

No. 2006-178

AN ACT

SB 944

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for conduct relating to sex offenders and for loss of property rights by certain offenders; further providing for failure to comply with sexual offender registration requirements, for the offense of unlawful contact with a minor and for sentences for offenses against infant persons; providing for sentences for sex offenders and for sentence for failure to comply with registration of sexual offenders; further providing for registration and for registration procedures and applicability; providing for global positioning system technology; and further providing for the duties of the Pennsylvania Board of Probation and Parole.

The General Assembly hereby declares its intention to enact versions of Jessica’s Law and Megan’s Law in this Commonwealth.

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:

§ 3130. Conduct relating to sex offenders.

(a) Offense defined.—A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender’s probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. § 9795.2 (relating to registration procedures and applicability), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offender’s probation or parole or the requirements of 42 Pa.C.S. § 9795.2:

(1) withholds information from or does not notify the law enforcement agent or agency about the sex offender’s noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. § 9795.2 or, if known, the sex offender’s whereabouts;

(2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;

(3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or

(4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

(b) Definition.—As used in this section, the term “sex offender” means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. § 9795.1 (relating to registration).

Section 2. Chapter 31 of Title 18 is amended by adding a subchapter to read:

SUBCHAPTER C
LOSS OF PROPERTY RIGHTS

Sec.

3141. General rule.

3142. Process and seizure.

3143. Custody of property.

3144. Disposal of property.

§ 3141. General rule.

A person:

(1) convicted under section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault); or

(2) required to register with the Pennsylvania State Police under 42 Pa.C.S. § 9795.2 (relating to registration procedures and applicability); may be required to forfeit property rights in any property or assets used to implement or facilitate commission of the crime or crimes of which the person has been convicted. Such property may include, but is not limited to, a computer or computers, telephone equipment, firearms, licit or illicit prescription drugs or controlled substances, a motor vehicle or such other property or assets as determined by the court of common pleas to have facilitated the person's criminal misconduct.

§ 3142. Process and seizure.

(a) Seizure.—Property subject to forfeiture under this section may be seized by law enforcement authority upon process issued by the court of common pleas having jurisdiction over the person or property.

(b) Seizure without process.—Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant and there is probable cause to be believe that the property was or is material to the charges for which the arrest or search warrant was issued. In seizures without process, proceedings for the issuance thereof shall be instituted immediately.

(c) Return of property.—Property belonging to someone other than the convicted sex offender or registrant shall be returned if the offense was committed without the knowledge or consent of the owner.

§ 3143. Custody of property.

Property taken or detained under this subchapter is deemed to be the property of the law enforcement authority having custody thereof and is subject only to the court of common pleas having jurisdiction over the

criminal or forfeiture proceedings, the district attorney in the matter or the Attorney General.

§ 3144. Disposal of property.

Property taken or detained pursuant to the provisions of this subchapter shall be sold in the manner of property forfeited under 42 Pa.C.S. Ch. 68 (relating to forfeitures). The net proceeds, as determined by the law enforcement authority having custody thereof, shall be utilized for investigation or prosecution of sexual offenses or donated to nonprofit charitable institutions which provide counseling and other assistance to victims of sexual offenses.

Section 3. Sections 4915(b) and (c) and 6318 of Title 18 are amended to read:

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

* * *

(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] *Except as set forth in paragraph (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 an offense under subsection (a)(1) or (2) or a similar offense] commits a [misdemeanor of the second degree] felony of the third 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] an offense** under subsection (a)(1) or (2) or a similar offense commits a felony of the **[third] second** 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] second** 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] *Except as set forth in paragraph (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 an offense under subsection (a)(1) or (2) or a similar offense] commits a [misdemeanor of the first degree] felony of the second 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] an offense** under subsection (a)(1) or (2) or a similar offense commits a felony of the **[third] first** 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] first** degree.

* * *

§ 6318. Unlawful contact with minor.

(a) Offense defined.—A person commits an offense if he is intentionally in contact with a minor, *or a law enforcement officer acting in the performance of his duties who has assumed the identity of a minor*, for the purpose of engaging in an activity prohibited under any of the following, and either the person initiating the contact or the person being contacted is within this Commonwealth:

(1) Any of the offenses enumerated in Chapter 31 (relating to sexual offenses).

(2) Open lewdness as defined in section 5901 (relating to open lewdness).

(3) Prostitution as defined in section 5902 (relating to prostitution and related offenses).

(4) Obscene and other sexual materials and performances as defined in section 5903 (relating to obscene and other sexual materials and performances).

(5) Sexual abuse of children as defined in section 6312 (relating to sexual abuse of children).

(6) Sexual exploitation of children as defined in section 6320 (relating to sexual exploitation of children).

(b) Grading.—A violation of subsection (a) is:

(1) an offense of the same grade and degree as the most serious underlying offense in subsection (a) for which the defendant contacted the minor; or

(2) a **[misdemeanor] felony** of the **[first] third** degree;

whichever is greater.

(b.1) Concurrent jurisdiction to prosecute.—The Attorney General shall have concurrent prosecutorial jurisdiction with the district attorney for violations under this section and any crime arising out of the activity prohibited by this section when the person charged with a violation of this section contacts a minor through the use of a computer, computer system or computer network. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

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

“Computer.” An electronic, magnetic, optical, hydraulic, organic or other high-speed data processing device or system which performs logic, arithmetic or memory functions and includes all input, output, processing, storage, software or communication facilities which are connected or related to the device in a computer system or computer network.

“Computer network.” The interconnection of two or more computers through the usage of satellite, microwave, line or other communication medium.

“Computer system.” A set of related, connected or unconnected computer equipment, devices and software.

“Contacts.” Direct or indirect contact or communication by any means, method or device, including contact or communication in person or through an agent or agency, through any print medium, the mails, a common carrier or communication common carrier, any electronic communication system and any telecommunications, wire, computer or radio communications device or system.

“Minor.” An individual under 18 years of age.

Section 4. Section 9718(a) of Title 42, amended November 30, 2004 (P.L.1703, No.217), is amended and the section is amended by adding subsections to read:

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.—

(1) A person convicted of the following offenses when the victim is under 16 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than two years.

18 Pa.C.S. § 3121(a)(1), (2), (3), (4) and (5) (relating to rape) - not less than **[five] ten** years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than **[five] ten** years.

18 Pa.C.S. § 3125(a)(1) through (6) (relating to aggravated indecent assault) - not less than five years.

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) **[(relating to aggravated assault)]** - not less than five years.

[18 Pa.C.S. § 3125(a)(1) through (6) (relating to aggravated indecent assault) - not less than two and one-half years.]

(3) A person convicted of the following offenses shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 3121(c) and (d) - not less than **[five] ten** years.

18 Pa.C.S. § 3125(a)(7) - not less than **[two and one-half] five** years.

18 Pa.C.S. § 3125(b) - not less than **[five] ten** years.

* * *

(c) *Proof at sentencing.*—*The provisions of this section shall not be an element of the crime, and notice of the provisions of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.*

(d) *Authority of court in sentencing.*—*There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place the offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.*

(e) *Appeal by Commonwealth.*—*If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.*

Section 5. Title 42 is amended by adding sections to read:

§ 9718.2. *Sentences for sex offenders.*

(a) *Mandatory sentence.*—

(1) *Any person who is convicted in any court of this Commonwealth of an offense set forth in section 9795.1(a) or (b) (relating to registration) shall, if at the time of the commission of the current offense the person had previously been convicted of an offense set forth in section 9795.1(a) or (b) or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction, be sentenced to a minimum sentence of at least 25 years of total confinement, notwithstanding any other provision of this title or other statute to the contrary. Upon such conviction, the court shall give the person oral and written notice of the penalties under paragraph (2) for a third conviction. Failure to provide such notice shall not render the offender ineligible to be sentenced under paragraph (2).*

(2) *Where the person had at the time of the commission of the current offense previously been convicted of two or more offenses arising from separate criminal transactions set forth in section 9795.1(a) or (b) or equivalent crimes under the laws of this*

Commonwealth in effect at the time of the commission of the offense or equivalent crimes in another jurisdiction, the person shall be sentenced to a term of life imprisonment, notwithstanding any other provision of this title or other statute to the contrary. Proof that the offender received notice of or otherwise knew or should have known of the penalties under this paragraph shall not be required.

(b) Mandatory maximum.—An offender sentenced to a mandatory minimum sentence under this section shall be sentenced to a maximum sentence equal to twice the mandatory minimum sentence, notwithstanding 18 Pa.C.S. § 1103 (relating to sentence of imprisonment for felony) or any other provision of this title or other statute to the contrary.

(c) Proof of sentencing.—The provisions of this section shall not be an element of the crime, and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The sentencing court, prior to imposing sentence on an offender under subsection (a), shall have a complete record of the previous convictions of the offender, copies of which shall be furnished to the offender. If the offender or the attorney for the Commonwealth contests the accuracy of the record, the court shall schedule a hearing and direct the offender and the attorney for the Commonwealth to submit evidence regarding the previous convictions of the offender. The court shall then determine, by a preponderance of the evidence, the previous convictions of the offender and, if this section is applicable, shall impose sentence in accordance with this section. Should a previous conviction be vacated and an acquittal or final discharge entered subsequent to imposition of sentence under this section, the offender shall have the right to petition the sentencing court for reconsideration of sentence if this section would not have been applicable except for the conviction which was vacated.

(d) Authority of court in sentencing.—Notice of the application of this section shall be provided to the defendant before trial. If the notice is given, there shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsections (a) and (b) or to place the offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(e) Appeal by Commonwealth.—If a sentencing court shall refuse to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for the imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

§ 9718.3. Sentence for failure to comply with registration of sexual offenders.

(a) Mandatory sentence.—Mandatory sentencing shall be as follows:

(1) Sentencing upon conviction for a first offense shall be as follows:

(i) Not less than two years for an individual who:

(A) was subject to section 9795.1(a) (relating to registration) or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a)(1) or (2) (relating to failure to comply with registration of sexual offenders requirements).

(ii) Not less than three years for an individual who:

(A) was subject to section 9795.1(a) or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a)(3).

(iii) Not less than three years for an individual who:

(A) was subject to section 9795.1(b) or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a)(1) or (2).

(iv) Not less than five years for an individual who:

(A) was subject to section 9795.1(b) or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a)(3).

(2) Sentencing upon conviction for a second or subsequent offense shall be as follows:

(i) Not less than five years for an individual who:

(A) was subject to section 9795.1(a) or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a)(1) or (2).

(ii) Not less than seven years for an individual who:

(A) was subject to section 9795.1 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915(a)(3).

(b) Proof at sentencing.—The provisions of this section shall not be an element of the crime, and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(c) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender on probation or to suspend sentence. Nothing in this section shall

prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Appeal by Commonwealth.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

Section 6. Section 9795.1 of Title 42, amended November 24, 2004 (P.L.1243, No.152), is 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 **graded as** a misdemeanor of the first degree **or higher**.

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).

(2) Individuals convicted of an attempt to commit any of the offenses under paragraph (1) or subsection (b)(2).

(3) Individuals currently residing in this Commonwealth who have been convicted of offenses similar to the crimes cited in paragraphs (1) and (2) 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.

(b) Lifetime registration.—The following individuals shall be subject to lifetime registration:

(1) An individual with two or more convictions of any of the offenses set forth in subsection (a).

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

18 Pa.C.S. § 3121 (relating to rape).

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

18 Pa.C.S. § 3124.1 (relating to sexual assault).

18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

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

(3) Sexually violent predators.

(4) Individuals currently residing in this Commonwealth who have been convicted of offenses similar to the crimes cited in paragraph (2) 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.

(c) Natural disaster.—The occurrence of a natural disaster or other event requiring evacuation of residences shall not relieve an individual of the duty to register or any other duty imposed by this chapter.

Section 7. Section 9795.2 (a)(2) and (2.1) and (b) of Title 42, amended November 24, 2004 (P.L.1243, No.152), are amended and subsection (a)(3) and (4) are carried without amendment to read:

§ 9795.2. Registration procedures and applicability.

(a) Registration.—

* * *

(2) Offenders and sexually violent predators shall inform the Pennsylvania State Police within **[ten days] 48 hours** 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] 48 hours** 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.—

(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] 48 hours** 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] **48 hours** 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.

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Section 8. Title 42 is amended by adding a section to read:

§ 9798.3. *Global positioning system technology.*

The Pennsylvania Board of Probation and Parole and county probation authorities may impose supervision conditions that include offender tracking through global positioning system technology.

Section 9. Section 9799.2 of Title 42 is amended by adding a paragraph to read:

§ 9799.2. Duties of Pennsylvania Board of Probation and Parole.

The Pennsylvania Board of Probation and Parole shall:

* * *

(4) Apply for Federal funding as provided in the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587) to support and enhance programming using satellite global positioning system technology.

Section 10. The addition of 42 Pa.C.S. § 9718.3 shall apply to offenses committed on or after the effective date of this section.

Section 11. This act shall take effect January 1, 2007.

APPROVED—The 29th day of November, A.D. 2006.

EDWARD G. RENDELL