

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 524 Session of  
2019

---

INTRODUCED BY BOSCOLA, FONTANA, BROWNE, BREWSTER AND HAYWOOD,  
APRIL 5, 2019

---

REFERRED TO JUDICIARY, APRIL 5, 2019

---

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in offenses against the family,  
3 providing for residency restrictions for certain offenders  
4 and imposing a penalty.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 4307. Residency restrictions for certain offenders.

10 (a) General rule.--

11 (1) No person who is subject to registration under 42  
12 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual  
13 offenders) due to conviction for an offense wherein the  
14 victim was a minor may establish a residence or maintain a  
15 residence or other living accommodation within 1,000 feet of  
16 the real property on which is located any of the following:

17 (i) A public, private or parochial school.

18 (ii) A licensed preschool program.

19 (iii) A certified day-care center.

1           (iv) A registered family day-care home.

2           (v) A public playground recreation center.

3           (vi) A playground.

4           (2) No such person may establish a residence or maintain  
5 a residence or other living accommodation within 500 feet of  
6 any point at which transportation is provided to students of  
7 a public, private or parochial school except that provided by  
8 a fixed-route public transportation service as defined in 74  
9 Pa.C.S. § 1503 (relating to definitions).

10          (3) No such person who is subject to an order of parole,  
11 probation or supervision may be placed by a governmental  
12 authority in any residential setting that does not comply  
13 with the provisions of this section.

14          (b) Applicability.--Nothing in this section may require a  
15 person subject to the provisions of this section or 42 Pa.C.S.  
16 Ch. 97 Subch. H to sell or otherwise dispose of any real estate,  
17 home or other real property or to cancel any lease of real  
18 property that was acquired or entered prior to the effective  
19 date of this section. The provision of this section may not  
20 prohibit such a person from maintaining a residence at a  
21 location as provided in this subsection. In order for a person  
22 to comply with an exception provided under subsection (c), the  
23 person is required to provide evidence of the ownership or lease  
24 to the court wherein sentencing occurred and to the Pennsylvania  
25 State Police at the time of registration and verification under  
26 42 Pa.C.S. Ch. 97 Subch H:

27           (1) For real property, a copy of a deed, security  
28 interest or mortgage to which the person is a signatory.

29           (2) For purposes of a leasehold, a copy of the  
30 applicable lease agreement to which the person is a

1 signatory.

2 (c) Exceptions.--This section shall not apply to a person  
3 who resides in any of the following on a temporary or permanent  
4 basis:

5 (1) A hospital licensed by the Commonwealth.

6 (2) A nursing home or similar entity licensed by the  
7 Commonwealth.

8 (3) Except as provided in subsection (a), any place  
9 where the person is incarcerated due to a criminal charge or  
10 conviction.

11 (4) Any location where a person is voluntarily or  
12 involuntarily committed for treatment under the act of July  
13 9, 1976 (P.L.817, No.143), known as the Mental Health  
14 Procedures Act.

15 (5) A temporary lodging for consideration for a term  
16 that is less than 15 consecutive days.

17 (d) Notice.--A person subject to this section who lives  
18 within 1,000 feet of the real property of an entity provided in  
19 subsection (a) by operation of subsection (b) or (c) shall be  
20 subject to the notification provisions under 42 Pa.C.S. §  
21 9799.27 (relating to other notification).

22 (e) Board of school directors.--Each year, for the  
23 forthcoming school year, the board of school directors of any  
24 school district that provides for the transportation of students  
25 under section 1361 of the act of March 10, 1949 (P.L.30, No.14),  
26 known as the Public School Code of 1949, shall determine if a  
27 person subject to the restrictions provided in this section  
28 resides within 500 feet of a point where students receiving  
29 transportation to and from school shall embark or disembark from  
30 the conveyance. If it is determined that a person subject to the

1 restrictions provided in this section resides within 500 feet of  
2 the point of embarking or disembarking a conveyance and it is  
3 impracticable for the school district or its agent to assign  
4 another point of embarking or disembarking, the board of school  
5 directors shall do all of the following:

6 (1) Notify each law enforcement agency with jurisdiction  
7 over the point of embarking or disembarking the conveyance.

8 (2) Notify each law enforcement agency with jurisdiction  
9 in the school district.

10 (3) Notify the parents of any student who will be  
11 required to use a point of embarking or disembarking that  
12 falls within 500 feet of the residence of a person subject to  
13 the restrictions of this section.

14 (f) Grading.--

15 (1) Except as provided in paragraph (2), an offense  
16 under this section shall be graded as a misdemeanor of the  
17 first degree.

18 (2) A second or subsequent offense under this section  
19 shall be graded as a felony of the third degree.

20 (g) Immunity for good faith conduct.--The following shall be  
21 immune from liability under this section for good faith conduct:

22 (1) A school district, including, but not limited to,  
23 its board of school directors and employees.

24 (2) Agents of a school district who, pursuant to their  
25 contract with the school district, provide transportation for  
26 students to or from any public, private or parochial school.

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