

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, MILLARD, RAPP, ROZZI, COX, A. HARRIS, PICKETT, JOZWIAK, HILL-EVANS, CORR, CUTLER, SCHWEYER, ORTITAY, READSHAW, WHEELAND, M. QUINN, DeLUCA, PHILLIPS-HILL, ROEBUCK, CALTAGIRONE, WATSON AND WHITE, DECEMBER 4, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 12, 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~~ SECTION 3130 of Title 18 <--
19 of the Pennsylvania Consolidated Statutes ~~are~~ is amended to <--
20 read:

21 § 3130. Conduct relating to sex offenders.

22 (a) Offense defined.--A person commits a felony of the third

1 degree if the person has reason to believe that a sex offender
2 is not complying with or has not complied with the requirements
3 of the sex offender's probation or parole, imposed by statute or
4 court order, or with the registration requirements of 42 Pa.C.S.
5 Ch. 97 Subch. H (relating to registration of sexual offenders)
6 or I (relating to continued registration of sexual offenders),
7 and the person, with the intent to assist the sex offender in
8 eluding a law enforcement agent or agency that is seeking to
9 find the sex offender to question the sex offender about, or to
10 arrest the sex offender for, noncompliance with the requirements
11 of the sex offender's probation or parole or the requirements of
12 42 Pa.C.S. Ch. 97 Subch. H or I:

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

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

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

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

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

30 SECTION 1.1. SECTION 3141 OF TITLE 18, AMENDED JUNE 29, 2017 <--

1 (P.L.247, NO.13), IS AMENDED TO READ:

2 § 3141. General rule.

3 A person:

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

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

13 may be required to forfeit property rights in any property or
14 assets used to implement or facilitate commission of the crime
15 or crimes of which the person has been convicted. The forfeiture
16 shall be conducted in accordance with 42 Pa.C.S. §§ 5803
17 (relating to asset forfeiture), 5805 (relating to forfeiture
18 procedure), 5806 (relating to motion for return of property),
19 5807 (relating to restrictions on use), 5807.1 (relating to
20 prohibition on adoptive seizures) and 5808 (relating to
21 exceptions).

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

26 § 4915.1. Failure to comply with registration requirements.

27 * * *

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

29 * * *

30 (2) An individual who is subject to a counseling

1 requirement under a sex offender registration statute
2 following conviction in another jurisdiction where the
3 requirement is based on the commitment of an offense on or
4 after December 20, 2012, for which the individual was
5 convicted, commits an offense if [he] the individual
6 knowingly fails to comply with 42 Pa.C.S. § 9799.36.

7 (b) Grading for sexual offenders who must register for 15
8 years or who must register pursuant to 42 Pa.C.S. §
9 9799.13(7.1).--

10 * * *

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

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

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

18 * * *

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

21 * * *

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

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

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

29 * * *

30 (c.3) Grading for failure to comply with counseling

1 requirements.--An individual designated as a sexually violent
2 predator or sexually violent delinquent child or an individual
3 who is subject to a counseling requirement under a sex offender
4 registration statute following conviction of a sexual offense on
5 or after December 20, 2012, in another jurisdiction commits a
6 misdemeanor of the first degree if the individual violates
7 subsection (a.2).

8 (d) 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 sexual offender to receive any notice or
11 information pursuant to 42 Pa.C.S. § 9799.25 shall be a defense
12 to a prosecution commenced against an individual arising from a
13 violation of this section. The provisions of 42 Pa.C.S. §
14 9799.25 are not an element of an offense under this section.

15 * * *

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

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

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

25 * * *

26 Section 3. Title 18 is amended by adding a section to read:
27 § 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I
28 registration requirements.

29 (a) Offense defined.--An individual who is subject to
30 registration under 42 Pa.C.S. § 9799.55(a), (a.1) or (b)

1 (relating to registration) or who was subject to registration
2 under former 42 Pa.C.S. § 9793 (relating to registration of
3 certain offenders for ten years) commits an offense if the
4 individual knowingly fails to:

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

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

11 (3) provide accurate information when registering under
12 42 Pa.C.S. § 9799.56 or verifying a residence under 42
13 Pa.C.S. § 9799.60.

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

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

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

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

25 (1) (Reserved).

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

1 degree.

2 (3) An individual subject to registration under 42
3 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and
4 required to register for a period of 10 years who commits a
5 violation of subsection (a)(1) or (2) and who has previously
6 been convicted of an offense under subsection (a)(1) or (2)
7 or a similar offense commits a felony of the second degree.

8 (4) An individual subject to registration under 42
9 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and
10 required to register for a period of 10 years who violates
11 subsection (a)(3) commits a felony of the second degree.

12 (c) Grading for sexually violent predators and others with
13 lifetime registration.--

14 (1) (Reserved).

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

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

26 (4) An individual subject to registration under 42
27 Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is
28 subject to lifetime registration who violates subsection (a)
29 (3) commits a felony of the first degree.

30 (c.1) Grading for failure to comply with counseling

1 requirements.--An individual designated as a sexually violent
2 predator or an individual who is subject to a counseling
3 requirement under a sex offender registration statute following
4 conviction in another jurisdiction who commits a violation of
5 subsection (a.1) commits a misdemeanor of the first degree.

6 (d) Effect of notice.--Neither failure on the part of the
7 Pennsylvania State Police to send nor failure of a sexually
8 violent predator or offender to receive a notice or information
9 under 42 Pa.C.S. § 9799.54(b) (relating to applicability) or
10 9799.60(a.1), (b.1) or (b.3) shall be a defense to a prosecution
11 commenced against an individual arising from a violation of this
12 section. The provisions of 42 Pa.C.S. §§ 9799.54(b) and
13 9799.60(a.1), (b.1) or (b.3) are not an element of an offense
14 under this section.

15 (e) Arrests for violation.--

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

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

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

29 (i) The individual must be fingerprinted and
30 photographed in the manner required by 42 Pa.C.S. Ch. 97

1 Subch. I (relating to continued registration of sexual
2 offenders).

3 (ii) The individual must provide the Pennsylvania
4 State Police with all current or intended residences, all
5 information concerning current or intended employment,
6 including all employment locations, and all information
7 concerning current or intended enrollment as a student.
8 If the individual has a residence as defined in paragraph
9 (2) of the definition of "residence" set forth in 42
10 Pa.C.S. § 9799.53 (relating to definitions), the
11 individual must provide the Pennsylvania State Police
12 with the information required under 42 Pa.C.S. §
13 9799.56(a)(2)(i)(A), (B) and (C).

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

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

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

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

25 (2) AN INDIVIDUAL WHO WAS REQUIRED TO REGISTER WITH THE <--
26 PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL OFFENDER
27 REGISTRATION LAW OF THIS COMMONWEALTH ON OR AFTER APRIL 22,
28 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE PERIOD OF
29 REGISTRATION HAS NOT EXPIRED.

30 ~~(2)~~ (3) An individual who, before the effective date of <--

1 this paragraph:

2 (i) Commits an offense subject to 42 Pa.C.S. Ch. 97
3 Subch. H (relating to registration of sexual offenders);

4 but

5 (ii) because of a judicial determination on or after
6 the effective date of this section of the invalidity of
7 42 Pa.C.S. Ch. 97 Subch. H, is not subject to
8 registration as a sexual offender.

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

12 "Sexually violent predator." As defined in 42 Pa.C.S. §
13 9799.53.

14 "Similar offense." An offense similar to an offense under
15 either subsection (a)(1) or (2) under the laws of this
16 Commonwealth, the United States or one of its territories or
17 possessions, another state, the District of Columbia, the
18 Commonwealth of Puerto Rico or a foreign nation.

19 Section 4. Sections 2511(a)(11), 6303(b.1)(8)(vii), 6707 and
20 6338.1(c)(4) of Title 23 are amended to read:

21 § 2511. Grounds for involuntary termination.

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

25 * * *

26 (11) The parent is required to register as a sexual
27 offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to
28 registration of sexual offenders) or I (relating to continued
29 registration of sexual offenders) or to register with a
30 sexual offender registry in another jurisdiction or foreign

1 country.

2 * * *

3 § 6303. Definitions.

4 * * *

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

8 * * *

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

10 * * *

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

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

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

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

25 (D) Has been determined to be a sexually violent
26 predator under 42 Pa.C.S. § 9799.58 (relating to
27 assessments) or has to register for life under 42
28 Pa.C.S. § 9799.55(b) (relating to registration).

29 * * *

30 § 6707. Agency use of designated address.

1 State and local government agencies shall accept the
2 substitute address designated on a valid program participation
3 card issued to the program participant by the Office of Victim
4 Advocate as the program participant's address except as follows:

5 (1) when the State or local government agency has been
6 granted a waiver pursuant to section 6709 (relating to waiver
7 process); or

8 (2) when the program participant is any of the
9 following:

10 (i) a released offender complying with State or
11 county probation or parole requirements; or

12 (ii) a convicted sexual offender who has fulfilled
13 the offender's sentence but must register the offender's
14 community residence as required under 42 Pa.C.S. Ch. 97
15 Subch. H (relating to registration of sexual offenders)
16 or I (relating to continued registration of sexual
17 offenders) or any similar registration requirement
18 imposed by any other jurisdiction.

19 § 6338.1. Expunction of information of perpetrator who was
20 under 18 years of age when child abuse was committed.

21 * * *

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

24 * * *

25 (4) [A sexual offender, as defined in 42 Pa.C.S. §
26 9799.12, who meets all of the following:] An individual who:

27 (i) Is required to register under 42 Pa.C.S. Ch. 97
28 Subch. H or I (relating to continued registration of
29 sexual offenders) as a result of a criminal conviction
30 for the same acts which resulted in the sexual offender

1 being named a perpetrator of child abuse.

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

5 Section 5. Sections 9718.1(a) introductory paragraph and
6 9799.10(4) of Title 42 are amended to read:

7 § 9718.1. Sexual offender treatment.

8 (a) General rule.--A person, including an offender
9 designated as a "sexually violent predator" as defined in
10 section 9799.12 (relating to definitions) or 9799.53 (relating
11 to definitions), shall attend and participate in a Department of
12 Corrections program of counseling or therapy designed for
13 incarcerated sex offenders if the person is incarcerated in a
14 State institution for any of the following provisions under 18
15 Pa.C.S. (relating to crimes and offenses):

16 * * *

17 § 9799.10. Purposes of subchapter.

18 This subchapter shall be interpreted and construed to
19 effectuate the following purposes:

20 * * *

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

1 existing procedures regarding registration of sexual
2 offenders who are subject to the criminal justice system of
3 this Commonwealth.

4 * * *

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

8 § 9799.11. Legislative findings [and], declaration of policy
9 and scope.

10 * * *

11 (b) Declaration of policy.--The General Assembly declares as
12 follows:

13 * * *

14 (4) It is the intention of the General Assembly to
15 address the Pennsylvania Supreme Court's decision in
16 Commonwealth v. Muniz, 164 A.3d 1189 (Pa. 2017) and the
17 Pennsylvania Superior Court's decision in Commonwealth v.
18 Butler (2017 WL3882445).

19 (c) Scope.--This subchapter shall apply to individuals who
20 committed a sexually violent offense on or after December 20,
21 2012, for which the individual was convicted.

22 Section 7. The definitions of "sexual offender," "sexually
23 violent delinquent child," "sexually violent offense," "sexually
24 violent predator" and "transient" in section 9799.12 of Title 42
25 are amended to read:

26 § 9799.12. Definitions.

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

30 * * *

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

4 "Sexually violent delinquent child." As defined in section
5 6402 (relating to definitions)[.] if the determination as a
6 sexually violent delinquent child is based on an act of sexual
7 violence, as defined in section 6402, committed on or after
8 December 20, 2012, for which the child was adjudicated
9 delinquent and determined to be in need of commitment for
10 involuntary treatment as specified in Chapter 64 (relating to
11 court-ordered involuntary treatment of certain sexually violent
12 persons).

13 "Sexually violent offense." An offense specified in section
14 9799.14 (relating to sexual offenses and tier system) as a Tier
15 I, Tier II or Tier III sexual offense committed on or after
16 December 20, 2012, for which the individual was convicted.

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

23 (1) section 9799.14(b) (1), (2), (3), (4), (5), (6), (8),
24 (9) or (10) (relating to sexual offenses and tier system) or
25 an attempt, conspiracy or solicitation to commit any offense
26 under section 9799.14(b) (1), (2), (3), (4), (5), (6), (8),
27 (9) or (10);

28 (2) section 9799.14(c) (1), (1.1), (1.2), (1.3), (2),
29 (3), (4), (5) or (6) or an attempt, conspiracy or
30 solicitation to commit an offense under section 9799.14(c)

1 (1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or
2 (3) section 9799.14(d) (1), (2), (3), (4), (5), (6), (7),
3 (8) or (9) or an attempt, conspiracy or solicitation to
4 commit an offense under section 9799.14(d) (1), (2), (3), (4),
5 (5), (6), (7), (8) or (9)

6 who[, on or after the effective date of this subchapter,] is
7 determined to be a sexually violent predator under section
8 9799.24 (relating to assessments) due to a mental abnormality or
9 personality disorder that makes the individual likely to engage
10 in predatory sexually violent offenses. The term includes an
11 individual determined to be a sexually violent predator or
12 similar designation where the determination occurred in another
13 jurisdiction, a foreign country or by court martial following a
14 judicial or administrative determination pursuant to a process
15 similar to that under section 9799.24[. In addition, the term
16 shall include any person convicted between January 23, 2005, and
17 December 19, 2012, of any offense set forth in section
18 9799.13(3.1) (relating to applicability) determined by a court
19 to be a sexually violent predator due to a mental abnormality or
20 personality disorder that made the person likely to engage in
21 predatory sexually violent offenses, which person shall be
22 deemed a sexually violent predator under this subchapter.] where
23 the determination or designation is based on the commitment of a
24 sexually violent offense on or after December 20, 2012, for
25 which the individual was convicted.

26 * * *

27 "Transient." [An individual required to register under this
28 subchapter] A sexual offender who does not have a residence but
29 nevertheless resides in this Commonwealth in a temporary habitat
30 or other temporary place of abode or dwelling, including, but

1 not limited to, a homeless shelter or park.

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

3 § 9799.13. Applicability.

4 The following individuals shall register with the
5 Pennsylvania State Police as provided in sections 9799.15
6 (relating to period of registration), 9799.19 (relating to
7 initial registration) and 9799.25 (relating to verification by
8 sexual offenders and Pennsylvania State Police) and otherwise
9 comply with the provisions of this subchapter:

10 (1) [An individual who, on or after the effective date
11 of this section, is convicted of a sexually violent offense
12 and who has a residence within this Commonwealth or is a
13 transient.] A sexual offender who has a residence within this
14 Commonwealth or is a transient.

15 (1.1) [An individual who, on or after the effective date
16 of this section, is convicted of a sexually violent offense
17 in this Commonwealth and] A sexual offender who is convicted
18 in this Commonwealth and who does not have a residence in
19 this Commonwealth and:

- 20 (i) is employed in this Commonwealth; or
21 (ii) is a student in this Commonwealth.

22 (1.2) [An individual who, on or after the effective date
23 of this section, is convicted of a sexually violent offense
24 and] A sexual offender who does not have a residence within
25 this Commonwealth or is not a transient in this Commonwealth
26 and:

- 27 (i) is employed in this Commonwealth; or
28 (ii) is a student in this Commonwealth.

29 (2) [An individual who, on or after the effective date
30 of this section, is, as a result of a conviction for a

1 sexually violent offense,] A sexual offender who is an inmate
2 in a State or county correctional institution of this
3 Commonwealth, including a community corrections center or a
4 community contract facility, is being supervised by the
5 Pennsylvania Board of Probation and Parole or county
6 probation or parole, is subject to a sentence of intermediate
7 punishment or has supervision transferred pursuant to the
8 Interstate Compact for Adult Supervision in accordance with
9 section 9799.19(g).

10 (2.1) [An individual who, on or after the effective date
11 of this section, is, as a result of a conviction for a
12 sexually violent offense,] A sexual offender who is an inmate
13 in a Federal correctional institution or is supervised by
14 Federal probation authorities and who:

15 (i) has a residence within this Commonwealth or is a
16 transient;

17 (ii) is employed within this Commonwealth; or

18 (iii) is a student within this Commonwealth.

19 [(3) An individual who:

20 (i) was required to register with the Pennsylvania
21 State Police pursuant to this subchapter prior to
22 December 20, 2012, and who had not fulfilled the
23 individual's period of registration as of December 20,
24 2012; or

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

28 (3.1) The following:

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

1 (A) convicted of a sexually violent offense;
2 (B) released from a period of incarceration
3 resulting from a conviction for a sexually violent
4 offense; or

5 (C) under the supervision of the Pennsylvania
6 Board of Probation and Parole or county probation or
7 parole as a result of a conviction for a sexually
8 violent offense.

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

13 (A) Convictions:

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

16 Section 2902(b) (relating to unlawful
17 restraint).

18 Section 2903(b) (relating to false
19 imprisonment).

20 Section 2904 (relating to interference
21 with custody of children).

22 Section 3122.1 (relating to statutory
23 sexual assault).

24 Section 6301 (relating to corruption of
25 minors).

26 Section 7507.1 (relating to invasion of
27 privacy).

28 (II) For a comparable military offense or
29 similar offense under the laws of another
30 jurisdiction or foreign country or under a former

1 law of this Commonwealth prior to December 8,
2 2008.

3 (B) A conviction under 18 Pa.C.S. § 3126
4 (relating to indecent assault) where the crime is
5 graded as a misdemeanor of the second degree or where
6 the conviction occurred between January 22, 2006, and
7 January 1, 2007, when the crime is graded as a felony
8 of the third degree.

9 (3.2) An individual who between December 8, 2008, and
10 December 19, 2012, was:

11 (i) convicted of conspiracy or solicitation to
12 commit a sexually violent offense as defined in
13 paragraph (3.1);

14 (ii) released from serving a period of incarceration
15 resulting from a conviction for conspiracy or
16 solicitation to commit a sexually violent offense as
17 defined in paragraph (3.1); or

18 (iii) under the supervision of the Pennsylvania
19 Board of Probation and Parole or county probation or
20 parole as a result of a conviction for conspiracy or
21 solicitation to commit a sexually violent offense as
22 defined in paragraph (3.1).]

23 (7) [An individual who, on or after the effective date
24 of this section, is] A sexual offender required to register
25 in a sexual offender registry in another jurisdiction or in a
26 foreign country based upon a conviction for a sexually
27 violent offense or under a sexual offender statute in the
28 jurisdiction where the individual is convicted and:

29 (i) has a residence in this Commonwealth or is a
30 transient;

1 (ii) is employed within this Commonwealth; or

2 (iii) is a student within this Commonwealth.

3 (7.1) An individual who, [on or after the effective date
4 of this section,] as a result of committing an offense set
5 forth in section 9799.14(b)(23) (relating to sexual offenses
6 and tier system) on or after December 20, 2012, for which the
7 individual was convicted, is required to register in a sexual
8 offender registry in another jurisdiction or foreign country
9 [based upon a conviction of an offense set forth in section
10 9799.14(b)(23) (relating to sexual offenses and tier system)]
11 and:

12 (i) has a residence in this Commonwealth or is a
13 transient;

14 (ii) is employed within this Commonwealth; or

15 (iii) is a student within this Commonwealth.

16 (7.2) [An individual who, on or after the effective date
17 of this paragraph,] A sexual offender who is convicted [of a
18 sexually violent offense] in another jurisdiction or foreign
19 country, or is incarcerated or under supervision as a result
20 of a conviction [for a sexually violent offense] in another
21 jurisdiction or foreign country and:

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

24 (ii) is employed within this Commonwealth; or

25 (iii) is a student within this Commonwealth.

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

30 (i) has a residence within this Commonwealth;

1 (ii) is employed within this Commonwealth; or

2 (iii) is a student within this Commonwealth.

3 (8.1) An individual who is a juvenile offender who is
4 adjudicated delinquent in this Commonwealth on or after the
5 effective date of this paragraph but who does not have a
6 residence within this Commonwealth, is not a transient, is
7 not employed in this Commonwealth or is not a student within
8 this Commonwealth must register with the Pennsylvania State
9 Police in accordance with section 9799.19 prior to leaving
10 this Commonwealth.

11 (8.2) An individual who between January 23, 2005, and
12 December 19, 2012, established a residence or was a transient
13 in this Commonwealth, was employed within this Commonwealth,
14 or was a student in this Commonwealth, and who was required
15 to register in a sexual offender registry as a result of an
16 adjudication of delinquency for an offense which occurred in
17 a foreign country or another jurisdiction and that required
18 the individual to register in that foreign country or other
19 jurisdiction.

20 (9) An individual who[, on or after the effective date
21 of this section,] is a sexually violent delinquent child.
22 [who is committed for involuntary treatment or, on the
23 effective date of this section, is under commitment receiving
24 involuntary treatment in the State-owned facility or unit as
25 set forth in Chapter 64 (relating to court-ordered
26 involuntary treatment of certain sexually violent persons).]

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

29 § 9799.14. Sexual offenses and tier system.

30 * * *

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

3 * * *

4 (3) 18 Pa.C.S. § 2904 (relating to interference with
5 custody of children), except in cases where the defendant is
6 the child's parent, guardian or other lawful custodian.

7 * * *

8 (d) Tier III sexual offenses.--The following offenses shall
9 be classified as Tier III sexual offenses:

10 * * *

11 (17) One conviction of a sexually violent offense and
12 one conviction of a sexually violent offenses as defined in
13 section 9799.55 (relating to registration).

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

17 § 9799.15. Period of registration.

18 * * *

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

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

23 (2) An individual subject to registration under this
24 subchapter shall register with the Pennsylvania State Police
25 for the period of time set forth in subsection (a), except
26 that:

27 (i) An individual registered pursuant to section
28 9799.13(2), (2.1), (3), (3.1) or (3.2) for a sexually
29 violent offense shall register for the period set forth
30 in subsection (a), less any credit for time spent

1 registered pursuant to this subchapter for that offense
2 prior to December 20, 2012.

3 (ii) An individual registered pursuant to section
4 9799.13(7), (7.1) or (7.2) for a sexually violent offense
5 shall register for the period set forth in subsection
6 (a), less any credit as a result of time registered in a
7 sexual offender registry for that sexually violent
8 offense in the foreign country or other jurisdiction
9 where the individual was convicted.

10 (iii) An individual registered pursuant to section
11 9799.13(8), (8.1) or (8.2) as a result of an adjudication
12 of delinquency occurring in a foreign country or other
13 jurisdiction shall register for the period set forth in
14 subsection (a), less any credit as a result of time
15 registered in a sexual offender registry in the foreign
16 country or other jurisdiction where the individual was
17 adjudicated delinquent.]

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

25 (1) Subject to subsection (c), at least 25 years have
26 elapsed prior to filing a petition with the sentencing court
27 to be exempt from the requirements of this subchapter, during
28 which time the petitioner has not been convicted in this
29 Commonwealth or any other jurisdiction or foreign country of
30 an offense punishable by imprisonment of more than one year,

1 or the petitioner's release from custody following the
2 petitioner's most recent conviction for an offense, whichever
3 is later.

4 (2) Upon receipt of a petition filed under paragraph
5 (1), the sentencing court shall enter an order directing that
6 the petitioner be assessed by the board. Upon receipt from
7 the court of an order for an assessment under this
8 subsection, a member of the board designated by the
9 administrative officer of the board shall conduct an
10 assessment of the petitioner to determine if the relief
11 sought, if granted, is likely to pose a threat to the safety
12 of any other person. The board shall establish standards for
13 evaluations and for evaluators conducting assessments.

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

20 (4) Within 120 days of filing the petition under
21 paragraph (1), the sentencing court shall hold a hearing to
22 determine whether to exempt the petitioner from the
23 application of any or all of the requirements of this
24 subchapter. The petitioner and the district attorney shall be
25 given notice of the hearing and an opportunity to be heard,
26 the right to call witnesses and the right to cross-examine
27 witnesses. The petitioner shall have the right to counsel and
28 to have a lawyer appointed to represent the petitioner if the
29 petitioner cannot afford one.

30 (5) The sentencing court shall exempt the petitioner

1 from application of any or all of the requirements of this
2 subchapter, at the discretion of the court, only upon a
3 finding of clear and convincing evidence that exempting the
4 sexual offender from a particular requirement or all of the
5 requirements of this subchapter is not likely to pose a
6 threat to the safety of any other person.

7 (6) A court granting relief under this subsection shall
8 notify the Pennsylvania State Police in writing within 10
9 days from the date the relief is granted. If a memorandum of
10 understanding has been entered into under section 9799.26
11 (relating to victim notification) with respect to relief
12 granted to the petitioner, the Pennsylvania State Police
13 shall transmit the information about the relief to the Office
14 of Victim Advocate as soon as is practicable. The Office of
15 Victim Advocate shall notify the victim of the relief, in
16 accordance with the memorandum of understanding, as described
17 in section 9799.26.

18 (7) The petitioner and the Commonwealth shall have the
19 right to appellate review of the actions of the sentencing
20 court under this subsection. An appeal by the Commonwealth
21 shall stay the order of the sentencing court.

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

26 ~~(8)~~ (9) If the petitioner is exempt from any provisions <--
27 of this subchapter and the petitioner is subsequently
28 convicted under 18 Pa.C.S. § 4915.1 (relating to failure to
29 comply with registration requirements), relief granted under
30 this subsection shall be void and the petitioner shall

1 automatically and immediately again be subject to the
2 provisions of this subchapter, as previously determined by
3 this subchapter.

4 (a.3) Agency cooperation.--All State, county and local
5 agencies, offices and entities in this Commonwealth, including
6 juvenile probation officers, shall cooperate by providing access
7 to records and information as requested by the board in
8 connection with the court-ordered assessment under subsection
9 (a.2).

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

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

12 (a) shall commence as follows:

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

16 (A) release from incarceration in a State or
17 county correctional facility, including release to a
18 community correction center or community contract
19 facility;

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

21 (C) a sentence of State or county intermediate
22 punishment in which the person is not sentenced to a
23 period of incarceration.

24 * * *

25 (iv) For an individual who [is convicted of]
26 committed a sexually violent offense in another
27 jurisdiction or foreign country or a comparable military
28 offense, the period of registration shall commence upon
29 establishment of a residence or commencement of
30 employment or enrollment as a student within this

1 Commonwealth. This subparagraph shall apply to an
2 individual convicted of a sexually violent offense in
3 another jurisdiction or foreign country or comparable
4 military offense and who is a transient.

5 * * *

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

8 § 9799.16. Registry.

9 (a) Establishment.--There is established a Statewide
10 registry of sexual offenders in order to carry out the
11 provisions of this subchapter. The Pennsylvania State Police
12 shall create and maintain the registry. The registry shall
13 maintain a complete and systematic index of all records required
14 regarding sexual offenders in order to comply with the Adam
15 Walsh Child Protection and Safety Act of 2006 (Public Law 109-
16 248, 120 Stat. 587). The registry shall:

17 (1) Be composed of an electronic database and digitized
18 records.

19 (2) Be able to communicate with the Sex Offender
20 Registration and Notification Act Exchange Portal developed
21 by the United States Department of Justice, the National Sex
22 Offender Registry or any successor database which is
23 maintained by the Department of Justice and the Dru Sjodin
24 National Sex Offender Public Internet Website maintained by
25 the Department of Justice.

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

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

1 * * *

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

5 § 9799.19. Initial registration.

6 * * *

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

9 The following apply:

10 (1) If the individual is, prior to the effective date of
11 this section, incarcerated in a Federal, State or county
12 correctional facility, the individual shall provide the
13 information set forth in section 9799.16(b) (relating to
14 registry) to the appropriate official of the Federal, State
15 or county correctional facility or the Pennsylvania Board of
16 Probation and Parole for inclusion in the registry before
17 being released due to:

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

21 (ii) parole;

22 (iii) State or county intermediate punishment where
23 the sentence is restrictive and the individual is
24 sentenced to a period of incarceration in a State or
25 county correctional institution or a work release
26 facility; or

27 (iv) special probation supervised by the
28 Pennsylvania Board of Probation and Parole.

29 (2) For individuals set forth in paragraph (1), the
30 appropriate official of the Federal, State or county

1 correctional facility or the Pennsylvania Board of Probation
2 and Parole shall collect and forward the information in
3 section 9799.16(b) to the Pennsylvania State Police. The
4 appropriate official shall, in addition, ensure that the
5 information set forth in section 9799.16(c) is collected and
6 forwarded to the Pennsylvania State Police. The information
7 in section 9799.16(b) and (c) shall be included in the
8 registry. With respect to individuals released under
9 paragraph (1)(ii), (iii) or (iv), the State or county
10 correctional facility shall not release the individual until
11 it receives verification from the Pennsylvania State Police
12 that it has received the information set forth in section
13 9799.16(b) and (c). Verification may take place by electronic
14 means. With respect to individuals released under paragraph
15 (1)(i), if the individual refuses to provide the information
16 set forth in section 9799.16(b), the State or county
17 correctional institution shall notify the Pennsylvania State
18 Police or the municipal police department with jurisdiction
19 over the facility of the failure to provide the information
20 and of the expected date, time and location of the release of
21 the individual.

22 (b.1) Initial registration if sentenced to a county or State
23 correctional facility on or after the effective date of
24 section.--If the individual is, on or after the effective date
25 of this section, sentenced to a period of incarceration in a
26 county or State correctional facility, the individual shall
27 provide the information set forth in section 9799.16(b) as
28 follows:

29 (1) At the time of sentencing, the court shall require
30 the individual to immediately report to the Office of

1 Probation and Parole serving that county to register under
2 this subchapter. The appropriate office of probation and
3 parole shall collect the information set forth in section
4 9799.16(b) from the individual and forward the information to
5 the Pennsylvania State Police. The appropriate office of
6 probation and parole shall, in addition, ensure the
7 information set forth in 9799.16(c) is collected and
8 forwarded to the Pennsylvania State Police. The information
9 in section 9799.16(b) and (c) shall be included in the
10 registry.

11 (2) If the individual is incarcerated in a State
12 correctional facility or county correctional facility, the
13 correctional facility shall notify the Pennsylvania State
14 Police, not more than 30 days in advance of, but not later
15 than ten days prior to, the individual's release from the
16 correctional facility. The following apply:

17 (i) The correctional facility shall ensure that the
18 information set forth in section 9799.16(b) and (c) for
19 the individual has been submitted to the Pennsylvania
20 State Police.

21 (ii) If the information has not been submitted to
22 the Pennsylvania State Police, the correctional facility
23 shall collect the information set forth in section
24 9799.16(b) from the individual and forward the
25 information to the Pennsylvania State Police.

26 (iii) The correctional facility shall also report
27 any changes to the information set forth in section
28 9799.16(b) and (c) on file with the Pennsylvania State
29 Police.

30 (iv) In the case of parole, State or county

1 intermediate punishment where the sentence is restrictive
2 and the individual is sentenced to a period of
3 incarceration in a State or county correctional
4 institution or work release facility or special probation
5 supervised by the Pennsylvania Board of Probation and
6 Parole, the correctional facility may not release the
7 individual until the correctional facility receives
8 verification from the Pennsylvania State Police that the
9 Pennsylvania State Police has received the information
10 set forth in section 9799.16(b) and (c). Verification by
11 the Pennsylvania State Police may occur by electronic
12 means.

13 (v) If the individual is scheduled to be released
14 from a State or county correctional institution due to
15 the expiration of sentence and the individual refuses to
16 provide the information set forth in section 9799.16(b),
17 the State or county correctional institution shall notify
18 the Pennsylvania State Police or the municipal police
19 department with jurisdiction over the facility of the
20 failure to provide the information and of the expected
21 date, time and location of the release of the individual.

22 (c) Initial registration if sentenced to county intermediate
23 punishment on effective date of section.--If the individual is,
24 on the effective date of this section, sentenced to county
25 intermediate punishment which is restorative where the
26 individual is not sentenced to incarceration or to a work
27 release facility, the individual shall provide the information
28 set forth in section 9799.16(b) by appearing at an approved
29 registration site within 48 hours of the effective date of this
30 section. The appropriate official of the county office of

1 probation and parole shall ensure that the individual has
2 appeared at an approved registration site as set forth in this
3 subsection. If the individual fails to appear, the appropriate
4 official of the county office of probation and parole shall
5 notify the Pennsylvania State Police. The Pennsylvania State
6 Police shall ensure the information set forth in section
7 9799.16(c) with respect to the individual is collected and
8 entered in the registry.

9 (d) Initial registration if sentenced to county intermediate
10 punishment after effective date of section.--If the individual
11 is, after the effective date of this section, sentenced to
12 county intermediate punishment, the following apply:

13 (1) If the individual is sentenced to county
14 intermediate punishment which is restorative, the individual
15 shall provide the information set forth in section 9799.16(b)
16 by appearing at an approved registration site within 48 hours
17 of being sentenced. The appropriate official of the county
18 office of probation and parole shall ensure that the
19 individual has appeared at an approved registration site as
20 set forth in this paragraph. If the individual fails to
21 appear, the appropriate official of the county office of
22 probation and parole shall notify the Pennsylvania State
23 Police. The Pennsylvania State Police shall ensure the
24 information set forth in section 9799.16(c) with respect to
25 the individual is collected and entered in the registry.

26 (2) If the individual is sentenced to county
27 intermediate punishment which is restrictive where the
28 individual is not sentenced to incarceration or to a work
29 release facility, the individual shall provide the
30 information set forth in section 9799.16(b) by appearing at

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

11 (e) Initial registration if sentenced to county probation on
12 or after effective date of section.--If the individual is, on or
13 after the effective date of this section, sentenced to county
14 probation, the individual shall provide the information set
15 forth in section 9799.16(b) by appearing at an approved
16 registration site within 48 hours of being sentenced. The
17 appropriate official of the county office of probation and
18 parole shall ensure that the individual has appeared at an
19 approved registration site as set forth in this paragraph. If
20 the individual fails to appear, the appropriate official of the
21 county office of probation and parole shall notify the
22 Pennsylvania State Police. The Pennsylvania State Police shall
23 ensure the information set forth in section 9799.16(c) with
24 respect to the individual is collected and entered in the
25 registry.

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

28 (1) If the individual is, on the effective date of this
29 section, already serving a sentence of county probation, the
30 appropriate office of probation and parole serving the county

1 shall register the individual within 48 hours. The
2 appropriate official of that office shall collect the
3 information set forth in section 9799.16(b) and forward that
4 information to the Pennsylvania State Police. The
5 Pennsylvania State Police shall ensure that the information
6 set forth in section 9799.16(c) is collected. The information
7 in section 9799.16(b) and (c) shall be included in the
8 registry. If the individual fails to comply, the appropriate
9 official of that office shall notify the Pennsylvania State
10 Police.

11 (2) If the individual is, on the effective date of this
12 section, already under the supervision of Federal probation
13 authorities for a sexually violent offense, the individual
14 shall provide the information set forth in section 9799.16(b)
15 by appearing at an approved registration site within 48 hours
16 of the effective date of this section.

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

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

1 Police.

2 (2) If the individual is, on the effective date of this
3 section, already serving a sentence of State parole, the
4 Pennsylvania Board of Probation and Parole shall register the
5 individual within 48 hours. The appropriate official of the
6 Pennsylvania Board of Probation and Parole shall collect the
7 information set forth in section 9799.16(b) from the
8 individual and forward the information to the Pennsylvania
9 State Police. The Pennsylvania State Police shall ensure that
10 the information set forth in section 9799.16(c) is collected.
11 The information in section 9799.16(b) and (c) shall be
12 included in the registry. If the individual fails to comply,
13 the appropriate official of the Pennsylvania Board of
14 Probation and Parole shall notify the Pennsylvania State
15 Police.]

16 (f) Initial registration if being supervised by
17 Commonwealth under Interstate Compact for Adult Offender
18 Supervision.--If an individual is in this Commonwealth and is
19 being supervised by the State Board of Probation and Parole or
20 the county office of probation and parole pursuant to the
21 Interstate Compact for Adult Offender Supervision, the following
22 apply:

23 (1) If the individual is being supervised under the
24 compact [after the effective date of this section,] for
25 committing a sexually violent offense which requires
26 registration in another jurisdiction or foreign country
27 whether or not the sexual offense is designated as a sexually
28 violent offense, the individual shall provide the information
29 set forth in section 9799.16(b) to the appropriate official
30 of the State Board of Probation and Parole or the county

1 office of probation and parole for inclusion in the registry.
2 The appropriate official shall collect the information set
3 forth in section 9799.16(b) and forward the information to
4 the Pennsylvania State Police. The appropriate official
5 shall, in addition, ensure that the information set forth in
6 section 9799.16(c) is collected and forwarded to the
7 Pennsylvania State Police. If the individual fails to provide
8 the information in section 9799.16(b), the appropriate
9 official of the State Board of Probation and Parole or county
10 office of probation and parole shall notify the Pennsylvania
11 State Police.

12 [(2) If the individual is being supervised under the
13 compact on the effective date of this section, the individual
14 shall provide the information set forth in section 9799.16(b)
15 by appearing at an approved registration site within 48 hours
16 of the effective date of this section. The appropriate
17 official of the Pennsylvania Board of Probation and Parole or
18 the county office of probation and parole shall ensure that
19 the individual has appeared at an approved registration site
20 as set forth in this paragraph. If the individual fails to
21 appear, the appropriate official shall notify the
22 Pennsylvania State Police. The appropriate official shall, in
23 addition, ensure the information set forth in section
24 9799.16(c) is collected and forwarded to the Pennsylvania
25 State Police.]

26 (g) Supervision of individual convicted in Commonwealth who
27 does not intend to reside in Commonwealth.--[On or after the
28 effective date of this section, an individual convicted of] An
29 individual who committed a sexually violent offense within this
30 Commonwealth who seeks transfer of supervision to another

1 jurisdiction pursuant to the Interstate Compact for Adult
2 Offender Supervision shall not have supervision transferred to
3 another jurisdiction prior to the individual's registration with
4 the Pennsylvania State Police as set forth in this section.

5 * * *

6 (i) Initial registration if convicted or adjudicated
7 delinquent outside Commonwealth.--

8 * * *

9 (3) If the individual is[, on or after the effective
10 date of this section,] convicted of a sexually violent
11 offense and incarcerated in a Federal correctional
12 institution or being supervised by Federal probation
13 authorities, the individual shall appear in person at an
14 approved registration site to provide the information set
15 forth in section 9799.16(b) to the Pennsylvania State Police
16 within three business days of establishing residence,
17 commencing employment or commencing enrollment as a student
18 in this Commonwealth. In addition, the individual shall
19 comply with other provisions of this subchapter, including
20 section 9799.15. If the individual fails to establish a
21 residence but nevertheless resides in this Commonwealth, the
22 individual shall register as a transient. The Pennsylvania
23 State Police shall ensure that the information set forth in
24 section 9799.16(c) with respect to the individual is
25 collected and entered into the registry.

26 [(j) Former law and registration.--An individual subject to
27 registration under section 9799.13(3) shall appear at an
28 approved registration site to update registration or, if
29 necessary, to provide the information set forth in section
30 9799.16(b) to the Pennsylvania State Police within 90 days of

1 the effective date of this section. In addition, the individual
2 shall comply with the other provisions of this subchapter,
3 including section 9799.15. If the individual fails to establish
4 a residence, the individual shall register as a transient. The
5 Pennsylvania State Police shall ensure that the information set
6 forth in section 9799.16(c) with respect to the individual is
7 collected and entered in the registry.]

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

11 (1) If the individual is incarcerated in a Federal,
12 State or county correctional facility, the individual shall
13 provide the information specified in section 9799.16(b)
14 (relating to registry) to the appropriate official of the
15 Federal, State or county correctional facility or the
16 Pennsylvania Board of Probation and Parole for inclusion in
17 the registry before being released due to:

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

21 (ii) parole;

22 (iii) State or county intermediate punishment where
23 the sentence is restrictive and the individual is
24 sentenced to a period of incarceration in a State or
25 county correctional facility or a work release facility;

26 or

27 (iv) special probation supervised by the
28 Pennsylvania Board of Probation and Parole.

29 (2) For individuals described in paragraph (1), the
30 appropriate official of the Federal, State or county

1 correctional facility or the Pennsylvania Board of Probation
2 and Parole shall collect and forward the information in
3 section 9799.16(b) to the Pennsylvania State Police. The
4 appropriate official shall, in addition, ensure that the
5 information specified in section 9799.16(c) is collected and
6 forwarded to the Pennsylvania State Police. The information
7 specified in section 9799.16(b) and (c) shall be included in
8 the registry. With respect to individuals released under
9 paragraph (1)(ii), (iii) or (iv), the State or county
10 correctional facility shall not release the individual until
11 the State or county correctional facility receives
12 verification from the Pennsylvania State Police that the
13 Pennsylvania State Police has received the information
14 specified in section 9799.16(b) and (c). Verification may
15 take place by electronic means. With respect to individuals
16 released under paragraph (1)(i), if the individual refuses to
17 provide the information specified in section 9799.16(b), the
18 State or county correctional facility shall notify the
19 Pennsylvania State Police or the municipal police department
20 with jurisdiction over the facility of the failure to provide
21 the information and of the expected date, time and location
22 of the release of the individual.

23 (1) Registration if sentenced to a State or county
24 correctional facility.--If the individual committed a sexually
25 violent offense and is sentenced to a period of incarceration in
26 a State or county correctional facility, the individual shall
27 provide the information specified in section 9799.16(b) as
28 follows:

29 (1) At the time of sentencing, the court shall require
30 the individual to immediately report to the office of

1 probation and parole serving that county to register under
2 this subchapter. The appropriate office of probation and
3 parole shall collect the information specified in section
4 9799.16(b) from the individual and forward the information to
5 the Pennsylvania State Police. The appropriate office of
6 probation and parole shall, in addition, ensure the
7 information specified in section 9799.16(c) is collected and
8 forwarded to the Pennsylvania State Police. The information
9 specified in section 9799.16(b) and (c) shall be included in
10 the registry.

11 (2) If the individual is incarcerated in a State or
12 county correctional facility, the correctional facility shall
13 notify the Pennsylvania State Police, not more than 30 days
14 in advance of, but not later than 10 days prior to, the
15 individual's release from the correctional facility. The
16 following apply:

17 (i) The correctional facility shall ensure that the
18 information specified in section 9799.16(b) and (c) for
19 the individual has been submitted to the Pennsylvania
20 State Police.

21 (ii) If the information has not been submitted to
22 the Pennsylvania State Police, the correctional facility
23 shall collect the information specified in section
24 9799.16(b) from the individual and forward the
25 information to the Pennsylvania State Police.

26 (iii) The correctional facility shall also report
27 any changes to the information specified in section
28 9799.16(b) and (c) on file with the Pennsylvania State
29 Police.

30 (iv) In the case of parole, State or county

1 intermediate punishment where the sentence is
2 restrictive and the individual is sentenced to a period
3 of incarceration in a State or county correctional
4 facility or work release facility or special probation
5 supervised by the Pennsylvania Board of Probation and
6 Parole, the correctional facility may not release the
7 individual until the correctional facility receives
8 verification from the Pennsylvania State Police that the
9 Pennsylvania State Police has received the information
10 specified in section 9799.16(b) and (c). Verification by
11 the Pennsylvania State Police may occur by electronic
12 means.

13 (v) If the individual is scheduled to be released
14 from a State or county correctional facility due to the
15 expiration of sentence and the individual refuses to
16 provide the information specified in section 9799.16(b),
17 the State or county correctional facility shall notify
18 the Pennsylvania State Police or the municipal police
19 department with jurisdiction over the facility of the
20 failure to provide the information and of the expected
21 date, time and location of the release of the individual.

22 (m) Registration if sentenced to county intermediate
23 punishment.--If the individual committed a sexually violent
24 offense and is sentenced to county intermediate punishment which
25 is restorative where the individual is not sentenced to
26 incarceration or to a work release facility, the individual
27 shall provide the information specified in section 9799.16(b) by
28 appearing at an approved registration site within 48 hours of
29 being sentenced. The appropriate official of the county office
30 of probation and parole shall ensure that the individual has

1 appeared at an approved registration site as described in this
2 subsection. If the individual fails to appear, the appropriate
3 official of the county office of probation and parole shall
4 notify the Pennsylvania State Police. The Pennsylvania State
5 Police shall ensure the information specified in section
6 9799.16(c) with respect to the individual is collected and
7 entered in the registry.

8 (n) Registration if sentenced to county intermediate
9 punishment.--If the individual committed a sexually violent
10 offense and is sentenced to county intermediate punishment, the
11 following apply:

12 (1) If the individual is sentenced to county
13 intermediate punishment which is restorative, the individual
14 shall provide the information specified in section 9799.16(b)
15 by appearing at an approved registration site within 48 hours
16 of being sentenced. The appropriate official of the county
17 office of probation and parole shall ensure that the
18 individual has appeared at an approved registration site as
19 specified in this paragraph. If the individual fails to
20 appear, the appropriate official of the county office of
21 probation and parole shall notify the Pennsylvania State
22 Police. The Pennsylvania State Police shall ensure the
23 information specified in section 9799.16(c) with respect to
24 the individual is collected and entered in the registry.

25 (2) If the individual is sentenced to county
26 intermediate punishment which is restrictive where the
27 individual is not sentenced to incarceration or to a work
28 release facility, the individual shall provide the
29 information specified in section 9799.16(b) by appearing at
30 an approved registration site within 48 hours of being

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

10 (o) Registration if sentenced to county probation.--If the
11 individual committed a sexually violent offense and is sentenced
12 to county probation, the individual shall provide the
13 information specified in section 9799.16(b) by appearing at an
14 approved registration site within 48 hours of being sentenced.
15 The appropriate official of the county office of probation and
16 parole shall ensure that the individual has appeared at an
17 approved registration site as described in this subsection. If
18 the individual fails to appear, the appropriate official of the
19 county office of probation and parole shall notify the
20 Pennsylvania State Police. The Pennsylvania State Police shall
21 ensure the information specified in section 9799.16(c) with
22 respect to the individual is collected and entered in the
23 registry.

24 (p) Registration for county or Federal probationers.--If the
25 individual committed a sexually violent offense, the following
26 apply:

27 (1) If the individual is serving a sentence of county
28 probation, the appropriate office of probation and parole
29 serving the county shall register the individual within 48
30 hours. The appropriate official of that office shall collect

1 the information specified in section 9799.16(b) and forward
2 that information to the Pennsylvania State Police. The
3 Pennsylvania State Police shall ensure that the information
4 specified in section 9799.16(c) is collected. The information
5 specified in section 9799.16(b) and (c) shall be included in
6 the registry. If the individual fails to comply, the
7 appropriate official of that office shall notify the
8 Pennsylvania State Police.

9 (2) If the individual is under the supervision of
10 Federal probation authorities for a sexually violent offense,
11 the individual shall provide the information specified in
12 section 9799.16(b) by appearing at an approved registration
13 site within 48 hours of the effective date of this section.

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

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

28 (2) If the individual committed a sexually violent
29 offense and is serving a sentence of State parole, the
30 Pennsylvania Board of Probation and Parole shall register the

1 individual within 48 hours. The appropriate official of the
2 Pennsylvania Board of Probation and Parole shall collect the
3 information specified in section 9799.16(b) from the
4 individual and forward the information to the Pennsylvania
5 State Police. The Pennsylvania State Police shall ensure that
6 the information specified in section 9799.16(c) is collected.
7 The information specified in section 9799.16(b) and (c) shall
8 be included in the registry. If the individual fails to
9 comply, the appropriate official of the Pennsylvania Board of
10 Probation and Parole shall notify the Pennsylvania State
11 Police.

12 Section 13. Section 9799.23(b) (2) of Title 42 is amended to
13 read:

14 § 9799.23. Court notification and classification requirements.

15 * * *

16 (b) Mandatory registration.--All sexual offenders must
17 register in accordance with this subchapter. The following
18 apply:

19 * * *

20 (2) Except as provided in [section] sections
21 9799.15(a.2) (relating to period of registration) and 9799.17
22 (relating to termination of period of registration for
23 juvenile offenders), the court shall have no authority to
24 relieve a sexual offender from the duty to register under
25 this subchapter or to modify the requirements of this
26 subchapter as they relate to the sexual offender.

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

30 § 9799.25. Verification by sexual offenders and Pennsylvania

1 State Police.

2 * * *

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

6 (1) If the individual has been in compliance with the
7 requirements of this subchapter for the first three years of
8 the individual's period of registration and, during the same
9 three-year period, the individual has not been convicted in
10 this Commonwealth or any other jurisdiction or foreign
11 country of an offense punishable by imprisonment of more than
12 one year, the individual shall appear at an approved
13 registration site annually. The individual shall appear
14 within 10 days before the date designated by the Pennsylvania
15 State Police to verify information in section 9799.16(b) and
16 be photographed.

17 (2) The other appearances required of the individual
18 under this section may be completed by contacting the
19 Pennsylvania State Police by telephone at a telephone number
20 designated by the Pennsylvania State Police. The individual
21 shall call the Pennsylvania State Police within three
22 business days of the date designated by the Pennsylvania
23 State Police.

24 (3) If the individual fails to comply with the
25 provisions of this subsection and the individual is
26 subsequently convicted under 18 Pa.C.S. § 4915.1 (relating to
27 failure to comply with registration requirements), any relief
28 granted under this subsection shall be void, and the
29 petitioner shall automatically and immediately again be
30 subject to the provisions of this subchapter, as previously

1 determined by this subchapter.

2 (a.2) Telephonic verification system.--The Pennsylvania
3 State Police shall develop a mechanism to permit individuals to
4 utilize the telephonic verification system established in this
5 section. No individual may utilize the telephonic verification
6 system until the Pennsylvania State Police publishes notice in
7 the Pennsylvania Bulletin that the system is operational.

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

9 * * *

10 (2) 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 municipal
13 police department where the sexual offender has a residence,
14 is employed or is enrolled as a student. The municipal police
15 shall locate the sexual offender and arrest the sexual
16 offender for violating this section. A municipal police
17 department may request assistance locating or arresting a
18 sexual offender from the Pennsylvania State Police. In
19 municipalities where no municipal police department exists,
20 the Pennsylvania State Police shall locate the offender and
21 arrest the sexual offender for violating this section.

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

27 (c) Facilitation of verification.--The Pennsylvania State
28 Police shall administer and facilitate the process of
29 verification of information, including compliance with
30 counseling in the case of sexually violent predators and

1 sexually violent delinquent children, and photographing the
2 sexual offender by:

3 (1) Sending a notice by first class United States mail
4 to each sexual offender at the last reported location where
5 the offender receives mail. The notice shall be sent not more
6 than 30 days nor less than 15 days prior to the date a sexual
7 offender is required to appear pursuant to subsection (a) or
8 (a.1). The notice shall remind the sexual offender of the
9 sexual offender's responsibilities under this subchapter,
10 including counseling in the case of sexually violent
11 predators and sexually violent delinquent children, and
12 provide a list of approved registration sites and the
13 telephone number to contact the Pennsylvania State Police
14 under subsection (a.1).

15 * * *

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

17 (1) A group-based home may not provide concurrent
18 residence in the group-based home to more than five
19 individuals in total who are required to register under this
20 [chapter] subchapter and Subchapter I (relating to continued
21 registration of sexual offenders) as sexually violent
22 predators.

23 * * *

24 § 9799.26. Victim notification.

25 (a) Duty to inform victim.--

26 (1) If an [offender] individual is determined to be a
27 sexually violent predator or a sexually violent delinquent
28 child, the municipal police department or the Pennsylvania
29 State Police, if no municipal police jurisdiction exists,
30 shall give written notice to the victim when the sexually

1 violent predator or the sexually violent delinquent child
2 registers initially under section 9799.19 (relating to
3 initial registration) or under section 9799.15(g) (2), (3) or
4 (4) (relating to period of registration). The notice shall be
5 given within 72 hours after the sexually violent predator or
6 the sexually violent delinquent child registers or notifies
7 the Pennsylvania State Police of current information under
8 section 9799.15(g). The notice shall contain the following
9 information about the sexually violent predator or sexually
10 violent delinquent child:

11 (i) Name.

12 (ii) Residence. This subparagraph includes whether
13 the sexually violent predator or sexually violent
14 delinquent child is a transient, in which case the notice
15 shall contain information about the transient's temporary
16 habitat or other temporary place of abode or dwelling,
17 including, but not limited to, a homeless shelter or
18 park. In addition, the notice shall contain a list of
19 places the transient eats, frequents and engages in
20 leisure activities.

21 (iii) The address of employment.

22 (iv) The address where the sexually violent predator
23 or sexually violent delinquent child is enrolled as a
24 student.

25 * * *

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

27 (1) The Pennsylvania State Police may enter into a
28 memorandum of understanding with the Office of Victim
29 Advocate to assist the Pennsylvania State Police in notifying
30 victims and providing the information under subsection (a).

1 In addition, the memorandum of understanding may also include
2 the Office of Victim Advocate's notifying a victim of relief
3 granted to a petitioner under section 9799.15(a.2). The
4 memorandum of understanding must state the manner and method
5 of notifying victims and the duties of the Pennsylvania State
6 Police and the Office of Victim Advocate under this section
7 and section 9799.15(a.2). A memorandum of understanding
8 entered into under this subsection shall be valid for no more
9 than 10 years. There shall be no limit to the number of
10 memoranda of understanding which may be executed by the
11 Pennsylvania State Police and the Office of Victim Advocate
12 under this subsection.

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

17 Section 15. Section 9799.31(13) of Title 42 is amended to
18 read:

19 § 9799.31. Immunity for good faith conduct.

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

22 * * *

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

25 * * *

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

28 § 9799.32. Pennsylvania State Police.

29 The Pennsylvania State Police have the following duties:

30 * * *

1 (6) To facilitate verification of information from
2 individuals [required to register under this subchapter]
3 under section 9799.13 (relating to applicability) as provided
4 in section 9799.25 (relating to verification by sexual
5 offenders and Pennsylvania State Police).

6 * * *

7 (10) To develop the telephonic verification system
8 established under section 9799.25 (relating to verification
9 by sexual offenders and Pennsylvania State Police).

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

12 § 9799.34. Duties of facilities housing sexual offenders.

13 The Department of Corrections, a county correctional
14 facility, an institution or facility set forth in section
15 6352(a)(3) (relating to disposition of delinquent child) and the
16 separate, State-owned facility or unit established under Chapter
17 64 (relating to court-ordered involuntary treatment of certain
18 sexually violent persons) shall have the following duties:

19 (1) To perform their respective duties in accordance
20 with section 9799.19 (relating to initial registration). This
21 paragraph includes taking a current photograph of the
22 individual [required to register under this subchapter]
23 specified in section 9799.13 (relating to applicability)
24 before the individual is released from confinement or
25 commitment or is discharged.

26 * * *

27 § 9799.36. Counseling of sexually violent predators.

28 * * *

29 (b) Designation in another jurisdiction.--If an individual
30 [required to register under this subchapter] specified in

1 section 9799.13 (relating to applicability) has been designated
2 as a sexually violent predator in another jurisdiction and was
3 required to undergo counseling, the individual shall be subject
4 to the provisions of this section.

5 * * *

6 § 9799.38. Annual performance audit.

7 (a) Duties of the Attorney General.--The Attorney General
8 has the following duties:

9 (1) To conduct a performance audit annually to determine
10 compliance with the requirements of this subchapter and
11 Subchapter I (relating to continued registration of sexual
12 offenders) and any guidelines promulgated under this
13 subchapter and Subchapter I. The audit shall, at a minimum,
14 include a review of the practices, procedures and records of
15 the Pennsylvania State Police, the Pennsylvania Board of
16 Probation and Parole, the Department of Corrections, the
17 board, the Administrative Office of Pennsylvania Courts and
18 any other State or local agency the Attorney General deems
19 necessary in order to conduct a thorough and accurate
20 performance audit.

21 (2) To prepare an annual report of its findings and any
22 action that it recommends be taken by the Pennsylvania State
23 Police, the Pennsylvania Board of Probation and Parole, the
24 Department of Corrections, the board, the Administrative
25 Office of Pennsylvania Courts, other State or local agencies
26 and the General Assembly to ensure compliance with this
27 subchapter and Subchapter I. The first report shall be
28 released to the general public no fewer than 18 months
29 following the effective date of this section.

30 * * *

1 § 9799.39. Photographs and fingerprinting.

2 An individual subject to registration under section 9799.13
3 (relating to applicability) shall submit to fingerprinting and
4 photographing as required by this subchapter. Fingerprinting as
5 required by this subchapter shall, at a minimum, require
6 submission of a full set of fingerprints and palm prints.
7 Photographing as required by this subchapter shall, at a
8 minimum, require submission to photographs of the face and any
9 scars, marks, tattoos or other unique features of the
10 individual. Fingerprints and photographs obtained under this
11 subchapter may be maintained for use under this subchapter and
12 for general law enforcement purposes.

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

14 § 9799.42. Standing for Pennsylvania State Police.

15 Except for petitions filed under section 9799.15(a.2)
16 (relating to period of registration), the Pennsylvania State
17 Police shall have standing to appear and contest a filing in a
18 court of this Commonwealth which seeks to challenge in any way
19 the obligation of an individual required to register with the
20 Pennsylvania State Police under this subchapter.

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

23 SUBCHAPTER I

24 CONTINUED REGISTRATION OF SEXUAL OFFENDERS

25 Sec.

26 9799.51. Legislative findings and declaration of policy.

27 9799.52. Scope.

28 9799.53. Definitions.

29 9799.54. Applicability.

30 9799.55. Registration.

1 9799.56. Registration procedures and applicability.
2 9799.57. Sentencing court information.
3 9799.58. Assessments.
4 9799.59. Exemption from certain notifications.
5 9799.60. Verification of residence.
6 9799.61. Victim notification.
7 9799.62. Other notification.
8 9799.63. Information made available on Internet and electronic
9 notification.
10 9799.64. Administration.
11 9799.65. Global positioning system technology.
12 9799.66. Immunity for good faith conduct.
13 9799.67. Duties of Pennsylvania State Police.
14 9799.68. Duties of Pennsylvania Board of Probation and Parole.
15 9799.69. Board.
16 9799.70. Counseling of sexually violent predators.
17 9799.71. Exemption from notification for certain licensees and
18 their employees.
19 9799.72. Annual performance audit.
20 9799.73. Photographs and fingerprinting.
21 § 9799.51. Legislative findings and declaration of policy.
22 (a) Legislative findings.--It is hereby determined and
23 declared as a matter of legislative finding:
24 (1) If the public is provided adequate notice and
25 information about sexually violent predators and offenders,
26 as well as those sexually violent predators and offenders who
27 do not have a fixed place of habitation or abode, the
28 community can develop constructive plans to prepare itself
29 for the release of sexually violent predators and offenders.
30 This allows communities to meet with law enforcement to

1 prepare and obtain information about the rights and
2 responsibilities of the community and to provide education
3 and counseling to their children.

4 (2) These sexually violent predators and offenders pose
5 a high risk of engaging in further offenses even after being
6 released from incarceration or commitments and protection of
7 the public from this type of offender is a paramount
8 governmental interest.

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

13 (4) Overly restrictive confidentiality and liability
14 laws governing the release of information about sexually
15 violent predators and offenders have reduced the willingness
16 to release information that could be appropriately released
17 under the public disclosure laws and have increased risks to
18 public safety.

19 (5) Persons found to have committed a sexual offense
20 have a reduced expectation of privacy because of the public's
21 interest in public safety and in the effective operation of
22 government.

23 (6) Release of information about sexually violent
24 predators and offenders to public agencies and the general
25 public will further the governmental interests of public
26 safety and public scrutiny of the criminal and mental health
27 systems so long as the information released is rationally
28 related to the furtherance of those goals.

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

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

6 (2) Require the exchange of relevant information about
7 sexually violent predators and offenders among public
8 agencies and officials and to authorize the release of
9 necessary and relevant information about sexually violent
10 predators and offenders to members of the general public,
11 including information available through the publicly
12 accessible Internet website of the Pennsylvania State Police,
13 as a means of assuring public protection and shall not be
14 construed as punitive.

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

20 (4) Address the Pennsylvania Supreme Court's decision in
21 *Commonwealth v. Muniz*, No. 47 MAP 2016 (Pa. 2016) and the
22 Pennsylvania Superior Court's decision in *Commonwealth v.*
23 *Butler* (2017 WL3882445).

24 § 9799.52. Scope.

25 ~~This subchapter shall apply to individuals who were convicted <--~~
26 ~~of a sexually violent offense committed on or after April 22,~~
27 ~~1996, but before December 20, 2012, whose period of registration~~
28 ~~with the Pennsylvania State Police, as described in section~~
29 ~~9799.55 (relating to registration), has not expired.~~

30 THIS SUBCHAPTER SHALL APPLY TO INDIVIDUALS WHO WERE:

<--

1 (1) CONVICTED OF A SEXUALLY VIOLENT OFFENSE COMMITTED ON
2 OR AFTER APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE
3 PERIOD OF REGISTRATION WITH THE PENNSYLVANIA STATE POLICE, AS
4 DESCRIBED IN SECTION 9799.55 (RELATING TO REGISTRATION), HAS
5 NOT EXPIRED; OR

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

11 § 9799.53. Definitions.

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

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

24 "Approved registration site." A site in this Commonwealth
25 approved by the Pennsylvania State Police as required by section
26 9799.67(2) (relating to duties of Pennsylvania State Police):

27 (1) at which individuals subject to this subchapter may
28 register, verify information or be fingerprinted or
29 photographed as required by this subchapter;

30 (2) which is capable of submitting fingerprints

1 utilizing the Integrated Automated Fingerprint Identification
2 System or in another manner and in the form as the
3 Pennsylvania State Police shall require; and

4 (3) which is capable of submitting photographs utilizing
5 the Commonwealth Photo Imaging Network or in another manner
6 and in the form as the Pennsylvania State Police shall
7 require.

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

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

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

22 "Employed." Includes a vocation or employment that is full
23 time or part time for a period of time exceeding 14 days or for
24 an aggregate period of time exceeding 30 days during a calendar
25 year, whether financially compensated, volunteered, under a
26 contract or for the purpose of government or educational
27 benefit.

28 "Integrated Automated Fingerprint Identification System."
29 The national fingerprint and criminal history system maintained
30 by the Federal Bureau of Investigation providing automated

1 fingerprint search capabilities, latent searching capability,
2 electronic image storage and electronic exchange of fingerprints
3 and responses.

4 "Mental abnormality." A congenital or acquired condition of
5 a person that affects the emotional or volitional capacity of
6 the person in a manner that predisposes that person to the
7 commission of criminal sexual acts to a degree that makes the
8 person a menace to the health and safety of other persons.

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

13 "Municipality." A city, borough, incorporated town or
14 township.

15 "Offender." Subject to section 9799.75 (relating to
16 construction of subchapter), an individual required to register
17 under section 9799.55(a), (b) (1) or (2) (relating to
18 registration).

19 "Passive notification." Notification in accordance with
20 section 9799.63 (relating to information made available on
21 Internet and electronic notification) or a process whereby
22 persons, under the laws of the United States or one of its
23 territories or possessions, another state, the District of
24 Columbia, the Commonwealth of Puerto Rico or a foreign nation,
25 are able to access information pertaining to an individual as a
26 result of the individual having been convicted or sentenced by a
27 court for an offense similar to an offense listed in section
28 9799.55 (relating to registration).

29 "Penetration." Includes any penetration, however slight, of
30 the genitals, anus or mouth of another person with a part of the

1 person's body or a foreign object for a purpose other than good
2 faith medical, hygienic or law enforcement procedures.

3 "Predatory." An act directed at a stranger or at a person
4 with whom a relationship has been initiated, established,
5 maintained or promoted, in whole or in part, in order to
6 facilitate or support victimization.

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

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

12 (2) In the case of an individual who fails to establish
13 a residence as specified in paragraph (1), a temporary
14 habitat or other temporary place of abode or dwelling,
15 including, but not limited to, a homeless shelter or park,
16 where the individual is lodged.

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

18 ~~(1) Except as provided in paragraph (2), a criminal~~ <--
19 ~~offense specified in section 9799.55 (relating to~~
20 ~~registration) committed on or after April 22, 1996, but~~
21 ~~before December 20, 2012, for which the individual was~~
22 ~~convicted.~~

23 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2): <--

24 (I) A CRIMINAL OFFENSE SPECIFIED IN SECTION 9799.55
25 (RELATING TO REGISTRATION) COMMITTED ON OR AFTER APRIL
26 22, 1996, BUT BEFORE DECEMBER 20, 2012, FOR WHICH THE
27 INDIVIDUAL WAS CONVICTED; OR

28 (II) A CRIMINAL OFFENSE FOR WHICH AN INDIVIDUAL WAS
29 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE
30 UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW OF THIS

1 COMMONWEALTH ON OR AFTER APRIL 22, 1996, BUT BEFORE
2 DECEMBER 20, 2012, WHOSE PERIOD OF REGISTRATION HAS NOT
3 EXPIRED.

4 (2) The following criminal offenses committed on or
5 after January 26, 2005, but before December 20, 2012, for
6 which the individual was convicted:

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

9 (ii) 18 Pa.C.S. § 3124.2 (relating to institutional
10 sexual assault).

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

22 "Student." A person who is enrolled on a full-time or part-
23 time basis in a public or private educational institution,
24 including a secondary school, trade or professional institution
25 or institution of higher education.

26 § 9799.54. Applicability.

27 (a) Registration.--The following individuals shall register
28 with the Pennsylvania State Police as provided in this
29 subchapter:

30 (1) An individual who committed a sexually violent

1 offense within this Commonwealth and whose period of
2 registration with the Pennsylvania State Police, as specified
3 in section 9799.55 (relating to registration), as of the
4 effective date of this section, has not expired. The
5 individual shall register for the period of time under
6 section 9799.55 less any credit for time spent registered
7 with the Pennsylvania State Police prior to the effective
8 date of this section.

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

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

28 (4) An individual who was convicted of an offense
29 similar to an offense set forth in section 9799.55 under the
30 laws of the United States or one of its territories or

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

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

1 § 9799.55. Registration.

2 (a) Ten-year registration.--Except as provided under
3 subsection (a.1) or (b), the following individuals shall be
4 required to register with the Pennsylvania State Police for a
5 period of 10 years:

6 ~~(1) (i) Individuals convicted within this Commonwealth~~ <--
7 ~~of any of the following offenses committed on or after~~
8 ~~April 22, 1996, but before December 20, 2012:~~

9 (1) (I) (A) INDIVIDUALS CONVICTED WITHIN THIS <--
10 COMMONWEALTH OF ANY OF THE FOLLOWING OFFENSES
11 COMMITTED ON OR AFTER APRIL 22, 1996, BUT BEFORE
12 DECEMBER 20, 2012:

13 18 Pa.C.S. § 2901 (relating to kidnapping) where
14 the victim is a minor.

15 18 Pa.C.S. § 3126 (relating to indecent assault)
16 where the offense is graded as a misdemeanor of the
17 first degree or higher.

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

21 18 Pa.C.S. § 5902(b) or (b.1) (relating to
22 prostitution and related offenses) where the actor
23 promotes the prostitution of a minor.

24 18 Pa.C.S. § 5903(a) (3), (4), (5) or (6)
25 (relating to obscene and other sexual materials and
26 performances) where the victim is a minor.

27 18 Pa.C.S. § 6312 (relating to sexual abuse of
28 children).

29 18 Pa.C.S. § 6318 (relating to unlawful contact
30 with minor).

1 18 Pa.C.S. § 6320 (relating to sexual
2 exploitation of children).

3 (B) INDIVIDUALS CONVICTED WITHIN THIS <--
4 COMMONWEALTH OF AN OFFENSE SET FORTH IN CLAUSE (A)
5 WHO WERE REQUIRED TO REGISTER WITH THE PENNSYLVANIA
6 STATE POLICE UNDER A FORMER SEXUAL OFFENDER
7 REGISTRATION LAW OF THIS COMMONWEALTH ON OR AFTER
8 APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE
9 PERIOD OF REGISTRATION HAS NOT EXPIRED.

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

13 18 Pa.C.S. § 2910 (relating to luring a child
14 into a motor vehicle or structure).

15 18 Pa.C.S. § 3124.2 (relating to institutional
16 sexual assault).

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

20 (3) Individuals who currently have a residence in this
21 Commonwealth who have been convicted of offenses similar to
22 the crimes cited in paragraphs (1)(i) or (ii) and (2) under
23 the laws of the United States or one of its territories or
24 possessions, another state, the District of Columbia, the
25 Commonwealth of Puerto Rico or a foreign nation or under a
26 former law of this Commonwealth.

27 (a.1) Exception to 10-year registration.--Except as provided
28 under subsection (b), an individual considered to be an offender
29 under section 9799.56(b) (relating to registration procedures
30 and applicability) shall be required to register with the

1 Pennsylvania State Police for a period less than life, the
2 duration of which is to be determined under sections 9799.54
3 (relating to applicability) and 9799.56(b).

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

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

8 (2) Individuals convicted:

9 ~~(i) in this Commonwealth of the following offenses, <--~~
10 ~~if committed on or after April 22, 1996, but before~~
11 ~~December 20, 2012:~~

12 (I) (A) IN THIS COMMONWEALTH OF THE FOLLOWING <--
13 OFFENSES, IF COMMITTED ON OR AFTER APRIL 22, 1996,
14 BUT BEFORE DECEMBER 20, 2012:

15 18 Pa.C.S. § 3121 (relating to rape)-; <--

16 18 Pa.C.S. § 3123 (relating to involuntary
17 deviate sexual intercourse)-; <--

18 18 Pa.C.S. § 3124.1 (relating to sexual
19 assault)-; <--

20 18 Pa.C.S. § 3125 (relating to aggravated
21 indecent assault)-; OR <--

22 18 Pa.C.S. § 4302 (relating to incest) when the
23 victim is under 12 years of age-; OR <--

24 (B) IN THIS COMMONWEALTH OF OFFENSES SET FORTH
25 IN CLAUSE (A) WHO WERE REQUIRED TO REGISTER WITH THE
26 PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL
27 OFFENDER REGISTRATION LAW OF THIS COMMONWEALTH ON OR
28 AFTER APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012,

29 WHOSE PERIOD OF REGISTRATION HAS NOT EXPIRED; OR
30 (ii) of offenses similar to the crimes cited in

1 subparagraph (i) under the laws of the United States or
2 one of its territories or possessions, another state, the
3 District of Columbia, the Commonwealth of Puerto Rico or
4 a foreign nation or under a former law of this
5 Commonwealth, if committed, OR FOR WHICH REGISTRATION <--
6 WITH THE PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL
7 OFFENDER REGISTRATION LAW OF THIS COMMONWEALTH WAS
8 REQUIRED, on or after April 22, 1996, but before December
9 20, 2012, who currently reside in this Commonwealth.

10 (3) Sexually violent predators.

11 (4) An individual who is considered to be a sexually
12 violent predator under section 9799.56(b) or who is otherwise
13 required to register for life under section 9799.56(b), if
14 the sexual offense which is the basis for the consideration
15 or requirement for which the individual was convicted was
16 committed, OR FOR WHICH REGISTRATION WITH THE PENNSYLVANIA <--
17 STATE POLICE UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW
18 OF THIS COMMONWEALTH WAS REQUIRED, on or after April 22,
19 1996, but before December 20, 2012.

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

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

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

30 (2) A group-based home that violates paragraph (1) shall

1 be subject to a civil penalty in the amount of \$2,500 for a
2 first violation and in the amount of \$5,000 for a second or
3 subsequent violation.

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

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

15 § 9799.56. Registration procedures and applicability.

16 (a) Registration.--

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (2.1) Registration with a new law enforcement agency
12 shall occur no later than three business days after
13 establishing residence in another state.

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

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

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

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

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

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

29 (1) (Reserved).

30 (2) (Reserved).

1 (3) (Reserved).

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

15 (i) If the individual has been classified as a
16 sexually violent predator as defined in section 9799.53
17 or determined under the laws of the other jurisdiction or
18 by reason of court martial to be subject to active
19 notification and lifetime registration on the basis of a
20 statutorily authorized administrative or judicial
21 decision or on the basis of a statute or administrative
22 rule requiring active notification and lifetime
23 registration based solely on the offense for which the
24 individual was convicted, sentenced or court martialled,
25 the individual shall, notwithstanding section 9799.53, be
26 considered a sexually violent predator and subject to
27 lifetime registration under section 9799.55(b). The
28 individual shall also be subject to the provisions of
29 this section and sections 9799.60 (relating to
30 verification of residence), 9799.62 (relating to other

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

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

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

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

29 (v) Except as provided in subparagraphs (i), (ii),
30 (iii) and (iv), if the individual is subject to passive

1 notification in the other jurisdiction or subject to
2 passive notification by reason of court martial, the
3 individual shall, notwithstanding section 9799.53, be
4 considered an offender and subject to this section and
5 sections 9799.60 and 9799.63(c)(2). The individual shall
6 be subject to this subchapter for a period of time equal
7 to the time for which the individual was required to
8 register in the other jurisdiction or required to
9 register by reason of court martial, less any credit due
10 to the individual as a result of prior compliance with
11 registration requirements.

12 (5) Notwithstanding the provisions of Chapter 63
13 (relating to juvenile matters) and except as provided in
14 paragraph (4), an individual who has a residence, is employed
15 or is a student in this Commonwealth and who is required to
16 register as a sex offender under the laws of the United
17 States or one of its territories or possessions, another
18 state, the District of Columbia, the Commonwealth of Puerto
19 Rico or a foreign nation as a result of a juvenile
20 adjudication shall register at an approved registration site
21 within three business days of the individual's arrival in
22 this Commonwealth. The provisions of this subchapter shall
23 apply to the individual as follows:

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

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

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

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

1 register in the other jurisdiction, less any credit due
2 to the individual as a result of prior registration
3 compliance.

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

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

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

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

29 (d) Penalty.--An individual subject to registration under
30 this subchapter who fails to register with the Pennsylvania

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

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

9 § 9799.57. Sentencing court information.

10 The sentencing court shall inform offenders and sexually
11 violent predators CONVICTED ON OR AFTER THE EFFECTIVE DATE OF <--
12 THIS SECTION at the time of sentencing of the provisions of this
13 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) THE PETITIONER MAY FILE AN ADDITIONAL PETITION WITH <--
6 THE SENTENCING COURT NO SOONER THAN FIVE YEARS FROM THE DATE
7 OF THE FINAL DETERMINATION OF A COURT REGARDING THE PETITION
8 AND EVERY FIVE YEARS THEREAFTER.

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

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

23 § 9799.60. Verification of residence.

24 (a) Quarterly verification by sexually violent predators.--
25 The Pennsylvania State Police shall verify the residence and
26 compliance with counseling as provided for in section 9799.70
27 (relating to counseling of sexually violent predators) of
28 sexually violent predators every 90 days through the use of a
29 nonforwardable verification form to the last reported residence.
30 For the period of registration required by section 9799.55

1 (relating to registration), a sexually violent predator shall
2 appear quarterly within 10 days of the dates designated by the
3 Pennsylvania State Police each calendar year at an approved
4 registration site to complete a verification form and to be
5 photographed.

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

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

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

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

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

30 (1) sending a notice by first class United States mail

1 to all registered offenders at their last reported residence
2 addresses. This notice shall be sent not more than 30 days
3 nor less than 15 days prior to each offender's annual
4 anniversary date and shall remind the offender of the annual
5 verification requirement and provide the offender with a list
6 of approved registration sites; and

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

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

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

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

1 shall remind the individual of the monthly verification
2 requirement and provide a list of approved registration
3 sites; and

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

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

17 (d) Failure to provide verification.--Where an offender or
18 sexually violent predator fails to provide verification of
19 residence defined in paragraph (1) of the definition of
20 "residence" in section 9799.53 within the 10-day period or three
21 business days in the case of an offender or sexually violent
22 predator who has a residence as defined in paragraph (2) of the
23 definition of "residence" in section 9799.53, as specified in
24 this section, the Pennsylvania State Police shall immediately
25 notify the municipal police department of the offender's or the
26 sexually violent predator's last verified residence. The local
27 municipal police shall locate the offender or sexually violent
28 predator and arrest the individual for violating this section.
29 The Pennsylvania State Police shall assume responsibility for
30 locating and arresting the offender or sexually violent predator

1 in jurisdictions where no municipal police jurisdiction exists.
2 The Pennsylvania State Police shall assist a municipal police
3 department requesting assistance with locating and arresting an
4 offender or sexually violent predator who fails to verify the
5 offender's or sexually violent predator's residence.

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

12 (f) Effect of notice.--Neither failure on the part of the
13 Pennsylvania State Police to send nor failure of a sexually
14 violent predator or offender to receive notice or information
15 under subsection (a.1), (b.1) or (b.3) shall relieve that
16 predator or offender from the requirements of this subchapter.
17 § 9799.61. Victim notification.

18 (a) Duty to inform victim.--

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

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

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

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

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

29 (1) The Pennsylvania State Police may enter into a
30 memorandum of understanding with the Office of Victim

1 Advocate to assist the Pennsylvania State Police in notifying
2 victims and providing the information under subsection (a).
3 In addition, the memorandum of understanding may also include
4 the Office of Victim Advocate's notifying a victim of relief
5 granted to a petitioner under section 9799.59 (relating to
6 exemption from certain notifications). The memorandum of
7 understanding must set forth the manner and method of
8 notifying victims and the duties of the Pennsylvania State
9 Police and the Office of Victim Advocate under this section
10 and section 9799.59(a). A memorandum of understanding entered
11 into under this subsection shall be valid for no more than 10
12 years. There shall be no limit to the number of memoranda of
13 understanding which may be executed by the Pennsylvania State
14 Police and the Office of Victim Advocate under this
15 subsection.

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

19 § 9799.62. Other notification.

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

27 (1) The notice shall contain:

28 (i) The name of the convicted sexually violent
29 predator.

30 (ii) The address or addresses at which the sexually

1 violent predator has a residence. If, however, the
2 sexually violent predator has a residence as defined in
3 paragraph (2) of the definition of "residence" in section
4 9799.53 (relating to definitions), the notice shall be
5 limited to that provided for under section 9799.56(a)(2)
6 (i)(C) (relating to registration procedures and
7 applicability).

8 (iii) The offense for which the sexually violent
9 predator was convicted, sentenced by a court, adjudicated
10 delinquent or court martialled.

11 (iv) A statement that the individual has been
12 determined by court order to be a sexually violent
13 predator, which determination has or has not been
14 terminated as of a date certain.

15 (v) A photograph of the sexually violent predator,
16 if available.

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

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

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

27 (2) The director of the county children and youth
28 service agency of the county where the sexually violent
29 predator has a residence.

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

1 equivalent official for private and parochial schools
2 enrolling students up through grade 12 in the municipality
3 where the sexually violent predator has a residence.

4 (3.1) The superintendent of each school district and the
5 equivalent official for each private and parochial school
6 located within a one-mile radius of where the sexually
7 violent predator has a residence.

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

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

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

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

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

30 (d) Public notice.--All information provided in accordance

1 with subsection (a) shall be available, upon request, to the
2 general public. The information may be provided by electronic
3 means.

4 (e) Interstate transfers.--The duties of police departments
5 under this section shall also apply to individuals who are
6 transferred to this Commonwealth under the Interstate Compact
7 for the Supervision of Adult Offenders or the Interstate Compact
8 for Juveniles.

9 § 9799.63. Information made available on Internet and
10 electronic notification.

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

29 (b) Internet posting of sexually violent predators, lifetime
30 registrants, other offenders and electronic notification.--The

1 Commissioner of the Pennsylvania State Police shall, in the
2 manner and form directed by the Governor:

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

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

21 (3) Ensure that the Internet website contains:

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

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

29 (iii) A statement that the Internet website is not a
30 comprehensive listing of every person who has ever

1 committed a sex offense in Pennsylvania.

2 (4) Strive to ensure that:

3 (i) the information contained on the Internet
4 website is accurate;

5 (ii) the data on the Internet website is revised and
6 updated as appropriate in a timely and efficient manner;
7 and

8 (iii) instructions are included on how to seek
9 correction of information which a person contends is
10 erroneous.

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

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

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

27 (c) Information permitted to be disclosed regarding
28 individuals.--Notwithstanding 18 Pa.C.S. Ch. 91, the Internet
29 website shall contain the following information on each
30 individual:

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

3 (i) name and all known aliases;

4 (ii) year of birth;

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

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

15 (v) the municipality, county and zip code of an
16 employment location;

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

19 (vii) a physical description of the offender,
20 including sex, height, weight, eye color, hair color and
21 race;

22 (viii) identifying marks, including scars,
23 birthmarks and tattoos;

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

26 (x) whether the offender is currently compliant with
27 registration requirements;

28 (xi) whether the victim is a minor;

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

1 (xiii) the date of the offense and conviction, if
2 available; and

3 (xiv) in the case of an individual who has a
4 residence as defined in paragraph (2) of the definition
5 of "residence" in section 9799.53, the information listed
6 in section 9799.56(a)(2)(i)(C) (relating to registration
7 procedures and applicability), including, where
8 applicable, the name of the prison or other place of
9 confinement.

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

13 (d) Duration of Internet posting.--

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

17 (2) The information listed in subsection (c) about an
18 offender who is subject to lifetime registration shall be
19 made available on the Internet for the lifetime of the
20 offender unless the offender is granted relief under section
21 9799.59 (relating to exemption from certain notifications).

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

27 § 9799.64. Administration.

28 The Governor shall direct the Pennsylvania State Police, the
29 Pennsylvania Board of Probation and Parole, the State Sexual
30 Offenders Assessment Board, the Department of Corrections, the

1 Department of Transportation and any other agency of this
2 Commonwealth the Governor deems necessary to collaboratively
3 design, develop and implement an integrated and secure system of
4 communication, storage and retrieval of information to assure
5 the timely, accurate and efficient administration of this
6 subchapter.

7 § 9799.65. Global positioning system technology.

8 The Pennsylvania Board of Probation and Parole and county
9 probation authorities may impose supervision conditions that
10 include offender tracking through global positioning system
11 technology.

12 § 9799.66. Immunity for good faith conduct.

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

15 (1) The Pennsylvania State Police and local law
16 enforcement agencies and employees of law enforcement
17 agencies.

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

19 (3) Superintendents, administrators, teachers, employees
20 and volunteers engaged in the supervision of children of a
21 public, private or parochial school.

22 (4) Directors and employees of county children and youth
23 agencies.

24 (5) Presidents or similar officers of universities and
25 colleges, including community colleges.

26 (6) The Pennsylvania Board of Probation and Parole and
27 its agents and employees.

28 (7) County probation and parole offices and their agents
29 and employees.

30 (8) Licensees of certified day-care centers and

1 directors of licensed preschool programs and owners/operators
2 of registered family day-care homes, and their agents and
3 employees.

4 (9) The Pennsylvania Department of Corrections and its
5 agents and employees.

6 (10) County correctional facilities and their agents and
7 employees.

8 (11) Members of the Sexual Offenders Assessment Board
9 and its agents and employees.

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

15 § 9799.67. Duties of Pennsylvania State Police.

16 The Pennsylvania State Police shall:

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

22 (2) In consultation with the Department of Corrections,
23 the Office of Attorney General, the Pennsylvania Board of
24 Probation and Parole and the chairperson and the minority
25 chairperson of the Judiciary Committee of the Senate and the
26 chairperson and the minority chairperson of the Judiciary
27 Committee of the House of Representatives, promulgate
28 guidelines necessary for the general administration of this
29 subchapter. These guidelines shall establish procedures to
30 allow an individual subject to the requirements of sections

1 9799.55 (relating to registration) and 9799.60 (relating to
2 verification of residence) to fulfill these requirements at
3 approved registration sites throughout this Commonwealth.
4 This paragraph includes the duty to establish procedures to
5 allow an individual who has a residence as defined in
6 paragraph (2) of the definition of "residence" in section
7 9799.53 (relating to definitions) to fulfill the requirements
8 regarding registration at approved registration sites
9 throughout this Commonwealth. The Pennsylvania State Police
10 shall publish a list of approved registration sites in the
11 Pennsylvania Bulletin and provide a list of approved
12 registration sites in any notices sent to individuals
13 required to register under section 9799.55. An approved
14 registration site shall be capable of submitting
15 fingerprints, photographs and other information required
16 electronically to the Pennsylvania State Police. The
17 Pennsylvania State Police shall require that approved
18 registration sites submit fingerprints utilizing the
19 Integrated Automated Fingerprint Identification System or in
20 another manner and in the form as the Pennsylvania State
21 Police shall require. The Pennsylvania State Police shall
22 require that approved registration sites submit photographs
23 utilizing the Commonwealth Photo Imaging Network or in
24 another manner and in the form as the Pennsylvania State
25 Police shall require. Approved registration sites shall not
26 be limited to sites managed by the Pennsylvania State Police
27 and shall include sites managed by local law enforcement
28 agencies that meet the criteria for approved registration
29 sites specified in this paragraph.

30 (3) Write regulations regarding neighbor notification of

1 the current residence of sexually violent predators.

2 (4) Notify, within five business days of receiving the
3 offender's or the sexually violent predator's registration,
4 the chief law enforcement officers of the police departments
5 having primary jurisdiction of the municipalities in which an
6 offender or sexually violent predator has a residence, is
7 employed or enrolled as a student of the fact that the
8 offender or sexually violent predator has been registered
9 with the Pennsylvania State Police under sections 9799.56
10 (relating to registration procedures and applicability) and
11 9799.60.

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

19 (6) Immediately transfer the information received from
20 the Pennsylvania Board of Probation and Parole under section
21 9799.68(2) and (3) (relating to duties of Pennsylvania Board
22 of Probation and Parole) and the fingerprints of a sexually
23 violent predator to the Federal Bureau of Investigation.

24 (7) Notify individuals of the requirements under this
25 subchapter, as specified in section 9799.54 (relating to
26 applicability).

27 § 9799.68. Duties of Pennsylvania Board of Probation and
28 Parole.

29 The Pennsylvania Board of Probation and Parole shall:

30 (1) Create a notification form which will inform State

1 and county prison and probation and parole personnel how to
2 inform offenders and sexually violent predators required to
3 register under this subchapter of their duty under the law.

4 (2) In cooperation with the Department of Corrections
5 and other Commonwealth agencies, obtain the following
6 information regarding offenders and sexually violent
7 predators:

8 (i) Name, including aliases.

9 (ii) Identifying factors.

10 (iii) Anticipated future residence.

11 (iv) Offense history.

12 (v) Documentation of treatment received for the
13 mental abnormality or personality disorder.

14 (vi) Photograph of the offender or sexually violent
15 predator.

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

22 (4) Apply for Federal funding as provided in the Adam
23 Walsh Child Protection and Safety Act of 2006 (Public Law
24 109-248, 120 Stat. 587) to support and enhance programming
25 using satellite global positioning system technology.

26 § 9799.69. Board.

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

1 (b) Appointment.--The Governor shall appoint the board
2 members.

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

5 (d) Compensation.--The members of the board shall be
6 compensated at a rate of \$350 per assessment and receive
7 reimbursement for their actual and necessary expenses while
8 performing the business of the board. The chairman shall receive
9 \$500 additional compensation per annum.

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

12 § 9799.70. Counseling of sexually violent predators.

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

23 § 9799.71. Exemption from notification for certain licensees
24 and their employees.

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

30 (1) a sexually violent predator; or

1 (2) an individual who is transferred to this
2 Commonwealth under the Interstate Compact for the Supervision
3 of Adult Offenders or the Interstate Compact for Juveniles.
4 § 9799.72. Annual performance audit.

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

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

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

25 (3) Provide a copy of its report to the Pennsylvania
26 State Police, the Pennsylvania Board of Probation and Parole,
27 the Department of Corrections, the State Sexual Offenders
28 Assessment Board, the Administrative Office of Pennsylvania
29 Courts, State or local agencies referenced therein, the
30 chairperson and the minority chairperson of the Judiciary

1 Committee of the Senate and the chairperson and the minority
2 chairperson of the Judiciary Committee of the House of
3 Representatives no less than 30 days prior to the report's
4 release to the general public.

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

16 § 9799.73. Photographs and fingerprinting.

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

28 § 9799.74. Standing for Pennsylvania State Police.

29 Except for petitions filed under section 9799.59(a) (relating
30 to exemptions from certain notifications), the Pennsylvania

1 State Police shall have standing to appear and contest a filing
2 in a court of this Commonwealth which seeks to challenge in any
3 way the obligation of an individual required to register with
4 the Pennsylvania State Police under this subchapter.

5 § 9799.75. Construction of subchapter.

6 (a) Registration.--Nothing in this subchapter shall be
7 construed to relieve an individual from the obligation to
8 register with the Pennsylvania State Police under Subchapter I
9 if the individual:

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

18 (2) was required to register with the Pennsylvania State
19 Police under a former SEXUAL OFFENDER REGISTRATION law of <--
20 this Commonwealth that was enacted before December 20, 2012,
21 or would have been required to register with the Pennsylvania
22 State Police under Act 152 of 2004.

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

29 Section 20. This act applies as follows:

30 (1) The amendment of 18 Pa.C.S. § 4915.1 and 42 Pa.C.S.

1 Ch. 97 Subch. H shall apply to an individual who commits an
2 offense on or after December 20, 2012.

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

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

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

14 ~~(ii)~~ (III) An individual who, before or after the <--
15 effective date of this paragraph:

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

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

22 Section 21. The amendment or addition of 42 Pa.C.S. §§
23 9799.25(f) and 9799.55(d) shall apply to all group-based homes
24 and their residents, regardless of when the group-based homes
25 began to provide housing or the residents began their residency.

26 Section 22. This act shall take effect immediately.