
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1952 Session of
2017

INTRODUCED BY MARSICO, STEPHENS, CORBIN, RYAN, DRISCOLL,
MALONEY, DAVIS, TOEPEL, ROTHMAN, KAUFFMAN, BAKER, W. KELLER,
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EVANS, CORR, CUTLER, SCHWEYER, ORTITAY, READSHAW, WHEELAND,
M. QUINN, DeLUCA, PHILLIPS-HILL, ROEBUCK, CALTAGIRONE AND
WATSON, DECEMBER 4, 2017

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 4, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations) and 42 (Judiciary and Judicial Procedure) of the
3 Pennsylvania Consolidated Statutes, in sexual offenses,
4 further providing for conduct relating to sex offenders and
5 for general rule; in falsification and intimidation, further
6 providing for the offense of failure to comply with
7 registration requirements, defining the offense of failure to
8 comply with 42 Pa.C.S. Ch. 97 Subch. I registration
9 requirements and imposing penalties; in proceedings prior to
10 petition to adopt, further providing for grounds for
11 involuntary termination and for definitions; in domestic and
12 sexual violence victim address confidentiality, further
13 providing for agency use of designated address; in
14 sentencing, extensively revising registration of sexual
15 offenders provisions; and making editorial changes.

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

18 Section 1. Sections 3130 and 3141 of Title 18 of the
19 Pennsylvania Consolidated Statutes are amended to read:

20 § 3130. Conduct relating to sex offenders.

21 (a) Offense defined.--A person commits a felony of the third
22 degree if the person has reason to believe that a sex offender

1 is not complying with or has not complied with the requirements
2 of the sex offender's probation or parole, imposed by statute or
3 court order, or with the registration requirements of 42 Pa.C.S.
4 Ch. 97 Subch. H (relating to registration of sexual offenders)
5 or I (relating to continued registration of sexual offenders),
6 and the person, with the intent to assist the sex offender in
7 eluding a law enforcement agent or agency that is seeking to
8 find the sex offender to question the sex offender about, or to
9 arrest the sex offender for, noncompliance with the requirements
10 of the sex offender's probation or parole or the requirements of
11 42 Pa.C.S. Ch. 97 Subch. H or I:

12 (1) withholds information from or does not notify the
13 law enforcement agent or agency about the sex offender's
14 noncompliance with the requirements of parole, the
15 requirements of 42 Pa.C.S. Ch. 97 Subch. H or I or, if known,
16 the sex offender's whereabouts;

17 (2) harbors or attempts to harbor or assist another
18 person in harboring or attempting to harbor the sex offender;

19 (3) conceals or attempts to conceal, or assists another
20 person in concealing or attempting to conceal, the sex
21 offender; or

22 (4) provides information to the law enforcement agent or
23 agency regarding the sex offender which the person knows to
24 be false.

25 (b) Definition.--As used in this section, the term "sex
26 offender" means a person who is required to register with the
27 Pennsylvania State Police pursuant to the provisions of 42
28 Pa.C.S. Ch. 97 Subch. H or I.

29 § 3141. General rule.

30 A person:

1 (1) convicted under section 3121 (relating to rape),
2 3122.1 (relating to statutory sexual assault), 3123 (relating
3 to involuntary deviate sexual intercourse), 3124.1 (relating
4 to sexual assault), 3125 (relating to aggravated indecent
5 assault) or 3126 (relating to indecent assault); or

6 (2) required to register with the Pennsylvania State
7 Police under 42 Pa.C.S. Ch. 97 Subch. H (relating to
8 registration of sexual offenders) or I (relating to continued
9 registration of sexual offenders);

10 may be required to forfeit property rights in any property or
11 assets used to implement or facilitate commission of the crime
12 or crimes of which the person has been convicted. The forfeiture
13 shall be conducted in accordance with 42 Pa.C.S. §§ 5803
14 (relating to asset forfeiture), 5805 (relating to forfeiture
15 procedure), 5806 (relating to motion for return of property),
16 5807 (relating to restrictions on use), 5807.1 (relating to
17 prohibition on adoptive seizures) and 5808 (relating to
18 exceptions).

19 Section 2. Section 4915.1(a.2)(2), (b)(4), (c.1)(4), (c.3)
20 and (d) of Title 18 are amended, subsection (f) is amended by
21 adding a definition and the section is amended by adding a
22 subsection to read:

23 § 4915.1. Failure to comply with registration requirements.

24 * * *

25 (a.2) Counseling.--The following apply:

26 * * *

27 (2) An individual who is subject to a counseling
28 requirement under a sex offender registration statute
29 following conviction in another jurisdiction where the
30 requirement is based on the commitment of an offense on or

1 after December 20, 2012, for which the individual was
2 convicted, commits an offense if [he] the individual
3 knowingly fails to comply with 42 Pa.C.S. § 9799.36.

4 (b) Grading for sexual offenders who must register for 15
5 years or who must register pursuant to 42 Pa.C.S. §
6 9799.13(7.1).--

7 * * *

8 (4) For the purposes of this subsection, an individual
9 shall mean an individual that meets any of the following:

10 (i) Is a sexual offender subject to registration
11 under 42 Pa.C.S. § 9799.13 and is required to register
12 for a period of 15 years.

13 (ii) Is a sexual offender subject to registration
14 under 42 Pa.C.S. § 9799.13(7.1).

15 * * *

16 (c.1) Grading for sexual offenders who are transients who
17 must register for 15 years.--

18 * * *

19 (4) For the purposes of this subsection, an individual
20 shall mean an individual that meets any of the following:

21 (i) Is a sexual offender subject to registration
22 under 42 Pa.C.S. § 9799.13 and is a transient who must
23 register for a period of 15 years.

24 (ii) Is a sexual offender subject to registration
25 under 42 Pa.C.S. § 9799.13(7.1) and is a transient.

26 * * *

27 (c.3) Grading for failure to comply with counseling
28 requirements.--An individual designated as a sexually violent
29 predator or sexually violent delinquent child or an individual
30 who is subject to a counseling requirement under a sex offender

1 registration statute following conviction of a sexual offense on
2 or after December 20, 2012, in another jurisdiction commits a
3 misdemeanor of the first degree if the individual violates
4 subsection (a.2).

5 (d) Effect of notice.--Neither failure on the part of the
6 Pennsylvania State Police to send nor failure of a sexually
7 violent predator or sexual offender to receive any notice or
8 information pursuant to 42 Pa.C.S. § 9799.25 shall be a defense
9 to a prosecution commenced against an individual arising from a
10 violation of this section. The provisions of 42 Pa.C.S. §
11 9799.25 are not an element of an offense under this section.

12 * * *

13 (e.1) Affirmative defense.--It is an affirmative defense for
14 a prosecution under this section that the individual acted in
15 accordance with a court order under 42 Pa.C.S. § 9799.15(a.2)
16 (relating to period of registration).

17 (f) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Sexual offender." The term shall have the meaning given to
21 it in 42 Pa.C.S. § 9799.12 (relating to definitions).

22 * * *

23 Section 3. Title 18 is amended by adding a section to read:
24 § 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I
25 registration requirements.

26 (a) Offense defined.--An individual who is subject to
27 registration under 42 Pa.C.S. § 9799.55(a), (a.1) or (b)
28 (relating to registration) or who was subject to registration
29 under former 42 Pa.C.S. § 9793 (relating to registration of
30 certain offenders for ten years) commits an offense if the

1 individual knowingly fails to:

2 (1) register with the Pennsylvania State Police as
3 required under 42 Pa.C.S. § 9799.56 (relating to registration
4 procedures and applicability);

5 (2) verify the individual's residence or be photographed
6 as required under 42 Pa.C.S. § 9799.60 (relating to
7 verification of residence); or

8 (3) provide accurate information when registering under
9 42 Pa.C.S. § 9799.56 or verifying a residence under 42
10 Pa.C.S. § 9799.60.

11 (a.1) Counseling.--The following apply:

12 (1) An individual who is designated as a sexually
13 violent predator commits an offense if the individual
14 knowingly fails to comply with 42 Pa.C.S. § 9799.70 (relating
15 to counseling of sexually violent predators).

16 (2) An individual who is subject to a counseling
17 requirement under a sex offender registration statute
18 following conviction in another jurisdiction commits an
19 offense if the individual knowingly fails to comply with that
20 requirement, as provided in 42 Pa.C.S. § 9799.56(b)(4)(i).

21 (b) Grading for offenders who must register for 10 years.--

22 (1) (Reserved).

23 (2) Except as set forth in paragraph (3), an individual
24 subject to registration under 42 Pa.C.S. § 9799.55(a) or
25 (a.1) or former 42 Pa.C.S. § 9793 and required to register
26 for a period of 10 years who commits a violation of
27 subsection (a)(1) or (2) commits a felony of the third
28 degree.

29 (3) An individual subject to registration under 42
30 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and

1 required to register for a period of 10 years who commits a
2 violation of subsection (a) (1) or (2) and who has previously
3 been convicted of an offense under subsection (a) (1) or (2)
4 or a similar offense commits a felony of the second degree.

5 (4) 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 violates
8 subsection (a) (3) commits a felony of the second degree.

9 (c) Grading for sexually violent predators and others with
10 lifetime registration.--

11 (1) (Reserved).

12 (2) Except as set forth in paragraph (3), an individual
13 subject to registration under 42 Pa.C.S. § 9799.55(b) or
14 former 42 Pa.C.S. § 9793 and who is subject to lifetime
15 registration who commits a violation of subsection (a) (1) or
16 (2) commits a felony of the second degree.

17 (3) An individual subject to registration under 42
18 Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is
19 subject to lifetime registration who commits a violation of
20 subsection (a) (1) or (2) and who has previously been
21 convicted of an offense under subsection (a) (1) or (2) or a
22 similar offense commits a felony of the first degree.

23 (4) 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 violates subsection (a)
26 (3) commits a felony of the first degree.

27 (c.1) Grading for failure to comply with counseling
28 requirements.--An individual designated as a sexually violent
29 predator or an individual who is subject to a counseling
30 requirement under a sex offender registration statute following

1 conviction in another jurisdiction who commits a violation of
2 subsection (a.1) commits a misdemeanor of the first degree.

3 (d) Effect of notice.--Neither failure on the part of the
4 Pennsylvania State Police to send nor failure of a sexually
5 violent predator or offender to receive a notice or information
6 under 42 Pa.C.S. § 9799.54(b) (relating to applicability) or
7 9799.60(a.1), (b.1) or (b.3) shall be a defense to a prosecution
8 commenced against an individual arising from a violation of this
9 section. The provisions of 42 Pa.C.S. §§ 9799.54(b) and
10 9799.60(a.1), (b.1) or (b.3) are not an element of an offense
11 under this section.

12 (e) Arrests for violation.--

13 (1) A police officer shall have the same right of arrest
14 without a warrant as in a felony whenever the police officer
15 has probable cause to believe an individual has committed a
16 violation of this section regardless of whether the violation
17 occurred in the presence of the police officer.

18 (2) An individual arrested for a violation of this
19 section shall be afforded a preliminary arraignment by the
20 proper issuing authority without unnecessary delay. In no
21 case may the individual be released from custody without
22 first having appeared before the issuing authority.

23 (3) Prior to admitting an individual arrested for a
24 violation of this section to bail, the issuing authority
25 shall require all of the following:

26 (i) The individual must be fingerprinted and
27 photographed in the manner required by 42 Pa.C.S. Ch. 97
28 Subch. I (relating to continued registration of sexual
29 offenders).

30 (ii) The individual must provide the Pennsylvania

1 State Police with all current or intended residences, all
2 information concerning current or intended employment,
3 including all employment locations, and all information
4 concerning current or intended enrollment as a student.
5 If the individual has a residence as defined in paragraph
6 (2) of the definition of "residence" set forth in 42
7 Pa.C.S. § 9799.53 (relating to definitions), the
8 individual must provide the Pennsylvania State Police
9 with the information required under 42 Pa.C.S. §
10 9799.56(a)(2)(i)(A), (B) and (C).

11 (iii) Law enforcement must make reasonable attempts
12 to verify the information provided by the individual.

13 (e.1) Affirmative defense.--It is an affirmative defense for
14 any prosecution under this section that the individual acted in
15 accordance with a court order under section 9799.59 (relating to
16 exemption from certain notifications).

17 (f) Applicability.--This section applies to:

18 (1) An individual who committed an offense set forth in
19 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before
20 December 20, 2012, and whose period of registration under 42
21 Pa.C.S. § 9799.55 has not expired.

22 (2) An individual who, before the effective date of this
23 paragraph:

24 (i) Commits an offense subject to 42 Pa.C.S. Ch. 97
25 Subch. H (relating to registration of sexual offenders);
26 but

27 (ii) because of a judicial determination on or after
28 the effective date of this section of the invalidity of
29 42 Pa.C.S. Ch. 97 Subch. H, is not subject to
30 registration as a sexual offender.

1 (g) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Sexually violent predator." As defined in 42 Pa.C.S. §
5 9799.53.

6 "Similar offense." An offense similar to an offense under
7 either subsection (a)(1) or (2) under the laws of this
8 Commonwealth, the United States or one of its territories or
9 possessions, another state, the District of Columbia, the
10 Commonwealth of Puerto Rico or a foreign nation.

11 Section 4. Sections 2511(a)(11), 6303(b.1)(8)(vii), 6707 and
12 6338.1(c)(4) of Title 23 are amended to read:

13 § 2511. Grounds for involuntary termination.

14 (a) General rule.--The rights of a parent in regard to a
15 child may be terminated after a petition filed on any of the
16 following grounds:

17 * * *

18 (11) The parent is required to register as a sexual
19 offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to
20 registration of sexual offenders) or I (relating to continued
21 registration of sexual offenders) or to register with a
22 sexual offender registry in another jurisdiction or foreign
23 country.

24 * * *

25 § 6303. Definitions.

26 * * *

27 (b.1) Child abuse.--The term "child abuse" shall mean
28 intentionally, knowingly or recklessly doing any of the
29 following:

30 * * *

1 (8) Engaging in any of the following recent acts:

2 * * *

3 (vii) Leaving a child unsupervised with an
4 individual, other than the child's parent, who the actor
5 knows or reasonably should have known:

6 (A) Is required to register as a Tier II or Tier
7 III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H
8 (relating to registration of sexual offenders), where
9 the victim of the sexual offense was under 18 years
10 of age when the crime was committed.

11 (B) Has been determined to be a sexually violent
12 predator under 42 Pa.C.S. § 9799.24 (relating to
13 assessments) or any of its predecessors.

14 (C) Has been determined to be a sexually violent
15 delinquent child as defined in 42 Pa.C.S. § 9799.12
16 (relating to definitions).

17 (D) Has been determined to be a sexually violent
18 predator under 42 Pa.C.S. § 9799.58 (relating to
19 assessments) or has to register for life under 42
20 Pa.C.S. § 9799.55(b) (relating to registration).

21 * * *

22 § 6707. Agency use of designated address.

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

27 (1) when the State or local government agency has been
28 granted a waiver pursuant to section 6709 (relating to waiver
29 process); or

30 (2) when the program participant is any of the

1 following:

2 (i) a released offender complying with State or
3 county probation or parole requirements; or

4 (ii) a convicted sexual offender who has fulfilled
5 the offender's sentence but must register the offender's
6 community residence as required under 42 Pa.C.S. Ch. 97
7 Subch. H (relating to registration of sexual offenders)
8 or I (relating to continued registration of sexual
9 offenders) or any similar registration requirement
10 imposed by any other jurisdiction.

11 § 6338.1. Expunction of information of perpetrator who was
12 under 18 years of age when child abuse was committed.

13 * * *

14 (c) Nonapplicability.--The provisions of this section shall
15 not apply to any of the following cases:

16 * * *

17 (4) [A sexual offender, as defined in 42 Pa.C.S. §
18 9799.12, who meets all of the following:] An individual who:

19 (i) Is required to register under 42 Pa.C.S. Ch. 97
20 Subch. H or I (relating to continued registration of
21 sexual offenders) as a result of a criminal conviction
22 for the same acts which resulted in the sexual offender
23 being named a perpetrator of child abuse.

24 (ii) Has not completed the period of registration
25 required under 42 Pa.C.S. [§ 9799.15 (relating to period
26 of registration)] Subch. H or I.

27 Section 5. Sections 9718.1(a) introductory paragraph and
28 9799.10(4) of Title 42 are amended to read:

29 § 9718.1. Sexual offender treatment.

30 (a) General rule.--A person, including an offender

1 designated as a "sexually violent predator" as defined in
2 section 9799.12 (relating to definitions) or 9799.53 (relating
3 to definitions), shall attend and participate in a Department of
4 Corrections program of counseling or therapy designed for
5 incarcerated sex offenders if the person is incarcerated in a
6 State institution for any of the following provisions under 18
7 Pa.C.S. (relating to crimes and offenses):

8 * * *

9 § 9799.10. Purposes of subchapter.

10 This subchapter shall be interpreted and construed to
11 effectuate the following purposes:

12 * * *

13 (4) To require individuals who are [currently] subject
14 to the criminal justice system of this Commonwealth as
15 inmates, supervised with respect to probation or parole or
16 registrants [under this subchapter] due to committing a
17 sexually violent offense on or after December 20, 2012, for
18 which the individual was convicted, to register with the
19 Pennsylvania State Police and to otherwise comply with this
20 subchapter. To the extent practicable and consistent with the
21 requirements of the Adam Walsh Child Protection and Safety
22 Act of 2006, this subchapter shall be construed to maintain
23 existing procedures regarding registration of sexual
24 offenders who are subject to the criminal justice system of
25 this Commonwealth.

26 * * *

27 Section 6. Section 9799.11 heading of Title 42 is amended,
28 subsection (b) is amended by adding a paragraph and the section
29 is amended by adding a subsection to read:

30 § 9799.11. Legislative findings [and], declaration of policy

1 and scope.

2 * * *

3 (b) Declaration of policy.--The General Assembly declares as
4 follows:

5 * * *

6 (4) It is the intention of the General Assembly to
7 address the Pennsylvania Supreme Court's decision in
8 Commonwealth v. Muniz, 164 A.3d 1189 (Pa. 2017) and the
9 Pennsylvania Superior Court's decision in Commonwealth v.
10 Butler (2017 WL3882445).

11 (c) Scope.--This subchapter shall apply to individuals who
12 committed a sexually violent offense on or after December 20,
13 2012, for which the individual was convicted.

14 Section 7. The definitions of "sexual offender," "sexually
15 violent delinquent child," "sexually violent offense," "sexually
16 violent predator" and "transient" in section 9799.12 of Title 42
17 are amended to read:

18 § 9799.12. Definitions.

19 The following words and phrases when used in this subchapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 * * *

23 "Sexual offender." An individual [required to register under
24 this subchapter.] who has committed a sexually violent offense.
25 The term includes a sexually violent predator.

26 "Sexually violent delinquent child." As defined in section
27 6402 (relating to definitions)[.] if the determination as a
28 sexually violent delinquent child is based on an act of sexual
29 violence, as defined in section 6402, committed on or after
30 December 20, 2012, for which the child was adjudicated

1 delinquent and determined to be in need of commitment for
2 involuntary treatment as specified in Chapter 64 (relating to
3 court-ordered involuntary treatment of certain sexually violent
4 persons).

5 "Sexually violent offense." An offense specified in section
6 9799.14 (relating to sexual offenses and tier system) as a Tier
7 I, Tier II or Tier III sexual offense committed on or after
8 December 20, 2012, for which the individual was convicted.

9 "Sexually violent predator." An individual [determined to be
10 a sexually violent predator under section 9795.4 (relating to
11 assessments) prior to the effective date of this subchapter or
12 an individual convicted of an offense] who committed a sexually
13 violent offense on or after December 20, 2012, for which the
14 individual was convicted, specified in:

15 (1) section 9799.14(b) (1), (2), (3), (4), (5), (6), (8),
16 (9) or (10) (relating to sexual offenses and tier system) or
17 an attempt, conspiracy or solicitation to commit any offense
18 under section 9799.14(b) (1), (2), (3), (4), (5), (6), (8),
19 (9) or (10);

20 (2) section 9799.14(c) (1), (1.1), (1.2), (1.3), (2),
21 (3), (4), (5) or (6) or an attempt, conspiracy or
22 solicitation to commit an offense under section 9799.14(c)
23 (1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or

24 (3) section 9799.14(d) (1), (2), (3), (4), (5), (6), (7),
25 (8) or (9) or an attempt, conspiracy or solicitation to
26 commit an offense under section 9799.14(d) (1), (2), (3), (4),
27 (5), (6), (7), (8) or (9)

28 who[, on or after the effective date of this subchapter,] is
29 determined to be a sexually violent predator under section
30 9799.24 (relating to assessments) due to a mental abnormality or

1 personality disorder that makes the individual likely to engage
2 in predatory sexually violent offenses. The term includes an
3 individual determined to be a sexually violent predator or
4 similar designation where the determination occurred in another
5 jurisdiction, a foreign country or by court martial following a
6 judicial or administrative determination pursuant to a process
7 similar to that under section 9799.24[. In addition, the term
8 shall include any person convicted between January 23, 2005, and
9 December 19, 2012, of any offense set forth in section
10 9799.13(3.1) (relating to applicability) determined by a court
11 to be a sexually violent predator due to a mental abnormality or
12 personality disorder that made the person likely to engage in
13 predatory sexually violent offenses, which person shall be
14 deemed a sexually violent predator under this subchapter.] where
15 the determination or designation is based on the commitment of a
16 sexually violent offense on or after December 20, 2012, for
17 which the individual was convicted.

18 * * *

19 "Transient." [An individual required to register under this
20 subchapter] A sexual offender who does not have a residence but
21 nevertheless resides in this Commonwealth in a temporary habitat
22 or other temporary place of abode or dwelling, including, but
23 not limited to, a homeless shelter or park.

24 Section 8. Section 9799.13 of Title 42 is amended to read:

25 § 9799.13. Applicability.

26 The following individuals shall register with the
27 Pennsylvania State Police as provided in sections 9799.15
28 (relating to period of registration), 9799.19 (relating to
29 initial registration) and 9799.25 (relating to verification by
30 sexual offenders and Pennsylvania State Police) and otherwise

1 comply with the provisions of this subchapter:

2 (1) [An individual who, on or after the effective date
3 of this section, is convicted of a sexually violent offense
4 and who has a residence within this Commonwealth or is a
5 transient.] A sexual offender who has a residence within this
6 Commonwealth or is a transient.

7 (1.1) [An individual who, on or after the effective date
8 of this section, is convicted of a sexually violent offense
9 in this Commonwealth and] A sexual offender who is convicted
10 in this Commonwealth and who does not have a residence in
11 this Commonwealth and:

12 (i) is employed in this Commonwealth; or

13 (ii) is a student in this Commonwealth.

14 (1.2) [An individual who, on or after the effective date
15 of this section, is convicted of a sexually violent offense
16 and] A sexual offender who does not have a residence within
17 this Commonwealth or is not a transient in this Commonwealth
18 and:

19 (i) is employed in this Commonwealth; or

20 (ii) is a student in this Commonwealth.

21 (2) [An individual who, on or after the effective date
22 of this section, is, as a result of a conviction for a
23 sexually violent offense,] A sexual offender who is an inmate
24 in a State or county correctional institution of this
25 Commonwealth, including a community corrections center or a
26 community contract facility, is being supervised by the
27 Pennsylvania Board of Probation and Parole or county
28 probation or parole, is subject to a sentence of intermediate
29 punishment or has supervision transferred pursuant to the
30 Interstate Compact for Adult Supervision in accordance with

1 section 9799.19(g).

2 (2.1) [An individual who, on or after the effective date
3 of this section, is, as a result of a conviction for a
4 sexually violent offense,] A sexual offender who is an inmate
5 in a Federal correctional institution or is supervised by
6 Federal probation authorities and who:

7 (i) has a residence within this Commonwealth or is a
8 transient;

9 (ii) is employed within this Commonwealth; or

10 (iii) is a student within this Commonwealth.

11 [(3) An individual who:

12 (i) was required to register with the Pennsylvania
13 State Police pursuant to this subchapter prior to
14 December 20, 2012, and who had not fulfilled the
15 individual's period of registration as of December 20,
16 2012; or

17 (ii) was required to register with the Pennsylvania
18 State Police pursuant to this subchapter prior to
19 December 20, 2012, and did not register.

20 (3.1) The following:

21 (i) An individual who between January 23, 2005, and
22 December 19, 2012, was:

23 (A) convicted of a sexually violent offense;

24 (B) released from a period of incarceration
25 resulting from a conviction for a sexually violent
26 offense; or

27 (C) under the supervision of the Pennsylvania
28 Board of Probation and Parole or county probation or
29 parole as a result of a conviction for a sexually
30 violent offense.

1 (ii) For purposes of this paragraph, the term
2 "sexually violent offense" shall have the meaning set
3 forth in section 9799.12 (relating to definitions),
4 except that it shall not include:

5 (A) Convictions:

6 (I) Under the following provisions of 18
7 Pa.C.S. (relating to crimes and offenses):

8 Section 2902(b) (relating to unlawful
9 restraint).

10 Section 2903(b) (relating to false
11 imprisonment).

12 Section 2904 (relating to interference
13 with custody of children).

14 Section 3122.1 (relating to statutory
15 sexual assault).

16 Section 6301 (relating to corruption of
17 minors).

18 Section 7507.1 (relating to invasion of
19 privacy).

20 (II) For a comparable military offense or
21 similar offense under the laws of another
22 jurisdiction or foreign country or under a former
23 law of this Commonwealth prior to December 8,
24 2008.

25 (B) A conviction under 18 Pa.C.S. § 3126
26 (relating to indecent assault) where the crime is
27 graded as a misdemeanor of the second degree or where
28 the conviction occurred between January 22, 2006, and
29 January 1, 2007, when the crime is graded as a felony
30 of the third degree.

1 (3.2) An individual who between December 8, 2008, and
2 December 19, 2012, was:

3 (i) convicted of conspiracy or solicitation to
4 commit a sexually violent offense as defined in
5 paragraph (3.1);

6 (ii) released from serving a period of incarceration
7 resulting from a conviction for conspiracy or
8 solicitation to commit a sexually violent offense as
9 defined in paragraph (3.1); or

10 (iii) under the supervision of the Pennsylvania
11 Board of Probation and Parole or county probation or
12 parole as a result of a conviction for conspiracy or
13 solicitation to commit a sexually violent offense as
14 defined in paragraph (3.1).]

15 (7) [An individual who, on or after the effective date
16 of this section, is] A sexual offender required to register
17 in a sexual offender registry in another jurisdiction or in a
18 foreign country based upon a conviction for a sexually
19 violent offense or under a sexual offender statute in the
20 jurisdiction where the individual is convicted and:

21 (i) has a residence in this Commonwealth or is a
22 transient;

23 (ii) is employed within this Commonwealth; or

24 (iii) is a student within this Commonwealth.

25 (7.1) An individual who, [on or after the effective date
26 of this section,] as a result of committing an offense set
27 forth in section 9799.14(b)(23) (relating to sexual offenses
28 and tier system) on or after December 20, 2012, for which the
29 individual was convicted, is required to register in a sexual
30 offender registry in another jurisdiction or foreign country

1 [based upon a conviction of an offense set forth in section
2 9799.14(b)(23) (relating to sexual offenses and tier system)]
3 and:

4 (i) has a residence in this Commonwealth or is a
5 transient;

6 (ii) is employed within this Commonwealth; or

7 (iii) is a student within this Commonwealth.

8 (7.2) [An individual who, on or after the effective date
9 of this paragraph,] A sexual offender who is convicted [of a
10 sexually violent offense] in another jurisdiction or foreign
11 country, or is incarcerated or under supervision as a result
12 of a conviction [for a sexually violent offense] in another
13 jurisdiction or foreign country and:

14 (i) has a residence in this Commonwealth or is a
15 transient;

16 (ii) is employed within this Commonwealth; or

17 (iii) is a student within this Commonwealth.

18 (8) An individual who, on or after the effective date of
19 this section, is a juvenile offender who was adjudicated
20 delinquent within this Commonwealth or was adjudicated
21 delinquent in another jurisdiction or a foreign country and:

22 (i) has a residence within this Commonwealth;

23 (ii) is employed within this Commonwealth; or

24 (iii) is a student within this Commonwealth.

25 (8.1) An individual who is a juvenile offender who is
26 adjudicated delinquent in this Commonwealth on or after the
27 effective date of this paragraph but who does not have a
28 residence within this Commonwealth, is not a transient, is
29 not employed in this Commonwealth or is not a student within
30 this Commonwealth must register with the Pennsylvania State

1 Police in accordance with section 9799.19 prior to leaving
2 this Commonwealth.

3 (8.2) An individual who between January 23, 2005, and
4 December 19, 2012, established a residence or was a transient
5 in this Commonwealth, was employed within this Commonwealth,
6 or was a student in this Commonwealth, and who was required
7 to register in a sexual offender registry as a result of an
8 adjudication of delinquency for an offense which occurred in
9 a foreign country or another jurisdiction and that required
10 the individual to register in that foreign country or other
11 jurisdiction.

12 (9) An individual who[, on or after the effective date
13 of this section,] is a sexually violent delinquent child.
14 [who is committed for involuntary treatment or, on the
15 effective date of this section, is under commitment receiving
16 involuntary treatment in the State-owned facility or unit as
17 set forth in Chapter 64 (relating to court-ordered
18 involuntary treatment of certain sexually violent persons).]

19 Section 9. Section 9799.14(b) (3) of Title 42 is amended and
20 subsection (d) is amended by adding a paragraph to read:

21 § 9799.14. Sexual offenses and tier system.

22 * * *

23 (b) Tier I sexual offenses.--The following offenses shall be
24 classified as Tier I sexual offenses:

25 * * *

26 (3) 18 Pa.C.S. § 2904 (relating to interference with
27 custody of children), except in cases where the defendant is
28 the child's parent, guardian or other lawful custodian.

29 * * *

30 (d) Tier III sexual offenses.--The following offenses shall

1 be classified as Tier III sexual offenses:

2 * * *

3 (17) One conviction of a sexually violent offense and
4 one conviction of a sexually violent offenses as defined in
5 section 9799.55 (relating to registration).

6 Section 10. Section 9799.15(a.1) and (b)(1)(i) and (iv) of
7 Title 42 are amended and the section is amended by adding a
8 subsection to read:

9 § 9799.15. Period of registration.

10 * * *

11 [(a.1) Credit for time on registry.--The following apply:

12 (1) An individual subject to registration under this
13 subchapter shall receive credit for any time registered with
14 the Pennsylvania State Police prior to December 20, 2012.

15 (2) An individual subject to registration under this
16 subchapter shall register with the Pennsylvania State Police
17 for the period of time set forth in subsection (a), except
18 that:

19 (i) An individual registered pursuant to section
20 9799.13(2), (2.1), (3), (3.1) or (3.2) for a sexually
21 violent offense shall register for the period set forth
22 in subsection (a), less any credit for time spent
23 registered pursuant to this subchapter for that offense
24 prior to December 20, 2012.

25 (ii) An individual registered pursuant to section
26 9799.13(7), (7.1) or (7.2) for a sexually violent offense
27 shall register for the period set forth in subsection
28 (a), less any credit as a result of time registered in a
29 sexual offender registry for that sexually violent
30 offense in the foreign country or other jurisdiction

1 where the individual was convicted.

2 (iii) An individual registered pursuant to section
3 9799.13(8), (8.1) or (8.2) as a result of an adjudication
4 of delinquency occurring in a foreign country or other
5 jurisdiction shall register for the period set forth in
6 subsection (a), less any credit as a result of time
7 registered in a sexual offender registry in the foreign
8 country or other jurisdiction where the individual was
9 adjudicated delinquent.]

10 (a.2) Assessment by court after 25 years.--An individual
11 required to register under subsection (a) (3), (5), (6) and (7)
12 may be exempt from the requirement to register, the requirement
13 to verify residence, employment and enrollment in an educational
14 institution, the requirement to appear on the publicly
15 accessible Internet website maintained by the Pennsylvania State
16 Police and all other requirements of this subchapter if:

17 (1) Subject to subsection (c), at least 25 years have
18 elapsed prior to filing a petition with the sentencing court
19 to be exempt from the requirements of this subchapter, during
20 which time the petitioner has not been convicted in this
21 Commonwealth or any other jurisdiction or foreign country of
22 an offense punishable by imprisonment of more than one year,
23 or the petitioner's release from custody following the
24 petitioner's most recent conviction for an offense, whichever
25 is later.

26 (2) Upon receipt of a petition filed under paragraph
27 (1), the sentencing court shall enter an order directing that
28 the petitioner be assessed by the board. Upon receipt from
29 the court of an order for an assessment under this
30 subsection, a member of the board designated by the

1 administrative officer of the board shall conduct an
2 assessment of the petitioner to determine if the relief
3 sought, if granted, is likely to pose a threat to the safety
4 of any other person. The board shall establish standards for
5 evaluations and for evaluators conducting assessments.

6 (3) The order for an assessment under this subsection
7 shall be sent to the administrative officer of the board
8 within 10 days of the entry. No later than 90 days following
9 receipt of the order, the board shall submit a written report
10 containing the board's assessment to the sentencing court,
11 the district attorney and the attorney for the petitioner.

12 (4) Within 120 days of filing the petition under
13 paragraph (1), the sentencing court shall hold a hearing to
14 determine whether to exempt the petitioner from the
15 application of any or all of the requirements of this
16 subchapter. The petitioner and the district attorney shall be
17 given notice of the hearing and an opportunity to be heard,
18 the right to call witnesses and the right to cross-examine
19 witnesses. The petitioner shall have the right to counsel and
20 to have a lawyer appointed to represent the petitioner if the
21 petitioner cannot afford one.

22 (5) The sentencing court shall exempt the petitioner
23 from application of any or all of the requirements of this
24 subchapter, at the discretion of the court, only upon a
25 finding of clear and convincing evidence that exempting the
26 sexual offender from a particular requirement or all of the
27 requirements of this subchapter is not likely to pose a
28 threat to the safety of any other person.

29 (6) A court granting relief under this subsection shall
30 notify the Pennsylvania State Police in writing within 10

1 days from the date the relief is granted. If a memorandum of
2 understanding has been entered into under section 9799.26
3 (relating to victim notification) with respect to relief
4 granted to the petitioner, the Pennsylvania State Police
5 shall transmit the information about the relief to the Office
6 of Victim Advocate as soon as is practicable. The Office of
7 Victim Advocate shall notify the victim of the relief, in
8 accordance with the memorandum of understanding, as described
9 in section 9799.26.

10 (7) The petitioner and the Commonwealth shall have the
11 right to appellate review of the actions of the sentencing
12 court under this subsection. An appeal by the Commonwealth
13 shall stay the order of the sentencing court.

14 (8) If the petitioner is exempt from any provisions of
15 this subchapter and the petitioner is subsequently convicted
16 under 18 Pa.C.S. § 4915.1 (relating to failure to comply with
17 registration requirements), relief granted under this
18 subsection shall be void and the petitioner shall
19 automatically and immediately again be subject to the
20 provisions of this subchapter, as previously determined by
21 this subchapter.

22 (a.3) Agency cooperation.--All State, county and local
23 agencies, offices and entities in this Commonwealth, including
24 juvenile probation officers, shall cooperate by providing access
25 to records and information as requested by the board in
26 connection with the court-ordered assessment under subsection
27 (a.2).

28 (b) Commencement of registration.--The following apply:

29 (1) The period of registration set forth in subsection

30 (a) shall commence as follows:

1 (i) For an individual [convicted of] who committed a
2 sexually violent offense in this Commonwealth, the period
3 of registration shall commence upon:

4 (A) release from incarceration in a State or
5 county correctional facility, including release to a
6 community correction center or community contract
7 facility;

8 (B) parole or a sentence of probation; or

9 (C) a sentence of State or county intermediate
10 punishment in which the person is not sentenced to a
11 period of incarceration.

12 * * *

13 (iv) For an individual who [is convicted of]
14 committed a sexually violent offense in another
15 jurisdiction or foreign country or a comparable military
16 offense, the period of registration shall commence upon
17 establishment of a residence or commencement of
18 employment or enrollment as a student within this
19 Commonwealth. This subparagraph shall apply to an
20 individual convicted of a sexually violent offense in
21 another jurisdiction or foreign country or comparable
22 military offense and who is a transient.

23 * * *

24 Section 11. Section 9799.16(a) of Title 42 is amended by
25 adding a paragraph to read:

26 § 9799.16. Registry.

27 (a) Establishment.--There is established a Statewide
28 registry of sexual offenders in order to carry out the
29 provisions of this subchapter. The Pennsylvania State Police
30 shall create and maintain the registry. The registry shall

1 maintain a complete and systematic index of all records required
2 regarding sexual offenders in order to comply with the Adam
3 Walsh Child Protection and Safety Act of 2006 (Public Law 109-
4 248, 120 Stat. 587). The registry shall:

5 (1) Be composed of an electronic database and digitized
6 records.

7 (2) Be able to communicate with the Sex Offender
8 Registration and Notification Act Exchange Portal developed
9 by the United States Department of Justice, the National Sex
10 Offender Registry or any successor database which is
11 maintained by the Department of Justice and the Dru Sjodin
12 National Sex Offender Public Internet Website maintained by
13 the Department of Justice.

14 (3) Be able to communicate with sexual offender
15 registries established in other jurisdictions.

16 (4) Contain information about individuals required to
17 register with the Pennsylvania State Police under Subchapter
18 I (relating to continued registration of sexual offenders)

19 * * *

20 Section 12. Section 9799.19(b), (b.1), (c), (d), (e), (e.1),
21 (e.2), (f), (g), (i)(3) and (j) of Title 42 are amended and the
22 section is amended by adding subsections to read:

23 § 9799.19. Initial registration.

24 * * *

25 [(b) Initial registration if incarcerated within
26 Commonwealth or by Federal Court on effective date of section.--

27 The following apply:

28 (1) If the individual is, prior to the effective date of
29 this section, incarcerated in a Federal, State or county
30 correctional facility, the individual shall provide the

1 information set forth in section 9799.16(b) (relating to
2 registry) to the appropriate official of the Federal, State
3 or county correctional facility or the Pennsylvania Board of
4 Probation and Parole for inclusion in the registry before
5 being released due to:

6 (i) the expiration of sentence, in which case the
7 information shall be collected no later than ten days
8 prior to the maximum expiration date;

9 (ii) parole;

10 (iii) State or county intermediate punishment where
11 the sentence is restrictive and the individual is
12 sentenced to a period of incarceration in a State or
13 county correctional institution or a work release
14 facility; or

15 (iv) special probation supervised by the
16 Pennsylvania Board of Probation and Parole.

17 (2) For individuals set forth in paragraph (1), the
18 appropriate official of the Federal, State or county
19 correctional facility or the Pennsylvania Board of Probation
20 and Parole shall collect and forward the information in
21 section 9799.16(b) to the Pennsylvania State Police. The
22 appropriate official shall, in addition, ensure that the
23 information set forth in section 9799.16(c) is collected and
24 forwarded to the Pennsylvania State Police. The information
25 in section 9799.16(b) and (c) shall be included in the
26 registry. With respect to individuals released under
27 paragraph (1)(ii), (iii) or (iv), the State or county
28 correctional facility shall not release the individual until
29 it receives verification from the Pennsylvania State Police
30 that it has received the information set forth in section

1 9799.16(b) and (c). Verification may take place by electronic
2 means. With respect to individuals released under paragraph
3 (1)(i), if the individual refuses to provide the information
4 set forth in section 9799.16(b), the State or county
5 correctional institution shall notify the Pennsylvania State
6 Police or the municipal police department with jurisdiction
7 over the facility of the failure to provide the information
8 and of the expected date, time and location of the release of
9 the individual.

10 (b.1) Initial registration if sentenced to a county or State
11 correctional facility on or after the effective date of
12 section.--If the individual is, on or after the effective date
13 of this section, sentenced to a period of incarceration in a
14 county or State correctional facility, the individual shall
15 provide the information set forth in section 9799.16(b) as
16 follows:

17 (1) At the time of sentencing, the court shall require
18 the individual to immediately report to the Office of
19 Probation and Parole serving that county to register under
20 this subchapter. The appropriate office of probation and
21 parole shall collect the information set forth in section
22 9799.16(b) from the individual and forward the information to
23 the Pennsylvania State Police. The appropriate office of
24 probation and parole shall, in addition, ensure the
25 information set forth in 9799.16(c) is collected and
26 forwarded to the Pennsylvania State Police. The information
27 in section 9799.16(b) and (c) shall be included in the
28 registry.

29 (2) If the individual is incarcerated in a State
30 correctional facility or county correctional facility, the

1 correctional facility shall notify the Pennsylvania State
2 Police, not more than 30 days in advance of, but not later
3 than ten days prior to, the individual's release from the
4 correctional facility. The following apply:

5 (i) The correctional facility shall ensure that the
6 information set forth in section 9799.16(b) and (c) for
7 the individual has been submitted to the Pennsylvania
8 State Police.

9 (ii) If the information has not been submitted to
10 the Pennsylvania State Police, the correctional facility
11 shall collect the information set forth in section
12 9799.16(b) from the individual and forward the
13 information to the Pennsylvania State Police.

14 (iii) The correctional facility shall also report
15 any changes to the information set forth in section
16 9799.16(b) and (c) on file with the Pennsylvania State
17 Police.

18 (iv) In the case of parole, State or county
19 intermediate punishment where the sentence is restrictive
20 and the individual is sentenced to a period of
21 incarceration in a State or county correctional
22 institution or work release facility or special probation
23 supervised by the Pennsylvania Board of Probation and
24 Parole, the correctional facility may not release the
25 individual until the correctional facility receives
26 verification from the Pennsylvania State Police that the
27 Pennsylvania State Police has received the information
28 set forth in section 9799.16(b) and (c). Verification by
29 the Pennsylvania State Police may occur by electronic
30 means.

1 (v) If the individual is scheduled to be released
2 from a State or county correctional institution due to
3 the expiration of sentence and the individual refuses to
4 provide the information set forth in section 9799.16(b),
5 the State or county correctional institution shall notify
6 the Pennsylvania State Police or the municipal police
7 department with jurisdiction over the facility of the
8 failure to provide the information and of the expected
9 date, time and location of the release of the individual.

10 (c) Initial registration if sentenced to county intermediate
11 punishment on effective date of section.--If the individual is,
12 on the effective date of this section, sentenced to county
13 intermediate punishment which is restorative where the
14 individual is not sentenced to incarceration or to a work
15 release facility, the individual shall provide the information
16 set forth in section 9799.16(b) by appearing at an approved
17 registration site within 48 hours of the effective date of this
18 section. The appropriate official of the county office of
19 probation and parole shall ensure that the individual has
20 appeared at an approved registration site as set forth in this
21 subsection. If the individual fails to appear, the appropriate
22 official of the county office of probation and parole shall
23 notify the Pennsylvania State Police. The Pennsylvania State
24 Police shall ensure the information set forth in section
25 9799.16(c) with respect to the individual is collected and
26 entered in the registry.

27 (d) Initial registration if sentenced to county intermediate
28 punishment after effective date of section.--If the individual
29 is, after the effective date of this section, sentenced to
30 county intermediate punishment, the following apply:

1 (1) If the individual is sentenced to county
2 intermediate punishment which is restorative, the individual
3 shall provide the information set forth in section 9799.16(b)
4 by appearing at an approved registration site within 48 hours
5 of being sentenced. The appropriate official of the county
6 office of probation and parole shall ensure that the
7 individual has appeared at an approved registration site as
8 set forth in this paragraph. If the individual fails to
9 appear, the appropriate official of the county office of
10 probation and parole shall notify the Pennsylvania State
11 Police. The Pennsylvania State Police shall ensure the
12 information set forth in section 9799.16(c) with respect to
13 the individual is collected and entered in the registry.

14 (2) If the individual is sentenced to county
15 intermediate punishment which is restrictive where the
16 individual is not sentenced to incarceration or to a work
17 release facility, the individual shall provide the
18 information set forth in section 9799.16(b) by appearing at
19 an approved registration site within 48 hours of being
20 sentenced. The appropriate official of the county office of
21 probation and parole shall ensure that the individual has
22 appeared at an approved registration site as set forth in
23 this paragraph. If the individual fails to appear, the
24 appropriate official of the county office of probation and
25 parole shall notify the Pennsylvania State Police. The
26 Pennsylvania State Police shall ensure the information set
27 forth in section 9799.16(c) with respect to the individual is
28 collected and entered in the registry.

29 (e) Initial registration if sentenced to county probation on
30 or after effective date of section.--If the individual is, on or

1 after the effective date of this section, sentenced to county
2 probation, the individual shall provide the information set
3 forth in section 9799.16(b) by appearing at an approved
4 registration site within 48 hours of being sentenced. The
5 appropriate official of the county office of probation and
6 parole shall ensure that the individual has appeared at an
7 approved registration site as set forth in this paragraph. If
8 the individual fails to appear, the appropriate official of the
9 county office of probation and parole shall notify the
10 Pennsylvania State Police. The Pennsylvania State Police shall
11 ensure the information set forth in section 9799.16(c) with
12 respect to the individual is collected and entered in the
13 registry.

14 (e.1) Initial registration for county or Federal
15 probationers on the effective date of this section.--

16 (1) If the individual is, on the effective date of this
17 section, already serving a sentence of county probation, 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 set forth 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 set forth in section 9799.16(c) is collected. The information
25 in section 9799.16(b) and (c) shall be included in the
26 registry. If the individual fails to comply, the appropriate
27 official of that office shall notify the Pennsylvania State
28 Police.

29 (2) If the individual is, on the effective date of this
30 section, already under the supervision of Federal probation

1 authorities for a sexually violent offense, the individual
2 shall provide the information set forth in section 9799.16(b)
3 by appearing at an approved registration site within 48 hours
4 of the effective date of this section.

5 (e.2) Initial registration for county or State parolees on
6 the effective date of this section.--

7 (1) If the individual is, on the effective date of this
8 section, already serving a sentence of county parole, the
9 appropriate office of probation and parole serving the county
10 shall register the individual within 48 hours. The
11 appropriate official of that office shall collect the
12 information set forth in section 9799.16(b) and forward that
13 information to the Pennsylvania State Police. The
14 Pennsylvania State Police shall ensure that the information
15 set forth in section 9799.16(c) is collected. The information
16 in section 9799.16(b) and (c) shall be included in the
17 registry. If the individual fails to comply, the appropriate
18 official of that office shall notify the Pennsylvania State
19 Police.

20 (2) If the individual is, on the effective date of this
21 section, already serving a sentence of State parole, the
22 Pennsylvania Board of Probation and Parole shall register the
23 individual within 48 hours. The appropriate official of the
24 Pennsylvania Board of Probation and Parole shall collect the
25 information set forth in section 9799.16(b) from the
26 individual and forward the information to the Pennsylvania
27 State Police. The Pennsylvania State Police shall ensure that
28 the information set forth in section 9799.16(c) is collected.
29 The information in section 9799.16(b) and (c) shall be
30 included in the registry. If the individual fails to comply,

1 the appropriate official of the Pennsylvania Board of
2 Probation and Parole shall notify the Pennsylvania State
3 Police.]

4 (f) Initial registration if being supervised by
5 Commonwealth under Interstate Compact for Adult Offender
6 Supervision.--If an individual is in this Commonwealth and is
7 being supervised by the State Board of Probation and Parole or
8 the county office of probation and parole pursuant to the
9 Interstate Compact for Adult Offender Supervision, the following
10 apply:

11 (1) If the individual is being supervised under the
12 compact [after the effective date of this section,] for
13 committing a sexually violent offense which requires
14 registration in another jurisdiction or foreign country
15 whether or not the sexual offense is designated as a sexually
16 violent offense, the individual shall provide the information
17 set forth in section 9799.16(b) to the appropriate official
18 of the State Board of Probation and Parole or the county
19 office of probation and parole for inclusion in the registry.
20 The appropriate official shall collect the information set
21 forth in section 9799.16(b) and forward the information to
22 the Pennsylvania State Police. The appropriate official
23 shall, in addition, ensure that the information set forth in
24 section 9799.16(c) is collected and forwarded to the
25 Pennsylvania State Police. If the individual fails to provide
26 the information in section 9799.16(b), the appropriate
27 official of the State Board of Probation and Parole or county
28 office of probation and parole shall notify the Pennsylvania
29 State Police.

30 [(2) If the individual is being supervised under the

1 compact on the effective date of this section, the individual
2 shall provide the information set forth in section 9799.16(b)
3 by appearing at an approved registration site within 48 hours
4 of the effective date of this section. The appropriate
5 official of the Pennsylvania Board of Probation and Parole or
6 the county office of probation and parole shall ensure that
7 the individual has appeared at an approved registration site
8 as set forth in this paragraph. If the individual fails to
9 appear, the appropriate official shall notify the
10 Pennsylvania State Police. The appropriate official shall, in
11 addition, ensure the information set forth in section
12 9799.16(c) is collected and forwarded to the Pennsylvania
13 State Police.]

14 (g) Supervision of individual convicted in Commonwealth who
15 does not intend to reside in Commonwealth.--[On or after the
16 effective date of this section, an individual convicted of] An
17 individual who committed a sexually violent offense within this
18 Commonwealth who seeks transfer of supervision to another
19 jurisdiction pursuant to the Interstate Compact for Adult
20 Offender Supervision shall not have supervision transferred to
21 another jurisdiction prior to the individual's registration with
22 the Pennsylvania State Police as set forth in this section.

23 * * *

24 (i) Initial registration if convicted or adjudicated
25 delinquent outside Commonwealth.--

26 * * *

27 (3) If the individual is[, on or after the effective
28 date of this section,] convicted of a sexually violent
29 offense and incarcerated in a Federal correctional
30 institution or being supervised by Federal probation

1 authorities, the individual shall appear in person at an
2 approved registration site to provide the information set
3 forth in section 9799.16(b) to the Pennsylvania State Police
4 within three business days of establishing residence,
5 commencing employment or commencing enrollment as a student
6 in this Commonwealth. In addition, the individual shall
7 comply with other provisions of this subchapter, including
8 section 9799.15. If the individual fails to establish a
9 residence but nevertheless resides in this Commonwealth, the
10 individual shall register as a transient. The Pennsylvania
11 State Police shall ensure that the information set forth in
12 section 9799.16(c) with respect to the individual is
13 collected and entered into the registry.

14 [(j) Former law and registration.--An individual subject to
15 registration under section 9799.13(3) shall appear at an
16 approved registration site to update registration or, if
17 necessary, to provide the information set forth in section
18 9799.16(b) to the Pennsylvania State Police within 90 days of
19 the effective date of this section. In addition, the individual
20 shall comply with the other provisions of this subchapter,
21 including section 9799.15. If the individual fails to establish
22 a residence, the individual shall register as a transient. The
23 Pennsylvania State Police shall ensure that the information set
24 forth in section 9799.16(c) with respect to the individual is
25 collected and entered in the registry.]

26 (k) Registration if incarcerated within Commonwealth or by
27 Federal court.--The following apply to an individual who
28 committed a sexually violent offense:

29 (1) If the individual is incarcerated in a Federal,
30 State or county correctional facility, the individual shall

1 provide the information specified in section 9799.16(b)
2 (relating to registry) to the appropriate official of the
3 Federal, State or county correctional facility or the
4 Pennsylvania Board of Probation and Parole for inclusion in
5 the registry before being released due to:

6 (i) the expiration of sentence, in which case the
7 information shall be collected no later than 10 days
8 prior to the maximum expiration date;

9 (ii) parole;

10 (iii) State or county intermediate punishment where
11 the sentence is restrictive and the individual is
12 sentenced to a period of incarceration in a State or
13 county correctional facility or a work release facility;
14 or

15 (iv) special probation supervised by the
16 Pennsylvania Board of Probation and Parole.

17 (2) For individuals described in paragraph (1), the
18 appropriate official of the Federal, State or county
19 correctional facility or the Pennsylvania Board of Probation
20 and Parole shall collect and forward the information in
21 section 9799.16(b) to the Pennsylvania State Police. The
22 appropriate official shall, in addition, ensure that the
23 information specified in section 9799.16(c) is collected and
24 forwarded to the Pennsylvania State Police. The information
25 specified in section 9799.16(b) and (c) shall be included in
26 the registry. With respect to individuals released under
27 paragraph (1)(ii), (iii) or (iv), the State or county
28 correctional facility shall not release the individual until
29 the State or county correctional facility receives
30 verification from the Pennsylvania State Police that the

1 Pennsylvania State Police has received the information
2 specified in section 9799.16(b) and (c). Verification may
3 take place by electronic means. With respect to individuals
4 released under paragraph (1)(i), if the individual refuses to
5 provide the information specified in section 9799.16(b), the
6 State or county correctional facility shall notify the
7 Pennsylvania State Police or the municipal police department
8 with jurisdiction over the facility of the failure to provide
9 the information and of the expected date, time and location
10 of the release of the individual.

11 (1) Registration if sentenced to a State or county
12 correctional facility.--If the individual committed a sexually
13 violent offense and is sentenced to a period of incarceration in
14 a State or county correctional facility, the individual shall
15 provide the information specified in section 9799.16(b) as
16 follows:

17 (1) At the time of sentencing, the court shall require
18 the individual to immediately report to the office of
19 probation and parole serving that county to register under
20 this subchapter. The appropriate office of probation and
21 parole shall collect the information specified in section
22 9799.16(b) from the individual and forward the information to
23 the Pennsylvania State Police. The appropriate office of
24 probation and parole shall, in addition, ensure the
25 information specified in section 9799.16(c) is collected and
26 forwarded to the Pennsylvania State Police. The information
27 specified in section 9799.16(b) and (c) shall be included in
28 the registry.

29 (2) If the individual is incarcerated in a State or
30 county correctional facility, the correctional facility shall

1 notify the Pennsylvania State Police, not more than 30 days
2 in advance of, but not later than 10 days prior to, the
3 individual's release from the correctional facility. The
4 following apply:

5 (i) The correctional facility shall ensure that the
6 information specified in section 9799.16(b) and (c) for
7 the individual has been submitted to the Pennsylvania
8 State Police.

9 (ii) If the information has not been submitted to
10 the Pennsylvania State Police, the correctional facility
11 shall collect the information specified in section
12 9799.16(b) from the individual and forward the
13 information to the Pennsylvania State Police.

14 (iii) The correctional facility shall also report
15 any changes to the information specified in section
16 9799.16(b) and (c) on file with the Pennsylvania State
17 Police.

18 (iv) In the case of parole, State or county
19 intermediate punishment where the sentence is
20 restrictive and the individual is sentenced to a period
21 of incarceration in a State or county correctional
22 facility or work release facility or special probation
23 supervised by the Pennsylvania Board of Probation and
24 Parole, the correctional facility may not release the
25 individual until the correctional facility receives
26 verification from the Pennsylvania State Police that the
27 Pennsylvania State Police has received the information
28 specified in section 9799.16(b) and (c). Verification by
29 the Pennsylvania State Police may occur by electronic
30 means.

1 (v) If the individual is scheduled to be released
2 from a State or county correctional facility due to the
3 expiration of sentence and the individual refuses to
4 provide the information specified in section 9799.16(b),
5 the State or county correctional facility shall notify
6 the Pennsylvania State Police or the municipal police
7 department with jurisdiction over the facility of the
8 failure to provide the information and of the expected
9 date, time and location of the release of the individual.

10 (m) Registration if sentenced to county intermediate
11 punishment.--If the individual committed a sexually violent
12 offense and is sentenced to county intermediate punishment which
13 is restorative where the individual is not sentenced to
14 incarceration or to a work release facility, the individual
15 shall provide the information specified in section 9799.16(b) by
16 appearing at an approved registration site within 48 hours of
17 being sentenced. The appropriate official of the county office
18 of probation and parole shall ensure that the individual has
19 appeared at an approved registration site as described in this
20 subsection. If the individual fails to appear, the appropriate
21 official of the county office of probation and parole shall
22 notify the Pennsylvania State Police. The Pennsylvania State
23 Police shall ensure the information specified in section
24 9799.16(c) with respect to the individual is collected and
25 entered in the registry.

26 (n) Registration if sentenced to county intermediate
27 punishment.--If the individual committed a sexually violent
28 offense and is sentenced to county intermediate punishment, the
29 following apply:

30 (1) If the individual is sentenced to county

1 intermediate punishment which is restorative, the individual
2 shall provide the information specified in section 9799.16(b)
3 by appearing at an approved registration site within 48 hours
4 of being sentenced. The appropriate official of the county
5 office of probation and parole shall ensure that the
6 individual has appeared at an approved registration site as
7 specified in this paragraph. If the individual fails to
8 appear, the appropriate official of the county office of
9 probation and parole shall notify the Pennsylvania State
10 Police. The Pennsylvania State Police shall ensure the
11 information specified in section 9799.16(c) with respect to
12 the individual is collected and entered in the registry.

13 (2) If the individual is sentenced to county
14 intermediate punishment which is restrictive where the
15 individual is not sentenced to incarceration or to a work
16 release facility, the individual shall provide the
17 information specified in section 9799.16(b) by appearing at
18 an approved registration site within 48 hours of being
19 sentenced. The appropriate official of the county office of
20 probation and parole shall ensure that the individual has
21 appeared at an approved registration site as described in
22 this paragraph. If the individual fails to appear, the
23 appropriate official of the county office of probation and
24 parole shall notify the Pennsylvania State Police. The
25 Pennsylvania State Police shall ensure the information
26 specified in section 9799.16(c) with respect to the
27 individual is collected and entered in the registry.

28 (o) Registration if sentenced to county probation.--If the
29 individual committed a sexually violent offense and is sentenced
30 to county probation, the individual shall provide the

1 information specified in section 9799.16(b) by appearing at an
2 approved registration site within 48 hours of being sentenced.
3 The appropriate official of the county office of probation and
4 parole shall ensure that the individual has appeared at an
5 approved registration site as described in this subsection. If
6 the individual fails to appear, the appropriate official of the
7 county office of probation and parole shall notify the
8 Pennsylvania State Police. The Pennsylvania State Police shall
9 ensure the information specified in section 9799.16(c) with
10 respect to the individual is collected and entered in the
11 registry.

12 (p) Registration for county or Federal probationers.--If the
13 individual committed a sexually violent offense, the following
14 apply:

15 (1) If the individual is serving a sentence of county
16 probation, the appropriate office of probation and parole
17 serving the county shall register the individual within 48
18 hours. The appropriate official of that office shall collect
19 the information specified in section 9799.16(b) and forward
20 that information to the Pennsylvania State Police. The
21 Pennsylvania State Police shall ensure that the information
22 specified in section 9799.16(c) is collected. The information
23 specified in section 9799.16(b) and (c) shall be included in
24 the registry. If the individual fails to comply, the
25 appropriate official of that office shall notify the
26 Pennsylvania State Police.

27 (2) If the individual is under the supervision of
28 Federal probation authorities for a sexually violent offense,
29 the individual shall provide the information specified in
30 section 9799.16(b) by appearing at an approved registration

1 site within 48 hours of the effective date of this section.

2 (g) Registration for State or county parolees.--

3 (1) If the individual committed a sexually violent
4 offense and is serving a sentence of county parole, the
5 appropriate office of probation and parole serving the county
6 shall register the individual within 48 hours. The
7 appropriate official of that office shall collect the
8 information specified in section 9799.16(b) and forward that
9 information to the Pennsylvania State Police. The
10 Pennsylvania State Police shall ensure that the information
11 specified in section 9799.16(c) is collected. The information
12 specified in section 9799.16(b) and (c) shall be included in
13 the registry. If the individual fails to comply, the
14 appropriate official of that office shall notify the
15 Pennsylvania State Police.

16 (2) If the individual committed a sexually violent
17 offense and is serving a sentence of State parole, the
18 Pennsylvania Board of Probation and Parole shall register the
19 individual within 48 hours. The appropriate official of the
20 Pennsylvania Board of Probation and Parole shall collect the
21 information specified in section 9799.16(b) from the
22 individual and forward the information to the Pennsylvania
23 State Police. The Pennsylvania State Police shall ensure that
24 the information specified in section 9799.16(c) is collected.
25 The information specified in section 9799.16(b) and (c) shall
26 be included in the registry. If the individual fails to
27 comply, the appropriate official of the Pennsylvania Board of
28 Probation and Parole shall notify the Pennsylvania State
29 Police.

30 Section 13. Section 9799.23(b) (2) of Title 42 is amended to

1 read:

2 § 9799.23. Court notification and classification requirements.

3 * * *

4 (b) Mandatory registration.--All sexual offenders must
5 register in accordance with this subchapter. The following
6 apply:

7 * * *

8 (2) Except as provided in [section] sections
9 9799.15(a.2) (relating to period of registration) and 9799.17
10 (relating to termination of period of registration for
11 juvenile offenders), the court shall have no authority to
12 relieve a sexual offender from the duty to register under
13 this subchapter or to modify the requirements of this
14 subchapter as they relate to the sexual offender.

15 Section 14. Sections 9799.25(b)(2) and (3), (c)(1) and (f)
16 (1) and 9799.26(a)(1) of Title 42 are amended and the sections
17 are amended by adding subsections to read:

18 § 9799.25. Verification by sexual offenders and Pennsylvania
19 State Police.

20 * * *

21 (a.1) Alternate requirements regarding verification.--The
22 following apply to an individual required to appear in person
23 under subsection (a)(2) or (a)(3):

24 (1) If the individual has been in compliance with the
25 requirements of this subchapter for the first three years of
26 the individual's period of registration and, during the same
27 three-year period, the individual has not been convicted in
28 this Commonwealth or any other jurisdiction or foreign
29 country of an offense punishable by imprisonment of more than
30 one year, the individual shall appear at an approved

1 registration site annually. The individual shall appear
2 within 10 days before the date designated by the Pennsylvania
3 State Police to verify information in section 9799.16(b) and
4 be photographed.

5 (2) The other appearances required of the individual
6 under this section may be completed by contacting the
7 Pennsylvania State Police by telephone at a telephone number
8 designated by the Pennsylvania State Police. The individual
9 shall call the Pennsylvania State Police within three
10 business days of the date designated by the Pennsylvania
11 State Police.

12 (3) If the individual fails to comply with the
13 provisions of this subsection and the individual is
14 subsequently convicted under 18 Pa.C.S. § 4915.1 (relating to
15 failure to comply with registration requirements), any relief
16 granted under this subsection shall be void, and the
17 petitioner shall automatically and immediately again be
18 subject to the provisions of this subchapter, as previously
19 determined by this subchapter.

20 (a.2) Telephonic verification system.--The Pennsylvania
21 State Police shall develop a mechanism to permit individuals to
22 utilize the telephonic verification system established in this
23 section. No individual may utilize the telephonic verification
24 system until the Pennsylvania State Police publishes notice in
25 the Pennsylvania Bulletin that the system is operational.

26 (b) Deadline.--The following apply:

27 * * *

28 (2) In the case of a sexual offender who fails to appear
29 in person or telephonically as required under this section,
30 the Pennsylvania State Police shall notify the municipal

1 police department where the sexual offender has a residence,
2 is employed or is enrolled as a student. The municipal police
3 shall locate the sexual offender and arrest the sexual
4 offender for violating this section. A municipal police
5 department may request assistance locating or arresting a
6 sexual offender from the Pennsylvania State Police. In
7 municipalities where no municipal police department exists,
8 the Pennsylvania State Police shall locate the offender and
9 arrest the sexual offender for violating this section.

10 (3) In the case of a sexual offender who fails to appear
11 in person or telephonically as required under this section,
12 the Pennsylvania State Police shall notify the United States
13 Marshals Service in accordance with section 9799.22(b)(3)
14 (relating to enforcement).

15 (c) Facilitation of verification.--The Pennsylvania State
16 Police shall administer and facilitate the process of
17 verification of information, including compliance with
18 counseling in the case of sexually violent predators and
19 sexually violent delinquent children, and photographing the
20 sexual offender by:

21 (1) Sending a notice by first class United States mail
22 to each sexual offender at the last reported location where
23 the offender receives mail. The notice shall be sent not more
24 than 30 days nor less than 15 days prior to the date a sexual
25 offender is required to appear pursuant to subsection (a) or
26 (a.1). The notice shall remind the sexual offender of the
27 sexual offender's responsibilities under this subchapter,
28 including counseling in the case of sexually violent
29 predators and sexually violent delinquent children, and
30 provide a list of approved registration sites and the

1 telephone number to contact the Pennsylvania State Police
2 under subsection (a.1).

3 * * *

4 (f) Residents in group-based homes.--

5 (1) A group-based home may not provide concurrent
6 residence in the group-based home to more than five
7 individuals in total who are required to register under this
8 [chapter] subchapter and Subchapter I (relating to continued
9 registration of sexual offenders) as sexually violent
10 predators.

11 * * *

12 § 9799.26. Victim notification.

13 (a) Duty to inform victim.--

14 (1) If an [offender] individual is determined to be a
15 sexually violent predator or a sexually violent delinquent
16 child, the municipal police department or the Pennsylvania
17 State Police, if no municipal police jurisdiction exists,
18 shall give written notice to the victim when the sexually
19 violent predator or the sexually violent delinquent child
20 registers initially under section 9799.19 (relating to
21 initial registration) or under section 9799.15(g) (2), (3) or
22 (4) (relating to period of registration). The notice shall be
23 given within 72 hours after the sexually violent predator or
24 the sexually violent delinquent child registers or notifies
25 the Pennsylvania State Police of current information under
26 section 9799.15(g). The notice shall contain the following
27 information about the sexually violent predator or sexually
28 violent delinquent child:

29 (i) Name.

30 (ii) Residence. This subparagraph includes whether

1 the sexually violent predator or sexually violent
2 delinquent child is a transient, in which case the notice
3 shall contain information about the transient's temporary
4 habitat or other temporary place of abode or dwelling,
5 including, but not limited to, a homeless shelter or
6 park. In addition, the notice shall contain a list of
7 places the transient eats, frequents and engages in
8 leisure activities.

9 (iii) The address of employment.

10 (iv) The address where the sexually violent predator
11 or sexually violent delinquent child is enrolled as a
12 student.

13 * * *

14 (d) Alternate means of notifying victims.--

15 (1) The Pennsylvania State Police may enter into a
16 memorandum of understanding with the Office of Victim
17 Advocate to assist the Pennsylvania State Police in notifying
18 victims and providing the information under subsection (a).
19 In addition, the memorandum of understanding may also include
20 the Office of Victim Advocate's notifying a victim of relief
21 granted to a petitioner under section 9799.15(a.2). The
22 memorandum of understanding must state the manner and method
23 of notifying victims and the duties of the Pennsylvania State
24 Police and the Office of Victim Advocate under this section
25 and section 9799.15(a.2). A memorandum of understanding
26 entered into under this subsection shall be valid for no more
27 than 10 years. There shall be no limit to the number of
28 memoranda of understanding which may be executed by the
29 Pennsylvania State Police and the Office of Victim Advocate
30 under this subsection.

1 (2) As used in this subsection, the term "Office of
2 Victim Advocate" shall mean the office established under
3 section 301 of the act of November 24, 1998 (P.L.882,
4 No.111), known as the Crime Victims Act.

5 Section 15. Section 9799.31(13) of Title 42 is amended to
6 read:

7 § 9799.31. Immunity for good faith conduct.

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

10 * * *

11 (13) The Department of [Public Welfare] Human Services
12 and its agents and employees.

13 * * *

14 Section 16. Section 9799.32(6) of Title 42 is amended and
15 the section is amended by adding a paragraph to read:

16 § 9799.32. Pennsylvania State Police.

17 The Pennsylvania State Police have the following duties:

18 * * *

19 (6) To facilitate verification of information from
20 individuals [required to register under this subchapter]
21 under section 9799.13 (relating to applicability) as provided
22 in section 9799.25 (relating to verification by sexual
23 offenders and Pennsylvania State Police).

24 * * *

25 (10) To develop the telephonic verification system
26 established under section 9799.25 (relating to verification
27 by sexual offenders and Pennsylvania State Police).

28 Section 17. Sections 9799.34(1), 9799.36(b), 9799.38(a)(1)
29 and (2) and 9799.39 of Title 42 are amended to read:

30 § 9799.34. Duties of facilities housing sexual offenders.

1 The Department of Corrections, a county correctional
2 facility, an institution or facility set forth in section
3 6352(a)(3) (relating to disposition of delinquent child) and the
4 separate, State-owned facility or unit established under Chapter
5 64 (relating to court-ordered involuntary treatment of certain
6 sexually violent persons) shall have the following duties:

7 (1) To perform their respective duties in accordance
8 with section 9799.19 (relating to initial registration). This
9 paragraph includes taking a current photograph of the
10 individual [required to register under this subchapter]
11 specified in section 9799.13 (relating to applicability)
12 before the individual is released from confinement or
13 commitment or is discharged.

14 * * *

15 § 9799.36. Counseling of sexually violent predators.

16 * * *

17 (b) Designation in another jurisdiction.--If an individual
18 [required to register under this subchapter] specified in
19 section 9799.13 (relating to applicability) has been designated
20 as a sexually violent predator in another jurisdiction and was
21 required to undergo counseling, the individual shall be subject
22 to the provisions of this section.

23 * * *

24 § 9799.38. Annual performance audit.

25 (a) Duties of the Attorney General.--The Attorney General
26 has the following duties:

27 (1) To conduct a performance audit annually to determine
28 compliance with the requirements of this subchapter and
29 Subchapter I (relating to continued registration of sexual
30 offenders) and any guidelines promulgated under this

1 subchapter and Subchapter I. The audit shall, at a minimum,
2 include a review of the practices, procedures and records of
3 the Pennsylvania State Police, the Pennsylvania Board of
4 Probation and Parole, the Department of Corrections, the
5 board, the Administrative Office of Pennsylvania Courts and
6 any other State or local agency the Attorney General deems
7 necessary in order to conduct a thorough and accurate
8 performance audit.

9 (2) To prepare an annual report of its findings and any
10 action that it recommends be taken by the Pennsylvania State
11 Police, the Pennsylvania Board of Probation and Parole, the
12 Department of Corrections, the board, the Administrative
13 Office of Pennsylvania Courts, other State or local agencies
14 and the General Assembly to ensure compliance with this
15 subchapter and Subchapter I. The first report shall be
16 released to the general public no fewer than 18 months
17 following the effective date of this section.

18 * * *

19 § 9799.39. Photographs and fingerprinting.

20 An individual subject to registration under section 9799.13
21 (relating to applicability) shall submit to fingerprinting and
22 photographing as required by this subchapter. Fingerprinting as
23 required by this subchapter shall, at a minimum, require
24 submission of a full set of fingerprints and palm prints.
25 Photographing as required by this subchapter shall, at a
26 minimum, require submission to photographs of the face and any
27 scars, marks, tattoos or other unique features of the
28 individual. Fingerprints and photographs obtained under this
29 subchapter may be maintained for use under this subchapter and
30 for general law enforcement purposes.

1 Section 18. Title 42 is amended by adding a section to read:

2 § 9799.42. Standing for Pennsylvania State Police.

3 Except for petitions filed under section 9799.15(a.2)
4 (relating to period of registration), the Pennsylvania State
5 Police shall have standing to appear and contest a filing in a
6 court of this Commonwealth which seeks to challenge in any way
7 the obligation of an individual required to register with the
8 Pennsylvania State Police under this subchapter.

9 Section 19. Chapter 97 of Title 42 is amended by adding a
10 subchapter to read:

11 SUBCHAPTER I

12 CONTINUED REGISTRATION OF SEXUAL OFFENDERS

13 Sec.

14 9799.51. Legislative findings and declaration of policy.

15 9799.52. Scope.

16 9799.53. Definitions.

17 9799.54. Applicability.

18 9799.55. Registration.

19 9799.56. Registration procedures and applicability.

20 9799.57. Sentencing court information.

21 9799.58. Assessments.

22 9799.59. Exemption from certain notifications.

23 9799.60. Verification of residence.

24 9799.61. Victim notification.

25 9799.62. Other notification.

26 9799.63. Information made available on Internet and electronic
27 notification.

28 9799.64. Administration.

29 9799.65. Global positioning system technology.

30 9799.66. Immunity for good faith conduct.

1 9799.67. Duties of Pennsylvania State Police.

2 9799.68. Duties of Pennsylvania Board of Probation and Parole.

3 9799.69. Board.

4 9799.70. Counseling of sexually violent predators.

5 9799.71. Exemption from notification for certain licensees and
6 their employees.

7 9799.72. Annual performance audit.

8 9799.73. Photographs and fingerprinting.

9 § 9799.51. Legislative findings and declaration of policy.

10 (a) Legislative findings.--It is hereby determined and
11 declared as a matter of legislative finding:

12 (1) If the public is provided adequate notice and
13 information about sexually violent predators and offenders,
14 as well as those sexually violent predators and offenders who
15 do not have a fixed place of habitation or abode, the
16 community can develop constructive plans to prepare itself
17 for the release of sexually violent predators and offenders.
18 This allows communities to meet with law enforcement to
19 prepare and obtain information about the rights and
20 responsibilities of the community and to provide education
21 and counseling to their children.

22 (2) These sexually violent predators and offenders pose
23 a high risk of engaging in further offenses even after being
24 released from incarceration or commitments and protection of
25 the public from this type of offender is a paramount
26 governmental interest.

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

1 (4) Overly restrictive confidentiality and liability
2 laws governing the release of information about sexually
3 violent predators and offenders have reduced the willingness
4 to release information that could be appropriately released
5 under the public disclosure laws and have increased risks to
6 public safety.

7 (5) Persons found to have committed a sexual offense
8 have a reduced expectation of privacy because of the public's
9 interest in public safety and in the effective operation of
10 government.

11 (6) Release of information about sexually violent
12 predators and offenders to public agencies and the general
13 public will further the governmental interests of public
14 safety and public scrutiny of the criminal and mental health
15 systems so long as the information released is rationally
16 related to the furtherance of those goals.

17 (b) Declaration of policy.--It is hereby declared to be the
18 intention of the General Assembly to:

19 (1) Protect the safety and general welfare of the people
20 of this Commonwealth by providing for registration, community
21 notification and access to information regarding sexually
22 violent predators and offenders who are about to be released
23 from custody and will live in or near their neighborhood.

24 (2) Require the exchange of relevant information about
25 sexually violent predators and offenders among public
26 agencies and officials and to authorize the release of
27 necessary and relevant information about sexually violent
28 predators and offenders to members of the general public,
29 including information available through the publicly
30 accessible Internet website of the Pennsylvania State Police,

1 as a means of assuring public protection and shall not be
2 construed as punitive.

3 (3) Address the Superior Court's opinion in the case of
4 *Commonwealth v. Wilgus*, 975 A.2d 1183 (2009), by requiring
5 sexually violent predators and offenders without a fixed
6 place of habitation or abode to register under this
7 subchapter.

8 (4) Address the Pennsylvania Supreme Court's decision in
9 *Commonwealth v. Muniz*, No. 47 MAP 2016 (Pa. 2016) and the
10 Pennsylvania Superior Court's decision in *Commonwealth v.*
11 *Butler* (2017 WL3882445).

12 § 9799.52. Scope.

13 This subchapter shall apply to individuals who were convicted
14 of a sexually violent offense committed on or after April 22,
15 1996, but before December 20, 2012, whose period of registration
16 with the Pennsylvania State Police, as described in section
17 9799.55 (relating to registration), has not expired.

18 § 9799.53. Definitions.

19 The following words and phrases when used in this subchapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Active notification." Notification in accordance with
23 section 9799.62 (relating to other notification) or a process
24 whereby law enforcement, pursuant to the laws of the United
25 States or one of its territories or possessions, another state,
26 the District of Columbia, the Commonwealth of Puerto Rico or a
27 foreign nation, notifies persons in the community in which the
28 individual resides, including a person identified in section
29 9799.62(b), of the residence, employment or school location of
30 the individual.

1 "Approved registration site." A site in this Commonwealth
2 approved by the Pennsylvania State Police as required by section
3 9799.67(2) (relating to duties of Pennsylvania State Police):

4 (1) at which individuals subject to this subchapter may
5 register, verify information or be fingerprinted or
6 photographed as required by this subchapter;

7 (2) which is capable of submitting fingerprints
8 utilizing the Integrated Automated Fingerprint Identification
9 System or in another manner and in the form as the
10 Pennsylvania State Police shall require; and

11 (3) which is capable of submitting photographs utilizing
12 the Commonwealth Photo Imaging Network or in another manner
13 and in the form as the Pennsylvania State Police shall
14 require.

15 "Board." The State Sexual Offenders Assessment Board.

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

25 "Commonwealth Photo Imaging Network." The computer network
26 administered by the Commonwealth and used to record and store
27 digital photographs of an individual's face and scars, marks,
28 tattoos or other unique features of the individual.

29 "Employed." Includes a vocation or employment that is full
30 time or part time for a period of time exceeding 14 days or for

1 an aggregate period of time exceeding 30 days during a calendar
2 year, whether financially compensated, volunteered, under a
3 contract or for the purpose of government or educational
4 benefit.

5 "Integrated Automated Fingerprint Identification System."
6 The national fingerprint and criminal history system maintained
7 by the Federal Bureau of Investigation providing automated
8 fingerprint search capabilities, latent searching capability,
9 electronic image storage and electronic exchange of fingerprints
10 and responses.

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

16 "Minor." As used in section 9799.55 (relating to
17 registration), is an individual under 18 years of age unless the
18 age of the victim who is considered a minor is otherwise defined
19 in section 9799.55.

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

22 "Offender." Subject to section 9799.75 (relating to
23 construction of subchapter), an individual required to register
24 under section 9799.55(a), (b) (1) or (2) (relating to
25 registration).

26 "Passive notification." Notification in accordance with
27 section 9799.63 (relating to information made available on
28 Internet and electronic notification) or a process whereby
29 persons, under the laws of the United States or one of its
30 territories or possessions, another state, the District of

1 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
2 are able to access information pertaining to an individual as a
3 result of the individual having been convicted or sentenced by a
4 court for an offense similar to an offense listed in section
5 9799.55 (relating to registration).

6 "Penetration." Includes any penetration, however slight, of
7 the genitals, anus or mouth of another person with a part of the
8 person's body or a foreign object for a purpose other than good
9 faith medical, hygienic or law enforcement procedures.

10 "Predatory." An act directed at a stranger or at a person
11 with whom a relationship has been initiated, established,
12 maintained or promoted, in whole or in part, in order to
13 facilitate or support victimization.

14 "Residence." With respect to an individual required to
15 register under this subchapter, any of the following:

16 (1) A location where an individual resides or is
17 domiciled or intends to be domiciled for 30 consecutive days
18 or more during a calendar year.

19 (2) In the case of an individual who fails to establish
20 a residence as specified in paragraph (1), a temporary
21 habitat or other temporary place of abode or dwelling,
22 including, but not limited to, a homeless shelter or park,
23 where the individual is lodged.

24 "Sexually violent offense." The following criminal offenses:

25 (1) Except as provided in paragraph (2), a criminal
26 offense specified in section 9799.55 (relating to
27 registration) committed on or after April 22, 1996, but
28 before December 20, 2012, for which the individual was
29 convicted.

30 (2) The following criminal offenses committed on or

1 after January 26, 2005, but before December 20, 2012, for
2 which the individual was convicted:

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

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

7 "Sexually violent predator." Subject to section 9799.75, a
8 person who has been convicted of a sexually violent offense and
9 who is determined to be a sexually violent predator under
10 section 9799.58 (relating to assessments) due to a mental
11 abnormality or personality disorder that makes the person likely
12 to engage in predatory sexually violent offenses. The term
13 includes an individual determined to be a sexually violent
14 predator where the determination occurred in the United States
15 or one of its territories or possessions, another state, the
16 District of Columbia, the Commonwealth of Puerto Rico, a foreign
17 nation or by court martial.

18 "Student." A person who is enrolled on a full-time or part-
19 time basis in a public or private educational institution,
20 including a secondary school, trade or professional institution
21 or institution of higher education.

22 § 9799.54. Applicability.

23 (a) Registration.--The following individuals shall register
24 with the Pennsylvania State Police as provided in this
25 subchapter:

26 (1) An individual who committed a sexually violent
27 offense within this Commonwealth and whose period of
28 registration with the Pennsylvania State Police, as specified
29 in section 9799.55 (relating to registration), as of the
30 effective date of this section, has not expired. The

1 individual shall register for the period of time under
2 section 9799.55 less any credit for time spent registered
3 with the Pennsylvania State Police prior to the effective
4 date of this section.

5 (2) An individual who committed a sexually violent
6 offense within this Commonwealth and who has failed to
7 register with the Pennsylvania State Police. In such a case,
8 the individual shall register for the period of time under
9 section 9799.55.

10 (3) An individual who committed a sexually violent
11 offense within this Commonwealth and is an inmate in a State
12 or county correctional facility of this Commonwealth,
13 including a community corrections center or a community
14 contract facility, is being supervised by the Pennsylvania
15 Board of Probation and Parole or county probation or parole,
16 is subject to a sentence of intermediate punishment or has
17 supervision transferred under the Interstate Compact for
18 Adult Supervision in accordance with section 9799.62(e)
19 (relating to other notification). The individual shall
20 register for the period of time under section 9799.55, except
21 that the period required in section 9799.55 shall be tolled
22 for any period of time the individual is recommitted for a
23 parole violation or sentenced to a term of imprisonment.

24 (4) An individual who was convicted of an offense
25 similar to an offense set forth in section 9799.55 under the
26 laws of the United States or one of its territories or
27 possessions, another state, the District of Columbia, the
28 Commonwealth of Puerto Rico, a foreign nation or under a
29 former law of this Commonwealth or who was court martialed
30 for a similar offense and who, as of the effective date of

1 this section, has not completed registration requirements.
2 The period of registration shall be as set forth in section
3 9799.56(b)(4) (relating to registration procedures and
4 applicability) less any credit for time spent on a sexual
5 offender registry of the United States or one of its
6 territories or possessions, another state, the District of
7 Columbia, the Commonwealth of Puerto Rico, a foreign nation
8 or with the Pennsylvania State Police prior to the effective
9 date of this section.

10 (b) Initial registration.--Individuals required to register
11 under this section shall have 90 days from the effective date of
12 this section to initially register with the Pennsylvania State
13 Police. The individual shall appear at an approved registration
14 site to be photographed, fingerprinted and to verify
15 information. The Pennsylvania State Police shall send a notice
16 by first class United States mail to the individual's last
17 reported residence in order to inform the individual of the
18 requirements of this subchapter. The notice shall specifically
19 inform the individual of the duties specified in section 9799.57
20 (relating to sentencing court information). The notice shall be
21 sent no later than 30 days from the effective date of this
22 section. The notice shall also provide a list of approved
23 registration sites. Neither failure on the part of the
24 Pennsylvania State Police to send nor failure of an individual
25 to receive notice or information under this paragraph shall
26 relieve the individual of the requirements of this subchapter.
27 § 9799.55. Registration.

28 (a) Ten-year registration.--Except as provided under
29 subsection (a.1) or (b), the following individuals shall be
30 required to register with the Pennsylvania State Police for a

1 period of 10 years:

2 (1) (i) Individuals convicted within this Commonwealth
3 of any of the following offenses committed on or after
4 April 22, 1996, but before December 20, 2012:

5 18 Pa.C.S. § 2901 (relating to kidnapping) where
6 the victim is a minor.

7 18 Pa.C.S. § 3126 (relating to indecent assault)
8 where the offense is graded as a misdemeanor of the
9 first degree or higher.

10 18 Pa.C.S. § 4302 (relating to incest) where the
11 victim is 12 years of age or older but under 18 years
12 of age.

13 18 Pa.C.S. § 5902(b) or (b.1) (relating to
14 prostitution and related offenses) where the actor
15 promotes the prostitution of a minor.

16 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6)
17 (relating to obscene and other sexual materials and
18 performances) where the victim is a minor.

19 18 Pa.C.S. § 6312 (relating to sexual abuse of
20 children).

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

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

25 (ii) Individuals convicted within this Commonwealth
26 of any of the following offenses committed on or after
27 January 26, 2005, but before December 20, 2012:

28 18 Pa.C.S. § 2910 (relating to luring a child
29 into a motor vehicle or structure).

30 18 Pa.C.S. § 3124.2 (relating to institutional

1 sexual assault).

2 (2) Individuals convicted of an attempt, conspiracy or
3 solicitation to commit any of the offenses under paragraph
4 (1)(i) or (ii) or subsection (b)(2).

5 (3) Individuals who currently have a residence in this
6 Commonwealth who have been convicted of offenses similar to
7 the crimes cited in paragraphs (1)(i) or (ii) and (2) under
8 the laws of the United States or one of its territories or
9 possessions, another state, the District of Columbia, the
10 Commonwealth of Puerto Rico or a foreign nation or under a
11 former law of this Commonwealth.

12 (a.1) Exception to 10-year registration.--Except as provided
13 under subsection (b), an individual considered to be an offender
14 under section 9799.56(b) (relating to registration procedures
15 and applicability) shall be required to register with the
16 Pennsylvania State Police for a period less than life, the
17 duration of which is to be determined under sections 9799.54
18 (relating to applicability) and 9799.56(b).

19 (b) Lifetime registration.--The following individuals shall
20 be subject to lifetime registration:

21 (1) An individual with two or more convictions of any of
22 the offenses set forth in subsection (a).

23 (2) Individuals convicted:

24 (i) in this Commonwealth of the following offenses,
25 if committed on or after April 22, 1996, but before
26 December 20, 2012:

27 18 Pa.C.S. § 3121 (relating to rape).

28 18 Pa.C.S. § 3123 (relating to involuntary
29 deviate sexual intercourse).

30 18 Pa.C.S. § 3124.1 (relating to sexual assault).

1 18 Pa.C.S. § 3125 (relating to aggravated
2 indecent assault).

3 18 Pa.C.S. § 4302 (relating to incest) when the
4 victim is under 12 years of age.

5 (ii) of offenses similar to the crimes cited in
6 subparagraph (i) under the laws of the United States or
7 one of its territories or possessions, another state, the
8 District of Columbia, the Commonwealth of Puerto Rico or
9 a foreign nation or under a former law of this
10 Commonwealth, if committed on or after April 22, 1996,
11 but before December 20, 2012, who currently reside in
12 this Commonwealth.

13 (3) Sexually violent predators.

14 (4) An individual who is considered to be a sexually
15 violent predator under section 9799.56(b) or who is otherwise
16 required to register for life under section 9799.56(b), if
17 the sexual offense which is the basis for the consideration
18 or requirement for which the individual was convicted was
19 committed on or after April 22, 1996, but before December 20,
20 2012.

21 (c) Natural disaster.--The occurrence of a natural disaster
22 or other event requiring evacuation of residences shall not
23 relieve an individual of the duty to register or any other duty
24 imposed by this subchapter.

25 (d) Residents in group-based homes.--

26 (1) A group-based home may not provide concurrent
27 residence in the group-based home to more than five
28 individuals in total who are required to register under
29 Subchapter H (relating to registration of sexual offenders)
30 and this subchapter as sexually violent predators.

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

5 (3) The Pennsylvania State Police or local law
6 enforcement agency of jurisdiction shall investigate
7 compliance with this subsection, and the Attorney General or
8 district attorney may commence a civil action in the court of
9 common pleas of the county in which a group-based home is
10 located to impose and collect from the group-based home the
11 penalty under paragraph (2).

12 (4) As used in this subsection, the term "group-based
13 home" has the meaning given to it in 61 Pa.C.S. § 6124(c)
14 (relating to certain offenders residing in group-based
15 homes).

16 § 9799.56. Registration procedures and applicability.

17 (a) Registration.--

18 (1) (i) Offenders and sexually violent predators shall
19 be required to register with the Pennsylvania State
20 Police as specified in section 9799.54 (relating to
21 applicability).

22 (ii) Offenders and sexually violent predators shall
23 be required to register with the Pennsylvania State
24 Police upon release from incarceration, upon parole from
25 a State or county correctional facility or upon the
26 commencement of a sentence of intermediate punishment or
27 probation.

28 (iii) For purposes of registration, offenders and
29 sexually violent predators shall provide the Pennsylvania
30 State Police with all current or intended residences, all

1 information concerning current or intended employment and
2 all information concerning current or intended enrollment
3 as a student.

4 (2) Offenders and sexually violent predators shall
5 inform the Pennsylvania State Police within three business
6 days of:

7 (i) A change of residence or establishment of an
8 additional residence or residences. In the case of an
9 individual who has a residence as defined in paragraph
10 (2) of the definition of "residence" in section 9799.53
11 (relating to definitions), the individual shall inform
12 the Pennsylvania State Police of the following:

13 (A) the location of a temporary habitat or other
14 temporary place of abode or dwelling, including a
15 homeless shelter or park, where the individual is
16 lodged;

17 (B) a list of places the individual eats,
18 frequents and engages in leisure activities and any
19 planned destinations, including those outside this
20 Commonwealth; and

21 (C) the place the individual receives mail,
22 including a post office box.

23 The duty to provide the information specified in this
24 subparagraph shall apply until the individual establishes
25 a residence as defined in paragraph (1) of the definition
26 of "residence" in section 9799.53. If the individual who
27 has a residence as defined in paragraph (2) of the
28 definition of "residence" in section 9799.53 changes or
29 adds to the places listed in this subparagraph during a
30 30-day period, the individual shall list these when

1 reregistering during the next 30-day period.

2 (ii) A change of employer or employment location for
3 a period of time that will exceed 14 days or for an
4 aggregate period of time that will exceed 30 days during
5 a calendar year, or termination of employment.

6 (iii) A change of institution or location at which
7 the person is enrolled as a student, or termination of
8 enrollment.

9 (iv) Becoming employed or enrolled as a student if
10 the person has not previously provided that information
11 to the Pennsylvania State Police.

12 (2.1) Registration with a new law enforcement agency
13 shall occur no later than three business days after
14 establishing residence in another state.

15 (3) The registration period required in section
16 9799.55(a) and (a.1) (relating to registration) shall be
17 tolled when an offender is recommitted for a parole violation
18 or sentenced to an additional term of imprisonment. In such
19 cases, the Department of Corrections or county correctional
20 facility shall notify the Pennsylvania State Police of the
21 admission of the offender.

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

24 (i) Where the offender or sexually violent predator
25 was granted parole by the Pennsylvania Board of Probation
26 and Parole or the court or is sentenced to probation or
27 intermediate punishment, the board or county office of
28 probation and parole shall collect registration
29 information from the offender or sexually violent
30 predator and forward that registration information to the

1 Pennsylvania State Police. The Department of Corrections
2 or county correctional facility shall not release the
3 offender or sexually violent predator until it receives
4 verification from the Pennsylvania State Police that the
5 Pennsylvania State Police have received the registration
6 information. Verification by the Pennsylvania State
7 Police may occur by electronic means, including e-mail or
8 facsimile transmission. Where the offender or sexually
9 violent predator is scheduled to be released from a State
10 or county correctional facility because of the expiration
11 of the maximum term of incarceration, the Department of
12 Corrections or county correctional facility shall collect
13 the information from the offender or sexually violent
14 predator no later than 10 days prior to the maximum
15 expiration date. The registration information shall be
16 forwarded to the Pennsylvania State Police.

17 (ii) Where the offender or sexually violent predator
18 scheduled to be released from a State or county
19 correctional facility due to the maximum expiration date
20 refuses to provide the registration information, the
21 Department of Corrections or county correctional facility
22 shall notify the Pennsylvania State Police or police
23 department with jurisdiction over the facility of the
24 failure to provide registration information and of the
25 expected date, time and location of the release of the
26 offender or sexually violent predator.

27 (b) Individuals convicted or sentenced by a court or
28 adjudicated delinquent in jurisdictions outside this
29 Commonwealth or sentenced by court martial.--

30 (1) (Reserved).

1 (2) (Reserved).

2 (3) (Reserved).

3 (4) An individual who has a residence, is employed or is
4 a student in this Commonwealth and who has been convicted of
5 or sentenced by a court or court martial for a sexually
6 violent offense or a similar offense under the laws of the
7 United States or one of its territories or possessions,
8 another state, the District of Columbia, the Commonwealth of
9 Puerto Rico or a foreign nation, or who was required to
10 register under a sexual offender statute in the jurisdiction
11 where convicted, sentenced or court martial, shall register
12 at an approved registration site within three business days
13 of the individual's arrival in this Commonwealth. The
14 provisions of this subchapter shall apply to the individual
15 as follows:

16 (i) If the individual has been classified as a
17 sexually violent predator as defined in section 9799.53
18 or determined under the laws of the other jurisdiction or
19 by reason of court martial to be subject to active
20 notification and lifetime registration on the basis of a
21 statutorily authorized administrative or judicial
22 decision or on the basis of a statute or administrative
23 rule requiring active notification and lifetime
24 registration based solely on the offense for which the
25 individual was convicted, sentenced or court martial,
26 the individual shall, notwithstanding section 9799.53, be
27 considered a sexually violent predator and subject to
28 lifetime registration under section 9799.55(b). The
29 individual shall also be subject to the provisions of
30 this section and sections 9799.60 (relating to

1 verification of residence), 9799.62 (relating to other
2 notification) and 9799.63(c) (1) (relating to information
3 made available on Internet and electronic notification),
4 except that the individual shall not be required to
5 receive counseling unless required to do so by the other
6 jurisdiction or by reason of court martial.

7 (ii) Except as provided in subparagraphs (i) and
8 (iv), if the individual has been convicted or sentenced
9 by a court or court martial for an offense listed in
10 section 9799.55(b) or an equivalent offense, the
11 individual shall, notwithstanding section 9799.53, be
12 considered an offender and be subject to lifetime
13 registration under section 9799.55(b). The individual
14 shall also be subject to the provisions of this section
15 and sections 9799.60 and 9799.63(c) (2).

16 (iii) Except as provided in subparagraphs (i), (ii),
17 (iv) and (v), if the individual has been convicted or
18 sentenced by a court or court martial for an offense
19 listed in section 9799.55(a) or an equivalent offense,
20 the individual shall be, notwithstanding section 9799.53,
21 considered an offender and subject to registration under
22 this subchapter. The individual shall also be subject to
23 the provisions of this section and sections 9799.60 and
24 9799.63(c) (2). The individual shall be subject to this
25 subchapter for a period of 10 years or for a period of
26 time equal to the time for which the individual was
27 required to register in the other jurisdiction or
28 required to register by reason of court martial,
29 whichever is greater, less any credit due to the
30 individual as a result of prior compliance with

1 registration requirements.

2 (iv) Except as provided in subparagraph (i) and
3 notwithstanding subparagraph (v), if the individual is
4 subject to active notification in the other jurisdiction
5 or subject to active notification by reason of court
6 martial, the individual shall, notwithstanding section
7 9799.53, be considered an offender and subject to this
8 section and sections 9799.60, 9799.62 and 9799.63(c) (1).
9 If the individual was convicted of or sentenced in the
10 other jurisdiction or sentenced by court martial for an
11 offense listed in section 9799.55(b) or an equivalent
12 offense, the individual shall be subject to this
13 subchapter for the individual's lifetime. If the
14 individual was convicted of or sentenced in the other
15 jurisdiction or sentenced by court martial for an offense
16 listed in section 9799.55(a) or an equivalent offense,
17 the individual shall be subject to this subchapter for a
18 period of 10 years or for a period of time equal to the
19 time for which the individual was required to register in
20 the other jurisdiction or required to register by reason
21 of court martial, whichever is greater, less any credit
22 due to the individual as a result of prior compliance
23 with registration requirements. Otherwise, the individual
24 shall be subject to this subchapter for a period of time
25 equal to the time for which the individual was required
26 to register in the other jurisdiction or required to
27 register by reason of court martial, less any credit due
28 to the individual as a result of prior compliance with
29 registration requirements.

30 (v) Except as provided in subparagraphs (i), (ii),

1 (iii) and (iv), if the individual is subject to passive
2 notification in the other jurisdiction or subject to
3 passive notification by reason of court martial, the
4 individual shall, notwithstanding section 9799.53, be
5 considered an offender and subject to this section and
6 sections 9799.60 and 9799.63(c)(2). The individual shall
7 be subject to this subchapter for a period of time equal
8 to the time for which the individual was required to
9 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 (5) Notwithstanding the provisions of Chapter 63
14 (relating to juvenile matters) and except as provided in
15 paragraph (4), an individual who has a residence, is employed
16 or is a student in this Commonwealth and who is required to
17 register as a sex offender under the laws of the United
18 States or one of its territories or possessions, another
19 state, the District of Columbia, the Commonwealth of Puerto
20 Rico or a foreign nation as a result of a juvenile
21 adjudication shall register at an approved registration site
22 within three business days of the individual's arrival in
23 this Commonwealth. The provisions of this subchapter shall
24 apply to the individual as follows:

25 (i) If the individual has been classified as a
26 sexually violent predator as defined in section 9799.53
27 or determined under the laws of the other jurisdiction to
28 be subject to active notification and lifetime
29 registration on the basis of a statutorily authorized
30 administrative or judicial decision or on the basis of a

1 statute or administrative rule requiring active
2 notification and lifetime registration based solely on
3 the offense for which the individual was adjudicated, the
4 individual shall, notwithstanding section 9799.53, be
5 considered a sexually violent predator and subject to
6 lifetime registration under section 9799.55(b). The
7 individual shall also be subject to the provisions of
8 this section and sections 9799.60 and 9799.63(c)(1),
9 except that the individual shall not be required to
10 receive counseling unless required to do so by the other
11 jurisdiction.

12 (ii) Except as provided in subparagraph (i), if the
13 individual is subject to active notification in the other
14 jurisdiction, the individual shall, notwithstanding
15 section 9799.53, be considered an offender and subject to
16 registration under this subchapter. The individual shall
17 also be subject to the provisions of this section and
18 sections 9799.60, 9799.62 and 9799.63(c)(1). The
19 individual shall be subject to this subchapter for a
20 period of time equal to the time for which the individual
21 was required to register in the other jurisdiction, less
22 any credit due to the individual as a result of prior
23 compliance with registration requirements.

24 (iii) Except as provided in subparagraphs (i) and
25 (ii), if the individual is subject to passive
26 notification in the other jurisdiction, the individual
27 shall, notwithstanding section 9799.53, be considered an
28 offender and be subject to this section and sections
29 9799.60 and 9799.63(c)(2). The individual shall be
30 subject to this subchapter for a period of time equal to

1 the time for which the individual was required to
2 register in the other jurisdiction, less any credit due
3 to the individual as a result of prior registration
4 compliance.

5 (c) Registration information to local police.--

6 (1) The Pennsylvania State Police shall provide the
7 information obtained under this section and sections 9799.57
8 (relating to sentencing court information) and 9799.60 to the
9 chief law enforcement officers of the police departments of
10 the municipalities in which the individual will establish a
11 residence or be employed or enrolled as a student. In
12 addition, the Pennsylvania State Police shall provide this
13 officer with the address at which the individual will
14 establish a residence or be employed or enrolled as a student
15 following the individual's release from incarceration, parole
16 or probation.

17 (2) The Pennsylvania State Police shall provide notice
18 to the chief law enforcement officers of the police
19 departments of the municipalities notified under paragraph
20 (1) when an individual fails to comply with the registration
21 requirements of this section or section 9799.60 and request,
22 as appropriate, that these police departments assist in
23 locating and apprehending the individual.

24 (3) The Pennsylvania State Police shall provide notice
25 to the chief law enforcement officers of the police
26 departments of the municipalities notified under paragraph
27 (1) when they are in receipt of information indicating that
28 the individual will no longer have a residence or be employed
29 or be enrolled as a student in the municipality.

30 (d) Penalty.--An individual subject to registration under

1 this subchapter who fails to register with the Pennsylvania
2 State Police as required by this section may be subject to
3 prosecution under 18 Pa.C.S. § 4915.2 (relating to failure to
4 comply with 42 Pa.C.S. Ch. 97 Subch. I registration
5 requirements).

6 (e) Registration sites.--An individual subject to section
7 9799.55 shall register and submit to fingerprinting and
8 photographing as required by this subchapter at approved
9 registration sites.

10 § 9799.57. Sentencing court information.

11 The sentencing court shall inform offenders and sexually
12 violent predators at the time of sentencing of the provisions of
13 this subchapter. The court shall:

14 (1) Specifically inform the offender or sexually violent
15 predator of the duty to register and provide the information
16 required for each registration, including verification as
17 required in section 9799.60(a) (relating to verification of
18 residence).

19 (2) Specifically inform the offender or sexually violent
20 predator of the duty to inform the Pennsylvania State Police
21 within three business days if the offender or sexually
22 violent predator changes residence or establishes an
23 additional residence or residences, changes employer or
24 employment location for a period of time that will exceed 14
25 days or for an aggregate period of time that will exceed 30
26 days during a calendar year or terminates employment or
27 changes institution or location at which the person is
28 enrolled as a student or terminates enrollment. In order to
29 fulfill the requirements of this paragraph, the sentencing
30 court shall specifically inform the offender or sexually

1 violent predator of the duty to inform the Pennsylvania State
2 Police of:

3 (i) the location of a temporary habitat or other
4 temporary place of abode or dwelling, including a
5 homeless shelter or park, where the individual is lodged;

6 (ii) the places the individual eats, frequents and
7 engages in leisure activities and any planned
8 destinations, including those outside this Commonwealth;
9 and

10 (iii) the place the individual receives mail,
11 including a post office box,
12 if the individual fails to establish a residence as defined
13 in paragraph (1) of the definition of "residence" in section
14 9799.53 (relating to definitions).

15 (2.1) Specifically inform the offender or sexually
16 violent predator of the duty to inform the Pennsylvania State
17 Police within three business days of becoming employed or
18 enrolled as a student if the person has not previously
19 provided that information to the Pennsylvania State Police.

20 (3) Specifically inform the offender or sexually violent
21 predator of the duty to register with a new law enforcement
22 agency if the offender or sexually violent predator moves to
23 another state no later than three business days after
24 establishing residence in another state.

25 (4) Order the fingerprints and photograph of the
26 offender or sexually violent predator to be provided to the
27 Pennsylvania State Police upon sentencing.

28 (5) Specifically inform the offender or sexually violent
29 predator of the duty to register with the appropriate
30 authorities in a state in which the offender or sexually

1 violent predator is employed, carries on a vocation or is a
2 student if the state requires the registration.

3 (6) Require the offender or sexually violent predator to
4 read and sign a form stating that the duty to register under
5 this subchapter has been explained. Where the offender or
6 sexually violent predator is incapable of reading, the court
7 shall certify the duty to register was explained to the
8 offender or sexually violent predator and the offender or
9 sexually violent predator indicated an understanding of the
10 duty.

11 § 9799.58. Assessments.

12 (a) Order for assessment.--After conviction but before
13 sentencing, a court shall order an individual convicted of an
14 offense specified in section 9799.55 (relating to registration)
15 to be assessed by the board. The order for an assessment shall
16 be sent to the administrative officer of the board within 10
17 days of the date of conviction.

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

26 (1) Facts of the current offense, including:

27 (i) Whether the offense involved multiple victims.

28 (ii) Whether the individual exceeded the means
29 necessary to achieve the offense.

30 (iii) The nature of the sexual contact with the

1 victim.

2 (iv) Relationship of the individual to the victim.

3 (v) Age of the victim.

4 (vi) Whether the offense included a display of
5 unusual cruelty by the individual during the commission
6 of the crime.

7 (vii) The mental capacity of the victim.

8 (2) Prior offense history, including:

9 (i) The individual's prior criminal record.

10 (ii) Whether the individual completed any prior
11 sentences.

12 (iii) Whether the individual participated in
13 available programs for sexual offenders.

14 (3) Characteristics of the individual, including:

15 (i) Age of the individual.

16 (ii) Use of illegal drugs by the individual.

17 (iii) A mental illness, mental disability or mental
18 abnormality.

19 (iv) Behavioral characteristics that contribute to
20 the individual's conduct.

21 (4) Factors that are supported in a sexual offender
22 assessment field as criteria reasonably related to the risk
23 of reoffense.

24 (c) Release of information.--All State, county and local
25 agencies, offices or entities in this Commonwealth, including
26 juvenile probation officers, shall cooperate by providing access
27 to records and information as requested by the board in
28 connection with the court-ordered assessment and the assessment
29 requested by the Pennsylvania Board of Probation and Parole or
30 the assessment of a delinquent child under section 6358

1 (relating to assessment of delinquent children by the State
2 Sexual Offenders Assessment Board).

3 (d) Submission of report by board.--The board shall have 90
4 days from the date of conviction of the individual to submit a
5 written report containing its assessment to the district
6 attorney.

7 (d.1) Summary of offense.--The board shall prepare a
8 description of the offense or offenses which trigger the
9 application of this subchapter to include, but not be limited
10 to:

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

12 (2) Whether the victim was a minor.

13 (3) The manner of weapon or physical force used or
14 threatened.

15 (4) If the offense involved unauthorized entry into a
16 room or vehicle occupied by the victim.

17 (5) If the offense was part of a course or pattern of
18 conduct involving multiple incidents or victims.

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

23 (e) Hearing.--

24 (1) A hearing to determine whether the individual is a
25 sexually violent predator shall be scheduled upon the
26 praecipe filed by the district attorney. The district
27 attorney upon filing a praecipe shall serve a copy of the
28 same upon defense counsel together with a copy of the report
29 of the board.

30 (2) The individual and district attorney shall be given

1 notice of the hearing and an opportunity to be heard, the
2 right to call witnesses, the right to call expert witnesses
3 and the right to cross-examine witnesses. In addition, the
4 individual shall have the right to counsel and to have a
5 lawyer appointed to represent the individual if he or she
6 cannot afford one. If the individual requests another expert
7 assessment, the individual shall provide a copy of the expert
8 assessment to the district attorney prior to the hearing.

9 (3) At the hearing prior to sentencing, the court shall
10 determine whether the Commonwealth has proved by clear and
11 convincing evidence that the individual is a sexually violent
12 predator.

13 (4) A copy of the order containing the determination of
14 the court shall be immediately submitted to the individual,
15 the district attorney, the Pennsylvania Board of Probation
16 and Parole, the Department of Corrections, the board and the
17 Pennsylvania State Police.

18 (f) Presentence investigation.--In all cases where the board
19 has performed an assessment under this section, copies of the
20 report shall be provided to the agency preparing the presentence
21 investigation.

22 (g) Parole assessment.--The Pennsylvania Board of Probation
23 and Parole may request of the board an assessment of an offender
24 or sexually violent predator be conducted and provide a report
25 to the Pennsylvania Board of Probation and Parole prior to
26 considering an offender or sexually violent predator for parole.

27 (h) Delinquent children.--Except where section 6358(b.1) is
28 applicable, the probation officer shall notify the board 90 days
29 prior to the 20th birthday of the child of the status of the
30 delinquent child who is committed to an institution or other

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

21 (i) Other assessments.--Upon receipt from the court of an
22 order for an assessment under section 9799.59 (relating to
23 exemption from certain notifications), a member of the board as
24 designated by the administrative officer of the board shall
25 conduct an assessment of the individual to determine if the
26 relief sought, if granted, is likely to pose a threat to the
27 safety of any other person. The board shall establish standards
28 for evaluations and for evaluators conducting these assessments.
29 § 9799.59. Exemption from certain notifications.

30 (a) General rule.--An individual required to register under

1 section 9799.55(a.1) and (b) (relating to registration) may be
2 exempt from the requirement to register, the requirement to
3 verify residence, employment and enrollment in an educational
4 institution, the requirement to appear on the publicly
5 accessible Internet website maintained by the Pennsylvania State
6 Police and all other requirements of this subchapter if:

7 (1) At least 25 years have elapsed prior to filing a
8 petition with the sentencing court to be exempt from the
9 requirements of this subchapter, during which time the
10 petitioner has not been convicted in this Commonwealth or any
11 other jurisdiction or foreign country of an offense
12 punishable by imprisonment of more than one year, or the
13 petitioner's release from custody following the petitioner's
14 most recent conviction for an offense, whichever is later.

15 (2) Upon receipt of a petition filed under paragraph
16 (1), the sentencing court shall enter an order directing that
17 the petitioner be assessed by the board. Upon receipt from
18 the court of an order for an assessment under this section, a
19 member of the board designated by the administrative officer
20 of the board shall conduct an assessment of the petitioner to
21 determine if the relief sought, if granted, is likely to pose
22 a threat to the safety of any other persons. The board shall
23 establish standards for evaluations and for evaluators
24 conducting assessments.

25 (3) The order for an assessment under this section shall
26 be sent to the administrative officer of the board within 10
27 days of the entry. No later than 90 days following receipt of
28 the order, the board shall submit a written report containing
29 the board's assessment to the sentencing court, the district
30 attorney and the attorney for the sexual offender.

1 (4) Within 120 days of filing the petition under
2 paragraph (1), the sentencing court shall hold a hearing to
3 determine whether to exempt the petitioner from the
4 application of any or all of the requirements of this
5 subchapter. The petitioner and the district attorney shall be
6 given notice of the hearing and an opportunity to be heard,
7 the right to call witnesses and the right to cross-examine
8 witnesses. The petitioner shall have the right to counsel and
9 to have a lawyer appointed to represent the petitioner if the
10 petitioner cannot afford one.

11 (5) The sentencing court shall exempt the petitioner
12 from application of any or all of the requirements of this
13 subchapter, at the discretion of the court, only upon a
14 finding of clear and convincing evidence that exempting the
15 petitioner from a particular requirement or all of the
16 requirements of this subchapter is not likely to pose a
17 threat to the safety of any other person.

18 (6) A court granting relief under this section shall
19 notify the Pennsylvania State Police in writing within 10
20 days from the date relief is granted.

21 (7) The petitioner and the Commonwealth shall have the
22 right to appellate review of the actions of the sentencing
23 court under this section. An appeal by the Commonwealth shall
24 stay the order of the sentencing court. A court granting
25 relief under this section shall notify the Pennsylvania State
26 Police in writing within 10 days from the date the relief is
27 granted. If a memorandum of understanding has been entered
28 into under section 9799.61 (relating to victim notification)
29 with respect to relief granted to the petitioner, the
30 Pennsylvania State Police shall transmit the information

1 about the relief to the Office of Victim Advocate as soon as
2 is practicable. The Office of Victim Advocate shall notify
3 the victim of the relief, in accordance with the memorandum
4 of understanding, as specified in section 9799.61.

5 (8) If a petitioner is exempt from any provisions of
6 this subchapter and the petitioner is subsequently convicted
7 under 18 Pa.C.S. § 4915.2 (relating to failure to comply with
8 42 Pa.C.S. Ch. 97 Subch. I registration requirements), relief
9 granted under this section shall be void, and the petitioner
10 shall automatically and immediately again be subject to the
11 provisions of this subchapter, as previously determined by
12 this subchapter.

13 (b) Agency cooperation.--All State, county and local
14 agencies, offices and entities in this Commonwealth, including
15 juvenile probation officers, shall cooperate by providing access
16 to records and information as requested by the board in
17 connection with the court-ordered assessment under subsection
18 (a).

19 § 9799.60. Verification of residence.

20 (a) Quarterly verification by sexually violent predators.--
21 The Pennsylvania State Police shall verify the residence and
22 compliance with counseling as provided for in section 9799.70
23 (relating to counseling of sexually violent predators) of
24 sexually violent predators every 90 days through the use of a
25 nonforwardable verification form to the last reported residence.
26 For the period of registration required by section 9799.55
27 (relating to registration), a sexually violent predator shall
28 appear quarterly within 10 days of the dates designated by the
29 Pennsylvania State Police each calendar year at an approved
30 registration site to complete a verification form and to be

1 photographed.

2 (a.1) Facilitation of quarterly verification.--The
3 Pennsylvania State Police shall facilitate and administer the
4 verification process required by subsection (a) by:

5 (1) sending a notice by first class United States mail
6 to all registered sexually violent predators at their last
7 reported residence addresses. This notice shall be sent not
8 more than 30 days nor less than 15 days prior to each of the
9 quarterly verification periods specified in subsection (a)
10 and shall remind sexually violent predators of their
11 quarterly verification requirement and provide them with a
12 list of approved registration sites; and

13 (2) providing verification and compliance forms as
14 necessary to each approved registration site not less than 10
15 days before each of the quarterly verification periods.

16 (b) Annual verification by offenders.--The Pennsylvania
17 State Police shall verify the residence of offenders. For the
18 period of registration required by section 9799.55, an offender
19 shall appear within 10 days before each annual anniversary date
20 of the offender's initial registration under section 9799.55 at
21 an approved registration site to complete a verification form
22 and to be photographed.

23 (b.1) Facilitation of annual verification.--The Pennsylvania
24 State Police shall facilitate and administer the verification
25 process required by subsection (b) by:

26 (1) sending a notice by first class United States mail
27 to all registered offenders at their last reported residence
28 addresses. This notice shall be sent not more than 30 days
29 nor less than 15 days prior to each offender's annual
30 anniversary date and shall remind the offender of the annual

1 verification requirement and provide the offender with a list
2 of approved registration sites; and

3 (2) providing verification and compliance forms as
4 necessary to each approved registration site.

5 (b.2) Monthly verification by individuals with temporary
6 habitats located within this Commonwealth.--The Pennsylvania
7 State Police shall verify the residence of individuals required
8 to register under this subchapter who have a residence as
9 defined in paragraph (2) of the definition of "residence" in
10 section 9799.53 (relating to definitions) every 30 days through
11 the use of a nonforwardable verification form to the last
12 reported location where the individual receives mail. The
13 individual shall appear every 30 days at an approved
14 registration site to complete a verification form and to be
15 photographed. The individual shall appear within three business
16 days of the date designated by the Pennsylvania State Police.

17 (b.3) Facilitation of monthly verification.--The
18 Pennsylvania State Police shall facilitate and administer the
19 verification process required by subsection (b.2) by:

20 (1) sending a notice by first class United States mail
21 to an individual required to register under this subchapter
22 who has a residence as defined in paragraph (2) of the
23 definition of "residence" in section 9799.53 at the last
24 reported location where the individual receives mail. This
25 notice shall be sent not more than 10 days nor less than five
26 days prior to each of the monthly verification periods and
27 shall remind the individual of the monthly verification
28 requirement and provide a list of approved registration
29 sites; and

30 (2) providing verification and compliance forms as

1 necessary to each approved registration site.

2 (c) Notification of law enforcement agencies of change of
3 residence.--A change of residence of an offender or sexually
4 violent predator required to register under this subchapter
5 reported to the Pennsylvania State Police shall be immediately
6 reported by the Pennsylvania State Police to the appropriate law
7 enforcement agency having jurisdiction of the offender's or the
8 sexually violent predator's new place of residence. The
9 Pennsylvania State Police shall, if the offender or sexually
10 violent predator changes residence to another state, notify the
11 law enforcement agency with which the offender or sexually
12 violent predator must register in the new state.

13 (d) Failure to provide verification.--Where an offender or
14 sexually violent predator fails to provide verification of
15 residence defined in paragraph (1) of the definition of
16 "residence" in section 9799.53 within the 10-day period or three
17 business days in the case of an offender or sexually violent
18 predator who has a residence as defined in paragraph (2) of the
19 definition of "residence" in section 9799.53, as specified in
20 this section, the Pennsylvania State Police shall immediately
21 notify the municipal police department of the offender's or the
22 sexually violent predator's last verified residence. The local
23 municipal police shall locate the offender or sexually violent
24 predator and arrest the individual for violating this section.
25 The Pennsylvania State Police shall assume responsibility for
26 locating and arresting the offender or sexually violent predator
27 in jurisdictions where no municipal police jurisdiction exists.
28 The Pennsylvania State Police shall assist a municipal police
29 department requesting assistance with locating and arresting an
30 offender or sexually violent predator who fails to verify the

1 offender's or sexually violent predator's residence.

2 (e) Penalty.--An individual subject to registration under
3 section 9799.55(a) or (b) who fails to verify the individual's
4 residence or to be photographed as required by this section may
5 be subject to prosecution under 18 Pa.C.S. § 4915.2 (relating to
6 failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration
7 of sexual offenders requirements).

8 (f) Effect of notice.--Neither failure on the part of the
9 Pennsylvania State Police to send nor failure of a sexually
10 violent predator or offender to receive notice or information
11 under subsection (a.1), (b.1) or (b.3) shall relieve that
12 predator or offender from the requirements of this subchapter.
13 § 9799.61. Victim notification.

14 (a) Duty to inform victim.--

15 (1) Where the individual is determined to be a sexually
16 violent predator by a court under section 9799.58 (relating
17 to assessments), the local municipal police department or the
18 Pennsylvania State Police where no municipal police
19 jurisdiction exists shall give written notice to the sexually
20 violent predator's victim when the sexually violent predator
21 registers initially and when the sexually violent predator
22 notifies the Pennsylvania State Police of a change of
23 residence. In the case of a sexually violent predator who has
24 a residence as defined in paragraph (1) of the definition of
25 "residence" in section 9799.53 (relating to definitions),
26 notice shall be given within 72 hours after the sexually
27 violent predator registers or notifies the Pennsylvania State
28 Police of a change of address. The notice shall contain the
29 sexually violent predator's name and the address or addresses
30 where the individual has a residence. In the case of a

1 sexually violent predator who has a residence as defined in
2 paragraph (2) of the definition of "residence" in section
3 9799.53, the notice shall contain the sexually violent
4 predator's name and the information specified in section
5 9799.56(a)(2)(i)(A) and (B) (relating to registration
6 procedures and applicability). The notice shall be given to
7 the victim within 72 hours after the sexually violent
8 predator registers or notifies the Pennsylvania State Police
9 of a change of residence.

10 (2) A victim may terminate the duty to inform described
11 in paragraph (1) by providing the local municipal police
12 department or the Pennsylvania State Police where no local
13 municipal police department exists with a written statement
14 releasing that agency from the duty to comply with this
15 section as it pertains to that victim.

16 (b) Where an individual is not determined to be a sexually
17 violent predator.--Where an individual is not determined to be a
18 sexually violent predator by a court under section 9799.58, the
19 victim shall be notified in accordance with section 201 of the
20 act of November 24, 1998 (P.L.882, No.111), known as the Crime
21 Victims Act. This subsection includes the circumstance of an
22 offender having a residence as defined in paragraph (2) of the
23 definition of "residence" in section 9799.53.

24 (c) Alternate means of notifying victims.--

25 (1) The Pennsylvania State Police may enter into a
26 memorandum of understanding with the Office of Victim
27 Advocate to assist the Pennsylvania State Police in notifying
28 victims and providing the information under subsection (a).
29 In addition, the memorandum of understanding may also include
30 the Office of Victim Advocate's notifying a victim of relief

1 granted to a petitioner under section 9799.59 (relating to
2 exemption from certain notifications). The memorandum of
3 understanding must set forth the manner and method of
4 notifying victims and the duties of the Pennsylvania State
5 Police and the Office of Victim Advocate under this section
6 and section 9799.59(a). A memorandum of understanding entered
7 into under this subsection shall be valid for no more than 10
8 years. There shall be no limit to the number of memoranda of
9 understanding which may be executed by the Pennsylvania State
10 Police and the Office of Victim Advocate under this
11 subsection.

12 (2) As used in this subsection, the term "Office of
13 Victim Advocate" shall mean the office established under
14 section 301 of the Crime Victims Act.

15 § 9799.62. Other notification.

16 (a) Notice by municipality's chief law enforcement
17 officer.--Notwithstanding any of the provisions of 18 Pa.C.S.
18 Ch. 91 (relating to criminal history record information), the
19 chief law enforcement officer of the full-time or part-time
20 police department of the municipality where a sexually violent
21 predator lives shall be responsible for providing written notice
22 as required under this section.

23 (1) The notice shall contain:

24 (i) The name of the convicted sexually violent
25 predator.

26 (ii) The address or addresses at which the sexually
27 violent predator has a residence. If, however, the
28 sexually violent predator has a residence as defined in
29 paragraph (2) of the definition of "residence" in section
30 9799.53 (relating to definitions), the notice shall be

1 limited to that provided for under section 9799.56(a) (2)
2 (i) (C) (relating to registration procedures and
3 applicability).

4 (iii) The offense for which the sexually violent
5 predator was convicted, sentenced by a court, adjudicated
6 delinquent or court martialled.

7 (iv) A statement that the individual has been
8 determined by court order to be a sexually violent
9 predator, which determination has or has not been
10 terminated as of a date certain.

11 (v) A photograph of the sexually violent predator,
12 if available.

13 (2) The notice shall not include information that might
14 reveal the victim's name, identity and residence.

15 (b) To whom written notice is provided.--The chief law
16 enforcement officer shall provide written notice, under
17 subsection (a), to the following persons:

18 (1) Neighbors of the sexually violent predator. As used
19 in this paragraph, where the sexually violent predator lives
20 in a common interest community, the term "neighbor" includes
21 the unit owners' association and residents of the common
22 interest community.

23 (2) The director of the county children and youth
24 service agency of the county where the sexually violent
25 predator has a residence.

26 (3) The superintendent of each school district and the
27 equivalent official for private and parochial schools
28 enrolling students up through grade 12 in the municipality
29 where the sexually violent predator has a residence.

30 (3.1) The superintendent of each school district and the

1 equivalent official for each private and parochial school
2 located within a one-mile radius of where the sexually
3 violent predator has a residence.

4 (4) The licensee of each certified day care center and
5 licensed preschool program and owner/operator of each
6 registered family day-care home in the municipality where the
7 sexually violent predator has a residence.

8 (5) The president of each college, university and
9 community college located within 1,000 feet of a sexually
10 violent predator's residence.

11 (c) Urgency of notification.--The municipal police
12 department's chief law enforcement officer shall provide notice
13 within the following time frames:

14 (1) To neighbors, notice shall be provided within five
15 days after information of the sexually violent predator's
16 release date and residence has been received by the chief law
17 enforcement officer. Notwithstanding the provisions of
18 subsections (a) and (b), verbal notification may be used if
19 written notification would delay meeting this time
20 requirement.

21 (2) To the persons specified in subsection (b) (2), (3),
22 (4) and (5), notice shall be provided within seven days after
23 the chief law enforcement officer receives information
24 regarding the sexually violent predator's release date and
25 residence.

26 (d) Public notice.--All information provided in accordance
27 with subsection (a) shall be available, upon request, to the
28 general public. The information may be provided by electronic
29 means.

30 (e) Interstate transfers.--The duties of police departments

1 under this section shall also apply to individuals who are
2 transferred to this Commonwealth under the Interstate Compact
3 for the Supervision of Adult Offenders or the Interstate Compact
4 for Juveniles.

5 § 9799.63. Information made available on Internet and
6 electronic notification.

7 (a) Legislative findings.--It is hereby declared to be the
8 finding of the General Assembly that public safety will be
9 enhanced by making information about sexually violent predators,
10 lifetime registrants and other sex offenders available to the
11 public through the Internet and electronic notification.
12 Knowledge of whether a person is a sexually violent predator,
13 lifetime registrant or other sex offender could be a significant
14 factor in protecting oneself and one's family members, or those
15 in care of a group or community organization, from recidivist
16 acts by sexually violent predators, lifetime registrants and
17 other sex offenders. The technology afforded by the Internet and
18 electronic notification would make this information readily
19 accessible to parents and private entities, enabling them to
20 undertake appropriate remedial precautions to prevent or avoid
21 placing potential victims at risk. Public access to information
22 about sexually violent predators, lifetime registrants and other
23 sex offenders is intended solely as a means of public protection
24 and shall not be construed as punitive.

25 (b) Internet posting of sexually violent predators, lifetime
26 registrants, other offenders and electronic notification.--The
27 Commissioner of the Pennsylvania State Police shall, in the
28 manner and form directed by the Governor:

29 (1) Develop and maintain a system for making the
30 information described in subsection (c) publicly available by

1 electronic means so that the public may, without limitation,
2 obtain access to the information via an Internet website to
3 view an individual record or the records of all sexually
4 violent predators, lifetime registrants and other offenders
5 who are registered with the Pennsylvania State Police. The
6 publicly accessible Internet website created under this
7 subchapter and the information required to be posted under
8 this subchapter shall be included on the publicly accessible
9 Internet website created and maintained by the Pennsylvania
10 State Police under Subchapter H (relating to registration of
11 sexual offenders).

12 (2) Ensure that the Internet website contains warnings
13 that a person who uses the information contained on the
14 Internet website to threaten, intimidate or harass another or
15 who otherwise misuses that information may be criminally
16 prosecuted.

17 (3) Ensure that the Internet website contains:

18 (i) An explanation of its limitations, including
19 statements advising that a positive identification of a
20 sexually violent predator, lifetime registrant or other
21 offender whose record has been made available may be
22 confirmed only by fingerprints.

23 (ii) A statement that some information contained on
24 the Internet website may be outdated or inaccurate.

25 (iii) A statement that the Internet website is not a
26 comprehensive listing of every person who has ever
27 committed a sex offense in Pennsylvania.

28 (4) Strive to ensure that:

29 (i) the information contained on the Internet
30 website is accurate;

1 (ii) the data on the Internet website is revised and
2 updated as appropriate in a timely and efficient manner;
3 and

4 (iii) instructions are included on how to seek
5 correction of information which a person contends is
6 erroneous.

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

14 (6) Identify when the victim is a minor with a special
15 designation. The identity of a victim of a sex offense shall
16 not be published or posted on the Internet website.

17 (7) Notwithstanding 18 Pa.C.S. Ch. 91 (relating to
18 criminal history record information), develop, implement and
19 maintain a process which allows members of the public to
20 receive electronic notification when an individual required
21 to register under this subchapter moves into or out of a
22 user-designated location.

23 (c) Information permitted to be disclosed regarding
24 individuals.--Notwithstanding 18 Pa.C.S. Ch. 91, the Internet
25 website shall contain the following information on each
26 individual:

27 (1) For sexually violent predators, the following
28 information shall be posted on the Internet website:

29 (i) name and all known aliases;

30 (ii) year of birth;

1 (iii) in the case of an individual who has a
2 residence as defined in paragraph (1) of the definition
3 of "residence" in section 9799.53 (relating to
4 definitions), the street address, municipality, county
5 and zip code of all residences, including, where
6 applicable, the name of the prison or other place of
7 confinement;

8 (iv) the street address, municipality, county, zip
9 code and name of an institution or location at which the
10 person is enrolled as a student;

11 (v) the municipality, county and zip code of an
12 employment location;

13 (vi) a photograph of the individual, which shall be
14 updated not less than annually;

15 (vii) a physical description of the offender,
16 including sex, height, weight, eye color, hair color and
17 race;

18 (viii) identifying marks, including scars,
19 birthmarks and tattoos;

20 (ix) the license plate number and description of a
21 vehicle owned or registered to the offender;

22 (x) whether the offender is currently compliant with
23 registration requirements;

24 (xi) whether the victim is a minor;

25 (xii) a description of the offense or offenses which
26 triggered the application of this subchapter;

27 (xiii) the date of the offense and conviction, if
28 available; and

29 (xiv) in the case of an individual who has a
30 residence as defined in paragraph (2) of the definition

1 of "residence" in section 9799.53, the information listed
2 in section 9799.56(a)(2)(i)(C) (relating to registration
3 procedures and applicability), including, where
4 applicable, the name of the prison or other place of
5 confinement.

6 (2) For all other lifetime registrants and offenders
7 subject to registration, the information specified in
8 paragraph (1) shall be posted on the Internet website.

9 (d) Duration of Internet posting.--

10 (1) The information listed in subsection (c) about a
11 sexually violent predator shall be made available on the
12 Internet for the lifetime of the sexually violent predator.

13 (2) The information listed in subsection (c) about an
14 offender who is subject to lifetime registration shall be
15 made available on the Internet for the lifetime of the
16 offender unless the offender is granted relief under section
17 9799.59 (relating to exemption from certain notifications).

18 (3) The information listed in subsection (c) about any
19 other offender subject to registration shall be made
20 available on the Internet for the entire period during which
21 the offender is required to register, including an extension
22 of this period under section 9799.56(a)(3).

23 § 9799.64. Administration.

24 The Governor shall direct the Pennsylvania State Police, the
25 Pennsylvania Board of Probation and Parole, the State Sexual
26 Offenders Assessment Board, the Department of Corrections, the
27 Department of Transportation and any other agency of this
28 Commonwealth the Governor deems necessary to collaboratively
29 design, develop and implement an integrated and secure system of
30 communication, storage and retrieval of information to assure

1 the timely, accurate and efficient administration of this
2 subchapter.

3 § 9799.65. Global positioning system technology.

4 The Pennsylvania Board of Probation and Parole and county
5 probation authorities may impose supervision conditions that
6 include offender tracking through global positioning system
7 technology.

8 § 9799.66. Immunity for good faith conduct.

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

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

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

15 (3) Superintendents, administrators, teachers, employees
16 and volunteers engaged in the supervision of children of a
17 public, private or parochial school.

18 (4) Directors and employees of county children and youth
19 agencies.

20 (5) Presidents or similar officers of universities and
21 colleges, including community colleges.

22 (6) The Pennsylvania Board of Probation and Parole and
23 its agents and employees.

24 (7) County probation and parole offices and their agents
25 and employees.

26 (8) Licensees of certified day-care centers and
27 directors of licensed preschool programs and owners/operators
28 of registered family day-care homes, and their agents and
29 employees.

30 (9) The Pennsylvania Department of Corrections and its

1 agents and employees.

2 (10) County correctional facilities and their agents and
3 employees.

4 (11) Members of the Sexual Offenders Assessment Board
5 and its agents and employees.

6 (12) The unit owners' association of a common interest
7 community and its agents and employees as it relates to
8 distributing information regarding sexually violent predators
9 obtained under section 9799.62(b)(1) (relating to other
10 notification).

11 § 9799.67. Duties of Pennsylvania State Police.

12 The Pennsylvania State Police shall:

13 (1) Create and maintain a State registry of offenders
14 and sexually violent predators required to register under
15 this subchapter. The registry shall be incorporated as part
16 of the registry established under Subchapter H (relating to
17 registration of sexual offenders).

18 (2) In consultation with the Department of Corrections,
19 the Office of Attorney General, the Pennsylvania Board of
20 Probation and Parole and the chairperson and the minority
21 chairperson of the Judiciary Committee of the Senate and the
22 chairperson and the minority chairperson of the Judiciary
23 Committee of the House of Representatives, promulgate
24 guidelines necessary for the general administration of this
25 subchapter. These guidelines shall establish procedures to
26 allow an individual subject to the requirements of sections
27 9799.55 (relating to registration) and 9799.60 (relating to
28 verification of residence) to fulfill these requirements at
29 approved registration sites throughout this Commonwealth.
30 This paragraph includes the duty to establish procedures to

1 allow an individual who has a residence as defined in
2 paragraph (2) of the definition of "residence" in section
3 9799.53 (relating to definitions) to fulfill the requirements
4 regarding registration at approved registration sites
5 throughout this Commonwealth. The Pennsylvania State Police
6 shall publish a list of approved registration sites in the
7 Pennsylvania Bulletin and provide a list of approved
8 registration sites in any notices sent to individuals
9 required to register under section 9799.55. An approved
10 registration site shall be capable of submitting
11 fingerprints, photographs and other information required
12 electronically to the Pennsylvania State Police. The
13 Pennsylvania State Police shall require that approved
14 registration sites submit fingerprints utilizing the
15 Integrated Automated Fingerprint Identification System or in
16 another manner and in the form as the Pennsylvania State
17 Police shall require. The Pennsylvania State Police shall
18 require that approved registration sites submit photographs
19 utilizing the Commonwealth Photo Imaging Network or in
20 another manner and in the form as the Pennsylvania State
21 Police shall require. Approved registration sites shall not
22 be limited to sites managed by the Pennsylvania State Police
23 and shall include sites managed by local law enforcement
24 agencies that meet the criteria for approved registration
25 sites specified in this paragraph.

26 (3) Write regulations regarding neighbor notification of
27 the current residence of sexually violent predators.

28 (4) Notify, within five business days of receiving the
29 offender's or the sexually violent predator's registration,
30 the chief law enforcement officers of the police departments

1 having primary jurisdiction of the municipalities in which an
2 offender or sexually violent predator has a residence, is
3 employed or enrolled as a student of the fact that the
4 offender or sexually violent predator has been registered
5 with the Pennsylvania State Police under sections 9799.56
6 (relating to registration procedures and applicability) and
7 9799.60.

8 (5) In consultation with the Department of Education and
9 the Pennsylvania Board of Probation and Parole, promulgate
10 guidelines directing licensed day-care centers, licensed
11 preschool programs, schools, universities and colleges,
12 including community colleges, on the proper use and
13 administration of information received under section 9799.62
14 (relating to other notification).

15 (6) Immediately transfer the information received from
16 the Pennsylvania Board of Probation and Parole under section
17 9799.68(2) and (3) (relating to duties of Pennsylvania Board
18 of Probation and Parole) and the fingerprints of a sexually
19 violent predator to the Federal Bureau of Investigation.

20 (7) Notify individuals of the requirements under this
21 subchapter, as specified in section 9799.54 (relating to
22 applicability).

23 § 9799.68. Duties of Pennsylvania Board of Probation and
24 Parole.

25 The Pennsylvania Board of Probation and Parole shall:

26 (1) Create a notification form which will inform State
27 and county prison and probation and parole personnel how to
28 inform offenders and sexually violent predators required to
29 register under this subchapter of their duty under the law.

30 (2) In cooperation with the Department of Corrections

1 and other Commonwealth agencies, obtain the following
2 information regarding offenders and sexually violent
3 predators:

4 (i) Name, including aliases.

5 (ii) Identifying factors.

6 (iii) Anticipated future residence.

7 (iv) Offense history.

8 (v) Documentation of treatment received for the
9 mental abnormality or personality disorder.

10 (vi) Photograph of the offender or sexually violent
11 predator.

12 (3) Immediately transmit the information in paragraph
13 (2) to the Pennsylvania State Police for immediate entry into
14 the State registry of offenders and sexually violent
15 predators and the criminal history record of the individual
16 as provided in 18 Pa.C.S. Ch. 91 (relating to criminal
17 history record information).

18 (4) Apply for Federal funding as provided in the Adam
19 Walsh Child Protection and Safety Act of 2006 (Public Law
20 109-248, 120 Stat. 587) to support and enhance programming
21 using satellite global positioning system technology.

22 § 9799.69. Board.

23 (a) Composition.--The State Sexual Offenders Assessment
24 Board shall be composed of psychiatrists, psychologists and
25 criminal justice experts, each of whom is an expert in the field
26 of the behavior and treatment of sexual offenders.

27 (b) Appointment.--The Governor shall appoint the board
28 members.

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

1 (d) Compensation.--The members of the board shall be
2 compensated at a rate of \$350 per assessment and receive
3 reimbursement for their actual and necessary expenses while
4 performing the business of the board. The chairman shall receive
5 \$500 additional compensation per annum.

6 (e) Staff.--Support staff for the board shall be provided by
7 the Pennsylvania Board of Probation and Parole.

8 § 9799.70. Counseling of sexually violent predators.

9 For the period of registration required by section 9799.55(b)
10 (relating to registration), a sexually violent predator shall be
11 required to attend at least monthly counseling sessions in a
12 program approved by the board and be financially responsible for
13 all fees assessed from the counseling sessions. The board shall
14 monitor the compliance of the sexually violent predator. If the
15 sexually violent predator can prove to the satisfaction of the
16 court that the person cannot afford to pay for the counseling
17 sessions, that person shall still attend the counseling sessions
18 and the parole office shall pay the requisite fees.

19 § 9799.71. Exemption from notification for certain licensees
20 and their employees.

21 Nothing in this subchapter shall be construed as imposing a
22 duty upon a person or an employee of a person licensed under the
23 act of February 19, 1980 (P.L.15, No.9), known as the Real
24 Estate Licensing and Registration Act, to disclose information
25 regarding:

26 (1) a sexually violent predator; or

27 (2) an individual who is transferred to this

28 Commonwealth under the Interstate Compact for the Supervision
29 of Adult Offenders or the Interstate Compact for Juveniles.

30 § 9799.72. Annual performance audit.

1 (a) Duties of Attorney General.--The Attorney General shall:

2 (1) Conduct a performance audit annually to determine
3 compliance with the requirements of this subchapter and
4 guidelines promulgated under this subchapter. The audit
5 shall, at a minimum, include a review of the practices,
6 procedures and records of the Pennsylvania State Police, the
7 Pennsylvania Board of Probation and Parole, the Department of
8 Corrections, the State Sexual Offenders Assessment Board, the
9 Administrative Office of Pennsylvania Courts and any other
10 State or local agency the Attorney General deems necessary in
11 order to conduct a thorough and accurate performance audit.

12 (2) Prepare an annual report of its findings and actions
13 it recommends be taken by the Pennsylvania State Police, the
14 Pennsylvania Board of Probation and Parole, the Department of
15 Corrections, the State Sexual Offenders Assessment Board, the
16 Administrative Office of Pennsylvania Courts, other State or
17 local agencies and the General Assembly to ensure compliance
18 with this subchapter. The first report shall be released to
19 the general public not less than 18 months following the
20 effective date of this section.

21 (3) Provide a copy of its report to the Pennsylvania
22 State Police, the Pennsylvania Board of Probation and Parole,
23 the Department of Corrections, the State Sexual Offenders
24 Assessment Board, the Administrative Office of Pennsylvania
25 Courts, State or local agencies referenced therein, the
26 chairperson and the minority chairperson of the Judiciary
27 Committee of the Senate and the chairperson and the minority
28 chairperson of the Judiciary Committee of the House of
29 Representatives no less than 30 days prior to the report's
30 release to the general public.

1 (b) Cooperation required.--Notwithstanding any other
2 provision of law to the contrary, the Pennsylvania State Police,
3 the Pennsylvania Board of Probation and Parole, the Department
4 of Corrections, the State Sexual Offenders Assessment Board, the
5 Administrative Office of Pennsylvania Courts, the Pennsylvania
6 Commission on Sentencing and any other State or local agency
7 requested to do so shall fully cooperate with the Attorney
8 General and assist the office in satisfying the requirements of
9 this section. For purposes of this subsection, full cooperation
10 shall include, at a minimum, complete access to unredacted
11 records, files, reports and data systems.

12 § 9799.73. Photographs and fingerprinting.

13 An individual subject to section 9799.55 (relating to
14 registration) shall submit to fingerprinting and photographing
15 as required by this subchapter at approved registration sites.
16 Fingerprinting as required by this subchapter shall, at a
17 minimum, require submission of a full set of fingerprints.
18 Photographing as required by this subchapter shall, at a
19 minimum, require submission to photographs of the face and
20 scars, marks, tattoos or other unique features of the
21 individual. Fingerprints and photographs obtained under this
22 subchapter may be maintained for use under this subchapter and
23 for general law enforcement purposes.

24 § 9799.74. Standing for Pennsylvania State Police.

25 Except for petitions filed under section 9799.59(a) (relating
26 to exemptions from certain notifications), the Pennsylvania
27 State Police shall have standing to appear and contest a filing
28 in a court of this Commonwealth which seeks to challenge in any
29 way the obligation of an individual required to register with
30 the Pennsylvania State Police under this subchapter.

1 § 9799.75. Construction of subchapter.

2 (a) Registration.--Nothing in this subchapter shall be
3 construed to relieve an individual from the obligation to
4 register with the Pennsylvania State Police under Subchapter I
5 if the individual:

6 (1) committed a sexually violent offense within this
7 Commonwealth or committed an offense under the laws of the
8 United States or one of its territories or possessions,
9 another state, the District of Columbia, the Commonwealth of
10 Puerto Rico or a foreign nation which is similar or
11 equivalent to a sexually violent offense, or who was court
12 martialed for a similar or equivalent offense, whether or not
13 the offense is designated as a sexually violent offense; and

14 (2) was required to register with the Pennsylvania State
15 Police under a former law of this Commonwealth that was
16 enacted before December 20, 2012, or would have been required
17 to register with the Pennsylvania State Police under Act 152
18 of 2004.

19 (b) Reregistration.--Nothing in this subchapter shall be
20 construed to require an individual who had previously registered
21 with the Pennsylvania State Police for a sexually violent
22 offense prior to July 9, 2000, to reregister under this
23 subchapter if the individual's registration requirements were
24 satisfied.

25 Section 20. This act applies as follows:

26 (1) The amendment of 18 Pa.C.S. § 4915.1 and 42 Pa.C.S.
27 Ch. 97 Subch. H shall apply to an individual who commits an
28 offense on or after December 20, 2012.

29 (2) The addition of 18 Pa.C.S. § 4915.2 and 42 Pa.C.S.
30 Ch. 97 Subch. I shall apply to:

1 (i) An individual who committed an offense set forth
2 in 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but
3 before December 20, 2012, and whose period of
4 registration as set forth in 42 Pa.C.S. § 9799.55 has not
5 expired.

6 (ii) An individual who, before or after the
7 effective date of this paragraph:

8 (A) Commits an offense subject to 42 Pa.C.S.
9 Subch. H; but

10 (B) because of a judicial determination on or
11 after the effective date of this section of the
12 invalidity of 42 Pa.C.S. Subch. H, is not subject to
13 registration as a sexual offender.

14 Section 21. The amendment or addition of 42 Pa.C.S. §§
15 9799.25(f) and 9799.55(d) shall apply to all group-based homes
16 and their residents, regardless of when the group-based homes
17 began to provide housing or the residents began their residency.

18 Section 22. This act shall take effect immediately.