

## No. 2004-152

## AN ACT

## SB 92

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two year limitation; providing for limitation and application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting.

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

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

**§ 4915. Failure to comply with registration of sexual offenders requirements.**

*(a) Offense defined.—An individual who is subject to registration under 42 Pa.C.S. § 9795.1(a) (relating to registration) or an individual who is subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) commits an offense if he knowingly fails to:*

*(1) register with the Pennsylvania State Police as required under 42 Pa.C.S. § 9795.2 (relating to registration procedures and applicability);*

*(2) verify his address or be photographed as required under 42 Pa.C.S. § 9796 (relating to verification of residence); or*

*(3) provide accurate information when registering under 42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S. § 9796.*

*(b) Grading for offenders who must register for ten years.—*

*(1) Except as provided in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9795.1(a) who violates subsection (a)(1) or (2) commits a misdemeanor of the third degree.*

*(2) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a misdemeanor of the second degree.*

*(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of two or more offenses under subsection (a)(1) or (2) or a similar offense commits a felony of the third degree.*

(4) *An individual subject to registration under 42 Pa.C.S. § 9795.1(a) who violates subsection (a)(3) commits a felony of the third degree.*

(c) *Grading for sexually violent predators and others with lifetime registration.—*

(1) *Except as provided in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(1) or (2) commits a misdemeanor of the second degree.*

(2) *An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a misdemeanor of the first degree.*

(3) *An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of two or more offenses under subsection (a)(1) or (2) or a similar offense commits a felony of the third degree.*

(4) *An individual subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2) or (3) who violates subsection (a)(3) commits a felony of the third degree.*

(d) *Effect of notice.—Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive any notice or information pursuant to 42 Pa.C.S. § 9796(a.1) or (b.1) shall be a defense to a prosecution commenced against an individual arising from a violation of this section. The provisions of 42 Pa.C.S. § 9796(a.1) and (b.1) are not an element of an offense under this section.*

(e) *Arrests for violation.—*

(1) *A police officer shall have the same right of arrest without a warrant as in a felony whenever the police officer has probable cause to believe an individual has committed a violation of this section regardless of whether the violation occurred in the presence of the police officer.*

(2) *An individual arrested for a violation of this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case may the individual be released from custody without first having appeared before the issuing authority.*

(3) *Prior to admitting an individual arrested for a violation of this section to bail, the issuing authority shall require all of the following:*

(i) *The individual must be fingerprinted and photographed in the manner required by 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).*

(ii) *The individual must provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment, including all employment locations,*

*and all information concerning current or intended enrollment as a student.*

*(iii) Law enforcement must make reasonable attempts to verify the information provided by the individual.*

*(f) Definition.—As used in this section, the term “a similar offense” means an offense similar to an offense under either subsection (a)(1) or (2) under the laws of this Commonwealth, the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.*

Section 2. Section 5522(b)(2) of Title 42 is amended and the subsection is amended by adding a paragraph to read:

§ 5522. Six months limitation.

\* \* \*

(b) Commencement of action required.—The following actions and proceedings must be commenced within six months:

\* \* \*

(2) A petition for the establishment of a deficiency judgment following execution and delivery of the sheriff’s deed for the property sold in connection with the execution proceedings referenced in the provisions of section 8103(a) (relating to deficiency judgments).

\* \* \*

*(6) A petition for redetermination of fair market value pursuant to section 8103(f.1)(4) following execution and delivery of the sheriff’s deed for the property sold in connection with the execution proceedings referenced under section 8103.*

Section 3. Section 5524 of Title 42 is amended to read:

§ 5524. Two year limitation.

The following actions and proceedings must be commenced within two years:

(1) An action for assault, battery, false imprisonment, false arrest, malicious prosecution or malicious abuse of process.

(2) An action to recover damages for injuries to the person or for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another.

(3) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof.

(4) An action for waste or trespass of real property.

(5) An action upon a statute for a civil penalty or forfeiture.

(6) An action against any officer of any government unit for the nonpayment of money or the nondelivery of property collected upon on execution or otherwise in his possession.

(7) Any other action or proceeding to recover damages for injury to person or property which is founded on negligent, intentional, or otherwise tortious conduct or any other action or proceeding sounding in

trespass, including deceit or fraud, except an action or proceeding subject to another limitation specified in this subchapter.

**[(8) An action to recover damages for injury to a person or for the death of a person caused by exposure to asbestos shall be commenced within two years from the date on which the person is informed by a licensed physician that the person has been injured by such exposure or upon the date on which the person knew or in the exercise of reasonable diligence should have known that the person had an injury which was caused by such exposure, whichever date occurs first.]**

Section 4. Title 42 is amended by adding a section to read:

**§ 5524.1. Limitation and application for asbestos claims.**

*(a) General rule.—An action to recover damages for injury to a person or for the death of a person caused by exposure to asbestos shall be commenced within two years from the date on which the person is informed by a licensed physician that the person has been injured by such exposure or upon the date on which the person knew or in the exercise of reasonable diligence should have known that the person had an injury which was caused by such exposure, whichever date occurs first.*

*(b) Applicability.—The limitations set forth in 15 Pa.C.S. § 1929.1(a) and (b) (relating to limitations on asbestos-related liabilities relating to certain mergers or consolidations) shall not apply to an asbestos claim for which the applicable period of limitation commenced on or before December 17, 2001.*

*(c) Definition.—As used in this section, the term “asbestos claim” shall have the meaning as set forth in 15 Pa.C.S. § 1929.1(e).*

Section 5. Section 8103(a), (b), (c)(3) and (5), (e) and (g) of Title 42 are amended and the section is amended by adding subsections to read:

**§ 8103. Deficiency judgments.**

*(a) General rule.—Whenever any real property is sold, directly or indirectly, to the judgment creditor in execution proceedings and the price for which such property has been sold is not sufficient to satisfy the amount of the judgment, interest and costs and the judgment creditor seeks to collect the balance due on said judgment, interest and costs, the judgment creditor shall petition the court to fix the fair market value of the real property sold. The petition shall be filed as a supplementary proceeding in the matter in which the judgment was entered. **If the judgment was transferred from the county in which it was entered to the county where the execution sale was held, the judgment shall be deemed entered in the county in which the sale took place.***

*(b) Effect of failure to give notice.—Any debtor[, obligor, guarantor, mortgagor, and any other person directly or indirectly liable to the judgment creditor for the payment of the debt,] and any owner of the property affected thereby, who is neither named in the petition nor served with a copy thereof or notice of the filing thereof as prescribed by general*

rule, shall be deemed to be discharged from all personal liability to the judgment creditor on the debt, interest and costs, but any such failure to name such person in the petition or to serve the petition or notice of the filing thereof shall not prevent proceedings against any respondent named and served.

(c) Action on petition.—

\* \* \*

(3) If an answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition, the judgment creditor may agree to accept as the fair market value of the property the value set up in the answer and in such case may file a stipulation releasing the debtors[, obligors and guarantors, and any other persons liable directly or indirectly for the debt,] and the owners of the property affected thereby, from personal liability to the judgment creditor to the extent of the fair market value as averred in the answer, less the amount of any prior liens, costs, taxes and municipal claims not discharged by the sale, and also less the amount of any such items paid at distribution on the sale.

\* \* \*

(5) After the hearing, if any, and the determination by the court under paragraph (1), (2) or (4) of the fair market value of the property sold, then, except as otherwise provided in subsection (f), the debtor[, obligor, guarantor and any other person liable directly or indirectly to the judgment creditor for the payment of the debt] shall be released and discharged of such liability to the judgment creditor to the extent of the fair market value of said property determined by the court, less the amount of all prior liens, costs, taxes and municipal claims not discharged by the sale, and also less the amount of any such items paid at the distribution on the sale, and shall also be released and discharged of such liability to the extent of any amount by which the sale price, less such prior liens, costs, taxes and municipal claims, exceeds the fair market value as agreed to by the judgment creditor or fixed and determined by the court as provided in this subsection, and thereupon the judgment creditor may proceed by appropriate proceedings to collect the balance of the debt.

\* \* \*

(e) Waiver of benefit of section prohibited.—Any agreement made by any debtor[, obligor, surety or guarantor] at any time, either before or after or at the time of incurring any obligation, to waive the benefits of this section or to release any obligee from compliance with the provisions hereof shall be void.

\* \* \*

*(f.1) Collateral located in more than one county.—*

*(1) If the real property collateral is located in more than one county in this Commonwealth, a judgment creditor may elect not to file a*

*valuation petition in the court in each of such counties as provided under subsection (a) and shall not be subject to the penalties for failure to file the petition under subsection (d) if the judgment creditor is a nonconsumer judgment creditor and the provisions of paragraphs (2) and (3) are satisfied.*

*(2) The judgment creditor shall petition the deficiency court to determine and fix the fair market value of all of the real property collateral as provided under subsection (c)(1), (2), (3) and (4). The value shall be determined on a parcel-by-parcel basis, and the amount so fixed for each parcel comprising the real property collateral shall be the fair market value for the parcel for all purposes under this subsection unless redetermined as provided in paragraph (4).*

*(3) The determination of the fair market value of the real property collateral by the deficiency court as provided in paragraph (2) shall be made before an execution sale is held with respect to any of the real property collateral.*

*(4) (i) If the execution sale of a parcel of real property is concluded and the judgment creditor is the purchaser of the parcel at the sale, then either the judgment creditor or the debtor may file a petition with the deficiency court seeking a redetermination of the fair market value of the parcel provided the petition is filed within the six-month period established under section 5522(b)(6).*

*(ii) If the petition is filed in a timely manner, the deficiency court shall redetermine the fair market value of the parcel in the manner provided in subsection (c)(1), (2), (3) and (4). The redetermined value shall be the fair market value of the parcel for all purposes under this subsection.*

*(iii) The filing of the petition for the redetermination shall not limit or affect the judgment creditor's ability to execute on the real property collateral unless and until the value is redetermined by the court. However, where the debtor alleges in its petition that an appropriate redetermination of value by the court with respect to property that has already been sold to the judgment creditor at an execution sale would be sufficient to satisfy the judgment in full, the deficiency court may issue a stay of further execution proceedings pending the court's ruling on the petition for redetermination of value.*

*(5) In cases subject to this subsection, the debtor shall be released and discharged from liability for the payment of the debt in the manner provided in subsection (c)(5) to the extent of:*

*(i) the fair market value determined by the deficiency court of all real property collateral purchased by the judgment creditor in execution proceedings on the judgment less the deductible items described in subsection (c)(5); and*

*(ii) the amount distributed to the judgment creditor as a result of the sale of the real property collateral purchased in the proceedings by third parties.*

**(f.2) Foreign collateral.—**

*(1) No deficiency court shall have the power to fix the fair market value of real property located outside this Commonwealth and may not take into account the value of that property in considering whether or not a deficiency exists under this section.*

*(2) This section shall not apply to the sale of any real property located outside this Commonwealth.*

(g) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**“Adjusted value.”** *The assessed value of a parcel of real property collateral determined for real estate tax purposes times the applicable common level ratio factor published by the State Tax Equalization Board.*

**“Consumer credit transaction.”** A credit transaction in which the party to whom credit is offered or extended is a natural person and the money, property or services which are the subject of the transaction are primarily for personal, family or household purposes.

**“Debtor.”** *A debtor, obligor, guarantor, surety and any other person liable directly or indirectly to a judgment creditor for the payment of a debt.*

**“Deficiency court.”** *With respect to cases covered by subsection (f.1), the court of common pleas located in the county where the highest adjusted value land is located.*

**“Highest adjusted value land.”** *The real property collateral located in a county that has a higher aggregate adjusted value than real property collateral located in any other county.*

**“Judgment.”** The judgment which was enforced by the execution proceedings referred to in subsection (a), whether that judgment is a judgment in personam such as a judgment requiring the payment of money or a judgment de terris or in rem such as a judgment entered in an action of mortgage foreclosure or a judgment entered in an action or proceeding upon a mechanic’s lien, a municipal claim, a tax lien or a charge on land.

**“Judgment creditor.”** The holder of the judgment which was enforced by the execution proceedings.

**“Nonconsumer judgment creditor.”** Any judgment creditor except a judgment creditor whose judgment was entered with respect to a consumer credit transaction.

**“Nonrecourse portion of the obligation.”** The portion as to which the judgment creditor’s recourse is limited to the mortgaged property or other specified assets of the debtor which are less than all of such assets.

**“Partial recourse obligation.”** An obligation which includes both a nonrecourse portion and a recourse portion.

***“Real property collateral.” All of the real property subject to a lien securing the obligation evidenced by the judgment and located within this Commonwealth.***

“Recourse portion of the obligation.” All of the obligation except the nonrecourse portion thereof.

***“Valuation petition.” A petition to fix the fair market value of real property sold as required by subsection (a).***

Section 6. Section 8951 of Title 42 is amended to read:

§ 8951. Definitions.

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

“Chief law enforcement officer.” The head of a duly constituted municipal law enforcement agency which regularly provides primary police services to a political subdivision or, in the absence of any such municipal law enforcement agency, the commanding officer of the Pennsylvania State Police installation which regularly provides primary police services to the political subdivision.

“Municipal police officer.” Any natural person who is properly employed by a municipality, including a home rule municipality, as a regular full-time or part-time police officer.

“Primary jurisdiction.” The geographical area within the territorial limits of a municipality or any lawful combination of municipalities which employs a municipal police officer[.] ***and, in the case of a county of the third class that has established a county park police force in accordance with the provisions of section 2511 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, the geographical area designated by ordinance of its board of county commissioners as the jurisdictional area for the county park police.***

“Training law.” The act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

Section 7. The definitions of “employed,” “predatory” and “sexually violent predator” in section 9792 of Title 42 are amended and the section is amended by adding definitions to read:

§ 9792. Definitions.

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

***“Active notification.” Notification pursuant to section 9798 (relating to other notification) or any process whereby law enforcement, pursuant to the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, notifies persons in the community in which the individual resides, including any person identified in section 9798(b), of the residence, employment or school location of the individual.***



***“Approved registration site.”*** A site in this Commonwealth approved by the Pennsylvania State Police as required by section 9799.1(2) (relating to duties of Pennsylvania State Police):

(1) at which individuals subject to this subchapter may register, verify information or be fingerprinted or photographed as required by this subchapter;

(2) which is capable of submitting fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in such form as the Pennsylvania State Police shall require; and

(3) which is capable of submitting photographs utilizing the Commonwealth Photo Imaging Network or in another manner and in such form as the Pennsylvania State Police shall require.

\* \* \*

***“Common interest community.”*** Includes a cooperative, a condominium and a planned community where an individual by virtue of an ownership interest in any portion of real estate is or may become obligated by covenant, easement or agreement imposed upon the owner’s interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of any part of the real estate other than the portion or interest owned solely by the individual.

***“Commonwealth Photo Imaging Network.”*** The computer network administered by the Commonwealth and used to record and store digital photographs of an individual’s face and any scars, marks, tattoos or other unique features of the individual.

***“Employed.”*** Includes a vocation or employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, pursuant to a contract or for the purpose of government or educational benefit.

***“Integrated Automated Fingerprint Identification System.”*** The national fingerprint and criminal history system maintained by the Federal Bureau of Investigation providing automated fingerprint search capabilities, latent searching capability, electronic image storage and electronic exchange of fingerprints and responses.

\* \* \*

***“Passive notification.”*** Notification pursuant to section 9798.1 (relating to information made available on the Internet) or any process whereby persons, pursuant to the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, are able to access information pertaining to an individual as a result of the individual having been convicted or sentenced by a court for an offense similar to an offense listed in section 9795.1 (relating to registration).

\* \* \*

“Predatory.” An act directed at a stranger or at a person with whom a relationship has been **[established or promoted for the primary purpose of] initiated, established, maintained or promoted, in whole or in part, in order to facilitate or support** victimization.

\* \* \*

“Sexually violent predator.” A person who has been convicted of a sexually violent offense as set forth in section 9795.1 (relating to registration) and who is determined to be a sexually violent predator under section 9795.4 (relating to assessments) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator where the determination occurred in **[another state, territory, Federal Court, the District of Columbia or by court martial.] the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or by court martial.**

\* \* \*

Section 8. Sections 9795.1(a)(1) and 9795.2 of Title 42 are amended to read:

§ 9795.1. Registration.

(a) Ten-year registration.—The following individuals shall be required to register with the Pennsylvania State Police for a period of ten years:

(1) Individuals convicted of any of the following offenses:

18 Pa.C.S. § 2901 (relating to kidnapping) where the victim is a minor.

**18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle).**

**18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).**

18 Pa.C.S. § 3126 (relating to indecent assault) where the offense is a misdemeanor of the first degree.

18 Pa.C.S. § 4302 (relating to incest) where the victim is 12 years of age or older but under 18 years of age.

18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses) where the actor promotes the prostitution of a minor.

18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to obscene and other sexual materials and performances) where the victim is a minor.

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

18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

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

\* \* \*

§ 9795.2. Registration procedures and applicability.

(a) Registration.—

(1) Offenders and sexually violent predators shall be required to register with the Pennsylvania State Police upon release from incarceration, upon parole from a State or county correctional institution or upon the commencement of a sentence of intermediate punishment or

probation. For purposes of registration, offenders and sexually violent predators shall provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment and all information concerning current or intended enrollment as a student.

(2) Offenders and sexually violent predators shall inform the Pennsylvania State Police within ten days of:

(i) Any change of residence or establishment of an additional residence or residences.

(ii) Any change of employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year, or termination of employment.

(iii) Any change of institution or location at which the person is enrolled as a student, or termination of enrollment.

(iv) Becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police.

(2.1) Registration with a new law enforcement agency shall occur no later than ten days after establishing residence in another state.

(3) The ten-year registration period required in section 9795.1(a) (relating to registration) shall be tolled when an offender is recommitted for a parole violation or sentenced to an additional term of imprisonment. In such cases, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police of the admission of the offender.

(4) This paragraph shall apply to all offenders and sexually violent predators:

(i) Where the offender or sexually violent predator was granted parole by the Pennsylvania Board of Probation and Parole or the court or is sentenced to probation or intermediate punishment, the board or county office of probation and parole shall collect registration information from the offender or sexually violent predator and forward that registration information to the Pennsylvania State Police. The Department of Corrections or county correctional facility shall not release the offender or sexually violent predator until it receives verification from the Pennsylvania State Police that it has received the registration information. ***Verification by the Pennsylvania State Police may occur by electronic means, including e-mail or facsimile transmission.*** Where the offender or sexually violent predator is scheduled to be released from a State correctional facility or county correctional facility because of the expiration of the maximum term of incarceration, the Department of Corrections or county correctional facility shall collect the information from the offender or sexually violent predator no later than ten days prior to the maximum expiration

date. The registration information shall be forwarded to the Pennsylvania State Police.

(ii) Where the offender or sexually violent predator scheduled to be released from a State correctional facility or county correctional facility due to the maximum expiration date refuses to provide the registration information, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police or police department with jurisdiction over the facility of the failure to provide registration information and of the expected date, time and location of the release of the offender or sexually violent predator.

(b) Individuals convicted *or sentenced by a court or adjudicated delinquent* in jurisdictions outside this Commonwealth *or sentenced by court martial*.—

**[(1) The registration requirements of this subchapter shall apply to individuals convicted of an equivalent offense listed in section 9795.1 where the conviction occurred in another state, territory, Federal court or the District of Columbia or where the individual was sentenced by court martial, or where the individual was required to register under a sexual offender statute in the jurisdiction where the individual was convicted and the individual:**

**(i) resides in this Commonwealth; or**

**(ii) is employed or is a student in this Commonwealth.**

**(2) An individual subject to registration under this subsection shall register within ten days of his arrival in this Commonwealth.**

**(3) An individual subject to registration under this subsection who is paroled to the Commonwealth pursuant to the interstate compact for the supervision of parolees and probationers shall, in addition to the requirements of this subchapter, be subject to the requirements of section 33 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law.]**

**(4) *An individual who resides, is employed or is a student in this Commonwealth and who has been convicted of or sentenced by a court or court martial for a sexually violent offense or a similar offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or who was required to register under a sexual offender statute in the jurisdiction where convicted, sentenced or court martial, shall register at an approved registration site within ten days of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:***

**(i) *If the individual has been classified as a sexually violent predator as defined in section 9792 (relating to definitions) or determined under the laws of the other jurisdiction or by reason of court martial to be subject to active notification and lifetime***

*registration on the basis of a statutorily authorized administrative or judicial decision or on the basis of a statute or administrative rule requiring active notification and lifetime registration based solely on the offense for which the individual was convicted, sentenced or court martialled, the individual shall, notwithstanding section 9792, be considered a sexually violent predator and subject to lifetime registration pursuant to section 9795.1(b) (relating to registration). The individual shall also be subject to the provisions of this section and sections 9796 (relating to verification of residence), 9798 (relating to other notification) and 9798.1(c)(1) (relating to information made available on the Internet), except that the individual shall not be required to receive counseling unless required to do so by the other jurisdiction or by reason of court martial.*

*(ii) Except as provided in subparagraphs (i) and (iv), if the individual has been convicted or sentenced by a court or court martialled for an offense listed in section 9795.1(b) or an equivalent offense, the individual shall, notwithstanding section 9792, be considered an offender and be subject to lifetime registration pursuant to 9795.1(b). The individual shall also be subject to the provisions of this section and sections 9796 and 9798.1(c)(2).*

*(iii) Except as provided in subparagraphs (i), (ii), (iv) and (v), if the individual has been convicted or sentenced by a court or court martialled for an offense listed in section 9795.1(a) or an equivalent offense, the individual shall be, notwithstanding section 9792, considered an offender and subject to registration pursuant to this subchapter. The individual shall also be subject to the provisions of this section and sections 9796 and 9798.1(c)(2). The individual shall be subject to this subchapter for a period of ten years or for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, whichever is greater, less any credit due to the individual as a result of prior compliance with registration requirements.*

*(iv) Except as provided in subparagraph (i) and notwithstanding subparagraph (v), if the individual is subject to active notification in the other jurisdiction or subject to active notification by reason of court martial, the individual shall, notwithstanding section 9792, be considered an offender and subject to this section and sections 9796, 9798 and 9798.1(c)(1). If the individual was convicted of or sentenced in the other jurisdiction or sentenced by court martial for an offense listed in section 9795.1(b) or an equivalent offense, the individual shall be subject to this subchapter for the individual's lifetime. If the individual was convicted of or sentenced in the other jurisdiction or sentenced by court martial for an offense listed in section 9795.1(a) or an equivalent offense, the individual shall be*

*subject to this subchapter for a period of ten years or for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, whichever is greater, less any credit due to the individual as a result of prior compliance with registration requirements. Otherwise, the individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, less any credit due to the individual as a result of prior compliance with registration requirements.*

*(v) Except as provided in subparagraphs (i), (ii), (iii) and (iv), if the individual is subject to passive notification in the other jurisdiction or subject to passive notification by reason of court martial, the individual shall, notwithstanding section 9792, be considered an offender and subject to this section and sections 9796 and 9798.1(c)(2). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, less any credit due to the individual as a result of prior compliance with registration requirements.*

*(5) Notwithstanding the provisions of Chapter 63 (relating to juvenile matters) and except as provided in paragraph (4), an individual who resides, is employed or is a student in this Commonwealth and who is required to register as a sex offender under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation as a result of a juvenile adjudication shall register at an approved registration site within ten days of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:*

*(i) If the individual has been classified as a sexually violent predator as defined in section 9792 or determined under the laws of the other jurisdiction to be subject to active notification and lifetime registration on the basis of a statutorily authorized administrative or judicial decision or on the basis of a statute or administrative rule requiring active notification and lifetime registration based solely on the offense for which the individual was adjudicated, the individual shall, notwithstanding section 9792, be considered a sexually violent predator and subject to lifetime registration pursuant to section 9795.1(b). The individual shall also be subject to the provisions of this section and sections 9796 and 9798.1(c)(1), except that the individual shall not be required to receive counseling unless required to do so by the other jurisdiction.*

*(ii) Except as provided in subparagraph (i), if the individual is subject to active notification in the other jurisdiction, the individual shall, notwithstanding section 9792, be considered an offender and subject to registration pursuant to this subchapter. The individual shall also be subject to the provisions of this section and sections 9796, 9798 and 9798.1(c)(1). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction, less any credit due to the individual as a result of prior compliance with registration requirements.*

*(iii) Except as provided in subparagraphs (i) and (ii), if the individual is subject to passive notification in the other jurisdiction, the individual shall, notwithstanding section 9792, be considered an offender and be subject to this section and sections 9796 and 9798.1(c)(2). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction, less any credit due to the individual as a result of prior registration compliance.*

(c) Registration information to local police.—

*(1) The Pennsylvania State Police shall provide the information obtained under this section and sections 9795.3 (relating to sentencing court information) and 9796 (relating to verification of residence) to the chief law enforcement officers of the police departments of the municipalities in which the individual will reside, be employed or enrolled as a student. In addition, the Pennsylvania State Police shall provide this officer with the address at which the individual will reside, be employed or enrolled as a student following his release from incarceration, parole or probation.*

*(2) The Pennsylvania State Police shall provide notice to the chief law enforcement officers of the police departments of the municipalities notified pursuant to paragraph (1) when an individual fails to comply with the registration requirements of this section or section 9796 and request, as appropriate, that these police departments assist in locating and apprehending the individual.*

*(3) The Pennsylvania State Police shall provide notice to the chief law enforcement officers of the police departments of the municipalities notified pursuant to paragraph (1) when they are in receipt of information indicating that the individual will no longer reside, be employed or be enrolled as a student in the municipality.*

(d) Penalty.—

*[(1) An individual subject to registration under section 9795.1(a) who fails to register with the Pennsylvania State Police as required in this section commits a felony of the third degree.*

*(2) An individual subject to registration under section 9795.1(b)(1), (2) or (3) who fails to register with the Pennsylvania*

**State Police as required in this section commits a felony of the first degree and shall be sentenced to a mandatory minimum sentence of probation for the remainder of the individual's lifetime and may be sentenced to a period of incarceration of up to the individual's lifetime.] *An individual subject to registration under section 9795.1(a) or (b) who fails to register with the Pennsylvania State Police as required by this section may be subject to prosecution under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements).***

**(e) *Registration sites.*—An individual subject to section 9795.1 shall register and submit to fingerprinting and photographing as required by this subchapter at approved registration sites.**

Section 9. Section 9795.4(b), (c), (d) and (e)(4) of Title 42 are amended and the section is amended by adding a subsection to read:

§ 9795.4. Assessments.

\* \* \*

(b) **Assessment.**—Upon receipt from the court of an order for an assessment, a member of the board as designated by the administrative officer of the board shall conduct an assessment of the individual to determine if the individual should be classified as a sexually violent predator. The board shall establish standards for evaluations and for evaluators conducting the assessments. An assessment shall include, but not be limited to, an examination of the following:

(1) Facts of the current offense, including:

(i) Whether the offense involved multiple victims.

(ii) Whether the individual exceeded the means necessary to achieve the offense.

(iii) The nature of the sexual contact with the victim.

(iv) Relationship of the individual to the victim.

(v) Age of the victim.

(vi) Whether the offense included a display of unusual cruelty by the individual during the commission of the crime.

(vii) The mental capacity of the victim.

(2) Prior offense history, including:

(i) The individual's prior criminal record.

(ii) Whether the individual completed any prior sentences.

(iii) Whether the individual participated in available programs for sexual offenders.

(3) Characteristics of the individual, including:

(i) Age of the individual.

(ii) Use of illegal drugs by the individual.

(iii) Any mental illness, mental disability or mental abnormality.

(iv) Behavioral characteristics that contribute to the individual's conduct.



(4) Factors that are supported in a sexual offender assessment **[filed]** *field* as criteria reasonably related to the risk of reoffense.

(c) Release of information.—All State, county and local agencies, offices or entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing copies of records and information as requested by the board in connection with the court-ordered assessment and the assessment requested by the Pennsylvania Board of Probation and Parole[,] *or the assessment of a delinquent child under section 6358 (relating to assessment of delinquent children by the State Sexual Offenders Assessment Board)*.

(d) Submission of report by board.—The board shall *have 90 days from the date of conviction of the individual* to submit a written report containing its assessment to the district attorney **[no later than 90 days from the date of conviction of the individual]**.

(e) Hearing.—

\* \* \*

(4) A copy of the order containing the determination of the court shall be *immediately* submitted to the individual, the district attorney, the Pennsylvania Board of Probation and Parole, the Department of Corrections **[and]**, the board *and the Pennsylvania State Police*.

\* \* \*

*(i) Other assessments.—Upon receipt from the court of an order for an assessment under section 9795.5 (relating to exemption from certain notification), a member of the board as designated by the administrative officer of the board shall conduct an assessment of the individual to determine if the relief sought, if granted, is likely to pose a threat to the safety of any other person. The board shall establish standards for evaluations and for evaluators conducting these assessments.*

Section 10. Title 42 is amended by adding a section to read:

§ 9795.5. *Exemption from certain notifications.*

*(a) Lifetime registrants not classified as sexually violent predators.—*

*(1) An individual required to register under section 9795.1 (relating to registration) who is not a sexually violent predator may petition the sentencing court to be exempt from the application of section 9798.1 (relating to information made available on the Internet) provided no less than 20 years have passed since the individual has been convicted in this or any other jurisdiction of any offense punishable by imprisonment for more than one year, or the individual's release from custody following the individual's most recent conviction for any such offense, whichever is later.*

*(2) Upon receipt of a petition filed under paragraph (1), the sentencing court shall enter an order directing that the petitioner be assessed by the board in accordance with the provisions of section 9795.4(i) (relating to assessments). The order for an assessment under this subsection shall be sent to the administrative officer of the board*

*within ten days of its entry. No later than 90 days following receipt of such an order, the board shall submit a written report containing its assessment to the sentencing court, the district attorney and the attorney for the petitioner.*

*(3) Within 120 days of the filing of a petition under paragraph (1), the sentencing court shall hold a hearing to determine whether to exempt the petitioner from the application of section 9798.1. The petitioner and the district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. The petitioner shall have the right to counsel and to have a lawyer appointed to represent him if he cannot afford one.*

*(4) The sentencing court shall exempt the petitioner from application of section 9798.1 only upon finding by clear and convincing evidence that exempting the petitioner from the application of section 9798.1 is not likely to pose a threat to the safety of any other person.*

*(b) Sexually violent predators.—*

*(1) An individual required to register under section 9795.1 who is a sexually violent predator may petition the sentencing court for release from the application of section 9798 (relating to other notification) provided no less than 20 years have passed since the individual has been convicted in this or any other jurisdiction of any offense punishable by imprisonment for more than one year, or the individual's release from custody following the individual's most recent conviction for any such offense, whichever is later.*

*(2) Upon receipt of a petition under paragraph (1), the sentencing court shall order the petitioner to be assessed by the board in accordance with the provisions of section 9795.4(i). The order for an assessment pursuant to this subsection shall be sent to the administrative officer of the board within ten days of its entry. No later than 90 days following receipt of such an order, the board shall submit a written report containing its assessment to the sentencing court, the district attorney and the attorney for the petitioner.*

*(3) Within 120 days of the filing of a petition under paragraph (1), the sentencing court shall hold a hearing to determine whether to exempt the petitioner from application of section 9798. The petitioner and the district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. The petitioner shall have the right to counsel and to have a lawyer appointed to represent him if he cannot afford one.*

*(4) The sentencing court shall exempt the petitioner from application of section 9798 only upon clear and convincing evidence that releasing the petitioner from application of section 9798 is not likely to pose a threat to the safety of any other person.*

*(c) Notice.—Any court granting relief to a petitioner under this section shall notify the Pennsylvania State Police in writing within ten days from the date such relief is granted.*

*(d) Right to appeal.—The petitioner and the Commonwealth shall have the right to appellate review of the actions of the sentencing court taken under this section. An appeal by the Commonwealth shall stay the order of the sentencing court.*

*(e) Subsequent conviction for failing to comply.—If an individual is exempt from the application of either section 9798 or 9798.1 under this section and the individual is subsequently convicted of an offense under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements), any relief granted under this section shall be void, and the individual shall automatically and immediately again be subject to all applicable provisions of this subchapter, as previously determined by this subchapter.*

Section 11. Section 9796(a), (b) and (e) of Title 42 are amended and the section is amended by adding subsections to read:  
§ 9796. Verification of residence.

*(a) Quarterly verification by sexually violent predators.—The Pennsylvania State Police shall verify the residence and compliance with counseling as provided for in section 9799.4 (relating to counseling of sexually violent predators) of sexually violent predators every 90 days through the use of a nonforwardable verification form to the last reported residence. For the period of registration required by section 9795.1 (relating to registration), a sexually violent predator shall appear [within ten days of receipt of the form at any Pennsylvania State Police station] quarterly between January 5 and January 15, April 5 and April 15, July 5 and July 15 and October 5 and October 15 of each calendar year at an approved registration site to complete [the] a verification form and to be photographed.*

*(a.1) Facilitation of quarterly verification.—The Pennsylvania State Police shall facilitate and administer the verification process required by subsection (a) by:*

*(1) sending a notice by first class United States mail to all registered sexually violent predators at their last reported residence addresses. This notice shall be sent not more than 30 days nor less than 15 days prior to each of the quarterly verification periods set forth in subsection (a) and shall remind sexually violent predators of their quarterly verification requirement and provide them with a list of approved registration sites; and*

*(2) providing verification and compliance forms as necessary to each approved registration site not less than ten days before each of the quarterly verification periods.*

*(b) Annual verification by offenders.—The Pennsylvania State Police shall verify the residence of offenders [through the use of a*

**nonforwardable verification form].** For the period of registration required by section 9795.1, **[the offender shall appear within ten days of receipt of the form at any Pennsylvania State Police station] an offender shall appear within ten days before each annual anniversary date of the offender's initial registration under section 9795.1 at an approved registration site** to complete **[the] a** verification form and to be photographed.

**(b.1) Facilitation of annual verification.—The Pennsylvania State Police shall facilitate and administer the verification process required by subsection (b) by:**

**(1) sending a notice by first class United States mail to all registered offenders at their last reported residence addresses. This notice shall be sent not more than 30 days nor less than 15 days prior to each offender's annual anniversary date and shall remind the offender of the annual verification requirement and provide the offender with a list of approved registration sites; and**

**(2) providing verification and compliance forms as necessary to each approved registration site.**

\* \* \*

**(e) Penalty.—**

**[(1) Any individual subject to registration under section 9795.1(a) who fails to verify his residence or be photographed as required in this section commits a felony of the third degree.**

**(2) Any individual subject to registration under section 9795.1(b)(1), (2) or (3) who fails to verify his residence or to be photographed as required in this section commits a felony of the first degree and shall be sentenced to a mandatory minimum sentence of probation for the remainder of the individual's lifetime and may be sentenced to a period of incarceration of up to the individual's lifetime.] An individual subject to registration under section 9795.1(a) or (b) who fails to verify his residence or to be photographed as required by this section may be subject to prosecution under 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements).**

**(f) Effect of notice.—Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive any notice or information under subsection (a.1) or (b.1) shall relieve that predator or offender from the requirements of this subchapter.**

Section 12. Section 9798(a), (b)(1), (c) and (e) of Title 42 are amended to read:

§ 9798. Other notification.

(a) Notice by municipality's chief law enforcement officer.—Notwithstanding any of the provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the chief law enforcement officer of the full-time or part-time police department of the municipality

where a sexually violent predator lives shall be responsible for providing written notice as required under this section.

(1) The notice shall contain:

(i) The name of the convicted sexually violent predator.

(ii) The address or addresses at which he resides.

(iii) The offense for which he was convicted, *sentenced by a court, adjudicated delinquent or court martialled.*

(iv) A statement that he has been determined by court order to be a sexually violent predator, which determination has or has not been terminated as of a date certain.

(v) A photograph of the sexually violent predator, if available.

(2) The notice shall not include any information that might reveal the victim's name, identity and residence.

(b) To whom written notice is provided.—The chief law enforcement officer shall provide written notice, under subsection (a), to the following persons:

(1) Neighbors of the sexually violent predator. *As used in this paragraph, where the sexually violent predator lives in a common interest community, the term "neighbor" includes the unit owners' association and residents of the common interest community.*

\* \* \*

(c) Urgency of notification.—The municipal police department's chief law enforcement officer shall provide notice within the following time frames:

(1) To neighbors, notice shall be provided within [72 hours] *five days* after information of the sexually violent predator's release date and residence has been received by the chief law enforcement officer. Notwithstanding the provisions of subsections (a) and (b), verbal notification may be used if written notification would delay meeting this time requirement.

(2) To the persons specified in subsection (b)(2), (3), (4) and (5), notice shall be provided within seven days after the chief law enforcement officer receives information regarding the sexually violent predator's release date and residence.

\* \* \*

(e) Interstate [parolees] *transfers*.—The duties of police departments under this section shall also apply to individuals who are [paroled] *transferred* to this Commonwealth pursuant to [section 33 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law] *the Interstate Compact for the Supervision of Adult Offenders or the Interstate Compact for Juveniles.*

Section 13. Title 42 is amended by adding sections to read:

§ 9798.1. *Information made available on the Internet.*

(a) *Legislative findings.—It is hereby declared to be the finding of the General Assembly that public safety will be enhanced by making*

*information about sexually violent predators, lifetime registrants and other sex offenders available to the public through the Internet. Knowledge of whether a person is a sexually violent predator, lifetime registrant or other sex offender could be a significant factor in protecting oneself and one's family members, or those in care of a group or community organization, from recidivist acts by sexually violent predators, lifetime registrants and other sex offenders. The technology afforded by the Internet would make this information readily accessible to parents and private entities, enabling them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk. Public access to information about sexually violent predators, lifetime registrants and other sex offenders is intended solely as a means of public protection and shall not be construed as punitive.*

*(b) Internet posting of sexually violent predators, lifetime registrants and other offenders.—The Commissioner of the Pennsylvania State Police shall, in the manner and form directed by the Governor:*

*(1) Develop and maintain a system for making the information described in subsection (c) publicly available by electronic means so that the public may, without limitation, obtain access to the information via an Internet website to view an individual record or the records of all sexually violent predators, lifetime registrants and other offenders who are registered with the Pennsylvania State Police.*

*(2) Ensure that the Internet website contains warnings that any person who uses the information contained therein to threaten, intimidate or harass another or who otherwise misuses that information may be criminally prosecuted.*

*(3) Ensure that the Internet website contains an explanation of its limitations, including statements advising that a positive identification of a sexually violent predator, lifetime registrant or other offender whose record has been made available may be confirmed only by fingerprints; that some information contained on the Internet website may be outdated or inaccurate; and that the Internet website is not a comprehensive listing of every person who has ever committed a sex offense in Pennsylvania.*

*(4) Strive to ensure the information contained on the Internet website is accurate and that the data therein is revised and updated as appropriate in a timely and efficient manner.*

*(5) Provide on the Internet website general information designed to inform and educate the public about sex offenders and sexually violent predators and the operation of this subchapter as well as pertinent and appropriate information concerning crime prevention and personal safety, with appropriate links to other relevant Internet websites operated by the Commonwealth of Pennsylvania.*

*(c) Information permitted to be disclosed regarding individuals.—Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal*

history information), the Internet website shall contain the following information on each individual:

(1) For sexually violent predators only the following information shall be posted on the Internet website:

- (i) name and any aliases;
- (ii) year of birth;
- (iii) the street address, city, county and zip code of all residences;
- (iv) the street address, city, county and zip code of any institution or location at which the person is enrolled as a student;
- (v) the city, county and zip code of any employment location;
- (vi) a photograph of the offender, which shall be updated not less than annually;
- (vii) a description of the offense or offenses which triggered the application of this subchapter; and
- (viii) the date of the offense and conviction, if available.

(2) For all other lifetime registrants and offenders subject to registration only the following information shall be posted on the Internet website:

- (i) name and any aliases;
- (ii) year of birth;
- (iii) the city, county and zip code of all residences;
- (iv) the city, county and zip code of any institution or location at which the person is enrolled as a student;
- (v) the city, county and zip code of any employment location;
- (vi) a photograph of the offender, which shall be updated not less than annually;
- (vii) a description of the offense or offenses which triggered the application of this subchapter; and
- (viii) the date of the offense and conviction, if available.

(d) Duration of Internet posting.—

(1) The information listed in subsection (c) about a sexually violent predator shall be made available on the Internet for the lifetime of the sexually violent predator.

(2) The information listed in subsection (c) about an offender who is subject to lifetime registration shall be made available on the Internet for the lifetime of the offender unless the offender is granted relief under section 9795.5 (relating to exemption from certain notifications).

(3) The information listed in subsection (c) about any other offender subject to registration shall be made available on the Internet for the entire period during which the offender is required to register, including any extension of this period pursuant to 9795.2(a)(3) (relating to registration procedures and applicability).

§ 9798.2. Administration.

The Governor shall direct the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the State Sexual Offenders

*Assessment Board, the Department of Corrections, the Department of Transportation and any other agency of this Commonwealth the Governor deems necessary to collaboratively design, develop and implement an integrated and secure system of communication, storage and retrieval of information to assure the timely, accurate and efficient administration of this subchapter.*

Section 14. Section 9799 of Title 42 is amended by adding a paragraph to read:

§ 9799. Immunity for good faith conduct.

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

\* \* \*

*(12) The unit owners' association of a common interest community and its agents and employees as it relates to distributing information regarding sexually violent predators obtained pursuant to section 9798(b)(1) (relating to other notification).*

Section 15. Sections 9799.1 and 9799.7 of Title 42 are amended to read:  
§ 9799.1. Duties of Pennsylvania State Police.

The Pennsylvania State Police shall:

(1) Create and maintain a State registry of offenders and sexually violent predators.

(2) In consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole and the chairman and the minority chairman of the Judiciary Committee of the Senate and the chairman and the minority chairman of the Judiciary Committee of the House of Representatives, promulgate guidelines necessary for the general administration of this subchapter. *These guidelines shall establish procedures to allow an individual subject to the requirements of sections 9795.1 (relating to registration) and 9796 (relating to verification of residence) to fulfill these requirements at approved registration sites throughout this Commonwealth. The Pennsylvania State Police shall publish a list of approved registration sites in the Pennsylvania Bulletin and provide a list of approved registration sites in any notices sent to individuals required to register under section 9795.1. An approved registration site shall be capable of submitting fingerprints, photographs and any other information required electronically to the Pennsylvania State Police. The Pennsylvania State Police shall require that approved registration sites submit fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in such form as the Pennsylvania State Police shall require. The Pennsylvania State Police shall require that approved registration sites submit photographs utilizing the Commonwealth Photo Imaging Network or in another manner and in such form as the Pennsylvania State Police shall require. Approved registration sites shall not be limited to sites managed*



*by the Pennsylvania State Police and shall include sites managed by local law enforcement agencies that meet the criteria for approved registration sites set forth in this paragraph.*

(3) Write regulations regarding neighbor notification of the current residence of sexually violent predators.

(4) Notify, within **[72 hours]** *five days* of receiving the offender’s or the sexually violent predator’s registration, the chief law enforcement officers of the police departments having primary jurisdiction of the municipalities in which an offender or sexually violent predator resides, is employed or enrolled as a student of the fact that the offender or sexually violent predator has been registered with the Pennsylvania State Police pursuant to sections 9795.2 (relating to registration procedures and applicability) and 9796 (relating to verification of residence).

(5) In consultation with the Department of Education and the Pennsylvania Board of Probation and Parole, promulgate guidelines directing licensed day-care centers, licensed preschool programs, schools, universities and colleges, including community colleges, on the proper use and administration of information received under section 9798 (relating to other notification).

(6) Immediately transfer the information received from the Pennsylvania Board of Probation and Parole under section 9799.2(2) and (3) (relating to duties of Pennsylvania Board of Probation and Parole) and the fingerprints of a sexually violent predator to the Federal Bureau of Investigation.

§ 9799.7. Exemption from notification for certain licensees and their employees.

Nothing in this subchapter shall be construed as imposing a duty upon a person licensed under the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, or an employee thereof to disclose any information regarding:

- (1) a sexually violent predator; or
- (2) an individual who is **[paroled]** *transferred* to this Commonwealth pursuant to the **[interstate compact for the supervision of parolees and probationers]** *Interstate Compact for the Supervision of Adult Offenders or the Interstate Compact for Juveniles.*

Section 16. Title 42 is amended by adding sections to read:

§ 9799.8. *Annual performance audit.*

*(a) Duties of the Attorney General.—The Attorney General shall:*

*(1) Conduct a performance audit annually to determine compliance with the requirements of this subchapter and any guidelines promulgated pursuant thereto. The audit shall, at a minimum, include a review of the practices, procedures and records of the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the State Sexual Offenders Assessment Board, the Administrative Office of the Pennsylvania Courts and any*

*other State or local agency the Attorney General deems necessary in order to conduct a thorough and accurate performance audit.*

*(2) Prepare an annual report of its findings and any action it recommends be taken by the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the State Sexual Offenders Assessment Board, the Administrative Office of the Pennsylvania Courts, other State or local agencies and the General Assembly to ensure compliance with this subchapter. The first report shall be released to the general public not less than 18 months following the effective date of this section.*

*(3) Provide a copy of its report to the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the State Sexual Offenders Assessment Board, the Administrative Office of the Pennsylvania Courts, State or local agencies referenced therein, the chairman and the minority chairman of the Judiciary Committee of the Senate and the chairman and the minority chairman of the Judiciary Committee of the House of Representatives no less than 30 days prior to its release to the general public.*

*(b) Cooperation required.—Notwithstanding any other provision of law to the contrary, the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the State Sexual Offenders Assessment Board, the Administrative Office of the Pennsylvania Courts, the Pennsylvania Commission on Sentencing and any other State or local agency requested to do so shall fully cooperate with the Attorney General and assist the office in satisfying the requirements of this section. For purposes of this subsection, full cooperation shall include, at a minimum, complete access to unredacted records, files, reports and data systems.*

**§ 9799.9. Photographs and fingerprinting.**

*An individual subject to section 9795.1 (relating to registration) shall submit to fingerprinting and photographing as required by this subchapter at approved registration sites. Fingerprinting as required by this subchapter shall, at a minimum, require submission of a full set of fingerprints. Photographing as required by this subchapter shall, at a minimum, require submission to photographs of the face and any scars, marks, tattoos or other unique features of the individual. Fingerprints and photographs obtained under this subchapter may be maintained for use under this subchapter and for general law enforcement purposes.*

Section 17. The Pennsylvania State Police shall notify any sexually violent predator during 2005 of the time periods for the quarterly reporting required under 42 Pa.C.S. § 9796(a) that begin in 2006.

Section 18. The addition of 42 Pa.C.S. § 9798.1 shall apply to any individual subject to the addition of 42 Pa.C.S. Ch. 97 Subch. H.

Section 19. This act shall take effect as follows:

(1) The amendment or addition of 42 Pa.C.S. §§ 9795.2(e) and 9799.8 shall take effect in 180 days.

(2) The amendment of 42 Pa.C.S. § 9796(a) and (b) shall take effect January 1, 2006.

(3) The amendment or addition of 42 Pa.C.S. §§ 5524, 5524.1, 9798(c)(1) and 9799.1(2) and (4) shall take effect immediately.

(4) This section shall take effect immediately.

(5) The remainder of this act shall take effect in 60 days.

APPROVED—The 24th day of November, A.D. 2004.

EDWARD G. RENDELL