OF SUBMITTING FINGERPRINTS
27 UTILIZING THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION
28 SYSTEM OR IN ANOTHER MANNER AND IN THE FORM AS THE
29 PENNSYLVANIA STATE POLICE SHALL REQUIRE; AND

30 (3) WHICH IS CAPABLE OF SUBMITTING PHOTOGRAPHS UTILIZING

1 THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN ANOTHER MANNER
2 AND IN THE FORM AS THE PENNSYLVANIA STATE POLICE SHALL
3 REQUIRE.

4 "BOARD." THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD.

5 "COMMON INTEREST COMMUNITY." INCLUDES A COOPERATIVE, A
6 CONDOMINIUM AND A PLANNED COMMUNITY WHERE AN INDIVIDUAL BY
7 VIRTUE OF AN OWNERSHIP INTEREST IN A PORTION OF REAL ESTATE IS
8 OR MAY BECOME OBLIGATED BY COVENANT, EASEMENT OR AGREEMENT
9 IMPOSED UPON THE OWNER'S INTEREST TO PAY AN AMOUNT FOR REAL
10 PROPERTY TAXES, INSURANCE, MAINTENANCE, REPAIR, IMPROVEMENT,
11 MANAGEMENT, ADMINISTRATION OR REGULATION OF ANY PART OF THE REAL
12 ESTATE OTHER THAN THE PORTION OR INTEREST OWNED SOLELY BY THE
13 INDIVIDUAL.

14 "COMMONWEALTH PHOTO IMAGING NETWORK." THE COMPUTER NETWORK
15 ADMINISTERED BY THE COMMONWEALTH AND USED TO RECORD AND STORE
16 DIGITAL PHOTOGRAPHS OF AN INDIVIDUAL'S FACE AND SCARS, MARKS,
17 TATTOOS OR OTHER UNIQUE FEATURES OF THE INDIVIDUAL.

18 "EMPLOYED." INCLUDES A VOCATION OR EMPLOYMENT THAT IS FULL
19 TIME OR PART TIME FOR A PERIOD OF TIME EXCEEDING 14 DAYS OR FOR
20 AN AGGREGATE PERIOD OF TIME EXCEEDING 30 DAYS DURING A CALENDAR
21 YEAR, WHETHER FINANCIALLY COMPENSATED, VOLUNTEERED, UNDER A
22 CONTRACT OR FOR THE PURPOSE OF GOVERNMENT OR EDUCATIONAL
23 BENEFIT.

24 "INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM."
25 THE NATIONAL FINGERPRINT AND CRIMINAL HISTORY SYSTEM MAINTAINED
26 BY THE FEDERAL BUREAU OF INVESTIGATION PROVIDING AUTOMATED
27 FINGERPRINT SEARCH CAPABILITIES, LATENT SEARCHING CAPABILITY,
28 ELECTRONIC IMAGE STORAGE AND ELECTRONIC EXCHANGE OF FINGERPRINTS
29 AND RESPONSES.

30 "MENTAL ABNORMALITY." A CONGENITAL OR ACQUIRED CONDITION OF

1 A PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF
2 THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE
3 COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE
4 PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

5 "MINOR." AS USED IN SECTION 9799.55 (RELATING TO
6 REGISTRATION), IS AN INDIVIDUAL UNDER 18 YEARS OF AGE UNLESS THE
7 AGE OF THE VICTIM WHO IS CONSIDERED A MINOR IS OTHERWISE DEFINED
8 IN SECTION 9799.55.

9 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN OR
10 TOWNSHIP.

11 "OFFENDER." SUBJECT TO SECTION 9799.75 (RELATING TO
12 CONSTRUCTION OF SUBCHAPTER), AN INDIVIDUAL REQUIRED TO REGISTER
13 UNDER SECTION 9799.55(A), (B) (1) OR (2) (RELATING TO
14 REGISTRATION).

15 "PASSIVE NOTIFICATION." NOTIFICATION IN ACCORDANCE WITH
16 SECTION 9799.63 (RELATING TO INFORMATION MADE AVAILABLE ON
17 INTERNET AND ELECTRONIC NOTIFICATION) OR A PROCESS WHEREBY
18 PERSONS, UNDER THE LAWS OF THE UNITED STATES OR ONE OF ITS
19 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
20 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION,
21 ARE ABLE TO ACCESS INFORMATION PERTAINING TO AN INDIVIDUAL AS A
22 RESULT OF THE INDIVIDUAL HAVING BEEN CONVICTED OR SENTENCED BY A
23 COURT FOR AN OFFENSE SIMILAR TO AN OFFENSE LISTED IN SECTION
24 9799.55 (RELATING TO REGISTRATION).

25 "PENETRATION." INCLUDES ANY PENETRATION, HOWEVER SLIGHT, OF
26 THE GENITALS, ANUS OR MOUTH OF ANOTHER PERSON WITH A PART OF THE
27 PERSON'S BODY OR A FOREIGN OBJECT FOR A PURPOSE OTHER THAN GOOD
28 FAITH MEDICAL, HYGIENIC OR LAW ENFORCEMENT PROCEDURES.

29 "PREDATORY." AN ACT DIRECTED AT A STRANGER OR AT A PERSON
30 WITH WHOM A RELATIONSHIP HAS BEEN INITIATED, ESTABLISHED,

1 MAINTAINED OR PROMOTED, IN WHOLE OR IN PART, IN ORDER TO
2 FACILITATE OR SUPPORT VICTIMIZATION.

3 "RESIDENCE." WITH RESPECT TO AN INDIVIDUAL REQUIRED TO
4 REGISTER UNDER THIS SUBCHAPTER, ANY OF THE FOLLOWING:

5 (1) A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS
6 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS
7 OR MORE DURING A CALENDAR YEAR.

8 (2) IN THE CASE OF AN INDIVIDUAL WHO FAILS TO ESTABLISH
9 A RESIDENCE AS SPECIFIED IN PARAGRAPH (1), A TEMPORARY
10 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,
11 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR PARK,
12 WHERE THE INDIVIDUAL IS LODGED.

13 "SEXUALLY VIOLENT OFFENSE." THE FOLLOWING CRIMINAL OFFENSES:

14 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2):

15 (I) A CRIMINAL OFFENSE SPECIFIED IN SECTION 9799.55
16 (RELATING TO REGISTRATION) COMMITTED ON OR AFTER APRIL
17 22, 1996, BUT BEFORE DECEMBER 20, 2012, FOR WHICH THE
18 INDIVIDUAL WAS CONVICTED; OR

19 (II) A CRIMINAL OFFENSE FOR WHICH AN INDIVIDUAL WAS
20 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE
21 UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW OF THIS
22 COMMONWEALTH ON OR AFTER APRIL 22, 1996, BUT BEFORE
23 DECEMBER 20, 2012, WHOSE PERIOD OF REGISTRATION HAS NOT
24 EXPIRED.

25 (2) THE FOLLOWING CRIMINAL OFFENSES COMMITTED ON OR
26 AFTER JANUARY 26, 2005, BUT BEFORE DECEMBER 20, 2012, FOR
27 WHICH THE INDIVIDUAL WAS CONVICTED:

28 (I) 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD
29 INTO A MOTOR VEHICLE OR STRUCTURE).

30 (II) 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL

1 SEXUAL ASSAULT).
2 "SEXUALLY VIOLENT PREDATOR." SUBJECT TO SECTION 9799.75, A
3 PERSON WHO HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE AND
4 WHO IS DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER
5 SECTION 9799.58 (RELATING TO ASSESSMENTS) DUE TO A MENTAL
6 ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY
7 TO ENGAGE IN PREDATORY SEXUALLY VIOLENT OFFENSES. THE TERM
8 INCLUDES AN INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT
9 PREDATOR WHERE THE DETERMINATION OCCURRED IN THE UNITED STATES
10 OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
11 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, A FOREIGN
12 NATION OR BY COURT MARTIAL.

13 "STUDENT." A PERSON WHO IS ENROLLED ON A FULL-TIME OR PART-
14 TIME BASIS IN A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION,
15 INCLUDING A SECONDARY SCHOOL, TRADE OR PROFESSIONAL INSTITUTION
16 OR INSTITUTION OF HIGHER EDUCATION.
17 § 9799.54. APPLICABILITY.

18 (A) REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL REGISTER
19 WITH THE PENNSYLVANIA STATE POLICE AS PROVIDED IN THIS
20 SUBCHAPTER:

21 (1) AN INDIVIDUAL WHO COMMITTED A SEXUALLY VIOLENT
22 OFFENSE WITHIN THIS COMMONWEALTH AND WHOSE PERIOD OF
23 REGISTRATION WITH THE PENNSYLVANIA STATE POLICE, AS SPECIFIED
24 IN SECTION 9799.55 (RELATING TO REGISTRATION), AS OF THE
25 EFFECTIVE DATE OF THIS SECTION, HAS NOT EXPIRED. THE
26 INDIVIDUAL SHALL REGISTER FOR THE PERIOD OF TIME UNDER
27 SECTION 9799.55 LESS ANY CREDIT FOR TIME SPENT REGISTERED
28 WITH THE PENNSYLVANIA STATE POLICE PRIOR TO THE EFFECTIVE
29 DATE OF THIS SECTION.

30 (2) AN INDIVIDUAL WHO COMMITTED A SEXUALLY VIOLENT

1 OFFENSE WITHIN THIS COMMONWEALTH AND WHO HAS FAILED TO
2 REGISTER WITH THE PENNSYLVANIA STATE POLICE. IN SUCH A CASE,
3 THE INDIVIDUAL SHALL REGISTER FOR THE PERIOD OF TIME UNDER
4 SECTION 9799.55.

5 (3) AN INDIVIDUAL WHO COMMITTED A SEXUALLY VIOLENT
6 OFFENSE WITHIN THIS COMMONWEALTH AND IS AN INMATE IN A STATE
7 OR COUNTY CORRECTIONAL FACILITY OF THIS COMMONWEALTH,
8 INCLUDING A COMMUNITY CORRECTIONS CENTER OR A COMMUNITY
9 CONTRACT FACILITY, IS BEING SUPERVISED BY THE PENNSYLVANIA
10 BOARD OF PROBATION AND PAROLE OR COUNTY PROBATION OR PAROLE,
11 IS SUBJECT TO A SENTENCE OF INTERMEDIATE PUNISHMENT OR HAS
12 SUPERVISION TRANSFERRED UNDER THE INTERSTATE COMPACT FOR
13 ADULT SUPERVISION IN ACCORDANCE WITH SECTION 9799.62 (E)
14 (RELATING TO OTHER NOTIFICATION). THE INDIVIDUAL SHALL
15 REGISTER FOR THE PERIOD OF TIME UNDER SECTION 9799.55, EXCEPT
16 THAT THE PERIOD REQUIRED IN SECTION 9799.55 SHALL BE TOLLED
17 FOR ANY PERIOD OF TIME THE INDIVIDUAL IS RECOMMITTED FOR A
18 PAROLE VIOLATION OR SENTENCED TO A TERM OF IMPRISONMENT.

19 (4) AN INDIVIDUAL WHO WAS CONVICTED OF AN OFFENSE
20 SIMILAR TO AN OFFENSE SET FORTH IN SECTION 9799.55 UNDER THE
21 LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR
22 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
23 COMMONWEALTH OF PUERTO RICO, A FOREIGN NATION OR UNDER A
24 FORMER LAW OF THIS COMMONWEALTH OR WHO WAS COURT MARTIALED
25 FOR A SIMILAR OFFENSE AND WHO, AS OF THE EFFECTIVE DATE OF
26 THIS SECTION, HAS NOT COMPLETED REGISTRATION REQUIREMENTS.
27 THE PERIOD OF REGISTRATION SHALL BE AS SET FORTH IN SECTION
28 9799.56 (B) (4) (RELATING TO REGISTRATION PROCEDURES AND
29 APPLICABILITY) LESS ANY CREDIT FOR TIME SPENT ON A SEXUAL
30 OFFENDER REGISTRY OF THE UNITED STATES OR ONE OF ITS

1 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
2 COLUMBIA, THE COMMONWEALTH OF PUERTO RICE, A FOREIGN NATION
3 OR WITH THE PENNSYLVANIA STATE POLICE PRIOR TO THE EFFECTIVE
4 DATE OF THIS SECTION.

5 (B) INITIAL REGISTRATION.--INDIVIDUALS REQUIRED TO REGISTER
6 UNDER THIS SECTION SHALL HAVE 90 DAYS FROM THE EFFECTIVE DATE OF
7 THIS SECTION TO INITIALLY REGISTER WITH THE PENNSYLVANIA STATE
8 POLICE. THE INDIVIDUAL SHALL APPEAR AT AN APPROVED REGISTRATION
9 SITE TO BE PHOTOGRAPHED, FINGERPRINTED AND TO VERIFY
10 INFORMATION. THE PENNSYLVANIA STATE POLICE SHALL SEND A NOTICE
11 BY FIRST CLASS UNITED STATES MAIL TO THE INDIVIDUAL'S LAST
12 REPORTED RESIDENCE IN ORDER TO INFORM THE INDIVIDUAL OF THE
13 REQUIREMENTS OF THIS SUBCHAPTER. THE NOTICE SHALL SPECIFICALLY
14 INFORM THE INDIVIDUAL OF THE DUTIES SPECIFIED IN SECTION 9799.57
15 (RELATING TO SENTENCING COURT INFORMATION). THE NOTICE SHALL BE
16 SENT NO LATER THAN 30 DAYS FROM THE EFFECTIVE DATE OF THIS
17 SECTION. THE NOTICE SHALL ALSO PROVIDE A LIST OF APPROVED
18 REGISTRATION SITES. NEITHER FAILURE ON THE PART OF THE
19 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF AN INDIVIDUAL
20 TO RECEIVE NOTICE OR INFORMATION UNDER THIS PARAGRAPH SHALL
21 RELIEVE THE INDIVIDUAL OF THE REQUIREMENTS OF THIS SUBCHAPTER.
22 § 9799.55. REGISTRATION.

23 (A) TEN-YEAR REGISTRATION.--EXCEPT AS PROVIDED UNDER
24 SUBSECTION (A.1) OR (B), THE FOLLOWING INDIVIDUALS SHALL BE
25 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE FOR A
26 PERIOD OF 10 YEARS:

27 (1) (I) (A) INDIVIDUALS CONVICTED WITHIN THIS
28 COMMONWEALTH OF ANY OF THE FOLLOWING OFFENSES
29 COMMITTED ON OR AFTER APRIL 22, 1996, BUT BEFORE
30 DECEMBER 20, 2012:

1 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING) WHERE
2 THE VICTIM IS A MINOR.

3 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT)
4 WHERE THE OFFENSE IS GRADED AS A MISDEMEANOR OF THE
5 FIRST DEGREE OR HIGHER.

6 18 PA.C.S. § 4302 (RELATING TO INCEST) WHERE THE
7 VICTIM IS 12 YEARS OF AGE OR OLDER BUT UNDER 18 YEARS
8 OF AGE.

9 18 PA.C.S. § 5902(B) OR (B.1) (RELATING TO
10 PROSTITUTION AND RELATED OFFENSES) WHERE THE ACTOR
11 PROMOTES THE PROSTITUTION OF A MINOR.

12 18 PA.C.S. § 5903(A) (3), (4), (5) OR (6)
13 (RELATING TO OBSCENE AND OTHER SEXUAL MATERIALS AND
14 PERFORMANCES) WHERE THE VICTIM IS A MINOR.

15 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF
16 CHILDREN) .

17 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT
18 WITH MINOR) .

19 18 PA.C.S. § 6320 (RELATING TO SEXUAL
20 EXPLOITATION OF CHILDREN) .

21 (B) INDIVIDUALS CONVICTED WITHIN THIS
22 COMMONWEALTH OF AN OFFENSE SET FORTH IN CLAUSE (A)
23 WHO WERE REQUIRED TO REGISTER WITH THE PENNSYLVANIA
24 STATE POLICE UNDER A FORMER SEXUAL OFFENDER
25 REGISTRATION LAW OF THIS COMMONWEALTH ON OR AFTER
26 APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE
27 PERIOD OF REGISTRATION HAS NOT EXPIRED.

28 (II) INDIVIDUALS CONVICTED WITHIN THIS COMMONWEALTH
29 OF ANY OF THE FOLLOWING OFFENSES COMMITTED ON OR AFTER
30 JANUARY 26, 2005, BUT BEFORE DECEMBER 20, 2012:

1 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD
2 INTO A MOTOR VEHICLE OR STRUCTURE).

3 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL
4 SEXUAL ASSAULT).

5 (2) INDIVIDUALS CONVICTED OF AN ATTEMPT, CONSPIRACY OR
6 SOLICITATION TO COMMIT ANY OF THE OFFENSES UNDER PARAGRAPH
7 (1) (I) OR (II) OR SUBSECTION (B) (2).

8 (3) INDIVIDUALS WHO CURRENTLY HAVE A RESIDENCE IN THIS
9 COMMONWEALTH WHO HAVE BEEN CONVICTED OF OFFENSES SIMILAR TO
10 THE CRIMES CITED IN PARAGRAPHS (1) (I) OR (II) AND (2) UNDER
11 THE LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR
12 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
13 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION OR UNDER A
14 FORMER LAW OF THIS COMMONWEALTH.

15 (A.1) EXCEPTION TO 10-YEAR REGISTRATION.--EXCEPT AS PROVIDED
16 UNDER SUBSECTION (B), AN INDIVIDUAL CONSIDERED TO BE AN OFFENDER
17 UNDER SECTION 9799.56(B) (RELATING TO REGISTRATION PROCEDURES
18 AND APPLICABILITY) SHALL BE REQUIRED TO REGISTER WITH THE
19 PENNSYLVANIA STATE POLICE FOR A PERIOD LESS THAN LIFE, THE
20 DURATION OF WHICH IS TO BE DETERMINED UNDER SECTIONS 9799.54
21 (RELATING TO APPLICABILITY) AND 9799.56(B).

22 (B) LIFETIME REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL
23 BE SUBJECT TO LIFETIME REGISTRATION:

24 (1) AN INDIVIDUAL WITH TWO OR MORE CONVICTIONS OF ANY OF
25 THE OFFENSES SET FORTH IN SUBSECTION (A).

26 (2) INDIVIDUALS CONVICTED:

27 (I) (A) IN THIS COMMONWEALTH OF THE FOLLOWING
28 OFFENSES, IF COMMITTED ON OR AFTER APRIL 22, 1996,
29 BUT BEFORE DECEMBER 20, 2012:

30 18 PA.C.S. § 3121 (RELATING TO RAPE);

1 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY
2 DEVIATE SEXUAL INTERCOURSE);

3 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT);

4 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED
5 INDECENT ASSAULT); OR

6 18 PA.C.S. § 4302 (RELATING TO INCEST) WHEN THE
7 VICTIM IS UNDER 12 YEARS OF AGE; OR

8 (B) IN THIS COMMONWEALTH OF OFFENSES SET FORTH
9 IN CLAUSE (A) WHO WERE REQUIRED TO REGISTER WITH THE
10 PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL
11 OFFENDER REGISTRATION LAW OF THIS COMMONWEALTH ON OR
12 AFTER APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012,
13 WHOSE PERIOD OF REGISTRATION HAS NOT EXPIRED; OR

14 (II) OF OFFENSES SIMILAR TO THE CRIMES CITED IN
15 SUBPARAGRAPH (I) UNDER THE LAWS OF THE UNITED STATES OR
16 ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
17 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR
18 A FOREIGN NATION OR UNDER A FORMER LAW OF THIS
19 COMMONWEALTH, IF COMMITTED, OR FOR WHICH REGISTRATION
20 WITH THE PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL
21 OFFENDER REGISTRATION LAW OF THIS COMMONWEALTH WAS
22 REQUIRED, ON OR AFTER APRIL 22, 1996, BUT BEFORE DECEMBER
23 20, 2012, WHO CURRENTLY RESIDE IN THIS COMMONWEALTH.

24 (3) SEXUALLY VIOLENT PREDATORS.

25 (4) AN INDIVIDUAL WHO IS CONSIDERED TO BE A SEXUALLY
26 VIOLENT PREDATOR UNDER SECTION 9799.56(B) OR WHO IS OTHERWISE
27 REQUIRED TO REGISTER FOR LIFE UNDER SECTION 9799.56(B), IF
28 THE SEXUAL OFFENSE WHICH IS THE BASIS FOR THE CONSIDERATION
29 OR REQUIREMENT FOR WHICH THE INDIVIDUAL WAS CONVICTED WAS
30 COMMITTED, OR FOR WHICH REGISTRATION WITH THE PENNSYLVANIA

1 STATE POLICE UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW
2 OF THIS COMMONWEALTH WAS REQUIRED, ON OR AFTER APRIL 22,
3 1996, BUT BEFORE DECEMBER 20, 2012.

4 (C) NATURAL DISASTER.--THE OCCURRENCE OF A NATURAL DISASTER
5 OR OTHER EVENT REQUIRING EVACUATION OF RESIDENCES SHALL NOT
6 RELIEVE AN INDIVIDUAL OF THE DUTY TO REGISTER OR ANY OTHER DUTY
7 IMPOSED BY THIS SUBCHAPTER.

8 (D) RESIDENTS IN GROUP-BASED HOMES.--

9 (1) A GROUP-BASED HOME MAY NOT PROVIDE CONCURRENT
10 RESIDENCE IN THE GROUP-BASED HOME TO MORE THAN FIVE
11 INDIVIDUALS IN TOTAL WHO ARE REQUIRED TO REGISTER UNDER
12 SUBCHAPTER H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS)
13 AND THIS SUBCHAPTER AS SEXUALLY VIOLENT PREDATORS.

14 (2) A GROUP-BASED HOME THAT VIOLATES PARAGRAPH (1) SHALL
15 BE SUBJECT TO A CIVIL PENALTY IN THE AMOUNT OF \$2,500 FOR A
16 FIRST VIOLATION AND IN THE AMOUNT OF \$5,000 FOR A SECOND OR
17 SUBSEQUENT VIOLATION.

18 (3) THE PENNSYLVANIA STATE POLICE OR LOCAL LAW
19 ENFORCEMENT AGENCY OF JURISDICTION SHALL INVESTIGATE
20 COMPLIANCE WITH THIS SUBSECTION, AND THE ATTORNEY GENERAL OR
21 DISTRICT ATTORNEY MAY COMMENCE A CIVIL ACTION IN THE COURT OF
22 COMMON PLEAS OF THE COUNTY IN WHICH A GROUP-BASED HOME IS
23 LOCATED TO IMPOSE AND COLLECT FROM THE GROUP-BASED HOME THE
24 PENALTY UNDER PARAGRAPH (2).

25 (4) AS USED IN THIS SUBSECTION, THE TERM "GROUP-BASED
26 HOME" HAS THE MEANING GIVEN TO IT IN 61 PA.C.S. § 6124(C)
27 (RELATING TO CERTAIN OFFENDERS RESIDING IN GROUP-BASED
28 HOMES).

29 § 9799.56. REGISTRATION PROCEDURES AND APPLICABILITY.

30 (A) REGISTRATION.--

1 (1) (I) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL
2 BE REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE
3 POLICE AS SPECIFIED IN SECTION 9799.54 (RELATING TO
4 APPLICABILITY).

5 (II) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL
6 BE REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE
7 POLICE UPON RELEASE FROM INCARCERATION, UPON PAROLE FROM
8 A STATE OR COUNTY CORRECTIONAL FACILITY OR UPON THE
9 COMMENCEMENT OF A SENTENCE OF INTERMEDIATE PUNISHMENT OR
10 PROBATION.

11 (III) FOR PURPOSES OF REGISTRATION, OFFENDERS AND
12 SEXUALLY VIOLENT PREDATORS SHALL PROVIDE THE PENNSYLVANIA
13 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL
14 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT AND
15 ALL INFORMATION CONCERNING CURRENT OR INTENDED ENROLLMENT
16 AS A STUDENT.

17 (2) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL
18 INFORM THE PENNSYLVANIA STATE POLICE WITHIN THREE BUSINESS
19 DAYS OF:

20 (I) A CHANGE OF RESIDENCE OR ESTABLISHMENT OF AN
21 ADDITIONAL RESIDENCE OR RESIDENCES. IN THE CASE OF AN
22 INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH
23 (2) OF THE DEFINITION OF "RESIDENCE" IN SECTION 9799.53
24 (RELATING TO DEFINITIONS), THE INDIVIDUAL SHALL INFORM
25 THE PENNSYLVANIA STATE POLICE OF THE FOLLOWING:

26 (A) THE LOCATION OF A TEMPORARY HABITAT OR OTHER
27 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
28 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS
29 LODGED;

30 (B) A LIST OF PLACES THE INDIVIDUAL EATS,

1 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES AND ANY
2 PLANNED DESTINATIONS, INCLUDING THOSE OUTSIDE THIS
3 COMMONWEALTH; AND

4 (C) THE PLACE THE INDIVIDUAL RECEIVES MAIL,
5 INCLUDING A POST OFFICE BOX.

6 THE DUTY TO PROVIDE THE INFORMATION SPECIFIED IN THIS
7 SUBPARAGRAPH SHALL APPLY UNTIL THE INDIVIDUAL ESTABLISHES
8 A RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION
9 OF "RESIDENCE" IN SECTION 9799.53. IF THE INDIVIDUAL WHO
10 HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
11 DEFINITION OF "RESIDENCE" IN SECTION 9799.53 CHANGES OR
12 ADDS TO THE PLACES LISTED IN THIS SUBPARAGRAPH DURING A
13 30-DAY PERIOD, THE INDIVIDUAL SHALL LIST THESE WHEN
14 REREGISTERING DURING THE NEXT 30-DAY PERIOD.

15 (II) A CHANGE OF EMPLOYER OR EMPLOYMENT LOCATION FOR
16 A PERIOD OF TIME THAT WILL EXCEED 14 DAYS OR FOR AN
17 AGGREGATE PERIOD OF TIME THAT WILL EXCEED 30 DAYS DURING
18 A CALENDAR YEAR, OR TERMINATION OF EMPLOYMENT.

19 (III) A CHANGE OF INSTITUTION OR LOCATION AT WHICH
20 THE PERSON IS ENROLLED AS A STUDENT, OR TERMINATION OF
21 ENROLLMENT.

22 (IV) BECOMING EMPLOYED OR ENROLLED AS A STUDENT IF
23 THE PERSON HAS NOT PREVIOUSLY PROVIDED THAT INFORMATION
24 TO THE PENNSYLVANIA STATE POLICE.

25 (2.1) REGISTRATION WITH A NEW LAW ENFORCEMENT AGENCY
26 SHALL OCCUR NO LATER THAN THREE BUSINESS DAYS AFTER
27 ESTABLISHING RESIDENCE IN ANOTHER STATE.

28 (3) THE REGISTRATION PERIOD REQUIRED IN SECTION
29 9799.55(A) AND (A.1) (RELATING TO REGISTRATION) SHALL BE
30 TOLLED WHEN AN OFFENDER IS RECOMMITTED FOR A PAROLE VIOLATION

1 OR SENTENCED TO AN ADDITIONAL TERM OF IMPRISONMENT. IN SUCH
2 CASES, THE DEPARTMENT OF CORRECTIONS OR COUNTY CORRECTIONAL
3 FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OF THE
4 ADMISSION OF THE OFFENDER.

5 (4) THIS PARAGRAPH SHALL APPLY TO ALL OFFENDERS AND
6 SEXUALLY VIOLENT PREDATORS:

7 (I) WHERE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR
8 WAS GRANTED PAROLE BY THE PENNSYLVANIA BOARD OF PROBATION
9 AND PAROLE OR THE COURT OR IS SENTENCED TO PROBATION OR
10 INTERMEDIATE PUNISHMENT, THE BOARD OR COUNTY OFFICE OF
11 PROBATION AND PAROLE SHALL COLLECT REGISTRATION
12 INFORMATION FROM THE OFFENDER OR SEXUALLY VIOLENT
13 PREDATOR AND FORWARD THAT REGISTRATION INFORMATION TO THE
14 PENNSYLVANIA STATE POLICE. THE DEPARTMENT OF CORRECTIONS
15 OR COUNTY CORRECTIONAL FACILITY SHALL NOT RELEASE THE
16 OFFENDER OR SEXUALLY VIOLENT PREDATOR UNTIL IT RECEIVES
17 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE
18 PENNSYLVANIA STATE POLICE HAVE RECEIVED THE REGISTRATION
19 INFORMATION. VERIFICATION BY THE PENNSYLVANIA STATE
20 POLICE MAY OCCUR BY ELECTRONIC MEANS, INCLUDING E-MAIL OR
21 FACSIMILE TRANSMISSION. WHERE THE OFFENDER OR SEXUALLY
22 VIOLENT PREDATOR IS SCHEDULED TO BE RELEASED FROM A STATE
23 OR COUNTY CORRECTIONAL FACILITY BECAUSE OF THE EXPIRATION
24 OF THE MAXIMUM TERM OF INCARCERATION, THE DEPARTMENT OF
25 CORRECTIONS OR COUNTY CORRECTIONAL FACILITY SHALL COLLECT
26 THE INFORMATION FROM THE OFFENDER OR SEXUALLY VIOLENT
27 PREDATOR NO LATER THAN 10 DAYS PRIOR TO THE MAXIMUM
28 EXPIRATION DATE. THE REGISTRATION INFORMATION SHALL BE
29 FORWARDED TO THE PENNSYLVANIA STATE POLICE.

30 (II) WHERE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR

1 SCHEDULED TO BE RELEASED FROM A STATE OR COUNTY
2 CORRECTIONAL FACILITY DUE TO THE MAXIMUM EXPIRATION DATE
3 REFUSES TO PROVIDE THE REGISTRATION INFORMATION, THE
4 DEPARTMENT OF CORRECTIONS OR COUNTY CORRECTIONAL FACILITY
5 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OR POLICE
6 DEPARTMENT WITH JURISDICTION OVER THE FACILITY OF THE
7 FAILURE TO PROVIDE REGISTRATION INFORMATION AND OF THE
8 EXPECTED DATE, TIME AND LOCATION OF THE RELEASE OF THE
9 OFFENDER OR SEXUALLY VIOLENT PREDATOR.

10 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR
11 ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS
12 COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

13 (1) (RESERVED).

14 (2) (RESERVED).

15 (3) (RESERVED).

16 (4) AN INDIVIDUAL WHO HAS A RESIDENCE, IS EMPLOYED OR IS
17 A STUDENT IN THIS COMMONWEALTH AND WHO HAS BEEN CONVICTED OF
18 OR SENTENCED BY A COURT OR COURT MARTIALED FOR A SEXUALLY
19 VIOLENT OFFENSE OR A SIMILAR 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, OR WHO WAS REQUIRED TO
23 REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE JURISDICTION
24 WHERE CONVICTED, SENTENCED OR COURT MARTIALED, SHALL REGISTER
25 AT AN APPROVED REGISTRATION SITE WITHIN THREE BUSINESS DAYS
26 OF THE INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE
27 PROVISIONS OF THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL
28 AS FOLLOWS:

29 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A
30 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9799.53

1 OR DETERMINED UNDER THE LAWS OF THE OTHER JURISDICTION OR
2 BY REASON OF COURT MARTIAL TO BE SUBJECT TO ACTIVE
3 NOTIFICATION AND LIFETIME REGISTRATION ON THE BASIS OF A
4 STATUTORILY AUTHORIZED ADMINISTRATIVE OR JUDICIAL
5 DECISION OR ON THE BASIS OF A STATUTE OR ADMINISTRATIVE
6 RULE REQUIRING ACTIVE NOTIFICATION AND LIFETIME
7 REGISTRATION BASED SOLELY ON THE OFFENSE FOR WHICH THE
8 INDIVIDUAL WAS CONVICTED, SENTENCED OR COURT MARTIALED,
9 THE INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9799.53, BE
10 CONSIDERED A SEXUALLY VIOLENT PREDATOR AND SUBJECT TO
11 LIFETIME REGISTRATION UNDER SECTION 9799.55 (B). THE
12 INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF
13 THIS SECTION AND SECTIONS 9799.60 (RELATING TO
14 VERIFICATION OF RESIDENCE), 9799.62 (RELATING TO OTHER
15 NOTIFICATION) AND 9799.63 (C) (1) (RELATING TO INFORMATION
16 MADE AVAILABLE ON INTERNET AND ELECTRONIC NOTIFICATION),
17 EXCEPT THAT THE INDIVIDUAL SHALL NOT BE REQUIRED TO
18 RECEIVE COUNSELING UNLESS REQUIRED TO DO SO BY THE OTHER
19 JURISDICTION OR BY REASON OF COURT MARTIAL.

20 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I) AND
21 (IV), IF THE INDIVIDUAL HAS BEEN CONVICTED OR SENTENCED
22 BY A COURT OR COURT MARTIALED FOR AN OFFENSE LISTED IN
23 SECTION 9799.55 (B) OR AN EQUIVALENT OFFENSE, THE
24 INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9799.53, BE
25 CONSIDERED AN OFFENDER AND BE SUBJECT TO LIFETIME
26 REGISTRATION UNDER SECTION 9799.55 (B). THE INDIVIDUAL
27 SHALL ALSO BE SUBJECT TO THE PROVISIONS OF THIS SECTION
28 AND SECTIONS 9799.60 AND 9799.63 (C) (2).

29 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I), (II),
30 (IV) AND (V), IF THE INDIVIDUAL HAS BEEN CONVICTED OR

1 SENTENCED BY A COURT OR COURT MARTIALED FOR AN OFFENSE
2 LISTED IN SECTION 9799.55(A) OR AN EQUIVALENT OFFENSE,
3 THE INDIVIDUAL SHALL BE, NOTWITHSTANDING SECTION 9799.53,
4 CONSIDERED AN OFFENDER AND SUBJECT TO REGISTRATION UNDER
5 THIS SUBCHAPTER. THE INDIVIDUAL SHALL ALSO BE SUBJECT TO
6 THE PROVISIONS OF THIS SECTION AND SECTIONS 9799.60 AND
7 9799.63(C) (2). THE INDIVIDUAL SHALL BE SUBJECT TO THIS
8 SUBCHAPTER FOR A PERIOD OF 10 YEARS OR FOR A PERIOD OF
9 TIME EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS
10 REQUIRED TO REGISTER IN THE OTHER JURISDICTION OR
11 REQUIRED TO REGISTER BY REASON OF COURT MARTIAL,
12 WHICHEVER IS GREATER, LESS ANY CREDIT DUE TO THE
13 INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH
14 REGISTRATION REQUIREMENTS.

15 (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I) AND
16 NOTWITHSTANDING SUBPARAGRAPH (V), IF THE INDIVIDUAL IS
17 SUBJECT TO ACTIVE NOTIFICATION IN THE OTHER JURISDICTION
18 OR SUBJECT TO ACTIVE NOTIFICATION BY REASON OF COURT
19 MARTIAL, THE INDIVIDUAL SHALL, NOTWITHSTANDING SECTION
20 9799.53, BE CONSIDERED AN OFFENDER AND SUBJECT TO THIS
21 SECTION AND SECTIONS 9799.60, 9799.62 AND 9799.63(C) (1).
22 IF THE INDIVIDUAL WAS CONVICTED OF OR SENTENCED IN THE
23 OTHER JURISDICTION OR SENTENCED BY COURT MARTIAL FOR AN
24 OFFENSE LISTED IN SECTION 9799.55(B) OR AN EQUIVALENT
25 OFFENSE, THE INDIVIDUAL SHALL BE SUBJECT TO THIS
26 SUBCHAPTER FOR THE INDIVIDUAL'S LIFETIME. IF THE
27 INDIVIDUAL WAS CONVICTED OF OR SENTENCED IN THE OTHER
28 JURISDICTION OR SENTENCED BY COURT MARTIAL FOR AN OFFENSE
29 LISTED IN SECTION 9799.55(A) OR AN EQUIVALENT OFFENSE,
30 THE INDIVIDUAL SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A

1 PERIOD OF 10 YEARS OR FOR A PERIOD OF TIME EQUAL TO THE
2 TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO REGISTER IN
3 THE OTHER JURISDICTION OR REQUIRED TO REGISTER BY REASON
4 OF COURT MARTIAL, WHICHEVER IS GREATER, LESS ANY CREDIT
5 DUE TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE
6 WITH REGISTRATION REQUIREMENTS. OTHERWISE, THE INDIVIDUAL
7 SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME
8 EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED
9 TO REGISTER IN THE OTHER JURISDICTION OR REQUIRED TO
10 REGISTER BY REASON OF COURT MARTIAL, LESS ANY CREDIT DUE
11 TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH
12 REGISTRATION REQUIREMENTS.

13 (V) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I), (II),
14 (III) AND (IV), IF THE INDIVIDUAL IS SUBJECT TO PASSIVE
15 NOTIFICATION IN THE OTHER JURISDICTION OR SUBJECT TO
16 PASSIVE NOTIFICATION BY REASON OF COURT MARTIAL, THE
17 INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9799.53, BE
18 CONSIDERED AN OFFENDER AND SUBJECT TO THIS SECTION AND
19 SECTIONS 9799.60 AND 9799.63 (C) (2). THE INDIVIDUAL SHALL
20 BE SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME EQUAL
21 TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO
22 REGISTER IN THE OTHER JURISDICTION OR REQUIRED TO
23 REGISTER BY REASON OF COURT MARTIAL, LESS ANY CREDIT DUE
24 TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH
25 REGISTRATION REQUIREMENTS.

26 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63
27 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN
28 PARAGRAPH (4), AN INDIVIDUAL WHO HAS A RESIDENCE, IS EMPLOYED
29 OR IS A STUDENT IN THIS COMMONWEALTH AND WHO IS REQUIRED TO
30 REGISTER AS A SEX OFFENDER UNDER THE LAWS OF THE UNITED

1 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER
2 STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO
3 RICO OR A FOREIGN NATION AS A RESULT OF A JUVENILE
4 ADJUDICATION SHALL REGISTER AT AN APPROVED REGISTRATION SITE
5 WITHIN THREE BUSINESS DAYS OF THE INDIVIDUAL'S ARRIVAL IN
6 THIS COMMONWEALTH. THE PROVISIONS OF THIS SUBCHAPTER SHALL
7 APPLY TO THE INDIVIDUAL AS FOLLOWS:

8 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A
9 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9799.53
10 OR DETERMINED UNDER THE LAWS OF THE OTHER JURISDICTION TO
11 BE SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME
12 REGISTRATION ON THE BASIS OF A STATUTORILY AUTHORIZED
13 ADMINISTRATIVE OR JUDICIAL DECISION OR ON THE BASIS OF A
14 STATUTE OR ADMINISTRATIVE RULE REQUIRING ACTIVE
15 NOTIFICATION AND LIFETIME REGISTRATION BASED SOLELY ON
16 THE OFFENSE FOR WHICH THE INDIVIDUAL WAS ADJUDICATED, THE
17 INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9799.53, BE
18 CONSIDERED A SEXUALLY VIOLENT PREDATOR AND SUBJECT TO
19 LIFETIME REGISTRATION UNDER SECTION 9799.55 (B). THE
20 INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF
21 THIS SECTION AND SECTIONS 9799.60 AND 9799.63 (C) (1),
22 EXCEPT THAT THE INDIVIDUAL SHALL NOT BE REQUIRED TO
23 RECEIVE COUNSELING UNLESS REQUIRED TO DO SO BY THE OTHER
24 JURISDICTION.

25 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I), IF THE
26 INDIVIDUAL IS SUBJECT TO ACTIVE NOTIFICATION IN THE OTHER
27 JURISDICTION, THE INDIVIDUAL SHALL, NOTWITHSTANDING
28 SECTION 9799.53, BE CONSIDERED AN OFFENDER AND SUBJECT TO
29 REGISTRATION UNDER THIS SUBCHAPTER. THE INDIVIDUAL SHALL
30 ALSO BE SUBJECT TO THE PROVISIONS OF THIS SECTION AND

1 SECTIONS 9799.60, 9799.62 AND 9799.63(C) (1). THE
2 INDIVIDUAL SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A
3 PERIOD OF TIME EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL
4 WAS REQUIRED TO REGISTER IN THE OTHER JURISDICTION, LESS
5 ANY CREDIT DUE TO THE INDIVIDUAL AS A RESULT OF PRIOR
6 COMPLIANCE WITH REGISTRATION REQUIREMENTS.

7 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I) AND
8 (II), IF THE INDIVIDUAL IS SUBJECT TO PASSIVE
9 NOTIFICATION IN THE OTHER JURISDICTION, THE INDIVIDUAL
10 SHALL, NOTWITHSTANDING SECTION 9799.53, BE CONSIDERED AN
11 OFFENDER AND BE SUBJECT TO THIS SECTION AND SECTIONS
12 9799.60 AND 9799.63(C) (2). THE INDIVIDUAL SHALL BE
13 SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME EQUAL TO
14 THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO
15 REGISTER IN THE OTHER JURISDICTION, LESS ANY CREDIT DUE
16 TO THE INDIVIDUAL AS A RESULT OF PRIOR REGISTRATION
17 COMPLIANCE.

18 (C) REGISTRATION INFORMATION TO LOCAL POLICE.--

19 (1) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THE
20 INFORMATION OBTAINED UNDER THIS SECTION AND SECTIONS 9799.57
21 (RELATING TO SENTENCING COURT INFORMATION) AND 9799.60 TO THE
22 CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS OF
23 THE MUNICIPALITIES IN WHICH THE INDIVIDUAL WILL ESTABLISH A
24 RESIDENCE OR BE EMPLOYED OR ENROLLED AS A STUDENT. IN
25 ADDITION, THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THIS
26 OFFICER WITH THE ADDRESS AT WHICH THE INDIVIDUAL WILL
27 ESTABLISH A RESIDENCE OR BE EMPLOYED OR ENROLLED AS A STUDENT
28 FOLLOWING THE INDIVIDUAL'S RELEASE FROM INCARCERATION, PAROLE
29 OR PROBATION.

30 (2) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE

1 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
2 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED UNDER PARAGRAPH
3 (1) WHEN AN INDIVIDUAL FAILS TO COMPLY WITH THE REGISTRATION
4 REQUIREMENTS OF THIS SECTION OR SECTION 9799.60 AND REQUEST,
5 AS APPROPRIATE, THAT THESE POLICE DEPARTMENTS ASSIST IN
6 LOCATING AND APPREHENDING THE INDIVIDUAL.

7 (3) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE
8 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE
9 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED UNDER PARAGRAPH
10 (1) WHEN THEY ARE IN RECEIPT OF INFORMATION INDICATING THAT
11 THE INDIVIDUAL WILL NO LONGER HAVE A RESIDENCE OR BE EMPLOYED
12 OR BE ENROLLED AS A STUDENT IN THE MUNICIPALITY.

13 (D) PENALTY.--AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER
14 THIS SUBCHAPTER WHO FAILS TO REGISTER WITH THE PENNSYLVANIA
15 STATE POLICE AS REQUIRED BY THIS SECTION MAY BE SUBJECT TO
16 PROSECUTION UNDER 18 PA.C.S. § 4915.2 (RELATING TO FAILURE TO
17 COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I REGISTRATION
18 REQUIREMENTS).

19 (E) REGISTRATION SITES.--AN INDIVIDUAL SUBJECT TO SECTION
20 9799.55 SHALL REGISTER AND SUBMIT TO FINGERPRINTING AND
21 PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER AT APPROVED
22 REGISTRATION SITES.

23 § 9799.57. SENTENCING COURT INFORMATION.

24 THE SENTENCING COURT SHALL INFORM OFFENDERS AND SEXUALLY
25 VIOLENT PREDATORS CONVICTED ON OR AFTER THE EFFECTIVE DATE OF
26 THIS SECTION AT THE TIME OF SENTENCING OF THE PROVISIONS OF THIS
27 SUBCHAPTER. THE COURT SHALL:

28 (1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
29 PREDATOR OF THE DUTY TO REGISTER AND PROVIDE THE INFORMATION
30 REQUIRED FOR EACH REGISTRATION, INCLUDING VERIFICATION AS

1 REQUIRED IN SECTION 9799.60 (A) (RELATING TO VERIFICATION OF
2 RESIDENCE).

3 (2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
4 PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE POLICE
5 WITHIN THREE BUSINESS DAYS IF THE OFFENDER OR SEXUALLY
6 VIOLENT PREDATOR CHANGES RESIDENCE OR ESTABLISHES AN
7 ADDITIONAL RESIDENCE OR RESIDENCES, CHANGES EMPLOYER OR
8 EMPLOYMENT LOCATION FOR A PERIOD OF TIME THAT WILL EXCEED 14
9 DAYS OR FOR AN AGGREGATE PERIOD OF TIME THAT WILL EXCEED 30
10 DAYS DURING A CALENDAR YEAR OR TERMINATES EMPLOYMENT OR
11 CHANGES INSTITUTION OR LOCATION AT WHICH THE PERSON IS
12 ENROLLED AS A STUDENT OR TERMINATES ENROLLMENT. IN ORDER TO
13 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE SENTENCING
14 COURT SHALL SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
15 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE
16 POLICE OF:

17 (I) THE LOCATION OF A TEMPORARY HABITAT OR OTHER
18 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A
19 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS LODGED;

20 (II) THE PLACES THE INDIVIDUAL EATS, FREQUENTS AND
21 ENGAGES IN LEISURE ACTIVITIES AND ANY PLANNED
22 DESTINATIONS, INCLUDING THOSE OUTSIDE THIS COMMONWEALTH;
23 AND

24 (III) THE PLACE THE INDIVIDUAL RECEIVES MAIL,
25 INCLUDING A POST OFFICE BOX,
26 IF THE INDIVIDUAL FAILS TO ESTABLISH A RESIDENCE AS DEFINED
27 IN PARAGRAPH (1) OF THE DEFINITION OF "RESIDENCE" IN SECTION
28 9799.53 (RELATING TO DEFINITIONS).

29 (2.1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY
30 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE

1 POLICE WITHIN THREE BUSINESS DAYS OF BECOMING EMPLOYED OR
2 ENROLLED AS A STUDENT IF THE PERSON HAS NOT PREVIOUSLY
3 PROVIDED THAT INFORMATION TO THE PENNSYLVANIA STATE POLICE.

4 (3) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
5 PREDATOR OF THE DUTY TO REGISTER WITH A NEW LAW ENFORCEMENT
6 AGENCY IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR MOVES TO
7 ANOTHER STATE NO LATER THAN THREE BUSINESS DAYS AFTER
8 ESTABLISHING RESIDENCE IN ANOTHER STATE.

9 (4) ORDER THE FINGERPRINTS AND PHOTOGRAPH OF THE
10 OFFENDER OR SEXUALLY VIOLENT PREDATOR TO BE PROVIDED TO THE
11 PENNSYLVANIA STATE POLICE UPON SENTENCING.

12 (5) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT
13 PREDATOR OF THE DUTY TO REGISTER WITH THE APPROPRIATE
14 AUTHORITIES IN A STATE IN WHICH THE OFFENDER OR SEXUALLY
15 VIOLENT PREDATOR IS EMPLOYED, CARRIES ON A VOCATION OR IS A
16 STUDENT IF THE STATE REQUIRES THE REGISTRATION.

17 (6) REQUIRE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR TO
18 READ AND SIGN A FORM STATING THAT THE DUTY TO REGISTER UNDER
19 THIS SUBCHAPTER HAS BEEN EXPLAINED. WHERE THE OFFENDER OR
20 SEXUALLY VIOLENT PREDATOR IS INCAPABLE OF READING, THE COURT
21 SHALL CERTIFY THE DUTY TO REGISTER WAS EXPLAINED TO THE
22 OFFENDER OR SEXUALLY VIOLENT PREDATOR AND THE OFFENDER OR
23 SEXUALLY VIOLENT PREDATOR INDICATED AN UNDERSTANDING OF THE
24 DUTY.

25 § 9799.58. ASSESSMENTS.

26 (A) ORDER FOR ASSESSMENT.--AFTER CONVICTION BUT BEFORE
27 SENTENCING, A COURT SHALL ORDER AN INDIVIDUAL CONVICTED OF AN
28 OFFENSE SPECIFIED IN SECTION 9799.55 (RELATING TO REGISTRATION)
29 TO BE ASSESSED BY THE BOARD. THE ORDER FOR AN ASSESSMENT SHALL
30 BE SENT TO THE ADMINISTRATIVE OFFICER OF THE BOARD WITHIN 10

1 DAYS OF THE DATE OF CONVICTION.

2 (B) ASSESSMENT.--UPON RECEIPT FROM THE COURT OF AN ORDER FOR
3 AN ASSESSMENT, A MEMBER OF THE BOARD AS DESIGNATED BY THE
4 ADMINISTRATIVE OFFICER OF THE BOARD SHALL CONDUCT AN ASSESSMENT
5 OF THE INDIVIDUAL TO DETERMINE IF THE INDIVIDUAL SHOULD BE
6 CLASSIFIED AS A SEXUALLY VIOLENT PREDATOR. THE BOARD SHALL
7 ESTABLISH STANDARDS FOR EVALUATIONS AND FOR EVALUATORS
8 CONDUCTING THE ASSESSMENTS. AN ASSESSMENT SHALL INCLUDE, BUT NOT
9 BE LIMITED TO, AN EXAMINATION OF THE FOLLOWING:

10 (1) FACTS OF THE CURRENT OFFENSE, INCLUDING:

11 (I) WHETHER THE OFFENSE INVOLVED MULTIPLE VICTIMS.

12 (II) WHETHER THE INDIVIDUAL EXCEEDED THE MEANS
13 NECESSARY TO ACHIEVE THE OFFENSE.

14 (III) THE NATURE OF THE SEXUAL CONTACT WITH THE
15 VICTIM.

16 (IV) RELATIONSHIP OF THE INDIVIDUAL TO THE VICTIM.

17 (V) AGE OF THE VICTIM.

18 (VI) WHETHER THE OFFENSE INCLUDED A DISPLAY OF
19 UNUSUAL CRUELTY BY THE INDIVIDUAL DURING THE COMMISSION
20 OF THE CRIME.

21 (VII) THE MENTAL CAPACITY OF THE VICTIM.

22 (2) PRIOR OFFENSE HISTORY, INCLUDING:

23 (I) THE INDIVIDUAL'S PRIOR CRIMINAL RECORD.

24 (II) WHETHER THE INDIVIDUAL COMPLETED ANY PRIOR
25 SENTENCES.

26 (III) WHETHER THE INDIVIDUAL PARTICIPATED IN
27 AVAILABLE PROGRAMS FOR SEXUAL OFFENDERS.

28 (3) CHARACTERISTICS OF THE INDIVIDUAL, INCLUDING:

29 (I) AGE OF THE INDIVIDUAL.

30 (II) USE OF ILLEGAL DRUGS BY THE INDIVIDUAL.

1 (III) A MENTAL ILLNESS, MENTAL DISABILITY OR MENTAL
2 ABNORMALITY.

3 (IV) BEHAVIORAL CHARACTERISTICS THAT CONTRIBUTE TO
4 THE INDIVIDUAL'S CONDUCT.

5 (4) FACTORS THAT ARE SUPPORTED IN A SEXUAL OFFENDER
6 ASSESSMENT FIELD AS CRITERIA REASONABLY RELATED TO THE RISK
7 OF REOFFENSE.

8 (C) RELEASE OF INFORMATION.--ALL STATE, COUNTY AND LOCAL
9 AGENCIES, OFFICES OR ENTITIES IN THIS COMMONWEALTH, INCLUDING
10 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING ACCESS
11 TO RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN
12 CONNECTION WITH THE COURT-ORDERED ASSESSMENT AND THE ASSESSMENT
13 REQUESTED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR
14 THE ASSESSMENT OF A DELINQUENT CHILD UNDER SECTION 6358
15 (RELATING TO ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE
16 SEXUAL OFFENDERS ASSESSMENT BOARD).

17 (D) SUBMISSION OF REPORT BY BOARD.--THE BOARD SHALL HAVE 90
18 DAYS FROM THE DATE OF CONVICTION OF THE INDIVIDUAL TO SUBMIT A
19 WRITTEN REPORT CONTAINING ITS ASSESSMENT TO THE DISTRICT
20 ATTORNEY.

21 (D.1) SUMMARY OF OFFENSE.--THE BOARD SHALL PREPARE A
22 DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH TRIGGER THE
23 APPLICATION OF THIS SUBCHAPTER TO INCLUDE, BUT NOT BE LIMITED
24 TO:

25 (1) A CONCISE NARRATIVE OF THE OFFENDER'S CONDUCT.

26 (2) WHETHER THE VICTIM WAS A MINOR.

27 (3) THE MANNER OF WEAPON OR PHYSICAL FORCE USED OR
28 THREATENED.

29 (4) IF THE OFFENSE INVOLVED UNAUTHORIZED ENTRY INTO A
30 ROOM OR VEHICLE OCCUPIED BY THE VICTIM.

1 (5) IF THE OFFENSE WAS PART OF A COURSE OR PATTERN OF
2 CONDUCT INVOLVING MULTIPLE INCIDENTS OR VICTIMS.

3 (6) PREVIOUS INSTANCES IN WHICH THE OFFENDER WAS
4 DETERMINED GUILTY OF AN OFFENSE SUBJECT TO THIS SUBCHAPTER OR
5 OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 9714(G)
6 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

7 (E) HEARING.--

8 (1) A HEARING TO DETERMINE WHETHER THE INDIVIDUAL IS A
9 SEXUALLY VIOLENT PREDATOR SHALL BE SCHEDULED UPON THE
10 PRAECIPE FILED BY THE DISTRICT ATTORNEY. THE DISTRICT
11 ATTORNEY UPON FILING A PRAECIPE SHALL SERVE A COPY OF THE
12 SAME UPON DEFENSE COUNSEL TOGETHER WITH A COPY OF THE REPORT
13 OF THE BOARD.

14 (2) THE INDIVIDUAL AND DISTRICT ATTORNEY SHALL BE GIVEN
15 NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD, THE
16 RIGHT TO CALL WITNESSES, THE RIGHT TO CALL EXPERT WITNESSES
17 AND THE RIGHT TO CROSS-EXAMINE WITNESSES. IN ADDITION, THE
18 INDIVIDUAL SHALL HAVE THE RIGHT TO COUNSEL AND TO HAVE A
19 LAWYER APPOINTED TO REPRESENT THE INDIVIDUAL IF HE OR SHE
20 CANNOT AFFORD ONE. IF THE INDIVIDUAL REQUESTS ANOTHER EXPERT
21 ASSESSMENT, THE INDIVIDUAL SHALL PROVIDE A COPY OF THE EXPERT
22 ASSESSMENT TO THE DISTRICT ATTORNEY PRIOR TO THE HEARING.

23 (3) AT THE HEARING PRIOR TO SENTENCING, THE COURT SHALL
24 DETERMINE WHETHER THE COMMONWEALTH HAS PROVED BY CLEAR AND
25 CONVINCING EVIDENCE THAT THE INDIVIDUAL IS A SEXUALLY VIOLENT
26 PREDATOR.

27 (4) A COPY OF THE ORDER CONTAINING THE DETERMINATION OF
28 THE COURT SHALL BE IMMEDIATELY SUBMITTED TO THE INDIVIDUAL,
29 THE DISTRICT ATTORNEY, THE PENNSYLVANIA BOARD OF PROBATION
30 AND PAROLE, THE DEPARTMENT OF CORRECTIONS, THE BOARD AND THE

1 PENNSYLVANIA STATE POLICE.

2 (F) PRESENTENCE INVESTIGATION.--IN ALL CASES WHERE THE BOARD
3 HAS PERFORMED AN ASSESSMENT UNDER THIS SECTION, COPIES OF THE
4 REPORT SHALL BE PROVIDED TO THE AGENCY PREPARING THE PRESENTENCE
5 INVESTIGATION.

6 (G) PAROLE ASSESSMENT.--THE PENNSYLVANIA BOARD OF PROBATION
7 AND PAROLE MAY REQUEST OF THE BOARD AN ASSESSMENT OF AN OFFENDER
8 OR SEXUALLY VIOLENT PREDATOR BE CONDUCTED AND PROVIDE A REPORT
9 TO THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE PRIOR TO
10 CONSIDERING AN OFFENDER OR SEXUALLY VIOLENT PREDATOR FOR PAROLE.

11 (H) DELINQUENT CHILDREN.--EXCEPT WHERE SECTION 6358(B.1) IS
12 APPLICABLE, THE PROBATION OFFICER SHALL NOTIFY THE BOARD 90 DAYS
13 PRIOR TO THE 20TH BIRTHDAY OF THE CHILD OF THE STATUS OF THE
14 DELINQUENT CHILD WHO IS COMMITTED TO AN INSTITUTION OR OTHER
15 FACILITY UNDER SECTION 6352 (RELATING TO DISPOSITION OF
16 DELINQUENT CHILD) AFTER HAVING BEEN FOUND DELINQUENT FOR AN ACT
17 OF SEXUAL VIOLENCE WHICH IF COMMITTED BY AN ADULT WOULD BE A
18 VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO RAPE), 3123
19 (RELATING TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE), 3124.1
20 (RELATING TO SEXUAL ASSAULT), 3125 (RELATING TO AGGRAVATED
21 INDECENT ASSAULT), 3126 (RELATING TO INDECENT ASSAULT) OR 4302
22 (RELATING TO INCEST), TOGETHER WITH THE LOCATION OF THE FACILITY
23 WHERE THE CHILD IS COMMITTED. THE BOARD SHALL CONDUCT AN
24 ASSESSMENT OF THE CHILD, WHICH SHALL INCLUDE THE BOARD'S
25 DETERMINATION OF WHETHER OR NOT THE CHILD IS IN NEED OF
26 COMMITMENT DUE TO A MENTAL ABNORMALITY AS DEFINED IN SECTION
27 6402 (RELATING TO DEFINITIONS) OR A PERSONALITY DISORDER, EITHER
28 OF WHICH RESULTS IN SERIOUS DIFFICULTY IN CONTROLLING SEXUALLY
29 VIOLENT BEHAVIOR, AND PROVIDE A REPORT TO THE COURT WITHIN THE
30 TIME FRAMES UNDER SECTION 6358(C). THE PROBATION OFFICER SHALL

1 ASSIST THE BOARD IN OBTAINING ACCESS TO THE CHILD AND RECORDS OR
2 INFORMATION AS REQUESTED BY THE BOARD IN CONNECTION WITH THE
3 ASSESSMENT. THE ASSESSMENT SHALL BE CONDUCTED UNDER SUBSECTION
4 (B).

5 (I) OTHER ASSESSMENTS.--UPON RECEIPT FROM THE COURT OF AN
6 ORDER FOR AN ASSESSMENT UNDER SECTION 9799.59 (RELATING TO
7 EXEMPTION FROM CERTAIN NOTIFICATIONS), A MEMBER OF THE BOARD AS
8 DESIGNATED BY THE ADMINISTRATIVE OFFICER OF THE BOARD SHALL
9 CONDUCT AN ASSESSMENT OF THE INDIVIDUAL TO DETERMINE IF THE
10 RELIEF SOUGHT, IF GRANTED, IS LIKELY TO POSE A THREAT TO THE
11 SAFETY OF ANY OTHER PERSON. THE BOARD SHALL ESTABLISH STANDARDS
12 FOR EVALUATIONS AND FOR EVALUATORS CONDUCTING THESE ASSESSMENTS.
13 § 9799.59. EXEMPTION FROM CERTAIN NOTIFICATIONS.

14 (A) GENERAL RULE.--AN INDIVIDUAL REQUIRED TO REGISTER UNDER
15 SECTION 9799.55 (A.1) AND (B) (RELATING TO REGISTRATION) MAY BE
16 EXEMPT FROM THE REQUIREMENT TO REGISTER, THE REQUIREMENT TO
17 VERIFY RESIDENCE, EMPLOYMENT AND ENROLLMENT IN AN EDUCATIONAL
18 INSTITUTION, THE REQUIREMENT TO APPEAR ON THE PUBLICLY
19 ACCESSIBLE INTERNET WEBSITE MAINTAINED BY THE PENNSYLVANIA STATE
20 POLICE AND ALL OTHER REQUIREMENTS OF THIS SUBCHAPTER IF:

21 (1) AT LEAST 25 YEARS HAVE ELAPSED PRIOR TO FILING A
22 PETITION WITH THE SENTENCING COURT TO BE EXEMPT FROM THE
23 REQUIREMENTS OF THIS SUBCHAPTER, DURING WHICH TIME THE
24 PETITIONER HAS NOT BEEN CONVICTED IN THIS COMMONWEALTH OR ANY
25 OTHER JURISDICTION OR FOREIGN COUNTRY OF AN OFFENSE
26 PUNISHABLE BY IMPRISONMENT OF MORE THAN ONE YEAR, OR THE
27 PETITIONER'S RELEASE FROM CUSTODY FOLLOWING THE PETITIONER'S
28 MOST RECENT CONVICTION FOR AN OFFENSE, WHICHEVER IS LATER.

29 (2) UPON RECEIPT OF A PETITION FILED UNDER PARAGRAPH
30 (1), THE SENTENCING COURT SHALL ENTER AN ORDER DIRECTING THAT

1 THE PETITIONER BE ASSESSED BY THE BOARD. UPON RECEIPT FROM
2 THE COURT OF AN ORDER FOR AN ASSESSMENT UNDER THIS SECTION, A
3 MEMBER OF THE BOARD DESIGNATED BY THE ADMINISTRATIVE OFFICER
4 OF THE BOARD SHALL CONDUCT AN ASSESSMENT OF THE PETITIONER TO
5 DETERMINE IF THE RELIEF SOUGHT, IF GRANTED, IS LIKELY TO POSE
6 A THREAT TO THE SAFETY OF ANY OTHER PERSONS. THE BOARD SHALL
7 ESTABLISH STANDARDS FOR EVALUATIONS AND FOR EVALUATORS
8 CONDUCTING ASSESSMENTS.

9 (3) THE ORDER FOR AN ASSESSMENT UNDER THIS SECTION SHALL
10 BE SENT TO THE ADMINISTRATIVE OFFICER OF THE BOARD WITHIN 10
11 DAYS OF THE ENTRY. NO LATER THAN 90 DAYS FOLLOWING RECEIPT OF
12 THE ORDER, THE BOARD SHALL SUBMIT A WRITTEN REPORT CONTAINING
13 THE BOARD'S ASSESSMENT TO THE SENTENCING COURT, THE DISTRICT
14 ATTORNEY AND THE ATTORNEY FOR THE SEXUAL OFFENDER.

15 (4) WITHIN 120 DAYS OF FILING THE PETITION UNDER
16 PARAGRAPH (1), THE SENTENCING COURT SHALL HOLD A HEARING TO
17 DETERMINE WHETHER TO EXEMPT THE PETITIONER FROM THE
18 APPLICATION OF ANY OR ALL OF THE REQUIREMENTS OF THIS
19 SUBCHAPTER. THE PETITIONER AND THE DISTRICT ATTORNEY SHALL BE
20 GIVEN NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD,
21 THE RIGHT TO CALL WITNESSES AND THE RIGHT TO CROSS-EXAMINE
22 WITNESSES. THE PETITIONER SHALL HAVE THE RIGHT TO COUNSEL AND
23 TO HAVE A LAWYER APPOINTED TO REPRESENT THE PETITIONER IF THE
24 PETITIONER CANNOT AFFORD ONE.

25 (5) THE SENTENCING COURT SHALL EXEMPT THE PETITIONER
26 FROM APPLICATION OF ANY OR ALL OF THE REQUIREMENTS OF THIS
27 SUBCHAPTER, AT THE DISCRETION OF THE COURT, ONLY UPON A
28 FINDING OF CLEAR AND CONVINCING EVIDENCE THAT EXEMPTING THE
29 PETITIONER FROM A PARTICULAR REQUIREMENT OR ALL OF THE
30 REQUIREMENTS OF THIS SUBCHAPTER IS NOT LIKELY TO POSE A

1 THREAT TO THE SAFETY OF ANY OTHER PERSON.

2 (6) A COURT GRANTING RELIEF UNDER THIS SECTION SHALL
3 NOTIFY THE PENNSYLVANIA STATE POLICE IN WRITING WITHIN 10
4 DAYS FROM THE DATE RELIEF IS GRANTED.

5 (7) THE PETITIONER AND THE COMMONWEALTH SHALL HAVE THE
6 RIGHT TO APPELLATE REVIEW OF THE ACTIONS OF THE SENTENCING
7 COURT UNDER THIS SECTION. AN APPEAL BY THE COMMONWEALTH SHALL
8 STAY THE ORDER OF THE SENTENCING COURT. A COURT GRANTING
9 RELIEF UNDER THIS SECTION SHALL NOTIFY THE PENNSYLVANIA STATE
10 POLICE IN WRITING WITHIN 10 DAYS FROM THE DATE THE RELIEF IS
11 GRANTED. IF A MEMORANDUM OF UNDERSTANDING HAS BEEN ENTERED
12 INTO UNDER SECTION 9799.61 (RELATING TO VICTIM NOTIFICATION)
13 WITH RESPECT TO RELIEF GRANTED TO THE PETITIONER, THE
14 PENNSYLVANIA STATE POLICE SHALL TRANSMIT THE INFORMATION
15 ABOUT THE RELIEF TO THE OFFICE OF VICTIM ADVOCATE AS SOON AS
16 IS PRACTICABLE. THE OFFICE OF VICTIM ADVOCATE SHALL NOTIFY
17 THE VICTIM OF THE RELIEF, IN ACCORDANCE WITH THE MEMORANDUM
18 OF UNDERSTANDING, AS SPECIFIED IN SECTION 9799.61.

19 (8) THE PETITIONER MAY FILE AN ADDITIONAL PETITION WITH
20 THE SENTENCING COURT NO SOONER THAN FIVE YEARS FROM THE DATE
21 OF THE FINAL DETERMINATION OF A COURT REGARDING THE PETITION
22 AND EVERY FIVE YEARS THEREAFTER.

23 (9) IF A PETITIONER IS EXEMPT FROM ANY PROVISIONS OF
24 THIS SUBCHAPTER AND THE PETITIONER IS SUBSEQUENTLY CONVICTED
25 UNDER 18 PA.C.S. § 4915.2 (RELATING TO FAILURE TO COMPLY WITH
26 42 PA.C.S. CH. 97 SUBCH. I REGISTRATION REQUIREMENTS), RELIEF
27 GRANTED UNDER THIS SECTION SHALL BE VOID, AND THE PETITIONER
28 SHALL AUTOMATICALLY AND IMMEDIATELY AGAIN BE SUBJECT TO THE
29 PROVISIONS OF THIS SUBCHAPTER, AS PREVIOUSLY DETERMINED BY
30 THIS SUBCHAPTER.

1 (B) AGENCY COOPERATION.--ALL STATE, COUNTY AND LOCAL
2 AGENCIES, OFFICES AND ENTITIES IN THIS COMMONWEALTH, INCLUDING
3 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING ACCESS
4 TO RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN
5 CONNECTION WITH THE COURT-ORDERED ASSESSMENT UNDER SUBSECTION
6 (A).

7 § 9799.60. VERIFICATION OF RESIDENCE.

8 (A) QUARTERLY VERIFICATION BY SEXUALLY VIOLENT PREDATORS.--
9 THE PENNSYLVANIA STATE POLICE SHALL VERIFY THE RESIDENCE AND
10 COMPLIANCE WITH COUNSELING AS PROVIDED FOR IN SECTION 9799.70
11 (RELATING TO COUNSELING OF SEXUALLY VIOLENT PREDATORS) OF
12 SEXUALLY VIOLENT PREDATORS EVERY 90 DAYS THROUGH THE USE OF A
13 NONFORWARDABLE VERIFICATION FORM TO THE LAST REPORTED RESIDENCE.
14 FOR THE PERIOD OF REGISTRATION REQUIRED BY SECTION 9799.55
15 (RELATING TO REGISTRATION), A SEXUALLY VIOLENT PREDATOR SHALL
16 APPEAR QUARTERLY WITHIN 10 DAYS OF THE DATES DESIGNATED BY THE
17 PENNSYLVANIA STATE POLICE EACH CALENDAR YEAR AT AN APPROVED
18 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE
19 PHOTOGRAPHED.

20 (A.1) FACILITATION OF QUARTERLY VERIFICATION.--THE
21 PENNSYLVANIA STATE POLICE SHALL FACILITATE AND ADMINISTER THE
22 VERIFICATION PROCESS REQUIRED BY SUBSECTION (A) BY:

23 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
24 TO ALL REGISTERED SEXUALLY VIOLENT PREDATORS AT THEIR LAST
25 REPORTED RESIDENCE ADDRESSES. THIS NOTICE SHALL BE SENT NOT
26 MORE THAN 30 DAYS NOR LESS THAN 15 DAYS PRIOR TO EACH OF THE
27 QUARTERLY VERIFICATION PERIODS SPECIFIED IN SUBSECTION (A)
28 AND SHALL REMIND SEXUALLY VIOLENT PREDATORS OF THEIR
29 QUARTERLY VERIFICATION REQUIREMENT AND PROVIDE THEM WITH A
30 LIST OF APPROVED REGISTRATION SITES; AND

1 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS
2 NECESSARY TO EACH APPROVED REGISTRATION SITE NOT LESS THAN 10
3 DAYS BEFORE EACH OF THE QUARTERLY VERIFICATION PERIODS.

4 (B) ANNUAL VERIFICATION BY OFFENDERS.--THE PENNSYLVANIA
5 STATE POLICE SHALL VERIFY THE RESIDENCE OF OFFENDERS. FOR THE
6 PERIOD OF REGISTRATION REQUIRED BY SECTION 9799.55, AN OFFENDER
7 SHALL APPEAR WITHIN 10 DAYS BEFORE EACH ANNUAL ANNIVERSARY DATE
8 OF THE OFFENDER'S INITIAL REGISTRATION UNDER SECTION 9799.55 AT
9 AN APPROVED REGISTRATION SITE TO COMPLETE A VERIFICATION FORM
10 AND TO BE PHOTOGRAPHED.

11 (B.1) FACILITATION OF ANNUAL VERIFICATION.--THE PENNSYLVANIA
12 STATE POLICE SHALL FACILITATE AND ADMINISTER THE VERIFICATION
13 PROCESS REQUIRED BY SUBSECTION (B) BY:

14 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
15 TO ALL REGISTERED OFFENDERS AT THEIR LAST REPORTED RESIDENCE
16 ADDRESSES. THIS NOTICE SHALL BE SENT NOT MORE THAN 30 DAYS
17 NOR LESS THAN 15 DAYS PRIOR TO EACH OFFENDER'S ANNUAL
18 ANNIVERSARY DATE AND SHALL REMIND THE OFFENDER OF THE ANNUAL
19 VERIFICATION REQUIREMENT AND PROVIDE THE OFFENDER WITH A LIST
20 OF APPROVED REGISTRATION SITES; AND

21 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS
22 NECESSARY TO EACH APPROVED REGISTRATION SITE.

23 (B.2) MONTHLY VERIFICATION BY INDIVIDUALS WITH TEMPORARY
24 HABITATS LOCATED WITHIN THIS COMMONWEALTH.--THE PENNSYLVANIA
25 STATE POLICE SHALL VERIFY THE RESIDENCE OF INDIVIDUALS REQUIRED
26 TO REGISTER UNDER THIS SUBCHAPTER WHO HAVE A RESIDENCE AS
27 DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" IN
28 SECTION 9799.53 (RELATING TO DEFINITIONS) EVERY 30 DAYS THROUGH
29 THE USE OF A NONFORWARDABLE VERIFICATION FORM TO THE LAST
30 REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL. THE

1 INDIVIDUAL SHALL APPEAR EVERY 30 DAYS AT AN APPROVED
2 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE
3 PHOTOGRAPHED. THE INDIVIDUAL SHALL APPEAR WITHIN THREE BUSINESS
4 DAYS OF THE DATE DESIGNATED BY THE PENNSYLVANIA STATE POLICE.

5 (B.3) FACILITATION OF MONTHLY VERIFICATION.--THE
6 PENNSYLVANIA STATE POLICE SHALL FACILITATE AND ADMINISTER THE
7 VERIFICATION PROCESS REQUIRED BY SUBSECTION (B.2) BY:

8 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL
9 TO AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS SUBCHAPTER
10 WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
11 DEFINITION OF "RESIDENCE" IN SECTION 9799.53 AT THE LAST
12 REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL. THIS
13 NOTICE SHALL BE SENT NOT MORE THAN 10 DAYS NOR LESS THAN FIVE
14 DAYS PRIOR TO EACH OF THE MONTHLY VERIFICATION PERIODS AND
15 SHALL REMIND THE INDIVIDUAL OF THE MONTHLY VERIFICATION
16 REQUIREMENT AND PROVIDE A LIST OF APPROVED REGISTRATION
17 SITES; AND

18 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS
19 NECESSARY TO EACH APPROVED REGISTRATION SITE.

20 (C) NOTIFICATION OF LAW ENFORCEMENT AGENCIES OF CHANGE OF
21 RESIDENCE.--A CHANGE OF RESIDENCE OF AN OFFENDER OR SEXUALLY
22 VIOLENT PREDATOR REQUIRED TO REGISTER UNDER THIS SUBCHAPTER
23 REPORTED TO THE PENNSYLVANIA STATE POLICE SHALL BE IMMEDIATELY
24 REPORTED BY THE PENNSYLVANIA STATE POLICE TO THE APPROPRIATE LAW
25 ENFORCEMENT AGENCY HAVING JURISDICTION OF THE OFFENDER'S OR THE
26 SEXUALLY VIOLENT PREDATOR'S NEW PLACE OF RESIDENCE. THE
27 PENNSYLVANIA STATE POLICE SHALL, IF THE OFFENDER OR SEXUALLY
28 VIOLENT PREDATOR CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE
29 LAW ENFORCEMENT AGENCY WITH WHICH THE OFFENDER OR SEXUALLY
30 VIOLENT PREDATOR MUST REGISTER IN THE NEW STATE.

1 (D) FAILURE TO PROVIDE VERIFICATION.--WHERE AN OFFENDER OR
2 SEXUALLY VIOLENT PREDATOR FAILS TO PROVIDE VERIFICATION OF
3 RESIDENCE DEFINED IN PARAGRAPH (1) OF THE DEFINITION OF
4 "RESIDENCE" IN SECTION 9799.53 WITHIN THE 10-DAY PERIOD OR THREE
5 BUSINESS DAYS IN THE CASE OF AN OFFENDER OR SEXUALLY VIOLENT
6 PREDATOR WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
7 DEFINITION OF "RESIDENCE" IN SECTION 9799.53, AS SPECIFIED IN
8 THIS SECTION, THE PENNSYLVANIA STATE POLICE SHALL IMMEDIATELY
9 NOTIFY THE MUNICIPAL POLICE DEPARTMENT OF THE OFFENDER'S OR THE
10 SEXUALLY VIOLENT PREDATOR'S LAST VERIFIED RESIDENCE. THE LOCAL
11 MUNICIPAL POLICE SHALL LOCATE THE OFFENDER OR SEXUALLY VIOLENT
12 PREDATOR AND ARREST THE INDIVIDUAL FOR VIOLATING THIS SECTION.
13 THE PENNSYLVANIA STATE POLICE SHALL ASSUME RESPONSIBILITY FOR
14 LOCATING AND ARRESTING THE OFFENDER OR SEXUALLY VIOLENT PREDATOR
15 IN JURISDICTIONS WHERE NO MUNICIPAL POLICE JURISDICTION EXISTS.
16 THE PENNSYLVANIA STATE POLICE SHALL ASSIST A MUNICIPAL POLICE
17 DEPARTMENT REQUESTING ASSISTANCE WITH LOCATING AND ARRESTING AN
18 OFFENDER OR SEXUALLY VIOLENT PREDATOR WHO FAILS TO VERIFY THE
19 OFFENDER'S OR SEXUALLY VIOLENT PREDATOR'S RESIDENCE.

20 (E) PENALTY.--AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER
21 SECTION 9799.55 (A) OR (B) WHO FAILS TO VERIFY THE INDIVIDUAL'S
22 RESIDENCE OR TO BE PHOTOGRAPHED AS REQUIRED BY THIS SECTION MAY
23 BE SUBJECT TO PROSECUTION UNDER 18 PA.C.S. § 4915.2 (RELATING TO
24 FAILURE TO COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I REGISTRATION
25 OF SEXUAL OFFENDERS REQUIREMENTS).

26 (F) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE
27 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY
28 VIOLENT PREDATOR OR OFFENDER TO RECEIVE NOTICE OR INFORMATION
29 UNDER SUBSECTION (A.1), (B.1) OR (B.3) SHALL RELIEVE THAT
30 PREDATOR OR OFFENDER FROM THE REQUIREMENTS OF THIS SUBCHAPTER.

1 § 9799.61. VICTIM NOTIFICATION.

2 (A) DUTY TO INFORM VICTIM.--

3 (1) WHERE THE INDIVIDUAL IS DETERMINED TO BE A SEXUALLY
4 VIOLENT PREDATOR BY A COURT UNDER SECTION 9799.58 (RELATING
5 TO ASSESSMENTS), THE LOCAL MUNICIPAL POLICE DEPARTMENT OR THE
6 PENNSYLVANIA STATE POLICE WHERE NO MUNICIPAL POLICE
7 JURISDICTION EXISTS SHALL GIVE WRITTEN NOTICE TO THE SEXUALLY
8 VIOLENT PREDATOR'S VICTIM WHEN THE SEXUALLY VIOLENT PREDATOR
9 REGISTERS INITIALLY AND WHEN THE SEXUALLY VIOLENT PREDATOR
10 NOTIFIES THE PENNSYLVANIA STATE POLICE OF A CHANGE OF
11 RESIDENCE. IN THE CASE OF A SEXUALLY VIOLENT PREDATOR WHO HAS
12 A RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION OF
13 "RESIDENCE" IN SECTION 9799.53 (RELATING TO DEFINITIONS),
14 NOTICE SHALL BE GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY
15 VIOLENT PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE
16 POLICE OF A CHANGE OF ADDRESS. THE NOTICE SHALL CONTAIN THE
17 SEXUALLY VIOLENT PREDATOR'S NAME AND THE ADDRESS OR ADDRESSES
18 WHERE THE INDIVIDUAL HAS A RESIDENCE. IN THE CASE OF A
19 SEXUALLY VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED IN
20 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" IN SECTION
21 9799.53, THE NOTICE SHALL CONTAIN THE SEXUALLY VIOLENT
22 PREDATOR'S NAME AND THE INFORMATION SPECIFIED IN SECTION
23 9799.56(A)(2)(I)(A) AND (B) (RELATING TO REGISTRATION
24 PROCEDURES AND APPLICABILITY). THE NOTICE SHALL BE GIVEN TO
25 THE VICTIM WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT
26 PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE
27 OF A CHANGE OF RESIDENCE.

28 (2) A VICTIM MAY TERMINATE THE DUTY TO INFORM DESCRIBED
29 IN PARAGRAPH (1) BY PROVIDING THE LOCAL MUNICIPAL POLICE
30 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE WHERE NO LOCAL

1 MUNICIPAL POLICE DEPARTMENT EXISTS WITH A WRITTEN STATEMENT
2 RELEASING THAT AGENCY FROM THE DUTY TO COMPLY WITH THIS
3 SECTION AS IT PERTAINS TO THAT VICTIM.

4 (B) WHERE AN INDIVIDUAL IS NOT DETERMINED TO BE A SEXUALLY
5 VIOLENT PREDATOR.--WHERE AN INDIVIDUAL IS NOT DETERMINED TO BE A
6 SEXUALLY VIOLENT PREDATOR BY A COURT UNDER SECTION 9799.58, THE
7 VICTIM SHALL BE NOTIFIED IN ACCORDANCE WITH SECTION 201 OF THE
8 ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME
9 VICTIMS ACT. THIS SUBSECTION INCLUDES THE CIRCUMSTANCE OF AN
10 OFFENDER HAVING A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE
11 DEFINITION OF "RESIDENCE" IN SECTION 9799.53.

12 (C) ALTERNATE MEANS OF NOTIFYING VICTIMS.--

13 (1) THE PENNSYLVANIA STATE POLICE MAY ENTER INTO A
14 MEMORANDUM OF UNDERSTANDING WITH THE OFFICE OF VICTIM
15 ADVOCATE TO ASSIST THE PENNSYLVANIA STATE POLICE IN NOTIFYING
16 VICTIMS AND PROVIDING THE INFORMATION UNDER SUBSECTION (A).
17 IN ADDITION, THE MEMORANDUM OF UNDERSTANDING MAY ALSO INCLUDE
18 THE OFFICE OF VICTIM ADVOCATE'S NOTIFYING A VICTIM OF RELIEF
19 GRANTED TO A PETITIONER UNDER SECTION 9799.59 (RELATING TO
20 EXEMPTION FROM CERTAIN NOTIFICATIONS). THE MEMORANDUM OF
21 UNDERSTANDING MUST SET FORTH THE MANNER AND METHOD OF
22 NOTIFYING VICTIMS AND THE DUTIES OF THE PENNSYLVANIA STATE
23 POLICE AND THE OFFICE OF VICTIM ADVOCATE UNDER THIS SECTION
24 AND SECTION 9799.59(A). A MEMORANDUM OF UNDERSTANDING ENTERED
25 INTO UNDER THIS SUBSECTION SHALL BE VALID FOR NO MORE THAN 10
26 YEARS. THERE SHALL BE NO LIMIT TO THE NUMBER OF MEMORANDA OF
27 UNDERSTANDING WHICH MAY BE EXECUTED BY THE PENNSYLVANIA STATE
28 POLICE AND THE OFFICE OF VICTIM ADVOCATE UNDER THIS
29 SUBSECTION.

30 (2) AS USED IN THIS SUBSECTION, THE TERM "OFFICE OF

1 VICTIM ADVOCATE" SHALL MEAN THE OFFICE ESTABLISHED UNDER
2 SECTION 301 OF THE CRIME VICTIMS ACT.

3 § 9799.62. OTHER NOTIFICATION.

4 (A) NOTICE BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT
5 OFFICER.--NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S.
6 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE
7 CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME
8 POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT
9 PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE
10 AS REQUIRED UNDER THIS SECTION.

11 (1) THE NOTICE SHALL CONTAIN:

12 (I) THE NAME OF THE CONVICTED SEXUALLY VIOLENT
13 PREDATOR.

14 (II) THE ADDRESS OR ADDRESSES AT WHICH THE SEXUALLY
15 VIOLENT PREDATOR HAS A RESIDENCE. IF, HOWEVER, THE
16 SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE AS DEFINED IN
17 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" IN SECTION
18 9799.53 (RELATING TO DEFINITIONS), THE NOTICE SHALL BE
19 LIMITED TO THAT PROVIDED FOR UNDER SECTION 9799.56(A) (2)

20 (I) (C) (RELATING TO REGISTRATION PROCEDURES AND
21 APPLICABILITY).

22 (III) THE OFFENSE FOR WHICH THE SEXUALLY VIOLENT
23 PREDATOR WAS CONVICTED, SENTENCED BY A COURT, ADJUDICATED
24 DELINQUENT OR COURT MARTIALED.

25 (IV) A STATEMENT THAT THE INDIVIDUAL HAS BEEN
26 DETERMINED BY COURT ORDER TO BE A SEXUALLY VIOLENT
27 PREDATOR, WHICH DETERMINATION HAS OR HAS NOT BEEN
28 TERMINATED AS OF A DATE CERTAIN.

29 (V) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR,
30 IF AVAILABLE.

1 (2) THE NOTICE SHALL NOT INCLUDE INFORMATION THAT MIGHT
2 REVEAL THE VICTIM'S NAME, IDENTITY AND RESIDENCE.

3 (B) TO WHOM WRITTEN NOTICE IS PROVIDED.--THE CHIEF LAW
4 ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE, UNDER
5 SUBSECTION (A), TO THE FOLLOWING PERSONS:

6 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR. AS USED
7 IN THIS PARAGRAPH, WHERE THE SEXUALLY VIOLENT PREDATOR LIVES
8 IN A COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES
9 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON
10 INTEREST COMMUNITY.

11 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH
12 SERVICE AGENCY OF THE COUNTY WHERE THE SEXUALLY VIOLENT
13 PREDATOR HAS A RESIDENCE.

14 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
15 EQUIVALENT OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS
16 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY
17 WHERE THE SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE.

18 (3.1) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE
19 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL
20 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY
21 VIOLENT PREDATOR HAS A RESIDENCE.

22 (4) THE LICENSEE OF EACH CERTIFIED DAY CARE CENTER AND
23 LICENSED PRESCHOOL PROGRAM AND OWNER/OPERATOR OF EACH
24 REGISTERED FAMILY DAY-CARE HOME IN THE MUNICIPALITY WHERE THE
25 SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE.

26 (5) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND
27 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF A SEXUALLY
28 VIOLENT PREDATOR'S RESIDENCE.

29 (C) URGENCY OF NOTIFICATION.--THE MUNICIPAL POLICE
30 DEPARTMENT'S CHIEF LAW ENFORCEMENT OFFICER SHALL PROVIDE NOTICE

1 WITHIN THE FOLLOWING TIME FRAMES:

2 (1) TO NEIGHBORS, NOTICE SHALL BE PROVIDED WITHIN FIVE
3 DAYS AFTER INFORMATION OF THE SEXUALLY VIOLENT PREDATOR'S
4 RELEASE DATE AND RESIDENCE HAS BEEN RECEIVED BY THE CHIEF LAW
5 ENFORCEMENT OFFICER. NOTWITHSTANDING THE PROVISIONS OF
6 SUBSECTIONS (A) AND (B), VERBAL NOTIFICATION MAY BE USED IF
7 WRITTEN NOTIFICATION WOULD DELAY MEETING THIS TIME
8 REQUIREMENT.

9 (2) TO THE PERSONS SPECIFIED IN SUBSECTION (B) (2), (3),
10 (4) AND (5), NOTICE SHALL BE PROVIDED WITHIN SEVEN DAYS AFTER
11 THE CHIEF LAW ENFORCEMENT OFFICER RECEIVES INFORMATION
12 REGARDING THE SEXUALLY VIOLENT PREDATOR'S RELEASE DATE AND
13 RESIDENCE.

14 (D) PUBLIC NOTICE.--ALL INFORMATION PROVIDED IN ACCORDANCE
15 WITH SUBSECTION (A) SHALL BE AVAILABLE, UPON REQUEST, TO THE
16 GENERAL PUBLIC. THE INFORMATION MAY BE PROVIDED BY ELECTRONIC
17 MEANS.

18 (E) INTERSTATE TRANSFERS.--THE DUTIES OF POLICE DEPARTMENTS
19 UNDER THIS SECTION SHALL ALSO APPLY TO INDIVIDUALS WHO ARE
20 TRANSFERRED TO THIS COMMONWEALTH UNDER THE INTERSTATE COMPACT
21 FOR THE SUPERVISION OF ADULT OFFENDERS OR THE INTERSTATE COMPACT
22 FOR JUVENILES.

23 § 9799.63. INFORMATION MADE AVAILABLE ON INTERNET AND
24 ELECTRONIC NOTIFICATION.

25 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DECLARED TO BE THE
26 FINDING OF THE GENERAL ASSEMBLY THAT PUBLIC SAFETY WILL BE
27 ENHANCED BY MAKING INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS,
28 LIFETIME REGISTRANTS AND OTHER SEX OFFENDERS AVAILABLE TO THE
29 PUBLIC THROUGH THE INTERNET AND ELECTRONIC NOTIFICATION.
30 KNOWLEDGE OF WHETHER A PERSON IS A SEXUALLY VIOLENT PREDATOR,

1 LIFETIME REGISTRANT OR OTHER SEX OFFENDER COULD BE A SIGNIFICANT
2 FACTOR IN PROTECTING ONESELF AND ONE'S FAMILY MEMBERS, OR THOSE
3 IN CARE OF A GROUP OR COMMUNITY ORGANIZATION, FROM RECIDIVIST
4 ACTS BY SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND
5 OTHER SEX OFFENDERS. THE TECHNOLOGY AFFORDED BY THE INTERNET AND
6 ELECTRONIC NOTIFICATION WOULD MAKE THIS INFORMATION READILY
7 ACCESSIBLE TO PARENTS AND PRIVATE ENTITIES, ENABLING THEM TO
8 UNDERTAKE APPROPRIATE REMEDIAL PRECAUTIONS TO PREVENT OR AVOID
9 PLACING POTENTIAL VICTIMS AT RISK. PUBLIC ACCESS TO INFORMATION
10 ABOUT SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER
11 SEX OFFENDERS IS INTENDED SOLELY AS A MEANS OF PUBLIC PROTECTION
12 AND SHALL NOT BE CONSTRUED AS PUNITIVE.

13 (B) INTERNET POSTING OF SEXUALLY VIOLENT PREDATORS, LIFETIME
14 REGISTRANTS, OTHER OFFENDERS AND ELECTRONIC NOTIFICATION.--THE
15 COMMISSIONER OF THE PENNSYLVANIA STATE POLICE SHALL, IN THE
16 MANNER AND FORM DIRECTED BY THE GOVERNOR:

17 (1) DEVELOP AND MAINTAIN A SYSTEM FOR MAKING THE
18 INFORMATION DESCRIBED IN SUBSECTION (C) PUBLICLY AVAILABLE BY
19 ELECTRONIC MEANS SO THAT THE PUBLIC MAY, WITHOUT LIMITATION,
20 OBTAIN ACCESS TO THE INFORMATION VIA AN INTERNET WEBSITE TO
21 VIEW AN INDIVIDUAL RECORD OR THE RECORDS OF ALL SEXUALLY
22 VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER OFFENDERS
23 WHO ARE REGISTERED WITH THE PENNSYLVANIA STATE POLICE. THE
24 PUBLICLY ACCESSIBLE INTERNET WEBSITE CREATED UNDER THIS
25 SUBCHAPTER AND THE INFORMATION REQUIRED TO BE POSTED UNDER
26 THIS SUBCHAPTER SHALL BE INCLUDED ON THE PUBLICLY ACCESSIBLE
27 INTERNET WEBSITE CREATED AND MAINTAINED BY THE PENNSYLVANIA
28 STATE POLICE UNDER SUBCHAPTER H (RELATING TO REGISTRATION OF
29 SEXUAL OFFENDERS).

30 (2) ENSURE THAT THE INTERNET WEBSITE CONTAINS WARNINGS

1 THAT A PERSON WHO USES THE INFORMATION CONTAINED ON THE
2 INTERNET WEBSITE TO THREATEN, INTIMIDATE OR HARASS ANOTHER OR
3 WHO OTHERWISE MISUSES THAT INFORMATION MAY BE CRIMINALLY
4 PROSECUTED.

5 (3) ENSURE THAT THE INTERNET WEBSITE CONTAINS:

6 (I) AN EXPLANATION OF ITS LIMITATIONS, INCLUDING
7 STATEMENTS ADVISING THAT A POSITIVE IDENTIFICATION OF A
8 SEXUALLY VIOLENT PREDATOR, LIFETIME REGISTRANT OR OTHER
9 OFFENDER WHOSE RECORD HAS BEEN MADE AVAILABLE MAY BE
10 CONFIRMED ONLY BY FINGERPRINTS.

11 (II) A STATEMENT THAT SOME INFORMATION CONTAINED ON
12 THE INTERNET WEBSITE MAY BE OUTDATED OR INACCURATE.

13 (III) A STATEMENT THAT THE INTERNET WEBSITE IS NOT A
14 COMPREHENSIVE LISTING OF EVERY PERSON WHO HAS EVER
15 COMMITTED A SEX OFFENSE IN PENNSYLVANIA.

16 (4) STRIVE TO ENSURE THAT:

17 (I) THE INFORMATION CONTAINED ON THE INTERNET
18 WEBSITE IS ACCURATE;

19 (II) THE DATA ON THE INTERNET WEBSITE IS REVISED AND
20 UPDATED AS APPROPRIATE IN A TIMELY AND EFFICIENT MANNER;
21 AND

22 (III) INSTRUCTIONS ARE INCLUDED ON HOW TO SEEK
23 CORRECTION OF INFORMATION WHICH A PERSON CONTENDS IS
24 ERRONEOUS.

25 (5) PROVIDE ON THE INTERNET WEBSITE GENERAL INFORMATION
26 DESIGNED TO INFORM AND EDUCATE THE PUBLIC ABOUT SEX OFFENDERS
27 AND SEXUALLY VIOLENT PREDATORS AND THE OPERATION OF THIS
28 SUBCHAPTER AS WELL AS PERTINENT AND APPROPRIATE INFORMATION
29 CONCERNING CRIME PREVENTION AND PERSONAL SAFETY, WITH
30 APPROPRIATE LINKS TO OTHER RELEVANT INTERNET WEBSITES

1 OPERATED BY THE COMMONWEALTH OF PENNSYLVANIA.

2 (6) IDENTIFY WHEN THE VICTIM IS A MINOR WITH A SPECIAL
3 DESIGNATION. THE IDENTITY OF A VICTIM OF A SEX OFFENSE SHALL
4 NOT BE PUBLISHED OR POSTED ON THE INTERNET WEBSITE.

5 (7) NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO
6 CRIMINAL HISTORY RECORD INFORMATION), DEVELOP, IMPLEMENT AND
7 MAINTAIN A PROCESS WHICH ALLOWS MEMBERS OF THE PUBLIC TO
8 RECEIVE ELECTRONIC NOTIFICATION WHEN AN INDIVIDUAL REQUIRED
9 TO REGISTER UNDER THIS SUBCHAPTER MOVES INTO OR OUT OF A
10 USER-DESIGNATED LOCATION.

11 (C) INFORMATION PERMITTED TO BE DISCLOSED REGARDING
12 INDIVIDUALS.--NOTWITHSTANDING 18 PA.C.S. CH. 91, THE INTERNET
13 WEBSITE SHALL CONTAIN THE FOLLOWING INFORMATION ON EACH
14 INDIVIDUAL:

15 (1) FOR SEXUALLY VIOLENT PREDATORS, THE FOLLOWING
16 INFORMATION SHALL BE POSTED ON THE INTERNET WEBSITE:

17 (I) NAME AND ALL KNOWN ALIASES;

18 (II) YEAR OF BIRTH;

19 (III) IN THE CASE OF AN INDIVIDUAL WHO HAS A
20 RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION
21 OF "RESIDENCE" IN SECTION 9799.53 (RELATING TO
22 DEFINITIONS), THE STREET ADDRESS, MUNICIPALITY, COUNTY
23 AND ZIP CODE OF ALL RESIDENCES, INCLUDING, WHERE
24 APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF
25 CONFINEMENT;

26 (IV) THE STREET ADDRESS, MUNICIPALITY, COUNTY, ZIP
27 CODE AND NAME OF AN INSTITUTION OR LOCATION AT WHICH THE
28 PERSON IS ENROLLED AS A STUDENT;

29 (V) THE MUNICIPALITY, COUNTY AND ZIP CODE OF AN
30 EMPLOYMENT LOCATION;

1 (VI) A PHOTOGRAPH OF THE INDIVIDUAL, WHICH SHALL BE
2 UPDATED NOT LESS THAN ANNUALLY;

3 (VII) A PHYSICAL DESCRIPTION OF THE OFFENDER,
4 INCLUDING SEX, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR AND
5 RACE;

6 (VIII) IDENTIFYING MARKS, INCLUDING SCARS,
7 BIRTHMARKS AND TATTOOS;

8 (IX) THE LICENSE PLATE NUMBER AND DESCRIPTION OF A
9 VEHICLE OWNED OR REGISTERED TO THE OFFENDER;

10 (X) WHETHER THE OFFENDER IS CURRENTLY COMPLIANT WITH
11 REGISTRATION REQUIREMENTS;

12 (XI) WHETHER THE VICTIM IS A MINOR;

13 (XII) A DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH
14 TRIGGERED THE APPLICATION OF THIS SUBCHAPTER;

15 (XIII) THE DATE OF THE OFFENSE AND CONVICTION, IF
16 AVAILABLE; AND

17 (XIV) IN THE CASE OF AN INDIVIDUAL WHO HAS A
18 RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE DEFINITION
19 OF "RESIDENCE" IN SECTION 9799.53, THE INFORMATION LISTED
20 IN SECTION 9799.56 (A) (2) (I) (C) (RELATING TO REGISTRATION
21 PROCEDURES AND APPLICABILITY), INCLUDING, WHERE
22 APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF
23 CONFINEMENT.

24 (2) FOR ALL OTHER LIFETIME REGISTRANTS AND OFFENDERS
25 SUBJECT TO REGISTRATION, THE INFORMATION SPECIFIED IN
26 PARAGRAPH (1) SHALL BE POSTED ON THE INTERNET WEBSITE.

27 (D) DURATION OF INTERNET POSTING.--

28 (1) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT A
29 SEXUALLY VIOLENT PREDATOR SHALL BE MADE AVAILABLE ON THE
30 INTERNET FOR THE LIFETIME OF THE SEXUALLY VIOLENT PREDATOR.

1 (2) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT AN
2 OFFENDER WHO IS SUBJECT TO LIFETIME REGISTRATION SHALL BE
3 MADE AVAILABLE ON THE INTERNET FOR THE LIFETIME OF THE
4 OFFENDER UNLESS THE OFFENDER IS GRANTED RELIEF UNDER SECTION
5 9799.59 (RELATING TO EXEMPTION FROM CERTAIN NOTIFICATIONS).

6 (3) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT ANY
7 OTHER OFFENDER SUBJECT TO REGISTRATION SHALL BE MADE
8 AVAILABLE ON THE INTERNET FOR THE ENTIRE PERIOD DURING WHICH
9 THE OFFENDER IS REQUIRED TO REGISTER, INCLUDING AN EXTENSION
10 OF THIS PERIOD UNDER SECTION 9799.56(A)(3).

11 § 9799.64. ADMINISTRATION.

12 THE GOVERNOR SHALL DIRECT THE PENNSYLVANIA STATE POLICE, THE
13 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE STATE SEXUAL
14 OFFENDERS ASSESSMENT BOARD, THE DEPARTMENT OF CORRECTIONS, THE
15 DEPARTMENT OF TRANSPORTATION AND ANY OTHER AGENCY OF THIS
16 COMMONWEALTH THE GOVERNOR DEEMS NECESSARY TO COLLABORATIVELY
17 DESIGN, DEVELOP AND IMPLEMENT AN INTEGRATED AND SECURE SYSTEM OF
18 COMMUNICATION, STORAGE AND RETRIEVAL OF INFORMATION TO ASSURE
19 THE TIMELY, ACCURATE AND EFFICIENT ADMINISTRATION OF THIS
20 SUBCHAPTER.

21 § 9799.65. GLOBAL POSITIONING SYSTEM TECHNOLOGY.

22 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND COUNTY
23 PROBATION AUTHORITIES MAY IMPOSE SUPERVISION CONDITIONS THAT
24 INCLUDE OFFENDER TRACKING THROUGH GLOBAL POSITIONING SYSTEM
25 TECHNOLOGY.

26 § 9799.66. IMMUNITY FOR GOOD FAITH CONDUCT.

27 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR
28 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

29 (1) THE PENNSYLVANIA STATE POLICE AND LOCAL LAW
30 ENFORCEMENT AGENCIES AND EMPLOYEES OF LAW ENFORCEMENT

1 AGENCIES.

2 (2) DISTRICT ATTORNEYS AND THEIR AGENTS AND EMPLOYEES.

3 (3) SUPERINTENDENTS, ADMINISTRATORS, TEACHERS, EMPLOYEES
4 AND VOLUNTEERS ENGAGED IN THE SUPERVISION OF CHILDREN OF A
5 PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.

6 (4) DIRECTORS AND EMPLOYEES OF COUNTY CHILDREN AND YOUTH
7 AGENCIES.

8 (5) PRESIDENTS OR SIMILAR OFFICERS OF UNIVERSITIES AND
9 COLLEGES, INCLUDING COMMUNITY COLLEGES.

10 (6) THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND
11 ITS AGENTS AND EMPLOYEES.

12 (7) COUNTY PROBATION AND PAROLE OFFICES AND THEIR AGENTS
13 AND EMPLOYEES.

14 (8) LICENSEES OF CERTIFIED DAY-CARE CENTERS AND
15 DIRECTORS OF LICENSED PRESCHOOL PROGRAMS AND OWNERS/OPERATORS
16 OF REGISTERED FAMILY DAY-CARE HOMES, AND THEIR AGENTS AND
17 EMPLOYEES.

18 (9) THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS AND ITS
19 AGENTS AND EMPLOYEES.

20 (10) COUNTY CORRECTIONAL FACILITIES AND THEIR AGENTS AND
21 EMPLOYEES.

22 (11) MEMBERS OF THE SEXUAL OFFENDERS ASSESSMENT BOARD
23 AND ITS AGENTS AND EMPLOYEES.

24 (12) THE UNIT OWNERS' ASSOCIATION OF A COMMON INTEREST
25 COMMUNITY AND ITS AGENTS AND EMPLOYEES AS IT RELATES TO
26 DISTRIBUTING INFORMATION REGARDING SEXUALLY VIOLENT PREDATORS
27 OBTAINED UNDER SECTION 9799.62(B)(1) (RELATING TO OTHER
28 NOTIFICATION).

29 § 9799.67. DUTIES OF PENNSYLVANIA STATE POLICE.

30 THE PENNSYLVANIA STATE POLICE SHALL:

1 (1) CREATE AND MAINTAIN A STATE REGISTRY OF OFFENDERS
2 AND SEXUALLY VIOLENT PREDATORS REQUIRED TO REGISTER UNDER
3 THIS SUBCHAPTER. THE REGISTRY SHALL BE INCORPORATED AS PART
4 OF THE REGISTRY ESTABLISHED UNDER SUBCHAPTER H (RELATING TO
5 REGISTRATION OF SEXUAL OFFENDERS).

6 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,
7 THE OFFICE OF ATTORNEY GENERAL, THE PENNSYLVANIA BOARD OF
8 PROBATION AND PAROLE AND THE CHAIRPERSON AND THE MINORITY
9 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE
10 CHAIRPERSON AND THE MINORITY CHAIRPERSON OF THE JUDICIARY
11 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, PROMULGATE
12 GUIDELINES NECESSARY FOR THE GENERAL ADMINISTRATION OF THIS
13 SUBCHAPTER. THESE GUIDELINES SHALL ESTABLISH PROCEDURES TO
14 ALLOW AN INDIVIDUAL SUBJECT TO THE REQUIREMENTS OF SECTIONS
15 9799.55 (RELATING TO REGISTRATION) AND 9799.60 (RELATING TO
16 VERIFICATION OF RESIDENCE) TO FULFILL THESE REQUIREMENTS AT
17 APPROVED REGISTRATION SITES THROUGHOUT THIS COMMONWEALTH.
18 THIS PARAGRAPH INCLUDES THE DUTY TO ESTABLISH PROCEDURES TO
19 ALLOW AN INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN
20 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" IN SECTION
21 9799.53 (RELATING TO DEFINITIONS) TO FULFILL THE REQUIREMENTS
22 REGARDING REGISTRATION AT APPROVED REGISTRATION SITES
23 THROUGHOUT THIS COMMONWEALTH. THE PENNSYLVANIA STATE POLICE
24 SHALL PUBLISH A LIST OF APPROVED REGISTRATION SITES IN THE
25 PENNSYLVANIA BULLETIN AND PROVIDE A LIST OF APPROVED
26 REGISTRATION SITES IN ANY NOTICES SENT TO INDIVIDUALS
27 REQUIRED TO REGISTER UNDER SECTION 9799.55. AN APPROVED
28 REGISTRATION SITE SHALL BE CAPABLE OF SUBMITTING
29 FINGERPRINTS, PHOTOGRAPHS AND OTHER INFORMATION REQUIRED
30 ELECTRONICALLY TO THE PENNSYLVANIA STATE POLICE. THE

1 PENNSYLVANIA STATE POLICE SHALL REQUIRE THAT APPROVED
2 REGISTRATION SITES SUBMIT FINGERPRINTS UTILIZING THE
3 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR IN
4 ANOTHER MANNER AND IN THE FORM AS THE PENNSYLVANIA STATE
5 POLICE SHALL REQUIRE. THE PENNSYLVANIA STATE POLICE SHALL
6 REQUIRE THAT APPROVED REGISTRATION SITES SUBMIT PHOTOGRAPHS
7 UTILIZING THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN
8 ANOTHER MANNER AND IN THE FORM AS THE PENNSYLVANIA STATE
9 POLICE SHALL REQUIRE. APPROVED REGISTRATION SITES SHALL NOT
10 BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE
11 AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT
12 AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION
13 SITES SPECIFIED IN THIS PARAGRAPH.

14 (3) WRITE REGULATIONS REGARDING NEIGHBOR NOTIFICATION OF
15 THE CURRENT RESIDENCE OF SEXUALLY VIOLENT PREDATORS.

16 (4) NOTIFY, WITHIN FIVE BUSINESS DAYS OF RECEIVING THE
17 OFFENDER'S OR THE SEXUALLY VIOLENT PREDATOR'S REGISTRATION,
18 THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS
19 HAVING PRIMARY JURISDICTION OF THE MUNICIPALITIES IN WHICH AN
20 OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE, IS
21 EMPLOYED OR ENROLLED AS A STUDENT OF THE FACT THAT THE
22 OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS BEEN REGISTERED
23 WITH THE PENNSYLVANIA STATE POLICE UNDER SECTIONS 9799.56
24 (RELATING TO REGISTRATION PROCEDURES AND APPLICABILITY) AND
25 9799.60.

26 (5) IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION AND
27 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, PROMULGATE
28 GUIDELINES DIRECTING LICENSED DAY-CARE CENTERS, LICENSED
29 PRESCHOOL PROGRAMS, SCHOOLS, UNIVERSITIES AND COLLEGES,
30 INCLUDING COMMUNITY COLLEGES, ON THE PROPER USE AND

1 ADMINISTRATION OF INFORMATION RECEIVED UNDER SECTION 9799.62
2 (RELATING TO OTHER NOTIFICATION).

3 (6) IMMEDIATELY TRANSFER THE INFORMATION RECEIVED FROM
4 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE UNDER SECTION
5 9799.68(2) AND (3) (RELATING TO DUTIES OF PENNSYLVANIA BOARD
6 OF PROBATION AND PAROLE) AND THE FINGERPRINTS OF A SEXUALLY
7 VIOLENT PREDATOR TO THE FEDERAL BUREAU OF INVESTIGATION.

8 (7) NOTIFY INDIVIDUALS OF THE REQUIREMENTS UNDER THIS
9 SUBCHAPTER, AS SPECIFIED IN SECTION 9799.54 (RELATING TO
10 APPLICABILITY).

11 § 9799.68. DUTIES OF PENNSYLVANIA BOARD OF PROBATION AND
12 PAROLE.

13 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL:

14 (1) CREATE A NOTIFICATION FORM WHICH WILL INFORM STATE
15 AND COUNTY PRISON AND PROBATION AND PAROLE PERSONNEL HOW TO
16 INFORM OFFENDERS AND SEXUALLY VIOLENT PREDATORS REQUIRED TO
17 REGISTER UNDER THIS SUBCHAPTER OF THEIR DUTY UNDER THE LAW.

18 (2) IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS
19 AND OTHER COMMONWEALTH AGENCIES, OBTAIN THE FOLLOWING
20 INFORMATION REGARDING OFFENDERS AND SEXUALLY VIOLENT
21 PREDATORS:

22 (I) NAME, INCLUDING ALIASES.

23 (II) IDENTIFYING FACTORS.

24 (III) ANTICIPATED FUTURE RESIDENCE.

25 (IV) OFFENSE HISTORY.

26 (V) DOCUMENTATION OF TREATMENT RECEIVED FOR THE
27 MENTAL ABNORMALITY OR PERSONALITY DISORDER.

28 (VI) PHOTOGRAPH OF THE OFFENDER OR SEXUALLY VIOLENT
29 PREDATOR.

30 (3) IMMEDIATELY TRANSMIT THE INFORMATION IN PARAGRAPH

1 (2) TO THE PENNSYLVANIA STATE POLICE FOR IMMEDIATE ENTRY INTO
2 THE STATE REGISTRY OF OFFENDERS AND SEXUALLY VIOLENT
3 PREDATORS AND THE CRIMINAL HISTORY RECORD OF THE INDIVIDUAL
4 AS PROVIDED IN 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL
5 HISTORY RECORD INFORMATION).

6 (4) APPLY FOR FEDERAL FUNDING AS PROVIDED IN THE ADAM
7 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW
8 109-248, 120 STAT. 587) TO SUPPORT AND ENHANCE PROGRAMMING
9 USING SATELLITE GLOBAL POSITIONING SYSTEM TECHNOLOGY.

10 § 9799.69. BOARD.

11 (A) COMPOSITION.--THE STATE SEXUAL OFFENDERS ASSESSMENT
12 BOARD SHALL BE COMPOSED OF PSYCHIATRISTS, PSYCHOLOGISTS AND
13 CRIMINAL JUSTICE EXPERTS, EACH OF WHOM IS AN EXPERT IN THE FIELD
14 OF THE BEHAVIOR AND TREATMENT OF SEXUAL OFFENDERS.

15 (B) APPOINTMENT.--THE GOVERNOR SHALL APPOINT THE BOARD
16 MEMBERS.

17 (C) TERM OF OFFICE.--MEMBERS OF THE BOARD SHALL SERVE FOUR-
18 YEAR TERMS.

19 (D) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL BE
20 COMPENSATED AT A RATE OF \$350 PER ASSESSMENT AND RECEIVE
21 REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE
22 PERFORMING THE BUSINESS OF THE BOARD. THE CHAIRMAN SHALL RECEIVE
23 \$500 ADDITIONAL COMPENSATION PER ANNUM.

24 (E) STAFF.--SUPPORT STAFF FOR THE BOARD SHALL BE PROVIDED BY
25 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

26 § 9799.70. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

27 FOR THE PERIOD OF REGISTRATION REQUIRED BY SECTION 9799.55(B)
28 (RELATING TO REGISTRATION), A SEXUALLY VIOLENT PREDATOR SHALL BE
29 REQUIRED TO ATTEND AT LEAST MONTHLY COUNSELING SESSIONS IN A
30 PROGRAM APPROVED BY THE BOARD AND BE FINANCIALLY RESPONSIBLE FOR

1 ALL FEES ASSESSED FROM THE COUNSELING SESSIONS. THE BOARD SHALL
2 MONITOR THE COMPLIANCE OF THE SEXUALLY VIOLENT PREDATOR. IF THE
3 SEXUALLY VIOLENT PREDATOR CAN PROVE TO THE SATISFACTION OF THE
4 COURT THAT THE PERSON CANNOT AFFORD TO PAY FOR THE COUNSELING
5 SESSIONS, THAT PERSON SHALL STILL ATTEND THE COUNSELING SESSIONS
6 AND THE PAROLE OFFICE SHALL PAY THE REQUISITE FEES.

7 § 9799.71. EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES
8 AND THEIR EMPLOYEES.

9 NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED AS IMPOSING A
10 DUTY UPON A PERSON OR AN EMPLOYEE OF A PERSON LICENSED UNDER THE
11 ACT OF FEBRUARY 19, 1980 (P.L.15, NO.9), KNOWN AS THE REAL
12 ESTATE LICENSING AND REGISTRATION ACT, TO DISCLOSE INFORMATION
13 REGARDING:

14 (1) A SEXUALLY VIOLENT PREDATOR; OR

15 (2) AN INDIVIDUAL WHO IS TRANSFERRED TO THIS
16 COMMONWEALTH UNDER THE INTERSTATE COMPACT FOR THE SUPERVISION
17 OF ADULT OFFENDERS OR THE INTERSTATE COMPACT FOR JUVENILES.

18 § 9799.72. ANNUAL PERFORMANCE AUDIT.

19 (A) DUTIES OF ATTORNEY GENERAL.--THE ATTORNEY GENERAL SHALL:

20 (1) CONDUCT A PERFORMANCE AUDIT ANNUALLY TO DETERMINE
21 COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBCHAPTER AND
22 GUIDELINES PROMULGATED UNDER THIS SUBCHAPTER. THE AUDIT
23 SHALL, AT A MINIMUM, INCLUDE A REVIEW OF THE PRACTICES,
24 PROCEDURES AND RECORDS OF THE PENNSYLVANIA STATE POLICE, THE
25 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT OF
26 CORRECTIONS, THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD, THE
27 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS AND ANY OTHER
28 STATE OR LOCAL AGENCY THE ATTORNEY GENERAL DEEMS NECESSARY IN
29 ORDER TO CONDUCT A THOROUGH AND ACCURATE PERFORMANCE AUDIT.

30 (2) PREPARE AN ANNUAL REPORT OF ITS FINDINGS AND ACTIONS

1 IT RECOMMENDS BE TAKEN BY THE PENNSYLVANIA STATE POLICE, THE
2 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT OF
3 CORRECTIONS, THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD, THE
4 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, OTHER STATE OR
5 LOCAL AGENCIES AND THE GENERAL ASSEMBLY TO ENSURE COMPLIANCE
6 WITH THIS SUBCHAPTER. THE FIRST REPORT SHALL BE RELEASED TO
7 THE GENERAL PUBLIC NOT LESS THAN 18 MONTHS FOLLOWING THE
8 EFFECTIVE DATE OF THIS SECTION.

9 (3) PROVIDE A COPY OF ITS REPORT TO THE PENNSYLVANIA
10 STATE POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,
11 THE DEPARTMENT OF CORRECTIONS, THE STATE SEXUAL OFFENDERS
12 ASSESSMENT BOARD, THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA
13 COURTS, STATE OR LOCAL AGENCIES REFERENCED THEREIN, THE
14 CHAIRPERSON AND THE MINORITY CHAIRPERSON OF THE JUDICIARY
15 COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND THE MINORITY
16 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE HOUSE OF
17 REPRESENTATIVES NO LESS THAN 30 DAYS PRIOR TO THE REPORT'S
18 RELEASE TO THE GENERAL PUBLIC.

19 (B) COOPERATION REQUIRED.--NOTWITHSTANDING ANY OTHER
20 PROVISION OF LAW TO THE CONTRARY, THE PENNSYLVANIA STATE POLICE,
21 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT
22 OF CORRECTIONS, THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD, THE
23 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, THE PENNSYLVANIA
24 COMMISSION ON SENTENCING AND ANY OTHER STATE OR LOCAL AGENCY
25 REQUESTED TO DO SO SHALL FULLY COOPERATE WITH THE ATTORNEY
26 GENERAL AND ASSIST THE OFFICE IN SATISFYING THE REQUIREMENTS OF
27 THIS SECTION. FOR PURPOSES OF THIS SUBSECTION, FULL COOPERATION
28 SHALL INCLUDE, AT A MINIMUM, COMPLETE ACCESS TO UNREDACTED
29 RECORDS, FILES, REPORTS AND DATA SYSTEMS.

30 § 9799.73. PHOTOGRAPHS AND FINGERPRINTING.

1 AN INDIVIDUAL SUBJECT TO SECTION 9799.55 (RELATING TO
2 REGISTRATION) SHALL SUBMIT TO FINGERPRINTING AND PHOTOGRAPHING
3 AS REQUIRED BY THIS SUBCHAPTER AT APPROVED REGISTRATION SITES.
4 FINGERPRINTING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A
5 MINIMUM, REQUIRE SUBMISSION OF A FULL SET OF FINGERPRINTS.
6 PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A
7 MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE FACE AND
8 SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF THE
9 INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS
10 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND
11 FOR GENERAL LAW ENFORCEMENT PURPOSES.

12 § 9799.74. STANDING FOR PENNSYLVANIA STATE POLICE.

13 EXCEPT FOR PETITIONS FILED UNDER SECTION 9799.59(A) (RELATING
14 TO EXEMPTIONS FROM CERTAIN NOTIFICATIONS), THE PENNSYLVANIA
15 STATE POLICE SHALL HAVE STANDING TO APPEAR AND CONTEST A FILING
16 IN A COURT OF THIS COMMONWEALTH WHICH SEEKS TO CHALLENGE IN ANY
17 WAY THE OBLIGATION OF AN INDIVIDUAL REQUIRED TO REGISTER WITH
18 THE PENNSYLVANIA STATE POLICE UNDER THIS SUBCHAPTER.

19 § 9799.75. CONSTRUCTION OF SUBCHAPTER.

20 (A) REGISTRATION.--NOTHING IN THIS SUBCHAPTER SHALL BE
21 CONSTRUED TO RELIEVE AN INDIVIDUAL FROM THE OBLIGATION TO
22 REGISTER WITH THE PENNSYLVANIA STATE POLICE UNDER SUBCHAPTER I
23 IF THE INDIVIDUAL:

24 (1) COMMITTED A SEXUALLY VIOLENT OFFENSE WITHIN THIS
25 COMMONWEALTH OR COMMITTED AN OFFENSE UNDER THE LAWS OF THE
26 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
27 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
28 PUERTO RICO OR A FOREIGN NATION WHICH IS SIMILAR OR
29 EQUIVALENT TO A SEXUALLY VIOLENT OFFENSE, OR WHO WAS COURT
30 MARTIALED FOR A SIMILAR OR EQUIVALENT OFFENSE, WHETHER OR NOT

1 THE OFFENSE IS DESIGNATED AS A SEXUALLY VIOLENT OFFENSE; AND
2 (2) WAS REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE
3 POLICE UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW OF
4 THIS COMMONWEALTH THAT WAS ENACTED BEFORE DECEMBER 20, 2012,
5 OR WOULD HAVE BEEN REQUIRED TO REGISTER WITH THE PENNSYLVANIA
6 STATE POLICE UNDER ACT 152 OF 2004.

7 (B) REREGISTRATION.--NOTHING IN THIS SUBCHAPTER SHALL BE
8 CONSTRUED TO REQUIRE AN INDIVIDUAL WHO HAD PREVIOUSLY REGISTERED
9 WITH THE PENNSYLVANIA STATE POLICE FOR A SEXUALLY VIOLENT
10 OFFENSE PRIOR TO JULY 9, 2000, TO REREGISTER UNDER THIS
11 SUBCHAPTER IF THE INDIVIDUAL'S REGISTRATION REQUIREMENTS WERE
12 SATISFIED.

13 SECTION 20. THIS ACT APPLIES AS FOLLOWS:

14 (1) THE AMENDMENT OF 18 PA.C.S. § 4915.1 AND 42 PA.C.S.
15 CH. 97 SUBCH. H SHALL APPLY TO AN INDIVIDUAL WHO COMMITS AN
16 OFFENSE ON OR AFTER DECEMBER 20, 2012.

17 (2) THE ADDITION OF 18 PA.C.S. § 4915.2 AND 42 PA.C.S.
18 CH. 97 SUBCH. I SHALL APPLY TO:

19 (I) AN INDIVIDUAL WHO COMMITTED AN OFFENSE SET FORTH
20 IN 42 PA.C.S. § 9799.55 ON OR AFTER APRIL 22, 1996, BUT
21 BEFORE DECEMBER 20, 2012, AND WHOSE PERIOD OF
22 REGISTRATION AS SET FORTH IN 42 PA.C.S. § 9799.55 HAS NOT
23 EXPIRED.

24 (II) AN INDIVIDUAL REQUIRED TO REGISTER WITH THE
25 PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL OFFENDER
26 REGISTRATION LAW OF THIS COMMONWEALTH AS SET FORTH IN 42
27 PA.C.S. § 9799.55(A)(1)(I), (B)(2) AND (4).

28 (III) AN INDIVIDUAL WHO, BEFORE OR AFTER THE
29 EFFECTIVE DATE OF THIS PARAGRAPH:

30 (A) COMMITS AN OFFENSE SUBJECT TO 42 PA.C.S.

1 SUBCH. H; BUT

2 (B) BECAUSE OF A JUDICIAL DETERMINATION ON OR
3 AFTER THE EFFECTIVE DATE OF THIS SECTION OF THE
4 INVALIDITY OF 42 PA.C.S. SUBCH. H, IS NOT SUBJECT TO
5 REGISTRATION AS A SEXUAL OFFENDER.

6 SECTION 21. THE AMENDMENT OR ADDITION OF 42 PA.C.S. §§
7 9799.25(F) AND 9799.55(D) SHALL APPLY TO ALL GROUP-BASED HOMES
8 AND THEIR RESIDENTS, REGARDLESS OF WHEN THE GROUP-BASED HOMES
9 BEGAN TO PROVIDE HOUSING OR THE RESIDENTS BEGAN THEIR RESIDENCY.

10 SECTION 22. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

11 (1) THE ADDITION OF 42 PA.C.S. § 9718.5 SHALL TAKE
12 EFFECT IN 60 DAYS.

13 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
14 IMMEDIATELY.