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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 710 Session of  
2017

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INTRODUCED BY BREWSTER, FONTANA, HUGHES, LANGERHOLC, VULAKOVICH  
AND COSTA, MAY 19, 2017

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REFERRED TO JUDICIARY, MAY 19, 2017

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in court-ordered  
3 involuntary treatment of certain sexually violent persons,  
4 providing for court-ordered involuntary treatment of certain  
5 persons for controlled substance addiction; and making  
6 editorial changes.

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

9 Section 1. Section 6358(e) of Title 42 of the Pennsylvania  
10 Consolidated Statutes is amended to read:

11 § 6358. Assessment of delinquent children by the State Sexual  
12 Offenders Assessment Board.

13 \* \* \*

14 (e) Dispositional review hearing.--Where the board has  
15 concluded that the child is in need of involuntary treatment  
16 pursuant to the provisions of Chapter 64 (relating to [court-  
17 ordered involuntary treatment of certain sexually violent  
18 persons] involuntary commitment for treatment), the court shall  
19 conduct a hearing at which the county solicitor or a designee,  
20 the probation officer and the child's attorney are present. The

1 court shall consider the assessment, treatment information and  
2 any other relevant information regarding the delinquent child at  
3 the dispositional review hearing pursuant to section 6353  
4 (relating to limitation on and change in place of commitment),  
5 which shall be held no later than 180 days before the 21st  
6 birthday of the child. Where the submission of the report was  
7 delayed pursuant to subsection (c), the dispositional review  
8 hearing shall be held no later than 90 days before the 21st  
9 birthday of the child.

10 \* \* \*

11 Section 2. The heading of Chapter 64 of Title 42 is amended  
12 to read:

13 CHAPTER 64

14 [COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY  
15 VIOLENT PERSONS] INVOLUNTARY COMMITMENT FOR TREATMENT

16 Section 3. Chapter 64 of Title 42 is amended by adding a  
17 subchapter heading to read:

18 SUBCHAPTER A

19 COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY  
20 VIOLENT PERSONS

21 Section 4. Section 6401 of Title 42 is amended to read:

22 § 6401. Scope of [chapter] subchapter.

23 This [chapter] subchapter establishes rights and procedures  
24 for the civil commitment of sexually violent delinquent children  
25 who, due to a mental abnormality or personality disorder, have  
26 serious difficulty in controlling sexually violent behavior and  
27 thereby pose a danger to the public and further provides for  
28 additional periods of commitment for involuntary treatment for  
29 said persons.

30 Section 5. Section 6402 introductory paragraph and the

1 definitions of "department" and "sexually violent delinquent  
2 child" of Title 42 are amended to read:

3 § 6402. Definitions.

4 The following words and phrases when used in this [chapter]  
5 subchapter shall have the meanings given to them in this section  
6 unless the context clearly indicates otherwise:

7 \* \* \*

8 "Department." The Department of [Public Welfare] Human  
9 Services of the Commonwealth.

10 \* \* \*

11 "Sexually violent delinquent child." A person who has been  
12 found delinquent for an act of sexual violence which if  
13 committed by an adult would be a violation of 18 Pa.C.S. § 3121  
14 (relating to rape), 3123 (relating to involuntary deviate sexual  
15 intercourse), 3124.1 (relating to sexual assault), 3125  
16 (relating to aggravated indecent assault), 3126 (relating to  
17 indecent assault) or 4302 (relating to incest) and who has been  
18 determined to be in need of commitment for involuntary treatment  
19 under this [chapter] subchapter.

20 Section 6. Sections 6403(a) introductory paragraph, (b) (1)  
21 and (3) and (c) introductory paragraph, 6404.2(c), 6405, 6406  
22 heading and (a), 6407 and 6408 of Title 42 are amended to read:

23 § 6403. Court-ordered involuntary treatment.

24 (a) Persons subject to involuntary treatment.--A person may  
25 be subject to court-ordered commitment for involuntary treatment  
26 under this [chapter] subchapter if the person:

27 \* \* \*

28 (b) Procedures for initiating court-ordered involuntary  
29 commitment.--

30 (1) Where, pursuant to the provisions of section 6358(f)

1 (relating to assessment of delinquent children by the State  
2 Sexual Offenders Assessment Board), the court determines that  
3 a prima facie case has been presented that the child is in  
4 need of involuntary treatment under the provisions of this  
5 [chapter] subchapter, the court shall order that a petition  
6 be filed by the county solicitor or a designee before the  
7 court having jurisdiction of the person pursuant to Chapter  
8 63 (relating to juvenile matters).

9 \* \* \*

10 (3) The court shall set a date for the hearing which  
11 shall be held within 30 days of the filing of the petition  
12 pursuant to paragraph (1) and direct the person to appear for  
13 the hearing. A copy of the petition and notice of the hearing  
14 date shall be served on the person, the attorney who  
15 represented the person at the most recent dispositional  
16 review hearing pursuant to section 6358(e) and the county  
17 solicitor or a designee. A copy of the petition, the  
18 assessment and notice of the hearing date shall also be  
19 provided to the director of the facility operated by the  
20 department pursuant to section 6406(a) (relating to duty of  
21 Department of [Public Welfare] Human Services). The person  
22 and the attorney who represented the person shall, along with  
23 copies of the petition, also be provided with written notice  
24 advising that the person has the right to counsel and that,  
25 if he cannot afford one, counsel shall be appointed for the  
26 person.

27 \* \* \*

28 (c) Hearing.--A hearing pursuant to this [chapter]  
29 subchapter shall be conducted as follows:

30 \* \* \*

1 § 6404.2. Duration of outpatient commitment and review.

2 \* \* \*

3 (c) Status reports.--An involuntary outpatient treatment  
4 provider shall submit a report on the person's status and  
5 clinical progress, on a form prescribed by the department, to  
6 the facility operated by the department pursuant to section  
7 6406(a) (relating to duty of Department of [Public Welfare]  
8 Human Services), not less than every 30 days.

9 \* \* \*

10 § 6405. Right to counsel.

11 At each proceeding conducted pursuant to the provisions of  
12 this [chapter] subchapter, the person who is the subject of the  
13 proceeding shall have the right to assistance of counsel.

14 § 6406. Duty of Department of [Public Welfare] Human Services.

15 (a) General rule.--The department shall have the duty to  
16 provide a separate, secure State-owned facility or unit utilized  
17 solely for the control, care and treatment of persons committed  
18 pursuant to this [chapter] subchapter. The department shall be  
19 responsible for all costs relating to the control, care and  
20 treatment of persons committed to involuntary treatment pursuant  
21 to this [chapter] subchapter.

22 \* \* \*

23 § 6407. Regulations.

24 The department shall adopt in consultation with the Juvenile  
25 Court Judges' Commission and the board such regulations as are  
26 necessary to effectuate the provisions of this [chapter]  
27 subchapter.

28 § 6408. Jurisdiction.

29 The court of common pleas for the county which entered the  
30 order for commitment of the person for a delinquent act pursuant

1 to Chapter 63 (relating to juvenile matters) shall have  
2 jurisdiction for proceedings under this [chapter] subchapter,  
3 including subsequent proceedings.

4 Section 7. Chapter 64 of Title 42 is amended by adding a  
5 subchapter to read:

6 SUBCHAPTER B

7 COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN PERSONS FOR  
8 CONTROLLED SUBSTANCE ADDICTION

9 Sec.

10 6411. Scope of subchapter.

11 6412. Definitions.

12 6413. Court-ordered involuntary treatment.

13 6414. Duration of inpatient commitment and review.

14 6415. Transfer to involuntary outpatient treatment.

15 6416. Duration of outpatient commitment and review.

16 6417. Duty of Department of Human Services.

17 6418. Regulations.

18 6419. Jurisdiction.

19 6420. Immunity for good faith conduct.

20 6421. Criminal prosecution.

21 § 6411. Scope of subchapter.

22 This subchapter establishes procedures for the involuntary  
23 commitment of certain persons who are addicted to certain  
24 controlled substances, including opioids, and have serious  
25 difficulty in controlling their addictions, which may result in  
26 criminal behavior and overdoses and may pose a danger or threat  
27 of danger to other persons. This subchapter further provides for  
28 periods of commitment for involuntary treatment for persons who  
29 are addicted.

30 § 6412. Definitions.

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

4 "Department." The Department of Human Services of the  
5 Commonwealth.

6 "District attorney." The district attorney of the county in  
7 which the person is charged with a violation of criminal law.

8 "Drug addiction." Abuse of or dependence on an opioid or a  
9 controlled substance as defined in section 2 of the act of April  
10 14, 1972 (P.L.233, No.64), known as The Controlled Substance,  
11 Drug, Device and Cosmetic Act.

12 "Licensed health care facility." A health care facility that  
13 is licensed under Article X of the act of June 13, 1967 (P.L.31,  
14 No.21), known as the Human Services Code, or the act of July 19,  
15 1979 (P.L.130, No.48), known as the Health Care Facilities Act.  
16 § 6413. Court-ordered involuntary treatment.

17 (a) Persons subject to involuntary treatment.--A person  
18 shall be subject to court-ordered commitment for involuntary  
19 treatment under this subchapter if the person:

20 (1) has been charged with a criminal offense that is not  
21 graded higher than a misdemeanor of the first degree; and

22 (2) has been treated by emergency medical personnel or  
23 law enforcement under emergency circumstances caused by an  
24 overdose of opioids or another Schedule I or Schedule II  
25 controlled substance on two or more occasions.

26 (b) Procedures for initiating court-ordered involuntary  
27 commitment.--

28 (1) The district attorney shall file a petition that the  
29 person is in need of involuntary treatment under the  
30 provisions of this subchapter due to a drug addiction.

1           (2) The petition shall be in writing and shall set forth  
2 the facts constituting reasonable grounds to believe the  
3 individual is within the criteria for court-ordered  
4 involuntary treatment. The petition shall include an  
5 assessment of the person by a licensed health care facility  
6 that establishes that the person meets the criteria for drug  
7 addiction.

8           (3) The court shall set a date for the hearing, which  
9 shall be held within 10 days of the filing of the petition  
10 pursuant to paragraph (1) and direct the person to submit to  
11 chemical testing and to appear for the hearing. A copy of the  
12 petition and notice of the hearing date shall be served on  
13 the person, as well as notice advising that the person has  
14 the right to counsel and that, if the person cannot afford  
15 counsel, counsel shall be appointed for the person.

16       (c) Determination and order.--Upon a finding by clear and  
17 convincing evidence that the person has a drug addiction that  
18 presents a danger to the person's physical well-being or that  
19 results in serious difficulty in controlling behavior that makes  
20 the person likely to engage in an act that is a danger to  
21 himself or others or that results in criminal conduct, an order  
22 shall be entered directing the immediate commitment of the  
23 person for involuntary inpatient treatment to a facility  
24 designated by the department. The order shall be in writing and  
25 shall be consistent with the protection, care and treatment of  
26 the person.

27 § 6414. Duration of inpatient commitment and review.

28       (a) Initial period of commitment.--A person who has been  
29 committed for involuntary treatment under section 6413 (relating  
30 to court-ordered involuntary treatment) shall be subject to a



1 period of commitment for inpatient treatment for not less than  
2 360 days.

3 (b) Treatment review.--

4 (1) Sixty days prior to the expiration of the 360-day  
5 commitment period, the department shall submit an evaluation  
6 and assessment of the person to the court.

7 (2) The court shall schedule a review hearing, which  
8 shall be held no later than 30 days after receipt of both the  
9 evaluation and the assessment under paragraph (1). Notice of  
10 the review hearing shall be provided to the person, the  
11 attorney who represented the person at the previous hearing  
12 and the district attorney. If the court determines by clear  
13 and convincing evidence that the person continues to have  
14 serious difficulty responding to treatment while committed  
15 for inpatient treatment due to continued symptoms of drug  
16 addiction or resistance to treatment, the court shall order  
17 an additional period of involuntary inpatient treatment of 60  
18 days. Otherwise, the court shall order the department to  
19 develop an outpatient treatment plan for the person. The  
20 order shall be in writing and shall be consistent with the  
21 protection, care and treatment of the person.

22 (c) Outpatient treatment plan.--

23 (1) If at any time after 250 days of treatment the  
24 director or a designee of the facility to which the person  
25 was committed concludes the person no longer has a serious  
26 addiction requiring an inpatient setting, the director shall  
27 petition the court for a hearing. Notice of the petition  
28 shall be given to the person, the attorney who represented  
29 the person at the previous hearing held pursuant to  
30 subsection (b) or section 6413(c) (relating to court-ordered

1 involuntary treatment), the district attorney and the  
2 department. The person and the person's attorney shall also  
3 be provided with written notice advising that the person has  
4 the right to counsel and that, if the person cannot afford  
5 counsel, counsel shall be appointed for the person.

6 (2) Upon receipt of notice under paragraph (1), the  
7 department shall conduct a new assessment within 30 days and  
8 provide that assessment to the court.

9 (3) Within 10 days after the receipt of the assessment  
10 from the department, the court shall hold a hearing. If the  
11 court determines by clear and convincing evidence that the  
12 person continues, while committed for inpatient treatment, to  
13 suffer from drug addiction that makes the person likely to  
14 engage in conduct that is a danger to the person or other  
15 persons, the court shall order that the person be subject to  
16 the remainder of the period of inpatient commitment.  
17 Otherwise, the court shall order the department to develop an  
18 outpatient treatment plan for the person.

19 (4) The department shall provide the person with notice  
20 of the person's right to petition the court for transfer to  
21 involuntary outpatient treatment over the objection of the  
22 department. The court, after review of the petition, may  
23 schedule a hearing pursuant to this subchapter.

24 (5) An outpatient treatment plan shall be in writing and  
25 shall identify the specific entity that will provide each  
26 clinical and support service identified in the plan.

27 (6) The department shall provide a copy of the  
28 outpatient treatment plan to the court, the person, the  
29 attorney who represented the person at the most recent  
30 hearing pursuant to section 6413 and the district attorney.

1 (d) Prohibition on discharge.--The court shall not order  
2 discharge from involuntary treatment until the person has  
3 completed involuntary outpatient treatment in accordance with  
4 this subchapter.

5 § 6415. Transfer to involuntary outpatient treatment.

6 The court may approve or disapprove an outpatient treatment  
7 plan. Upon approval of an outpatient treatment plan, the court  
8 shall order transfer of the person to involuntary outpatient  
9 treatment in accordance with section 6416 (relating to duration  
10 of outpatient commitment and review).

11 § 6416. Duration of outpatient commitment and review.

12 (a) Terms and conditions.--If a court has ordered the  
13 transfer of a person to involuntary outpatient treatment  
14 pursuant to section 6415 (relating to transfer to involuntary  
15 outpatient treatment), the court may, in its discretion, specify  
16 the terms and conditions of the outpatient commitment,  
17 including, but not limited to:

18 (1) Absolute compliance with the outpatient treatment  
19 plan.

20 (2) Restrictions and requirements regarding the location  
21 of the person's residence and the times the person must be  
22 physically present.

23 (3) Restrictions and requirements regarding areas the  
24 person is not permitted to visit.

25 (4) Restrictions and requirements regarding who the  
26 person may contact in any medium.

27 (5) Periodic tests to determine the consumption of  
28 controlled substances or opioids.

29 (b) Duration.--The court shall order involuntary outpatient  
30 treatment for a period of 180 days.

1 (c) Status reports.--An involuntary outpatient treatment  
2 provider shall submit a report on the person's status and  
3 clinical progress, on a form prescribed by the department, to  
4 the facility operated by the department under section 6417  
5 (relating to duty of Department of Human Services), not less  
6 than every 30 days.

7 (d) Failure to comply.--If an involuntary outpatient  
8 treatment provider becomes aware that the person has violated  
9 any provision of the treatment plan or any term or condition  
10 specified in subsection (a) or the provider concludes that the  
11 person is having serious difficulty controlling drug addiction  
12 in an outpatient setting, the provider shall immediately notify  
13 the facility operated by the department under section 6417(a).  
14 The facility shall notify the court by the close of the next  
15 business day.

16 (e) Revocation of transfer.--Upon receiving notice under  
17 subsection (d) that the person has violated a material term or  
18 condition of transfer specified in subsection (a) or that the  
19 person is having serious difficulty in an outpatient setting  
20 controlling drug addiction that makes the person likely to  
21 engage in an act that may result in overdose, the court shall  
22 revoke the transfer to involuntary outpatient treatment and  
23 order the immediate return to involuntary inpatient treatment  
24 without a prior hearing, not to exceed 60 days. The court may  
25 issue a warrant requiring a law enforcement officer or any  
26 person authorized by the court to take the person into custody  
27 and return the person to the court for transfer to involuntary  
28 inpatient treatment. The person may file a written request for a  
29 hearing after revocation of the transfer to involuntary  
30 treatment. The court shall conduct a hearing pursuant to section

1 6413 (relating to court-ordered involuntary treatment) within 10  
2 days of the filing of the request.

3 (f) Annual review and discharge.--

4 (1) Sixty days prior to the expiration of the one-year  
5 outpatient commitment period, the director of the facility or  
6 a designee shall submit an evaluation of the person, and the  
7 board shall submit an assessment of the person to the court.

8 (2) The court shall schedule a review hearing, which  
9 shall be conducted pursuant to section 6414(b) (relating to  
10 duration of inpatient commitment and review) and which shall  
11 be held no later than 30 days after receipt of both the  
12 evaluation and the assessment under paragraph (1). Notice of  
13 the review hearing shall be provided to the person, the  
14 attorney who represented the person at the previous hearing  
15 held pursuant to section 6413 or 6414 and the district  
16 attorney. If the court determines by clear and convincing  
17 evidence that the person has serious difficulty controlling  
18 drug addiction that makes the person likely to engage in an  
19 act of controlled substance use to a degree that poses a  
20 danger to the person or other persons, the court shall order  
21 an additional period of involuntary inpatient treatment of 60  
22 days. Otherwise, the court shall order the discharge of the  
23 person and inform the person on the record and in open court  
24 of the person's obligation to attend counseling under  
25 subsection (g). The order shall be in writing and shall be  
26 consistent with the protection and appropriate control, care  
27 and treatment of the person.

28 § 6417. Duty of Department of Human Services.

29 (a) Duty to provide facility.--The department shall have the  
30 duty to provide a facility or unit utilized solely for the

1 control, care and treatment of persons ordered to be committed  
2 pursuant to this subchapter.

3 (b) Treatment plans.--The department, in consultation with  
4 the Department of Drug and Alcohol Programs, shall develop  
5 policies and procedures for providing individualized treatment  
6 and discharge plans based on clinical guidelines and  
7 professional standards in the field of controlled substance  
8 abuse treatment.

9 § 6418. Regulations.

10 The department shall adopt, in consultation with the  
11 Department of Drug and Alcohol Programs, regulations necessary  
12 to effectuate the provisions of this subchapter.

13 § 6419. Jurisdiction.

14 The court of common pleas for the county that entered the  
15 order for commitment of the person shall have jurisdiction over  
16 all proceedings under this subchapter, including subsequent  
17 proceedings involving that person.

18 § 6420. Immunity for good faith conduct.

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

21 (1) The department and its agents and employees.

22 (2) County probation departments and their agents and  
23 employees.

24 (3) Providers of involuntary outpatient treatment and  
25 their agents and employees.

26 § 6421. Criminal prosecution.

27 (a) General rule.--When a defendant is accepted into a  
28 program of treatment in accordance with this subchapter, the  
29 court shall order that further proceedings on the charges  
30 against the defendant be postponed during the term of the

1 program.

2 (b) Maximum treatment period.--The period of a treatment  
3 program for any defendant shall not exceed 24 months.

4 (c) Motion to dismiss upon completion.--When the defendant  
5 has satisfactorily completed the treatment program prescribed  
6 and complied with its conditions pursuant to this subchapter,  
7 the defendant may move the court for an order dismissing the  
8 charges giving rise to the proceeding under this subchapter.  
9 This motion shall be supported by affidavit of the defendant and  
10 by certification of the department charged with supervising the  
11 defendant's program. A copy of the motion shall be served on the  
12 district attorney, who shall, within 30 days after service,  
13 advise the court of any objections to the motion and serve a  
14 copy of the objections on the defendant or the defendant's  
15 attorney. If there are no objections filed within the 30-day  
16 period, the court shall thereafter dismiss the charges against  
17 the defendant and order expungement of the criminal records. If  
18 objections are filed with regard to the dismissal of charges,  
19 the court shall proceed as set forth in this section.

20 (d) Objections to dismissal or discharge.--If the district  
21 attorney files a motion alleging that the defendant, during the  
22 period of the program, violated a condition of the program  
23 without good cause, or objects to the defendant's request for an  
24 order of discharge, a motion alleging the violation must be  
25 filed during the period of the program or, if filed thereafter,  
26 must be filed within a reasonable time after the alleged  
27 violation was committed.

28 (e) Order and disposition.--The defendant shall be afforded  
29 an opportunity to be heard. If the court finds that the  
30 defendant has committed a violation of a condition of the

1 program without good cause, the court may order, when  
2 appropriate, that the program be terminated and that the  
3 attorney for the Commonwealth proceed on the charges as provided  
4 by law. An order under this section shall not be appealable.

5 Section 8. Sections 9799.13(9), 9799.15(c)(1)(iv),  
6 9799.16(c)(4), 9799.19(h)(4) and 9799.34 introductory paragraph  
7 of Title 42 are amended to read:

8 § 9799.13. Applicability.

9 The following individuals shall register with the  
10 Pennsylvania State Police as provided in sections 9799.15  
11 (relating to period of registration), 9799.19 (relating to  
12 initial registration) and 9799.25 (relating to verification by  
13 sexual offenders and Pennsylvania State Police) and otherwise  
14 comply with the provisions of this subchapter:

15 \* \* \*

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

24 § 9799.15. Period of registration.

25 \* \* \*

26 (c) Period of registration tolled.--The following shall  
27 apply:

28 (1) The period of registration set forth in subsection  
29 (a) shall be tolled for the period of time in which the  
30 individual specified in section 9799.13 is:



1 \* \* \*

2 (iv) committed to and receiving involuntary  
3 inpatient treatment in the State-owned facility or unit  
4 set forth in Chapter 64 (relating to [court-ordered  
5 involuntary treatment of certain sexually violent  
6 persons] involuntary commitment for treatment); or

7 \* \* \*

8 § 9799.16. Registry.

9 \* \* \*

10 (c) Criminal justice information.--The Pennsylvania State  
11 Police shall ensure that the following information is included  
12 in or electronically accessible by the registry:

13 \* \* \*

14 (4) Current photograph of the individual. In order to  
15 fulfill the requirements of this paragraph, in addition to  
16 the taking of photographs pursuant to section 9799.15(e), the  
17 Pennsylvania State Police shall ensure that additional  
18 photographs are taken as needed when there is a significant  
19 change in appearance of the individual, including the taking  
20 of a current photograph before the individual is released  
21 from a State or county correctional institution or an  
22 institution or facility set forth in section 6352(a)(3)  
23 (relating to disposition of delinquent child) or discharged  
24 from the State-owned facility or unit set forth in Chapter 64  
25 (relating to [court-ordered involuntary treatment of certain  
26 sexually violent persons] involuntary commitment for  
27 treatment) due to:

28 (i) the expiration of sentence, period of commitment  
29 or involuntary treatment;

30 (ii) parole or other supervised release, including

1 release to a community corrections center or a community  
2 contract facility;  
3 (iii) commencement of a sentence of intermediate  
4 punishment; or  
5 (iv) any other form of supervised release.

6 \* \* \*

7 § 9799.19. Initial registration.

8 \* \* \*

9 (h) Initial registration of juvenile offender or sexually  
10 violent delinquent child.--

11 \* \* \*

12 (4) If the individual is, on the effective date of this  
13 section, already a sexually violent delinquent child and  
14 receiving involuntary treatment in the State-owned facility  
15 or unit under Chapter 64 (relating to [court-ordered  
16 involuntary treatment of certain sexually violent persons]  
17 involuntary commitment for treatment), the director of the  
18 facility or unit or a designee shall make the sexually  
19 violent delinquent child available for and facilitate the  
20 collection of the information set forth in section 9799.16(b)  
21 and (c) as directed by the Pennsylvania State Police for  
22 inclusion in the registry. The Pennsylvania State Police may  
23 require the facility or unit to transport the sexually  
24 violent delinquent child to and from an approved registration  
25 site in order to fulfill the requirement of this paragraph.  
26 In addition, the facility or unit shall ensure that the  
27 information provided by the sexually violent delinquent child  
28 pursuant to section 9799.16(b) is updated to reflect accurate  
29 information prior to release. The facility or unit may not  
30 transfer the sexually violent child to outpatient treatment

1       until it has received verification from the Pennsylvania  
2       State Police that it has received the information set forth  
3       in section 9799.16(b) and (c).

4               \* \* \*

5   § 9799.34. Duties of facilities housing sexual offenders.

6       The Department of Corrections, a county correctional  
7       facility, an institution or facility set forth in section  
8       6352(a)(3) (relating to disposition of delinquent child) and the  
9       separate, State-owned facility or unit established under Chapter  
10      64 (relating to [court-ordered involuntary treatment of certain  
11      sexually violent persons] involuntary commitment for treatment)  
12      shall have the following duties:

13              \* \* \*

14      Section 9. This act shall take effect in 60 days.