

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 314 Session of
2017

INTRODUCED BY BOSCOLA, COSTA, WILLIAMS, FONTANA, BREWSTER AND
HAYWOOD, FEBRUARY 15, 2017

REFERRED TO JUDICIARY, FEBRUARY 15, 2017

AN ACT

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

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

9 Section 1. This act shall be known and may be cited as
10 Robin's Law.

11 Section 2. Title 42 of the Pennsylvania Consolidated
12 Statutes is amended by adding a chapter to read:

13 CHAPTER 96

14 REGISTRATION OF DOMESTIC VIOLENCE PREDATORS

15 Sec.

16 9601. Scope of chapter.

17 9602. Definitions.

18 9603. Registration of certain offenders for 10 years.

19 9604. Designation of domestic violence predators.

20 9605. Other registration requirements.

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

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

12 § 9602. Definitions.

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

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

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

22 "Domestic violence offense."

23 (1) An offense under the laws of this Commonwealth or
24 any other jurisdiction:

25 (i) an element of which is the use or attempted use
26 of physical force;

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

29 (iii) which was committed by:

30 (A) the current or former spouse, parent or

1 guardian of the victim;

2 (B) an individual with whom the victim shares a
3 child in common;

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

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

9 (2) The relationship specified in paragraph (1)(iii)
10 need not be an element of the offense to meet the
11 requirements of this definition.

12 (3) The term includes an attempt, a solicitation or a
13 conspiracy to commit the offense.

14 "Domestic violence predator." An individual who:

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

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

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

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

29 "Personality disorder." A personality disorder as defined in
30 the fourth edition of the Diagnostic and Statistical Manual of

1 Mental Disorders adopted by the American Psychiatric
2 Association.

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

6 § 9603. Registration of certain offenders for 10 years.

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

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

11 (i) release from incarceration;

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

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

16 (2) The period of registration shall be 10 years.

17 (b) Exceptions.--

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

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

27 (c) Registration information.--The Pennsylvania State Police
28 shall provide the information obtained under sections 9605
29 (relating to other registration requirements) and 9606 (relating
30 to verification of residence) and this section and the address

1 at which the offender will reside after release from
2 incarceration, parole or probation to the chief law enforcement
3 officer of the police department of the municipality in which
4 the offender will reside.

5 § 9604. Designation of domestic violence predators.

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

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

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

17 (1) Age of the offender.

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

20 (3) Age of the victim.

21 (4) Whether the domestic violence offense involved
22 multiple victims.

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

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

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

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

30 (9) Whether the domestic violence offense included a

1 display of unusual cruelty by the offender during commission
2 of the crime.

3 (10) Behavioral characteristics that contribute to the
4 offender's conduct.

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

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

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

26 § 9605. Other registration requirements.

27 (a) Registration of domestic violence predators.--A domestic
28 violence predator shall be required to register all current
29 addresses with the Pennsylvania State Police upon release from
30 incarceration, upon parole from a State or county correctional

1 facility or upon commencing a sentence of intermediate
2 punishment. Registration shall continue unless a court
3 terminates designation under section 9604(f) (relating to
4 designation of domestic violence predators).

5 (b) Court information for all offenders.--At the time of
6 sentencing, the court shall inform offenders designated in
7 section 9603 (relating to registration of certain offenders for
8 10 years) and domestic violence predators designated in
9 subsection (a) of the provisions of this chapter. The court
10 shall:

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

14 (2) Specifically inform the offender of the duty to
15 inform the Pennsylvania State Police within 10 days if the
16 offender changes residence.

17 (3) Specifically inform the offender of the duty to
18 register with a new law enforcement agency not later than 10
19 days after establishing residence in another state.

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

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

29 (c) Correctional facilities and parole authorities.--When an
30 offender is about to be released from incarceration or paroled

1 from a State or county correctional facility, the prison
2 official of the State or county correctional facility, no later
3 than 10 days prior to the release or parole of the offender,
4 shall again provide the offender with notice of the duty to
5 register with the Pennsylvania State Police under this chapter.

6 (d) Penalty.--An offender who fails to register as required
7 under this section commits a felony of the third degree.

8 § 9606. Verification of residence.

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

14 (b) Annual verification.--The Pennsylvania State Police
15 shall verify the residence of offenders designated in section
16 9603 (relating to registration of certain offenders for 10
17 years) annually through the use of a residence verification
18 form. The form must be returned by the offender within 10 days.

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

28 (d) Failure to provide verification.--If an offender fails
29 to provide verification of residence within the required 10-day
30 period, the Pennsylvania State Police shall immediately notify

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

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

13 § 9607. Victim notification.

14 (a) Duty to inform victim.--

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

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

30 (b) Public information.--Information provided under

1 subsection (a) shall be available to the general public upon
2 request.

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

8 § 9608. Immunity for good faith conduct.

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

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

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

16 (3) Directors and employees of county children and youth
17 agencies.

18 (4) The Pennsylvania Board of Probation and Parole and
19 its agents and employees.

20 § 9609. Duties of Pennsylvania State Police.

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

22 (1) Create and maintain a State registry of offenders
23 under section 9603 (relating to registration of certain
24 offenders for 10 years) that will be available on the
25 Internet.

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

29 (3) Within 72 hours of receiving a registration, notify
30 the chief law enforcement officer of the police department

1 having primary jurisdiction of the municipality in which an
2 offender resides that the offender is registered with the
3 Pennsylvania State Police under this chapter.

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

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

11 § 9610. Duties of Pennsylvania Board of Probation and Parole.

12 The Pennsylvania Board of Probation and Parole shall:

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

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

19 (i) Name, including any aliases.

20 (ii) Identifying factors.

21 (iii) Anticipated future residence.

22 (iv) Offense history.

23 (v) Documentation of treatment received for mental
24 abnormalities and personality disorders.

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

1 § 9611. Board.

2 (a) Establishment.--The Domestic Violence Predator
3 Assessment Board is established and shall be composed of three
4 persons, including a psychiatrist, a psychologist and a criminal
5 justice expert, each of whom shall have a minimum of 10 years of
6 experience and specialized training in the behavior and
7 treatment of violent offenders.

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

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

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

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

22 § 9612. Domestic violence predators.

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

1 and be financially responsible for all fees assessed from such
2 counseling sessions. If the offender can establish to the
3 satisfaction of the court inability to pay for counseling
4 sessions, the offender shall attend the sessions and the parole
5 office shall pay the requisite fees.

6 (b) Lifetime registration.--

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

10 (i) is convicted of a subsequent domestic violence
11 offense requiring registration; or

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

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

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

1 (d) Appeal by Commonwealth.--If a sentencing court refuses
2 to apply this section when applicable, the Commonwealth shall
3 have a right to appellate review. The appellate court shall
4 vacate the sentence and remand the case to the sentencing court
5 for the imposition of a sentence in accordance with this section
6 if it finds that the sentence was imposed in violation of this
7 section.

8 § 9613. Exemption from notification.

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

14 Section 3. This act shall take effect in six months.