

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 376 Session of 2021

INTRODUCED BY BOSCOLA AND FONTANA, MARCH 10, 2021

REFERRED TO JUDICIARY, MARCH 10, 2021

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) A 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 not establish a residence or maintain
 15 a residence or other living accommodation within 1,000 feet
 16 of the real property on which is located any of the
 17 following:

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

19 (ii) A licensed preschool program.

1 (iii) A certified day-care center.

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

3 (v) A public playground recreation center.

4 (vi) A playground.

5 (2) The person under paragraph (1) may not establish a
6 residence or maintain a residence or other living
7 accommodation within 500 feet of any point at which
8 transportation is provided to students of a public, private
9 or parochial school except that provided by a fixed-route
10 public transportation service as defined in 74 Pa.C.S. § 1503
11 (relating to definitions).

12 (3) The person under paragraph (1) who is subject to an
13 order of parole, probation or supervision may not be placed
14 by a governmental authority in a residential setting that
15 does not comply with this section.

16 (b) Applicability.--

17 (1) Nothing in this section shall require a person
18 subject to this section or 42 Pa.C.S. Ch. 97 Subch. H to sell
19 or otherwise dispose of any real estate, home or other real
20 property or to cancel any lease of real property that was
21 acquired or entered prior to the effective date of this
22 section.

23 (2) This section shall not prohibit the person from
24 maintaining a residence at a location as provided in this
25 subsection.

26 (3) For the person to comply with an exception provided
27 under subsection (c), the person shall be required to provide
28 evidence of the ownership or lease to the court wherein
29 sentencing occurred and to the Pennsylvania State Police at
30 the time of registration and verification under 42 Pa.C.S.

1 Ch. 97 Subch H as follows:

2 (i) For real property, a copy of a deed, security
3 interest or mortgage to which the person is a signatory.

4 (ii) For purposes of a leasehold, a copy of the
5 applicable lease agreement to which the person is a
6 signatory.

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

10 (1) A hospital licensed by the Commonwealth.

11 (2) A nursing home or similar entity licensed by the
12 Commonwealth.

13 (3) Except as provided in subsection (a), a place where
14 the person is incarcerated due to a criminal charge or
15 conviction.

16 (4) A location where a person is voluntarily or
17 involuntarily committed for treatment under the act of July
18 9, 1976 (P.L.817, No.143), known as the Mental Health
19 Procedures Act.

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

22 (d) Notice.--A person subject to this section who lives
23 within 1,000 feet of the real property of an entity provided in
24 subsection (a) by operation of subsection (b) or (c) shall be
25 subject to the notification provisions under 42 Pa.C.S. §
26 9799.27 (relating to other notification).

27 (e) Board of school directors.--Each year, for the
28 forthcoming school year, the board of school directors of any
29 school district that provides for the transportation of students
30 under section 1361 of the act of March 10, 1949 (P.L.30, No.14),

1 known as the Public School Code of 1949, shall determine if a
2 person subject to the restrictions provided in this section
3 resides within 500 feet of a point where students receiving
4 transportation to and from school shall embark or disembark from
5 the conveyance. If it is determined that a person subject to the
6 restrictions provided in this section resides within 500 feet of
7 the point of embarking or disembarking a conveyance and it is
8 impracticable for the school district or its agent to assign
9 another point of embarking or disembarking, the board of school
10 directors shall do all of the following:

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

13 (2) Notify each law enforcement agency with jurisdiction
14 in the school district.

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

19 (f) Grading.--

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

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

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

27 (1) A school district, including its board of school
28 directors and employees.

29 (2) Agents of a school district who, pursuant to their
30 contract with the school district, provide transportation for

1 students to or from any public, private or parochial school.

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