

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2435 Session of  
2018

---

INTRODUCED BY MUSTIO, BERNSTINE, COX, MILLARD, STEPHENS, WATSON  
AND WHEELAND, MAY 24, 2018

---

REFERRED TO COMMITTEE ON JUDICIARY, MAY 24, 2018

---

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in pupils and attendance, providing  
6 for assignment of sex offenders.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 1310.2. Assignment of Sex Offenders.--(a) Upon  
13 discharge, parole, transfer to a community correctional facility  
14 or other authorized leave or release of a sex offender, the  
15 board of school directors of a school district where the sex  
16 offender resides shall assign the sex offender in a school  
17 building that is not attended by a victim or a sibling of a  
18 victim of the sex offender. The board of school directors may  
19 satisfy the provisions of this subsection by placing the sex  
20 offender in another school building within the school district,

1 a cyber education program, a charter school, a cyber charter  
2 school, a regional charter school, an intermediate unit, an area  
3 vocational-technical school, a nonpublic school or another  
4 school district.

5 (b) If the sex offender is under eighteen (18) years of age,  
6 the parent or legal guardian shall be responsible for the  
7 transportation of the sex offender to and from the school  
8 building where the board of school directors assigns the sex  
9 offender under subsection (a).

10 (c) Upon discharge, parole, transfer to a community  
11 correctional facility or other authorized leave or release of a  
12 sex offender, the Secretary of Corrections shall send notice of  
13 the discharge, parole, transfer or other authorized leave or  
14 release to all of the following:

15 (1) The board of school directors of the school district  
16 where the sex offender intends to reside.

17 (2) The public school entity, cyber education program,  
18 charter school, cyber charter school, regional charter school or  
19 intermediate unit, area vocational-technical school or nonpublic  
20 school that the sex offender will attend, if known.

21 (d) The following words and phrases as used in this section  
22 shall have the meanings given to them in this subsection:

23 "Cyber education program" means a program through which a  
24 school district uses the Internet or other electronic means to  
25 exclusively provide instruction to a student.

26 "School building" means a building owned by or under the  
27 control of a school district, charter school, regional charter  
28 school, intermediate unit, area vocational-technical school or  
29 nonpublic school where classes are taught on a regular basis.

30 "Sex offender" means an individual who meets the following

1 criteria:

2 (1) The individual is under twenty-two (22) years of age.

3 (2) The individual seeks to hold a certificate of graduation  
4 from a regularly accredited, licensed, registered or approved  
5 high school.

6 (3) The individual is convicted of an offense under any of  
7 the following:

8 (i) 18 Pa.C.S. § 3011 (relating to traffic in individuals).

9 (ii) 18 Pa.C.S. § 3012 (relating to involuntary servitude).

10 (iii) 18 Pa.C.S. § 3013 (relating to patronizing a victim of  
11 sexual servitude).

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

13 (v) 18 Pa.C.S. § 3122.1 (relating to statutory sexual  
14 assault).

15 (vi) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
16 sexual intercourse).

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

18 (viii) 18 Pa.C.S. § 3125 (relating to aggravated indecent  
19 assault).

20 (ix) 18 Pa.C.S. § 3126 (relating to indecent assault).

21 (x) 18 Pa.C.S. § 3127 (relating to indecent exposure).

22 (xi) 18 Pa.C.S. § 3131 (relating to unlawful dissemination  
23 of intimate image).

24 (xii) 18 Pa.C.S. § 5901 (relating to open lewdness).

25 (xiii) 18 Pa.C.S. § 5902 (relating to prostitution and  
26 related offenses).

27 (xiv) 18 Pa.C.S. § 5903 (relating to obscene and other  
28 sexual materials and performances).

29 (xv) 18 Pa.C.S. § 6312 (relating to sexual abuse of  
30 children).

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

3     (xvii) 18 U.S.C. Ch. 109A (relating to sexual abuse).

4     (xviii) 18 U.S.C. Ch. 110 (relating to sexual exploitation  
5 and other abuse of children).

6     Section 2. This act shall take effect in 60 days.