

No. 2011-111

AN ACT

SB 1183

Amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to registration of sexual offenders pursuant to Federal mandate; and making editorial changes.

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

Section 1. Sections 2901, 2902, 2903, 3122.1, 3124.2, 3130(a) introductory paragraph and (1) and (b), 3141, 4302 and 4915 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2901. Kidnapping.

(a) Offense defined.—[A] *Except as provided in subsection (a.1), a person is guilty of kidnapping if he unlawfully removes another a substantial distance under the circumstances from the place where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following intentions:*

- (1) To hold for ransom or reward, or as a shield or hostage.
- (2) To facilitate commission of any felony or flight thereafter.
- (3) To inflict bodily injury on or to terrorize the victim or another.
- (4) To interfere with the performance by public officials of any governmental or political function.

(a.1) Kidnapping of a minor.—A person is guilty of kidnapping of a minor if he unlawfully removes a person under 18 years of age a substantial distance under the circumstances from the place where he is found, or if he unlawfully confines a person under 18 years of age for a substantial period in a place of isolation, with any of the following intentions:

- (1) To hold for ransom or reward, or as a shield or hostage.
- (2) To facilitate commission of any felony or flight thereafter.
- (3) To inflict bodily injury on or to terrorize the victim or another.
- (4) To interfere with the performance by public officials of any governmental or political function.

(b) Grading.—[Kidnapping is a felony] *The following apply:*

(1) *Kidnapping under subsection (a) is a felony of the first degree. A removal or confinement is unlawful within the meaning of [this section] subsection (a) if it is accomplished by force, threat or deception, or, in the case of [a person who is under the age of 14 years or] an incapacitated person, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.*

(2) *Kidnapping under subsection (a.1) is a felony of the first degree. A removal or confinement is unlawful within the meaning of subsection (a.1) if it is accomplished by force, threat or deception, or, in the case of*

a person under 14 years of age, if it is accomplished without consent of a parent, guardian or other person responsible for general supervision of his welfare.

§ 2902. Unlawful restraint.

(a) Offense defined.—[A person commits an offense] *Except as provided under subsection (b) or (c), a person commits a misdemeanor of the first degree* if he knowingly:

(1) restrains another unlawfully in circumstances exposing him to risk of serious bodily injury; or

(2) holds another in a condition of involuntary servitude.

[(b) Grading.—

(1) Except as provided in paragraph (2), an offense under subsection (a) is a misdemeanor of the first degree.

(2) If the victim of the offense is an individual under 18 years of age, an offense under subsection (a) is a felony of the second degree.]

(b) Unlawful restraint of a minor where offender is not victim's parent.—If the victim is a person under 18 years of age, a person who is not the victim's parent commits a felony of the second degree if he knowingly:

(1) restrains another unlawfully in circumstances exposing him to risk of serious bodily injury; or

(2) holds another in a condition of involuntary servitude.

(c) Unlawful restraint of minor where offender is victim's parent.—If the victim is a person under 18 years of age, a parent of the victim commits a felony of the second degree if he knowingly:

(1) restrains another unlawfully in circumstances exposing him to risk of serious bodily injury; or

(2) holds another in a condition of involuntary servitude.

(d) Definition.—As used in this section the term "parent" means a natural parent, stepparent, adoptive parent or guardian of a minor.

§ 2903. False imprisonment.

(a) Offense defined.—[A person commits an offense] *Except as provided under subsection (b) or (c), a person commits a misdemeanor of the second degree* if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

[(b) Grading.—

(1) Except as provided in paragraph (2), an offense under subsection (a) is a misdemeanor of the second degree.

(2) If the victim of the offense is an individual under 18 years of age, an offense under subsection (a) is a felony of the second degree.]

(b) False imprisonment of a minor where offender is not victim's parent.—If the victim is a person under 18 years of age, a person who is not the victim's parent commits a felony of the second degree if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

(c) False imprisonment of a minor where offender is victim's parent.—If the victim is a person under 18 years of age, a parent of the victim commits a felony of the second degree if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

(d) Definition.—As used in this section the term "parent" means a natural parent, stepparent, adoptive parent or guardian of a minor.

§ 3122.1. Statutory sexual assault.

(a) Felony of the second degree.—Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant *to whom the person is not married who is* under the age of 16 years and that person is *either:*

(1) four [or more] years older *but less than eight years older* than the complainant [and the complainant and the person are not married to each other.]; or

(2) *eight years older but less than 11 years older than the complainant.*

(b) Felony of the first degree.—A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

§ 3124.2. Institutional sexual assault.

(a) General rule.—Except as provided *under subsection (a.1) and* in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.

(a.1) Institutional sexual assault of a minor.—A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident who is under 18 years of age.

(a.2) Schools.—

(1) *Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.*

(2) *As used in this subsection, the following terms shall have the meanings given to them in this paragraph:*

(i) *"Direct contact." Care, supervision, guidance or control.*

(ii) *"Employee."*

(A) Includes:

(I) A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.

(II) An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

(B) The term does not include:

(I) A student employed at the school.

(II) An independent contractor or any employee of an independent contractor who has no direct contact with school students.

(iii) "School." A public or private school, intermediate unit or area vocational-technical school.

(iv) "Volunteer." The term does not include a school student.

(a.3) Child care.—Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a center for children commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child who is receiving services at the center.

(b) [Definition.—As used in this section, the term "agent" means a person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.]

Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agent." A person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution, who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

"Center for children." Includes a child day-care center, group and family day-care home, boarding home for children, a center providing

early intervention and drug and alcohol services for children or other facility which provides child-care services which are subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with the department or a county social services agency. The term does not include a youth development center, youth forestry camp, State or county juvenile detention facility and other licensed residential facility serving children and youth.

§ 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)] *Ch. 97 Subch. H (relating to registration of sexual offenders)*, 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] *Ch. 97 Subch. H*:

(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] *Ch. 97 Subch. H* or, if known, the sex offender's whereabouts;

* * *

(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)] *Ch. 97 Subch. H*.

§ 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)] *Ch. 97 Subch. H (relating to registration of sexual offenders)*;

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.

§ 4302. Incest.

[A] (a) *General rule.—Except as provided under subsection (b), a person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or*

descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. [The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.]

(b) Incest of a minor.—A person is guilty of incest of a minor, a felony of the second degree, if that person knowingly marries, cohabits with or has sexual intercourse with a complainant who is an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood and:

(1) is under the age of 13 years; or

(2) is 13 to 18 years of age and the person is four or more years older than the complainant.

(c) Relationships.—The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

§ 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) *or (a.1)* (relating to registration) or an individual who is subject to registration under 42 Pa.C.S. § [9795.1(b)(1), (2) or (3)] *9795.1(b) or who was subject to registration under former 42 Pa.C.S. § 9793 (relating to registration of certain offenders for ten years)* 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] *residence* 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] *a residence* under 42 Pa.C.S. § 9796.

(a.1) Counseling.—The following apply:

(1) An individual who is designated as a sexually violent predator commits an offense if he knowingly fails to comply with 42 Pa.C.S. § 9799.4 (relating to counseling of sexually violent predators).

(2) An individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction commits an offense if he knowingly fails to comply with that requirement, as provided in 42 Pa.C.S. § 9795.2(b)(4)(i).

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

(2) Except as set forth in paragraph (3), an individual subject to registration under 42 Pa.C.S. § 9795.1(a) *or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a period of ten years* who commits a violation of subsection (a)(1) or (2) commits a felony of the third degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) *or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a period of ten years* 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 felony of the second degree.

(4) An individual subject to registration under 42 Pa.C.S. § 9795.1(a) *or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a*

period of ten years who violates subsection (a)(3) commits a felony of the second degree.

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

(2) Except as set forth in paragraph (3), an individual subject to registration under 42 Pa.C.S. § [9795.1(b)(1), (2) or (3)] *9795.1(b) or former 42 Pa.C.S. § 9793 and who is subject to lifetime registration* who commits a violation of subsection (a)(1) or (2) commits a felony of the second degree.

(3) An individual subject to registration under 42 Pa.C.S. § [9795.1(b)(1), (2) or (3)] *9795.1(b) or former 42 Pa.C.S. § 9793 and who is subject to lifetime registration* 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 felony of the first degree.

(4) An individual subject to registration under 42 Pa.C.S. § [9795.1(b)(1), (2) or (3)] *9795.1(b) or former 42 Pa.C.S. § 9793 and who is subject to lifetime registration* who violates subsection (a)(3) commits a felony of the first degree.

(c.1) Grading for failure to comply with counseling requirements.—An individual designated as a sexually violent predator or an individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction who commits a violation of subsection (a.1) commits a misdemeanor of the first 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. *If the individual has a residence as defined in paragraph (2)*

of the definition of "residence" set forth in 42 Pa.C.S. § 9792' (relating to definitions), the individual must provide the Pennsylvania State Police with the information required under 42 Pa.C.S. § 9795.2(a)(2)(i)(A), (B) and (C).

(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.

(g) *Expiration.—This section shall expire one year after the effective date of this subsection.*

Section 1.1. Title 18 is amended by adding a section to read:

§ 4915.1. *Failure to comply with registration requirements.*

(a) *Offense defined.—An individual who is subject to registration under 42 Pa.C.S. § 9799.13 (relating to applicability) commits an offense if he knowingly fails to:*

(1) *register with the Pennsylvania State Police as required under 42 Pa.C.S. § 9799.15 (relating to period of registration), 9799.19 (relating to initial registration) or 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police);*

(2) *verify his address or be photographed as required under 42 Pa.C.S. § 9799.15, 9799.19 or 9799.25; or*

(3) *provide accurate information when registering under 42 Pa.C.S. § 9799.15, 9799.19 or 9799.25.*

(a.1) *Transients.—An individual set forth in 42 Pa.C.S. § 9799.13 who is a transient commits an offense if he knowingly fails to:*

(1) *register with the Pennsylvania State Police as required under 42 Pa.C.S. §§ 9799.15, 9799.16(b)(6) (relating to registry) and 9799.25(a)(7);*

(2) *verify the information provided in 42 Pa.C.S. §§ 9799.15 and 9799.16(b)(6) or be photographed as required under 42 Pa.C.S. § 9799.15 or 9799.25;*

(3) *provide accurate information when registering under 42 Pa.C.S. § 9799.15, 9799.16(b)(6) or 9799.25.*

(a.2) *Counseling.—The following apply:*

(1) *An individual who is designated as a sexually violent predator or sexually violent delinquent child commits an offense if he knowingly fails to comply with 42 Pa.C.S. § 6404.2(g) (relating to duration of outpatient commitment and review) or 9799.36 (relating to counseling of sexually violent predators).*

(2) *An individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction commits an offense if he knowingly fails to comply with 42 Pa.C.S. § 9799.36.*

(b) *Grading for sexual offenders who must register for 15 years.—*

¹"section 9792" in enrolled bill.

(1) Except as set forth in paragraph (3), an individual subject to registration under 42 Pa.C.S. § 9799.13 and required to register for a period of 15 years who commits a violation of subsection (a)(1) or (2) commits a felony of the third degree.

(2) An individual subject to registration under 42 Pa.C.S. § 9799.13 and required to register for a period of 15 years 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.1)(1) or (2) or a similar offense commits a felony of the second degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9799.13 and required to register for a period of 15 years who violates subsection (a)(3) commits a felony of the second degree.

(c) Grading for sexual offenders who must register for 25 years or life.—

(1) Except as set forth in paragraph (3), an individual subject to registration under 42 Pa.C.S. § 9799.13 and required to register for a period of 25 years or life who commits a violation of subsection (a)(1) or (2) commits a felony of the second degree.

(2) An individual subject to registration under 42 Pa.C.S. § 9799.13 and required to register for a period of 25 years or life 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.1)(1) or (2) or a similar offense commits a felony of the first degree.

(3) An individual subject to registration under 42 Pa.C.S. § 9799.13 and required to register for a period of 25 years or life who violates subsection (a)(3) commits a felony of the first degree.

(c.1) Grading for sexual offenders who are transients who must register for 15 years.—

(1) Except as set forth in paragraph (2) or (3), an individual subject to registration under 42 Pa.C.S. § 9799.13 who is a transient who must register for 15 years commits a felony of the third degree if the individual violates subsection (a.1)(1) or (2).

(2) An individual subject to registration under 42 Pa.C.S. § 9799.13 who is a transient who must register for 15 years commits a felony of the second degree if the individual violates subsection (a.1)(3).

(3) An individual subject to registration under 42 Pa.C.S. § 9799.13 who is a transient who must register for a period of 15 years commits a felony of the second degree if the individual violates subsection (a.1)(1) or (2) and has been previously convicted of an offense under subsection (a)(1) or (2) or (a.1)(1) or (2) or a similar offense.

(c.2) Grading for sexual offenders who are transients who must register for 25 years or life.—

(1) Except as set forth in paragraph (2) or (3), an individual subject to registration under 42 Pa.C.S. § 9799.13 who is a transient who must register for a period of 25 years or life commits a felony of the second degree if the individual violates subsection (a.1)(1) or (2).

(2) An individual who is subject to registration under 42 Pa.C.S. § 9799.13 who is a transient who must register for a period of 25 years or

life commits a felony of the first degree if the individual violates subsection (a.1)(3).

(3) An individual subject to registration under 42 Pa.C.S. § 9799.13 who is a transient who must register for a period of 25 years or life commits a felony of the first degree if the individual violates subsection (a.1)(1) or (2) and has been previously convicted of an offense under subsection (a)(1) or (2) or (a.1)(1) or (2) or a similar offense.

(c.3) Grading for failure to comply with counseling requirements.—An individual designated as a sexually violent predator or sexually violent delinquent child or an individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction commits a misdemeanor of the first degree if the individual violates subsection (a.2).

(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. § 9799.25 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. § 9799.25 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. This subparagraph includes an individual who is a transient, in which case the individual must, in addition to other information required under this subparagraph, provide the information set forth in 42 Pa.C.S. § 9799.16(b)(6).

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

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Sexually violent delinquent child." The term shall have the meaning given to it in 42 Pa.C.S. § 9799.12 (relating to definitions).

"Sexually violent predator." *The term shall have the meaning given to it in 42 Pa.C.S. § 9799.12 (relating to definitions).*

"Similar offense." *An offense similar to an offense under either subsection (a)(1) or (2) under the laws of this Commonwealth, another jurisdiction or a foreign country or a military offense, as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).*

"Transient." *The term shall have the meaning given to it in 42 Pa.C.S. § 9799.12 (relating to definitions).*

Section 1.2. Sections 5902 and 5903(a)(3), (4) and (5), (b) and (e)(1) of Title 18 are amended to read:

§ 5902. Prostitution and related offenses.

(a) Prostitution.—A person is guilty of prostitution if he or she:

(1) is an inmate of a house of prostitution or otherwise engages in sexual activity as a business; or

(2) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

(a.1) Grading of offenses under subsection (a).—An offense under subsection (a) constitutes a:

(1) Misdemeanor of the third degree when the offense is a first or second offense.

(2) Misdemeanor of the second degree when the offense is a third offense.

(3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.

(4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).

(b) Promoting prostitution.—A person who knowingly promotes prostitution of another commits a misdemeanor or felony as provided in subsection (c) of this section. The following acts shall, without limitation of the foregoing, constitute promoting prostitution:

(1) owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business;

(2) procuring an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate;

(3) encouraging, inducing, or otherwise intentionally causing another to become or remain a prostitute;

(4) soliciting a person to patronize a prostitute;

(5) procuring a prostitute for a patron;

(6) transporting a person into or within this Commonwealth with intent to promote the engaging in prostitution by that person, or procuring or paying for transportation with that intent;

(7) leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or the promotion of prostitution, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means; or

(8) soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.

(b.1) Promoting prostitution of minor.—*A person who knowingly promotes prostitution of a minor commits a felony of the third degree. The following acts shall, without limitation of the foregoing, constitute promoting prostitution of a minor:*

(1) owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business in which a victim is a minor;

(2) procuring an inmate who is a minor for a house of prostitution or a place in a house of prostitution where a minor would be an inmate;

(3) encouraging, inducing or otherwise intentionally causing a minor to become or remain a prostitute;

(4) soliciting a minor to patronize a prostitute;

(5) procuring a prostitute who is a minor for a patron;

(6) transporting a minor into or within this Commonwealth with intent to promote the engaging in prostitution by that minor, or procuring or paying for transportation with that intent;

(7) leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution of a minor or the promotion of prostitution of a minor, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities or other legally available means;
or

(8) soliciting, receiving or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.

(c) Grading of offenses under subsection (b).—

(1) An offense under subsection (b) constitutes a felony of the third degree if:

(i) the offense falls within paragraphs (b)(1), (b)(2) or (b)(3);

(ii) the actor compels another to engage in or promote prostitution;

[(iii) the actor promotes prostitution of a child under the age of 16 years, whether or not he is aware of the age of the child;]

(iv) the actor promotes prostitution of his spouse, child, ward or any person for whose care, protection or support he is responsible; or

(v) the person knowingly promoted prostitution of another who was HIV positive or infected with the AIDS virus.

(2) Otherwise the offense is a misdemeanor of the second degree.

(d) Living off prostitutes.—A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is knowingly supported in whole or substantial part by the proceeds of prostitution is promoting prostitution in violation of subsection (b) of this section.

(e) Patronizing prostitutes.—A person commits the offense of patronizing prostitutes if that person hires a prostitute or any other person to engage in sexual activity with him or her or if that person enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

(e.1) Grading of offenses under subsection (e).—An offense under subsection (e) constitutes a:

(1) Misdemeanor of the third degree when the offense is a first or second offense.

(2) Misdemeanor of the second degree when the offense is a third offense.

(3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.

(4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).

(e.2) Publication of sentencing order.—A court imposing a sentence for a second or subsequent offense committed under subsection (e) shall publish the sentencing order in a newspaper of general circulation in the judicial district in which the court sits, and the court costs imposed on the person sentenced shall include the cost of publishing the sentencing order.

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

"House of prostitution." Any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.

"Inmate." A person who engages in prostitution in or through the agency of a house of prostitution.

"Minor." An individual under 18 years of age.

"Public place." Any place to which the public or any substantial group thereof has access.

"Sexual activity." Includes homosexual and other deviate sexual relations.

§ 5903. Obscene and other sexual materials and performances.

(a) Offenses defined.—No person, knowing the obscene character of the materials or performances involved, shall:

* * *

(3) (i) design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials; *or*

(ii) *design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials in which a minor is depicted;*

(4) (i) write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom, or by what means any obscene materials can be purchased, obtained or had; *or*

(ii) *write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom or by what means any obscene materials can be purchased, obtained or had in which a minor is included;*

(5) (i) produce, present or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity; *or*

(ii) *produce, present or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity if a minor is included;*

* * *

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

"Community." For the purpose of applying the "contemporary community standards" in this section, community means the State.

"Knowing." As used in subsections (a) and (a.1), knowing means having general knowledge of, or reason to know or a belief or ground for belief which warrants further inspection or inquiry of, the character and content of any material or performance described therein which is reasonably susceptible of examination by the defendant.

"Material." Any literature, including any book, magazine, pamphlet, newspaper, storypaper, bumper sticker, comic book or writing; any figure, visual representation, or image, including any drawing, photograph, picture, videotape or motion picture.

"Minor." An individual under 18 years of age.

"Nude." Means showing the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or showing the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

"Obscene." Any material or performance, if:

(1) the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;

(2) the subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this section; and

(3) the subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

"Performance." Means any play, dance or other live exhibition performed before an audience.

"Sadomasochistic abuse." Means, in a sexual context, flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or in a bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.

"Sexual conduct." Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality; and patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibition of the genitals.

"Subject line." The area of an electronic communication that contains a summary description of the content of the message.

"Transportation facility." Any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, rail,

motor vehicle or any other method, including aircraft, watercraft, railroad cars, buses, and air, boat, railroad and bus terminals and stations.

* * *

(e) Definitions.—As used in subsections (c) and (d) of this section:

[(1) "Minor" means any person under the age of 18 years.]

* * *

Section 2. Section 6707(2)(ii) of Title 23 is amended to read:
§ 6707. Agency use of designated address.

State and local government agencies shall accept the substitute address designated on a valid program participation card issued to the program participant by the Office of Victim Advocate as the program participant's address except as follows:

* * *

(2) when the program participant is any of the following:

* * *

(ii) a convicted sexual offender who has fulfilled the offender's sentence but must register the offender's community residence as required under 42 Pa.C.S. [§§ 9795.1 (relating to registration) and 9795.2 (relating to registration procedures and applicability)] *Ch. 97 Subch. H (relating to registration of sexual offenders)* or any similar registration requirement imposed by any other jurisdiction.

Section 3. Sections 6358(a) and (b), 6403(a)(2), (b)(3) and (d) and 6404 of Title 42 are amended to read:

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

(a) General rule.—A child who has been found to be delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest) who is committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) and who remains in *any such institution or* facility upon attaining 20 years of age shall be subject to an assessment by the board.

(b) Duty of probation officer.—Ninety days prior to the 20th birthday of the child, the probation officer shall have the duty to notify the board of the status of the delinquent child and the institution or other facility where the child is presently committed. The probation officer shall assist the board in obtaining access to the child and any information required by the board to perform the assessment, *including, but not limited to, the child's official court record and complete juvenile probation file.*

* * *

§ 6403. Court-ordered involuntary treatment.

(a) Persons subject to involuntary treatment.—A person may be subject to court-ordered commitment for involuntary treatment under this chapter if the person:

* * *

(2) Has been committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) and remains in

[the] *any such* institution or [other] facility upon attaining 20 years of age.

* * *

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

* * *

(3) The court shall set a date for the hearing which shall be held within 30 days of the filing of the petition pursuant to paragraph (1) and direct the person to appear for the hearing. A copy of the petition and notice of the hearing date shall be served on the person, the attorney who represented the person at the most recent dispositional review hearing pursuant to section 6358(e) and the county solicitor or a designee. *A copy of the petition, the assessment and notice of the hearing date shall also be provided to the director of the facility operated by the department pursuant to section 6406(a) (relating to duty of Department of Public Welfare).* The person and the attorney who represented the person shall, along with copies of the petition, also be provided with written notice advising that the person has the right to counsel and that, if he cannot afford one, counsel shall be appointed for the person.

* * *

(d) Determination and order.—Upon a finding by clear and convincing evidence that the person has a mental abnormality or personality disorder which results in serious difficulty in controlling sexually violent behavior that makes the person likely to engage in an act of sexual violence, an order shall be entered directing the immediate commitment of the person for [inpatient] involuntary *inpatient* treatment to a facility designated by the department. The order shall be in writing and shall be consistent with the protection of the public safety and the appropriate control, care and treatment of the person. An appeal shall not stay the execution of the order. *If the court does not order the person to be committed for involuntary inpatient treatment by the department, the court shall order the director of the facility operated by the department pursuant to section 6406(a) to destroy the facility's copy of the petition and the assessment.*

§ 6404. Duration of *inpatient* commitment and review.

(a) Initial period of commitment.—The person shall be subject to a period of commitment for inpatient treatment for one year.

(b) Annual review.—

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

(2) The court shall schedule a review hearing which shall be conducted pursuant to section 6403(c) (relating to court-ordered involuntary treatment) and which shall be held no later than 30 days after receipt of both the evaluation and the assessment under paragraph (1). Notice of the review hearing shall be provided to the person, the attorney who represented the person at the previous hearing held pursuant to this subsection or section 6403, the district attorney and the county solicitor or a designee. The person and the person's attorney shall also be provided with written notice advising that the person has the right to counsel and that, if he cannot afford one, counsel shall be appointed for the person. If

the court determines by clear and convincing evidence that the person continues to have serious difficulty controlling sexually violent behavior *while committed for inpatient treatment* due to a mental abnormality or personality disorder that makes the person likely to engage in an act of sexual violence, the court shall order an additional period of involuntary *inpatient* treatment of one year; otherwise, the court shall order the [discharge of] *department, in consultation with the board, to develop an outpatient treatment plan* for the person. The order shall be in writing and shall be consistent with the protection of the public safety and appropriate control, care and treatment of the person.

(c) **[Discharge] Outpatient treatment plan.—**

(1) If at any time the director or a designee of the facility to which the person was committed concludes the person no longer has serious difficulty in controlling sexually violent behavior *in an inpatient setting*, the director shall petition the court for a hearing. Notice of the petition shall be given to the person, the attorney who represented the person at the previous hearing held pursuant to subsection (b) or section 6403, the board, the district attorney and the county solicitor. The person and the person's attorney shall also be provided with written notice advising that the person has the right to counsel and that, if he cannot afford one, counsel shall be appointed for the person.

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

(3) Within 15 days after the receipt of the assessment from the board, the court shall hold a hearing pursuant to section 6403(c). If the court determines by clear and convincing evidence that the person continues to have serious difficulty controlling sexually violent behavior *while committed for inpatient treatment* due to a mental abnormality or personality disorder that makes the person likely to engage in an act of sexual violence, the court shall order that the person be subject to the remainder of the period of *inpatient* commitment. Otherwise, the court shall order the [discharge of] *department, in consultation with the board, to develop an outpatient treatment plan* for the person.

(4) The department shall provide the person with notice of the person's right to petition the court for [discharge] *transfer to involuntary outpatient treatment* over the objection of the department. The court, after review of the petition, may schedule a hearing pursuant to section 6403(c).

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

(6) *The department shall provide a copy of the outpatient treatment plan to the court, the person, the attorney who represented the person at the most recent hearing pursuant to section 6403, the board, the district attorney and the county solicitor or a designee.*

(d) **Prohibition on discharge.—***The court shall not order discharge from involuntary treatment until the person has completed involuntary*

outpatient treatment pursuant to section 6404.2 (relating to duration of outpatient commitment and review).

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

§ 6404.1. Transfer to involuntary outpatient treatment.

The court may approve or disapprove an outpatient treatment plan. Upon approval of an outpatient treatment plan, the court shall order transfer of the person to involuntary outpatient treatment pursuant to section 6404.2 (relating to duration of outpatient commitment and review).

§ 6404.2. Duration of outpatient commitment and review.

(a) Terms and conditions.—If a court has ordered the transfer of the person to involuntary outpatient treatment pursuant to section 6404.1 (relating to transfer to involuntary outpatient treatment), the court may, in its discretion, specify the terms and conditions of the outpatient commitment, including, but not limited to:

(1) Absolute compliance with the outpatient treatment plan.

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

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

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

(5) Periodic polygraph tests.

(b) Duration.—The court shall order involuntary outpatient treatment for a period of one year.

(c) Status reports.—An involuntary outpatient treatment provider shall submit a report on the person's status and clinical progress, on a form prescribed by the department, to the facility operated by the department pursuant to section 6406(a) (relating to duty of Department of Public Welfare), not less than every 30 days.

(d) Failure to comply.—If an involuntary outpatient treatment provider becomes aware that the person has violated any provision of the treatment plan or any term or condition specified pursuant to subsection (a) or the provider concludes that the person is having serious difficulty controlling sexually violent behavior in an outpatient setting due to a mental abnormality or personality disorder that makes the person likely to engage in an act of sexual violence, the provider shall immediately notify the facility operated by the department pursuant to section 6406(a). The facility shall notify the court by the close of the next business day.

(e) Revocation of transfer.—Upon receiving notice pursuant to subsection (d) that the person has violated a material term or condition of transfer specified pursuant to subsection (a) or that the person is having serious difficulty controlling sexually violent behavior in an outpatient setting due to a mental abnormality or personality disorder that makes the person likely to engage in an act of sexual violence, the court shall revoke the transfer to involuntary outpatient treatment and order the immediate return to involuntary inpatient treatment without a prior hearing. The court may issue a warrant requiring any law enforcement officer or any person authorized by the court to take the person into custody and return the person to involuntary inpatient treatment. The person may file a

written request for a hearing after revocation of the transfer to involuntary treatment. The court shall conduct a hearing pursuant to section 6403(c) (relating to court-ordered involuntary treatment) within ten days of filing of the request.

(f) Annual review and discharge.—

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

(2) The court shall schedule a review hearing which shall be conducted pursuant to section 6403(c) and which shall be held no later than 30 days after receipt of both the evaluation and the assessment under paragraph (1). Notice of the review hearing shall be provided to the person, the attorney who represented the person at the previous hearing held pursuant to section 6403, the district attorney and the county solicitor or a designee. The person and the person's attorney shall also be provided with written notice advising that the person has the right to counsel and that, if the person cannot afford one, counsel shall be appointed for the person. If the court determines by clear and convincing evidence that the person has serious difficulty controlling sexually violent behavior due to a mental abnormality or personality disorder that makes the person likely to engage in an act of sexual violence, the court shall order an additional period of involuntary inpatient treatment of one year; otherwise, the court shall order the discharge of the person and inform the person on the record and in open court of the person's obligation to attend counseling under subsection (g), including the penalty for failing to attend counseling under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements). The order shall be in writing and shall be consistent with the protection of the public safety and appropriate control, care and treatment of the person. Upon discharge, the person shall attend counseling under subsection (g).

(g) Counseling of sexually violent delinquent children.—For the time period under section 9799.15 (relating to period of registration), a sexually violent delinquent child shall attend at least monthly counseling sessions in a program approved by the board and shall be financially responsible for all fees assessed from the counseling sessions. The board shall monitor compliance. If the sexually violent delinquent child can prove to the satisfaction of the court inability to afford to pay for the counseling sessions, the sexually violent delinquent child shall attend the counseling sessions; and the parole office shall pay the requisite fees.

Section 5. Sections 6406(a), 6409, 9718.1(a) introductory paragraph and (b)(2), 9718.2(a) and (d) and 9718.3(a) of Title 42 are amended to read:
§ 6406. Duty of Department of Public Welfare.

(a) General rule.—The department shall have the duty to provide a separate, secure State-owned facility or unit utilized solely for the control, care and treatment of persons committed pursuant to this chapter. The department shall be responsible for all costs relating to the control, care and

treatment of persons committed to **[custody] involuntary treatment** pursuant to this chapter.

* * *

§ 6409. Immunity for good faith conduct.

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

- (1) Members of the board and its agents and employees.
- (2) The department and its agents and employees.
- (3) County probation departments and their agents and employees.
- (4) ***Providers of involuntary outpatient treatment and their agents and employees.***

§ 9718.1. Sexual offender treatment.

(a) General rule.—A person, including an offender designated as a "sexually violent predator" as defined in section **[9792] 9799.12** (relating to definitions), shall attend and participate in a Department of Corrections program of counseling or therapy designed for incarcerated sex offenders if the person is incarcerated in a State institution for any of the following provisions under 18 Pa.C.S. (relating to crimes and offenses):

* * *

(b) Eligibility for parole.—For an offender required to participate in the program under subsection (a), all of the following apply:

* * *

(2) Notwithstanding paragraph (1)(iii), an offender who is a sexually violent predator is subject to section **[9799.4] 9799.36** (relating to counseling of sexually violent predators).

* * *

§ 9718.2. Sentences for **[sex] sexual** 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)] 9799.14 (relating to sexual offenses and tier system)** 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)] 9799.14** 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)] 9799.14** 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.

* * *

(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]** *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.

* * *

§ 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) *or (a.1)* (relating to registration) or a similar provision from another jurisdiction *or former section 9793 (relating to registration of certain offenders for ten years)*; 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.1)* or a similar provision from another jurisdiction *or former section 9793*; 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 or a similar provision from another jurisdiction *or former section 9793*; 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 *or former section 9793*; and

(B) violated 18 Pa.C.S. § 4915(a)(3).

* * *

Section 6. Title 42 is amended by adding a section to read:

§ 9718.4. 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) is subject to section 9799.13 (relating to applicability) and must register for a period of 15 years under section 9799.15 (relating to period of registration) or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(1) or (2) (relating to failure to comply with registration requirements).

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

(A) is subject to section 9799.13 and must register for a period of 15 years under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(3).

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

(A) is subject to section 9799.13 and must register for a period of 25 years or life under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(1) or (2).

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

(A) is subject to section 9799.13 and must register for a period of 25 years or life under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(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) is subject to section 9799.13 and must register for a period of 15 or 25 years or life under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(1) or (2).

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

(A) is subject to section 9799.13 and must register for a period of 15 or 25 years or life under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(3).

(a.1) Transients and 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) is subject to section 9799.13 and must register for a period of 15 years under section 9799.15 or a similar provision from another jurisdiction and is a transient; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(1) or (2).

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

(A) is subject to section 9799.13 and must register for a period of 15 years under section 9799.15 or a similar provision from another jurisdiction and is transient; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(3).

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

(A) is subject to section 9799.13 and must register for a period of 25 years or life under section 9799.15 or a similar provision from another jurisdiction and is transient; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(1) or (2).

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

(A) is subject to section 9799.13 and must register for a period of 25 years or life under section 9799.15 or a similar provision from another jurisdiction and is a transient; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(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) is subject to section 9799.13 and must register for a period of 15 or 25 years or life under section 9799.15 or a similar provision from another jurisdiction and is transient; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(1) or (2).

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

(A) is subject to section 9799.13 and must register for a period of 15 or 25 years or life under section 9799.15 or a similar provision from another jurisdiction and is a transient; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(3).

(b) *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 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 7. Section 9791 of Title 42 is amended to read:

§ 9791. Legislative findings and declaration of policy.

(a) Legislative findings.—It is hereby determined and declared as a matter of legislative finding:

(1) If the public is provided adequate notice and information about sexually violent predators and certain other offenders, *including those sexually violent predators and offenders who do not have a fixed place of habitation or abode*, the community can develop constructive plans to prepare themselves and their children for the offender's release. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to their children.

(2) These sexually violent predators pose a high risk of engaging in further offenses even after being released from incarceration or commitments and that protection of the public from this type of offender is a paramount governmental interest.

(3) The penal and mental health components of our justice system are largely hidden from public view and lack of information from either may result in failure of both systems to meet this paramount concern of public safety.

(4) Overly restrictive confidentiality and liability laws governing the release of information about sexually violent predators have reduced the willingness to release information that could be appropriately released under the public disclosure laws and have increased risks to public safety.

(5) Persons found to have committed such an offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

(6) Release of information about sexually violent predators to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

[(b) Declaration of policy.—It is hereby declared to be the intention of the General Assembly to protect the safety and general welfare of the people of this Commonwealth by providing for registration and community notification regarding sexually violent predators who are about to be released from custody and will live in or near their neighborhood. It is further declared to be the policy of this Commonwealth to require the exchange of relevant information about sexually violent predators among public agencies and officials and to authorize the release of necessary and relevant information about sexually violent predators to members of the general public as a means of assuring public protection and shall not be construed as punitive.]

(b) Declaration of policy.—It is hereby declared to be the intention of the General Assembly to:

(1) Protect the safety and general welfare of the people of this Commonwealth by providing for registration and community notifica-

tion regarding sexually violent predators who are about to be released from custody and will live in or near their neighborhood.

(2) Require the exchange of relevant information about sexually violent predators among public agencies and officials and to authorize the release of necessary and relevant information about sexually violent predators to members of the general public as a means of assuring public protection and shall not be construed as punitive.

(3) Address the Superior Court's opinion in the case of Commonwealth v. Wilgus, 975 A.2d 1183 (2009), by requiring offenders and sexually violent predators without a fixed place of habitation or abode to register under this subchapter.

Section 8. The definitions of "passive notification" and "residence" in section 9792 of Title 42 are amended 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:

* * *

"Passive notification." Notification pursuant to section 9798.1 (relating to information made available on the Internet *and electronic notification*) 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).

* * *

"Residence." [A location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year.] *With respect to an individual required to register under this subchapter, any of the following:*

(1) A location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year.

(2) In the case of an individual who fails to establish a residence as set forth in paragraph (1), a temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park, where the individual is lodged.

* * *

Section 9. Sections 9795.1(a) and (b) of Title 42 are amended and the section is amended by adding subsections to read: .

§ 9795.1. Registration.

(a) Ten-year registration.—[The] *Except as set forth in subsection (a.1) or (b), 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 or structure).

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) *or* (b.1) (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, conspiracy or solicitation to commit any of the offenses under paragraph (1) or subsection (b)(2).

(3) Individuals [**currently residing**] *who currently have a residence* 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 or under a former law of this Commonwealth.

(a.1) Exception to ten-year registration.—Except as provided under subsection (b), an individual considered to be an offender pursuant to section 9795.2(b) (relating to registration procedures and applicability) shall be required to register with the Pennsylvania State Police for a period less than life, the duration of which is to be determined under section 9795.2(b).

(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 or under a former law of this Commonwealth.]

(2) *Individuals convicted:*

(i) in this Commonwealth 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.

(ii) of offenses similar to the crimes cited in subparagraph (i) 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 under a former law of this Commonwealth who currently reside in this Commonwealth.

(3) Sexually violent predators.

(4) An individual who is considered to be a sexually violent predator under section 9795.2(b) or who is otherwise required to register for life under section 9795.2(b).

(d) Residents in group-based homes.—

(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals who are required to register under this chapter as sexually violent predators.

(2) A group-based home that violates paragraph (1) shall be subject to a civil penalty in the amount of \$2,500 for a first violation and in the amount of \$5,000 for a second or subsequent violation.

(3) The Pennsylvania State Police or local law enforcement agency of jurisdiction shall investigate compliance with this subsection, and the Attorney General or district attorney may commence a civil action in the court of common pleas of the county in which a group-based home is located to impose and collect from the group-based home the penalty under paragraph (2).

(4) As used in this subsection, the term "group-based home" has the meaning given to it in 61 Pa.C.S. § 6124(c) (relating to certain offenders residing in group-based homes).

Section 9.1. Sections 9795.2(a)(2)(i) and (3), (b)(4) introductory paragraph and (i) and (5) introductory paragraph and (c)(1) and (3), 9795.3(2), (2.1) and (3) and 9795.5(a)(1) of Title 42 are amended to read:

§ 9795.2. Registration procedures and applicability.

(a) Registration.—

(2) Offenders and sexually violent predators shall inform the Pennsylvania State Police within 48 hours of:

(i) Any change of residence or establishment of an additional residence or residences. *In the case of an individual who has a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792 (relating to definitions), the individual shall inform the Pennsylvania State Police of the following:*

(A) the location of a temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park, where the individual is lodged;

(B) a list of places the individual eats, frequents and engages in leisure activities and any planned destinations, including those outside this Commonwealth; and

(C) the place the individual receives mail, including a post office box.

The duty to provide the information set forth in this subparagraph shall apply until the individual establishes a residence as defined in paragraph (1) of the definition of "residence" set forth in section 9792. If the individual who has a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792 changes or adds to the places listed in this subparagraph during a 30-day period, the individual shall list these when re-registering during the next 30-day period.

* * *

(3) The [ten-year] registration period required in section 9795.1(a) *and (a.1)* (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.

* * *

(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] *has a residence*, 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 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 martial, 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 *and electronic notification*), 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.

* * *

(5) Notwithstanding the provisions of Chapter 63 (relating to juvenile matters) and except as provided in paragraph (4), an individual who **[resides] has a residence**, 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 48 hours of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:

* * *

(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,] establish a residence or** 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,] establish a residence or** be employed or enrolled as a student following his release from incarceration, parole or probation.

* * *

(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,]' have a residence or** be employed or be enrolled as a student in the municipality.

* * *

§ 9795.3. Sentencing court information.

The sentencing court shall inform offenders and sexually violent predators at the time of sentencing of the provisions of this subchapter. The court shall:

* * *

(2) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within **[ten days] 48 hours** if the offender or sexually violent predator changes residence or establishes an additional residence or residences, changes 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

"[reside]" in enrolled bill.

year or terminates employment or changes institution or location at which the person is enrolled as a student or terminates enrollment. *In order to fulfill the requirements of this paragraph, the sentencing court shall specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police of:*

(i) the location of a temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park, where the individual is lodged;

(ii) the places the individual eats, frequents and engages in leisure activities and any planned destinations, including those outside this Commonwealth; and

(iii) the place the individual receives mail, including a post office box,

if the individual fails to establish a residence as defined in paragraph (1) of the definition of "residence" set forth in section 9792 (relating to definitions).

(2.1) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within [ten days] **48 hours** of becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police.

(3) Specifically inform the offender or sexually violent predator of the duty to register with a new law enforcement agency if the offender or sexually violent predator moves to another state no later than [ten days] **48 hours** after establishing residence in another state.

* * *

§ 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 *and electronic 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.

* * *

Section 10. Section 9796(d) and (f) of Title 42 are amended and the section is amended by adding subsections to read:

§ 9796. Verification of residence.

* * *

(b.2) Monthly verification by individuals with temporary habitats located within this Commonwealth.—The Pennsylvania State Police shall verify the residence of individuals required to register under this subchapter who have a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792 (relating to definitions) every 30 days through the use of a nonforwardable verification form to the last reported location where the individual receives mail. The individual shall appear every 30 days at an approved registration site to complete a

verification form and to be photographed. The individual shall appear within 48 hours of the date designated by the Pennsylvania State Police.

(b.3) Facilitation of monthly verification.—*The Pennsylvania State Police shall facilitate and administer the verification process required by subsection (b.2) by:*

(1) sending a notice by first class United States mail to an individual required to register under this subchapter who has a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792 at the last reported location where the individual receives mail. This notice shall be sent not more than ten days nor less than five days prior to each of the monthly verification periods and shall remind the individual of the monthly verification requirement and provide a list of approved registration sites; and

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

* * *

(d) Failure to provide verification.—Where an offender or sexually violent predator fails to provide verification of residence *defined in paragraph (1) of the definition of "residence" set forth in section 9792* within the ten-day period *or the 48-hour period in the case of an offender or sexually violent predator who has a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792*, as set forth in this section, the Pennsylvania State Police shall immediately notify the municipal police department of the offender's or the sexually violent predator's last verified residence. The local municipal police shall locate the offender or sexually violent predator and arrest him for violating this section. The Pennsylvania State Police shall assume responsibility for locating the offender or sexually violent predator and arresting him in jurisdictions where no municipal police jurisdiction exists. The Pennsylvania State Police shall assist any municipal police department requesting assistance with locating and arresting an offender or sexually violent predator who fails to verify his residence.

* * *

(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)], *(b.1) or (b.3)* shall relieve that predator or offender from the requirements of this subchapter.

Section 11. Sections 9797, 9798(a)(1)(ii) and (b), 9798.1 and 9799.1(2) and (4) of Title 42 are amended to read:

§ 9797. Victim notification.

(a) Duty to inform victim.—

(1) Where the individual is determined to be a sexually violent predator by a court under section 9795.4 (relating to assessments), the local municipal police department or the Pennsylvania State Police where no municipal police jurisdiction exists shall give written notice to the sexually violent predator's victim when the sexually violent predator registers initially and when he notifies the Pennsylvania State Police of any change of residence. **[This] In the case of a sexually violent predator**

who has a residence as defined in paragraph (1) of the definition of "residence" set forth in section 9792 (relating to definitions), notice shall be given within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of address. The notice shall contain the sexually violent predator's name and the address or addresses where [he resides.] the individual has a residence. In the case of a sexually violent predator who has a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792, the notice shall contain the sexually violent predator's name and the information set forth in section 9795.2(a)(2)(i)(A) and (B) (relating to registration procedures and applicability). The notice shall be given to the victim within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of residence.

(2) A victim may terminate the duty to inform set forth in paragraph (1) by providing the local municipal police department or the Pennsylvania State Police where no local municipal police department exists with a written statement releasing that agency from the duty to comply with this section as it pertains to that victim.

(b) Where an individual is not determined to be a sexually violent predator.—Where an individual is not determined to be a sexually violent predator by a court under section 9795.4, the victim shall be notified in accordance with section 201 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act. *This subsection includes the circumstance of an offender having a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792.*

§ 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:

* * *

(ii) The address or addresses at which [he resides] *the sexually violent predator has a residence. If, however, the sexually violent predator has a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792 (relating to definitions), the notice shall be limited to that set forth in section 9795.2(a)(2)(i)(C) (relating to registration procedures and applicability).*

* * *

(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.

(2) The director of the county children and youth service agency of the county where the sexually violent predator **[resides] has a residence.**

(3) The superintendent of each school district and the equivalent official for private and parochial schools enrolling students up through grade 12 in the municipality where the sexually violent predator **[resides] has a residence.**

(3.1) The superintendent of each school district and the equivalent official for each private and parochial school located within a one-mile radius of where the sexually violent predator **[resides] has a residence.**

(4) The licensee of each certified day care center and licensed preschool program and owner/operator of each registered family day care home in the municipality where the sexually violent predator **[resides] has a residence.**

(5) The president of each college, university and community college located within 1,000 feet of a sexually violent predator's residence.

* * *

§ 9798.1. Information made available on the Internet *and electronic notification.*

(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 *and electronic notification.* 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 *and electronic notification* 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 *and electronic notification.*—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 that:

- (i) the information contained on the Internet website is accurate;
- (ii) the data therein is revised and updated as appropriate in a timely and efficient manner; and
- (iii) instructions are included on how to seek correction of information which a person contends is erroneous.

(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.

(6) Identify when the victim is a minor with a special designation. The identity of a victim of a sex offense shall not be published or posted on the Internet website.

(7) Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history record information), develop, implement and maintain a process which allows members of the public to receive electronic notification when an individual required to register under this subchapter moves into or out of a user-designated location.

(c) Information permitted to be disclosed regarding individuals.—Notwithstanding 18 Pa.C.S. Ch. 91 [**(relating to criminal history record information)**], the Internet website shall contain the following information on each individual:

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

- (i) name and all known aliases;
- (ii) year of birth;
- (iii) ***in the case of an individual who has a residence as defined in paragraph (1) of the definition of "residence" set forth in section 9792 (relating to definitions)***, the street address, municipality, county and zip code of all residences, including, where applicable, the name of the prison or other place of confinement;
- (iv) the street address, municipality, county, zip code and name of any institution or location at which the person is enrolled as a student;
- (v) the municipality, county and zip code of any employment location;
- (vi) a photograph of the offender, which shall be updated not less than annually;
- (vii) a physical description of the offender, including sex, height, weight, eye color, hair color and race;
- (viii) any identifying marks, including scars, birthmarks and tattoos;

(ix) the license plate number and description of any vehicle owned or registered to the offender;

(x) whether the offender is currently compliant with registration requirements;

(xi) whether the victim is a minor;

(xii) a description of the offense or offenses which triggered the application of this subchapter; **[and]**

(xiii) the date of the offense and conviction, if available; *and*

(xiv) in the case of an individual who has a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792, the information listed in section 9795.2(a)(2)(i)(C) (relating to registration procedures and applicability), including, where applicable, the name of the prison or other place of confinement.

(2) For all other lifetime registrants and offenders subject to registration, the information set forth in paragraph (1) shall be posted on the Internet website.

(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).

§ 9799.1. Duties of Pennsylvania State Police.

The Pennsylvania State Police shall:

* * *

(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. *This paragraph includes the duty to establish procedures to allow an individual who has a residence as defined in paragraph (2) of the definition of "residence" set forth in section 9792 (relating to definitions) to fulfill the requirements regarding registration 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.

* * *

(4) Notify, within five *business* 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**] **has a residence**, 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).

* * *

Section 12. Title 42 is amended by adding sections to read:

§ 9799.10. Purposes of subchapter.

This subchapter shall be interpreted and construed to effectuate the following purposes:

(1) *To bring the Commonwealth into substantial compliance with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587).*

(2) *To require individuals convicted of certain sexual offenses to register with the Pennsylvania State Police and to otherwise comply with this subchapter if those individuals reside within this Commonwealth, intend to reside within this Commonwealth, attend an definition institution within this Commonwealth or are employed or conduct volunteer work within this Commonwealth.*

(3) *To require individuals convicted of certain sexual offenses who fail to maintain a residence and are therefore homeless but can still be found within the borders of this Commonwealth to register with the Pennsylvania State Police.*

(4) *To require individuals who are currently subject to the criminal justice system of this Commonwealth as inmates, supervised with respect to probation or parole or registrants under this subchapter to register with the Pennsylvania State Police and to otherwise comply with this subchapter. To the extent practicable and consistent with the requirements of the Adam Walsh Child Protection and Safety Act of 2006, this subchapter shall be construed to maintain existing*

procedures regarding registration of sexual offenders who are subject to the criminal justice system of this Commonwealth.

(5) To provide a mechanism for members of the general public to obtain information about certain sexual offenders from a public Internet website and to include on that Internet website a feature which will allow a member of the public to enter a zip code or a geographic radius and determine whether a sexual offender resides within that zip code or radius.

(6) To provide a mechanism for law enforcement entities within this Commonwealth to obtain information about certain sexual offenders and to allow law enforcement entities outside this Commonwealth, including those within the Federal Government, to obtain current information about certain sexual offenders.

§ 9799.11. Legislative findings and declaration of policy.

(a) Legislative findings.—The General Assembly finds as follows:

(1) In 1995 the General Assembly enacted the act of October 24, 1995 (1st Sp.Sess. P.L.1079, No.24), commonly referred to as Megan's Law. Through this enactment, the General Assembly intended to comply with legislation enacted by Congress requiring that states provide for the registration of sexual offenders. The Federal statute, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Public Law 103-322, 42 U.S.C. 14071 et seq.), has been superseded by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587).

(2) This Commonwealth's laws regarding registration of sexual offenders need to be strengthened. The Adam Walsh Child Protection and Safety Act of 2006 provides a mechanism for the Commonwealth to increase its regulation of sexual offenders in a manner which is nonpunitive but offers an increased measure of protection to the citizens of this Commonwealth.

(3) If the public is provided adequate notice and information about sexual offenders, the community can develop constructive plans to prepare for the presence of sexual offenders in the community. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to residents, particularly children.

(4) Sexual offenders pose a high risk of committing additional sexual offenses and protection of the public from this type of offender is a paramount governmental interest.

(5) Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

(6) Release of information about sexual offenders to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

(7) Knowledge of whether a person is a sexual 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 such offenders.

(8) The technology afforded by the Internet and other modern electronic communication methods makes this information readily accessible to parents, minors and private entities, enabling them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk.

(b) Declaration of policy.—The General Assembly declares as follows:

(1) It is the intention of the General Assembly to substantially comply with the Adam Walsh Child Protection and Safety Act of 2006 and to further protect the safety and general welfare of the citizens of this Commonwealth by providing for increased regulation of sexual offenders, specifically as that regulation relates to registration of sexual offenders and community notification about sexual offenders.

(2) It is the policy of the Commonwealth to require the exchange of relevant information about sexual offenders among public agencies and officials and to authorize the release of necessary and relevant information about sexual offenders to members of the general public as a means of assuring public protection and shall not be construed as punitive.

§ 9799.12. 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:

"Approved registration site." A site in this Commonwealth approved by the Pennsylvania State Police:

(1) at which individuals subject to this subchapter may register, update and verify information or be fingerprinted and 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 the form as the Pennsylvania State Police shall require; and

(3) which is capable of submitting photographs in the form as the Pennsylvania State Police shall require.

"Board." The State Sexual Offenders Assessment Board.

"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.

"Convicted." Includes conviction by entry of plea of guilty or nolo contendere, conviction after trial and a finding of not guilty due to insanity or of guilty but mentally ill.

"Employed." Includes a vocation or employment that is full time or part time for a period of time exceeding four days during a seven-day

period or for an aggregate period of time exceeding 14 days during any calendar year, whether self-employed, volunteered, financially compensated, pursuant to a contract or for the purpose of governmental or educational benefit.

"Foreign country." Includes Canada, the United Kingdom, Australia, New Zealand and a foreign country where the United States Department of State in the Country Reports on Human Rights Practices has concluded that an independent judiciary enforced the right to a fair trial in that country during the calendar year in which the individual's conviction occurred.

"IAFIS." The Integrated Automated Fingerprint Identification System.

"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.

"Jurisdiction." A state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands and a federally recognized Indian tribe as provided in section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 42 U.S.C. § 16927).

"Juvenile offender." One of the following:

(1) An individual who was 14 years of age or older at the time the individual committed an offense which, if committed by an adult, would be classified as an offense under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault) or an attempt, solicitation or conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123 or 3125 and either:

(i) is adjudicated delinquent for such offense on or after the effective date of this section; or

(ii) has been adjudicated delinquent for such offense and on the effective date of this section is subject to the jurisdiction of the court, including commitment to an institution or facility set forth in section 6352(a)(3) (relating to a disposition of delinquent child).

(2) An individual who was 14 years of age or older at the time the individual committed an offense similar to an offense under 18 Pa.C.S. § 3121, 3123 or 3125 or an attempt, solicitation or conspiracy to commit an offense similar to an offense under 18 Pa.C.S. § 3121, 3123 or 3125 under the laws of the United States, another jurisdiction or a foreign country and was adjudicated delinquent for such an offense.

The term does not include a sexually violent delinquent child.

"Mental abnormality." A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

"Military offense." An offense specified by the United States Secretary of Defense under 10 U.S.C. § 951 (relating to establishment; organization; administration).

"Minor." Any individual under 18 years of age.

"Municipality." A city, borough, incorporated town or township.

"NCIC." The National Crime Information Center.

"Penetration." Includes any penetration, however slight, of the genitals or anus or mouth of another person with a part of the person's body or a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

"Predatory." An act directed at a stranger or at a person with whom a relationship has been initiated, established, maintained or promoted, in whole or in part, in order to facilitate or support victimization.

"Registry." The Statewide Registry of Sexual Offenders established in section 9799.16(a) (relating to registry).

"Residence." A location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year. The term includes a residence which is mobile, including a houseboat, mobile home, trailer or recreational vehicle.

"Sexual offender." An individual required to register under this subchapter.

"Sexually violent delinquent child." As defined in section 6402 (relating to definitions).

"Sexually violent offense." An offense specified in section 9799.14 (relating to sexual offenses and tier system) as a Tier I, Tier II or Tier III sexual offense.

"Sexually violent predator." An individual convicted of an offense specified in:

(1) section 9799.14(b)(1), (2), (3), (4), (5), (6), (7), (8), (9) or (10) (relating to sexual offenses and tier system) or an attempt, conspiracy or solicitation to commit any offense under section 9799.14(b)(1), (2), (3), (4), (5), (6), (7), (8), (9) or (10);

(2) section 9799.14(c)(1), (1.1), (1.2), (2), (3), (4), (5) or (6) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(c)(1), (1.1), (1.2), (2), (3), (4), (5) or (6); or

(3) section 9799.14(d)(1), (2), (3), (4), (5), (6), (7), (8) or (9) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(d)(1), (2), (3), (4), (5), (6), (7), (8) or (9)

who is determined to be a sexually violent predator under section 9799.24 (relating to assessments) due to a mental abnormality or personality disorder that makes the individual 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 jurisdiction, a foreign country or by court martial.

"Student." An individual who is enrolled in or attends a public or private educational institution within this Commonwealth on a full-time or part-time basis, including a secondary school, trade or professional institution or institution of higher education. The term does not include an

individual enrolled in an educational institution exclusively through the Internet or via correspondence courses.

"Temporary lodging." The specific location, including street address, where a sexual offender is staying when away from the sexual offender's residence for seven or more days.

"Tier I sexual offense." An offense specified in section 9799.14(b) (relating to sexual offenses and tier system).

"Tier II sexual offense." An offense specified in section 9799.14(c) (relating to sexual offenses and tier system).

"Tier III sexual offense." An offense specified in section 9799.14(d) (relating to sexual offenses and tier system).

"Transient." An individual required to register under this subchapter who does not have a residence but nevertheless resides in this Commonwealth in a temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park.

§ 9799.13. Applicability.

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

(1) An individual who, on or after the effective date of this section, has been convicted of a sexually violent offense and who has a residence within this Commonwealth or is a transient.

(1.1) An individual who, on or after the effective date of this section, has been convicted of a sexually violent offense in this Commonwealth and does not have a residence in this Commonwealth and:

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

(2) An individual who, on or after the effective date of this section, is an inmate in a State or county correctional institution of this Commonwealth, including a community corrections center or a community contract facility, is being supervised by the Pennsylvania Board of Probation and Parole or county probation or parole or is subject to a sentence of intermediate punishment and has been convicted of a sexually violent offense.

(2.1) An individual who, on or after the effective date of this section, is an inmate in a Federal correctional institution or is supervised by Federal probation authorities and has committed a sexually violent offense.

(3) An individual who is required to register with the Pennsylvania State Police under this subchapter prior to the effective date of this section who has not fulfilled the period of registration as of the effective date of this section.

(4) An individual who was required to register with the Pennsylvania State Police pursuant to former section 9795.1 (relating to registration) and:

(i) has fulfilled the period of registration provided in former section 9795.1(a) or has been removed from the registry under former section 9795.5 (relating to exemption from certain notifications); and

(ii) on or after the effective date of this section, is convicted of a sexually violent offense or convicted of an offense graded as a felony.

(4.1) An individual who was required to register under this subchapter and has fulfilled the period of registration provided in this subchapter and who, on or after the effective date of this section, is convicted of a sexually violent offense or of an offense graded as a felony.

(5) An individual who, on or after the effective date of this section, was required to register with the Pennsylvania State Police pursuant to this subchapter and:

(i) has fulfilled the period of registration provided in this subchapter; and

(ii) on or after the effective date of this section, is convicted of an offense graded as a felony.

(6) An individual who, on or after the effective date of this section, was required to register with the Pennsylvania State Police pursuant to this subchapter and:

(i) has been removed from the registry pursuant to section 9799.17 (relating to termination of period of registration for juvenile offenders); and

(ii) is subsequently convicted of an offense graded as a felony.

(7) An individual who, on or after the effective date of this section, is required to register in a sexual offender registry in another jurisdiction or in a foreign country based upon a conviction for a sexually violent offense or under a sexual offender statute in the jurisdiction where the individual is convicted and:

(i) has a residence in this Commonwealth or is a transient;

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

(7.1) An individual who, on or after the effective date of this section, is required to register in a sexual offender registry in another jurisdiction or foreign country based upon a conviction of a sexual offense which is not classified as a sexually violent offense and:

(i) has a residence in this Commonwealth;

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

(8) An individual who, on or after the effective date of this section, is a juvenile offender who was adjudicated delinquent within this Commonwealth or was adjudicated delinquent in another jurisdiction or a foreign country and:

(i) has a residence within this Commonwealth;

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

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

§ 9799.14. Sexual offenses and tier system.

(a) *Tier system established.—Sexual offenses shall be classified in a three-tiered system composed of Tier I sexual offenses, Tier II sexual offenses and Tier III sexual offenses.*

(b) *Tier I sexual offenses.—The following offenses shall be classified as Tier I sexual offenses:*

- (1) *18 Pa.C.S. § 2902(b) (relating to unlawful restraint).*
- (2) *18 Pa.C.S. § 2903(b) (relating to false imprisonment).*
- (3) *18 Pa.C.S. § 2904 (relating to interference with custody of children).*
- (4) *18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).*
- (5) *18 Pa.C.S. § 3124.2(a) (relating to institutional sexual assault).*
- (6) *18 Pa.C.S. § 3126(a)(1) (relating to indecent assault).*
- (7) *(Reserved).*
- (8) *18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors).*
- (9) *18 Pa.C.S. § 6312(d) (relating to sexual abuse of children).*
- (10) *18 Pa.C.S. § 7507.1. (relating to invasion of privacy).*
- (11) *18 U.S.C. § 1801 (relating to video voyeurism).*
- (12) *18 U.S.C. § 2252 (relating to certain activities relating to material involving the sexual exploitation of minors).*
- (13) *18 U.S.C. § 2252A (relating to certain activities relating to material constituting or containing child pornography).*
- (14) *18 U.S.C. § 2252B (relating to misleading domain names on the Internet).*
- (15) *18 U.S.C. § 2252C (relating to misleading words or digital images on the Internet).*
- (16) *18 U.S.C. § 2422(a) (relating to coercion and enticement).*
- (17) *18 U.S.C. § 2423(b) (relating to transportation of minors).*
- (18) *18 U.S.C. § 2423(c).*
- (19) *18 U.S.C. § 2424 (relating to filing factual statement about alien individual).*
- (20) *18 U.S.C. § 2425 (relating to use of interstate facilities to transmit information about a minor).*
- (21) *A comparable military offense or similar offense under the laws of another jurisdiction or foreign country.*
- (22) *An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20) or (21).*

(c) *Tier II sexual offenses.—The following offenses shall be classified as Tier II sexual offenses:*

- (1) *18 Pa.C.S. § 3122.1(a)(2) (relating to statutory sexual assault).*
- (1.1) *18 Pa.C.S. § 3124.2(a.2) and (a.3).*

(1.2) 18 Pa.C.S. § 3126(a)(2), (3), (4), (5), (6) or (8).

(2) 18 Pa.C.S. § 5902(b.1) (relating to prostitution and related offenses).

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

(4) 18 Pa.C.S. § 6312(b) and (c).

(5) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(6) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(7) 18 U.S.C. § 1591 (relating to sex trafficking of children by force, fraud, or coercion).

(8) 18 U.S.C. § 2243 (relating to sexual abuse of a minor or ward).

(9) 18 U.S.C. § 2244 (relating to abusive sexual contact).

(10) 18 U.S.C. § 2251 (relating to sexual exploitation of children).

(11) 18 U.S.C. § 2251A (relating to selling or buying of children).

(12) 18 U.S.C. § 2252.

(13) 18 U.S.C. § 2260 (relating to production of sexually explicit depictions of a minor for importation into the United States).

(14) 18 U.S.C. § 2421 (relating to transportation generally).

(15) 18 U.S.C. § 2422(b).

(16) 18 U.S.C. § 2423(a).

(17) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country.

(18) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16) or (17).

(d) Tier III sexual offenses.—The following offenses shall be classified as Tier III sexual offenses:

(1) 18 Pa.C.S. § 2901(a.1) (relating to kidnapping).

(2) 18 Pa.C.S. § 3121 (relating to rape).

(3) 18 Pa.C.S. § 3122.1(b) (relating to statutory sexual assault).

(4) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(5) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(6) 18 Pa.C.S. § 3124.2(a.1).

(7) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(8) 18 Pa.C.S. § 3126(a)(7).

(9) 18 Pa.C.S. § 4302(b) (relating to incest).

(10) 18 U.S.C. § 2241 (relating to aggravated sexual abuse).

(11) 18 U.S.C. § 2242 (relating to sexual abuse).

(12) 18 U.S.C. § 2244.

(13) A comparable military offense or similar offense under the laws of another jurisdiction or country.

(14) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) or (13).

(15) An offense listed as a Tier II sexual offense where there is a subsequent conviction for an offense graded as a felony.

(16) Two or more convictions of offenses listed as Tier I or Tier II sexual offenses.

§ 9799.15. *Period of registration.*

(a) *Period of registration.*—Subject to subsection (c), an individual specified in section 9799.13 (relating to applicability) shall register with the Pennsylvania State Police as follows:

(1) *An individual convicted of a Tier I sexual offense shall register for a period of 15 years.*

(2) *An individual convicted of a Tier II sexual offense shall register for a period of 25 years.*

(3) *An individual convicted of a Tier III sexual offense shall register for the life of the individual.*

(4) *A juvenile offender shall register for the life of the individual.*

(5) *A sexually violent delinquent child shall register for the life of the individual.*

(6) *A sexually violent predator shall register for the life of the individual.*

(7) *An individual subject to registration under section 9799.13 shall register for the period of time equal to the time for which the individual was required to register in another jurisdiction or foreign country.*

(b) *Commencement of registration.*—The following apply:

(1) *The period of registration set forth in subsection (a) shall commence as follows:*

(i) *For an individual convicted of a sexually violent offense in this Commonwealth, the period of registration shall commence upon:*

(A) *release from incarceration in a State or county correctional facility, including release to a community correction center or community contract facility;*

(B) *parole or a sentence of probation; or*

(C) *a sentence of State or county intermediate punishment in which the person is not sentenced to a period of incarceration.*

(ii) *For an individual who is a juvenile offender, the period of registration shall commence upon:*

(A) *release from an institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child), if the juvenile offender is, on or after the effective date of this section, subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is under court-ordered placement in an institution or facility set forth in section 6352(a)(3); or*

(B) *disposition, if the juvenile offender is, on or after the effective date of this section, subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is placed on probation or is otherwise subject to jurisdiction of a court pursuant to a disposition under section 6352 that did not involve out-of-home placement.*

(iii) *For a sexually violent delinquent child, the period of registration shall commence upon transfer to involuntary outpatient*

treatment pursuant to section 6404.1¹ (relating to transfer to involuntary outpatient treatment).

(iv) For an individual who is convicted of a sexually violent offense in another jurisdiction or foreign country or a comparable military offense, the period of registration shall commence upon establishment of a residence or commencement of employment or enrollment as a student within this Commonwealth. This subparagraph shall apply to an individual convicted of a sexually violent offense in another jurisdiction or foreign country or comparable military offense and who is a transient.

(2) Notwithstanding the provisions of paragraph (1), an individual specified in section 9799.13 shall initially register with the Pennsylvania State Police as set forth in section 9799.19 (relating to initial registration).

(c) Period of registration tolled.—The following shall apply:

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

(i) incarcerated in a State or county correctional institution, excluding a community contract facility or community corrections center;

(ii) subject to a sentence of intermediate punishment which is restrictive and where the individual is sentenced to a period of incarceration;

(iii) committed to an institution or facility set forth in section 6352(a)(3); or

(iv) committed to and receiving involuntary inpatient treatment in the State-owned facility or unit set forth in Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).

(2) This subsection shall apply to an individual specified in section 9799.13 who is recommitted to a State or county correctional institution for a parole violation or who has been sentenced to an additional term of imprisonment. In the case of recommitment, the Department of Corrections or the county correctional facility shall notify the Pennsylvania State Police of the admission of the individual.

(d) Sexually violent predators.—An individual convicted of a Tier I sexual offense, a Tier II sexual offense or a Tier III sexual offense who is determined to be a sexually violent predator under section 9799.24 (relating to assessments) shall register for the life of the individual.

(e) Periodic in-person appearance required.—Except as provided in subsection (f) and subject to subsections (g) and (h), an individual specified in section 9799.13 shall appear in person at an approved registration site to provide or verify the information set forth in section 9799.16(b) (relating to registry) and to be photographed as follows:

(1) An individual convicted of a Tier I sexual offense shall appear annually.

(2) An individual convicted of a Tier II sexual offense shall appear semiannually.

¹"6401.1" in enrolled bill.

(3) An individual convicted of a Tier III sexual offense shall appear quarterly.

(4) An individual required to register pursuant to section 9799.13(7.1) shall appear annually.

(f) Sexually violent predators.—An individual convicted of a Tier I sexual offense, a Tier II sexual offense or a Tier III sexual offense who is determined to be a sexually violent predator under section 9799.24 shall appear in person at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed quarterly.

(g) In-person appearance to update information.—In addition to the periodic in-person appearance required in subsection (e), an individual specified in section 9799.13 shall appear in person at an approved registration site within three business days to provide current information relating to:

(1) A change in name, including an alias.

(2) A commencement of residence, change in residence, termination of residence or failure to maintain a residence, thus making the individual a transient.

(3) Commencement of employment, a change in the location or entity in which the individual is employed or a termination of employment.

(4) Initial enrollment as a student, a change in enrollment as a student or termination as a student.

(5) An addition and a change in telephone number, including a cell phone number, or a termination of telephone number, including a cell phone number.

(6) An addition, a change in and termination of a motor vehicle owned or operated, including watercraft or aircraft. In order to fulfill the requirements of this paragraph, the individual must provide any license plate numbers and registration numbers and other identifiers and an addition to or change in the address of the place the vehicle is stored.

(7) A commencement of temporary lodging, a change in temporary lodging or a termination of temporary lodging. In order to fulfill the requirements of this paragraph, the individual must provide the specific length of time and the dates during which the individual will be temporarily lodged.

(8) A change in or termination of e-mail address, instant message address or any other designations used in Internet communications or postings.

(9) An addition, change in or termination of information related to occupational and professional licensing, including type of license held and license number.

(h) Transients, juvenile offenders and sexually violent delinquent children.—If the individual specified in section 9799.13 is a transient, a juvenile offender or a sexually violent delinquent child, the following apply:

(1) *If the individual is a transient, the individual shall appear in person at an approved registration site to provide or to verify the information set forth in section 9799.16(b) and to be photographed monthly. The duty to appear in person monthly and to be photographed shall apply until a transient establishes a residence. In the event a transient establishes a residence, the requirement of periodic in-person appearances set forth in subsection (e)¹ shall apply.*

(2) *If the individual is a juvenile offender, the individual shall appear at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed quarterly.*

(3) *If the individual is a sexually violent delinquent child, the individual shall appear at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed quarterly.*

(i) *International travel.—In addition to the periodic in-person appearance required in subsection (e)², an individual specified in section 9799.13 shall appear in person at an approved registration site no less than 21 days in advance of traveling outside of the United States. The individual shall provide the following information:*

(1) *Dates of travel, including date of return to the United States.*

(2) *Destinations.*

(3) *Temporary lodging.*

§ 9799.16. Registry.

(a) *Establishment.—There is established a Statewide registry of sexual offenders in order to carry out the provisions of this subchapter. The Pennsylvania State Police shall create and maintain the registry. The registry shall maintain a complete and systematic index of all records required regarding sexual offenders in order to comply with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587). The registry shall:*

(1) *Be composed of an electronic database and digitized records.*

(2) *Be able to communicate with the Sex Offender Registration and Notification Act Exchange Portal developed by the United States Department of Justice, the National Sex Offender Registry or any successor database which is maintained by the Department of Justice and the Dru Sjodin National Sex Offender Public Internet Website maintained by the Department of Justice.*

(3) *Be able to communicate with sexual offender registries established in other jurisdictions.*

(b) *Information provided by sexual offender.—An individual specified in section 9799.13 (relating to applicability) shall provide the following information which shall be included in the registry:*

(1) *Primary or given name, including an alias used by the individual, nickname, pseudonym, ethnic or tribal name, regardless of the context used and any designations or monikers used for self-identification in Internet communications or postings.*

¹(c)" in enrolled bill.

²(c)" in enrolled bill.

(2) Designation used by the individual for purposes of routing or self-identification in Internet communications or postings.

(3) Telephone number, including cell phone number, and any other designation used by the individual for purposes of routing or self-identification in telephonic communications.

(4) Valid Social Security number issued to the individual by the Federal Government and purported Social Security number.

(5) Address of each residence or intended residence. If the individual enters this Commonwealth and fails to maintain a residence and is therefore a transient, the individual shall provide information for the registry as set forth in paragraph (6).

(6) If the individual is a transient, the individual shall provide information about the transient's temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park. In addition, the transient shall provide a list of places the transient eats, frequents and engages in leisure activities and any planned destinations, including those outside this Commonwealth. If the transient changes or adds to the places listed under this paragraph during a 30-day period, the transient shall list these when registering as a transient during the next 30-day period. In addition, the transient shall provide the place the transient receives mail, including a post office box. If the transient has been designated as a sexually violent predator, the transient shall state whether he is in compliance with section 9799.36 (relating to counseling of sexually violent predators). The duty to provide the information set forth in this paragraph shall apply until the transient establishes a residence. In the event a transient establishes a residence, the requirements of section 9799.15(e) (relating to period of registration) shall apply.

(7) Temporary lodging. In order to fulfill the requirements of this paragraph, the individual must provide the specific length of time and the dates during which the individual will be temporarily lodged.

(8) A passport and documents establishing immigration status, which shall be copied in a digitized format for inclusion in the registry.

(9) Name and address where the individual is employed or will be employed. In order to fulfill the requirements of this paragraph, if the individual is not employed in a fixed workplace, the individual shall provide information regarding general travel routes and general areas where the individual works.

(10) Information relating to occupational and professional licensing, including type of license held and the license number.

(11) Name and address where the individual is a student or will be a student.

(12) Information relating to motor vehicles owned or operated by the individual, including watercraft and aircraft. In order to fulfill the requirements of this paragraph, the individual shall provide a description of each motor vehicle, watercraft or aircraft. The individual shall provide a license plate number, registration number or other identification number and the address of the place where a vehicle is stored. In addition, the individual shall provide the individual's license

to operate a motor vehicle or other identification card issued by the Commonwealth, another jurisdiction or a foreign country so that the Pennsylvania State Police can fulfill its responsibilities under subsection (c)(7).

(13) Actual date of birth and purported date of birth.

(14) Form signed by the individual acknowledging the individual's obligations under this subchapter provided in accordance with section 9799.23 (relating to court notification and classification requirements).

(c) Criminal justice information.—The Pennsylvania State Police shall ensure that the following information is included in the registry:

(1) Physical description of the individual, including a general physical description and tattoos, scars and other identifying marks.

(2) Text of the statute defining the criminal offense for which the individual is registered.

(3) Criminal history record information of the individual, including:

(i) Dates of arrests and convictions.

(ii) Status of probation, parole or supervised release.

(iii) Whether the individual is in compliance with requirements regarding this subchapter or has absconded.

(iv) Existence of any outstanding warrants.

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

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

(ii) parole or other supervised release, including release to a community corrections center or a community contract facility;

(iii) commencement of a sentence of intermediate punishment;
or

(iv) any other form of supervised release.

(5) Set of fingerprints and palm prints of the individual. In order to fulfill the requirements of this paragraph, the palm prints shall be taken for the purpose of submission to the Federal Bureau of Investigation Central Database. The palm prints shall be submitted for entry into the database.

(6) DNA sample of the individual. In order to fulfill the requirements of this paragraph, the sample shall be taken for the purpose of analysis and entry into the Combined DNA Index System (CODIS). In addition, the sample shall be analyzed and submitted for entry into CODIS.

(7) *Photocopy of valid driver's license or identification card issued to the individual by the Commonwealth, another jurisdiction or a foreign country.*

(d) *Cooperation.—The Pennsylvania State Police shall cooperate with State and county correctional institutions, the Pennsylvania Board of Probation and Parole, the county office of probation and parole, any court with jurisdiction over a sexual offender, the chief juvenile probation officer of the court, juvenile probation and parole and the Department of Public Welfare to ensure that the information set forth in subsections (b) and (c) is provided and placed in the registry.*

§ 9799.17. *Termination of period of registration for juvenile offenders.*

(a) *Juvenile offender.—An individual who is a juvenile offender shall have the requirement to register terminated if all of the following apply:*

(1) *At least 25 years have elapsed since the individual was:*

(i) *adjudicated delinquent for an offense which, if committed by an adult, would be classified as an offense under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault) or an attempt, solicitation or conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123 or 3125, excluding time spent under the supervision of the court, including commitment to an institution or facility set forth in section 6352(a)(3) (relating to deposition of delinquent child); or*

(ii) *adjudicated delinquent for an offense in another jurisdiction which is similar to that which if committed by an adult in this Commonwealth would be classified as an offense under 18 Pa.C.S. § 3121, 3123 or 3125 or an attempt, solicitation or conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123 or 3125.*

(2) *For a period of 25 years prior to the filing of the petition, the individual has not been convicted of a subsequent sexually violent offense or a subsequent offense:*

(i) *graded as a misdemeanor of the second degree or higher; or*

(ii) *which is punishable by a term of imprisonment greater than one year.*

(3) *The individual successfully completed court-ordered supervision without revocation.*

(4) *The individual successfully completed a treatment program for sexual offenders recognized by the juvenile court in this Commonwealth or another jurisdiction or the United States Attorney General under section 115(b)(1) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248,¹ 42 U.S.C. § 16915(b)(1)).*

(b) *Procedure.—An individual who seeks to terminate the obligation to register pursuant to subsection (a) may petition the court of common pleas of the county in which the individual was adjudicated delinquent for termination. The court shall:*

¹Public Law 109-248, omitted in enrolled bill.

(1) *Within 120 days of the filing of the petition under this subsection, hold¹ a hearing to determine whether to terminate the obligation to register. 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 if the petitioner cannot afford one.*

(2) *Terminate the obligation to register only upon a finding of clear and convincing evidence that the petitioner has satisfied the criteria in² subsection (a) and that allowing the petitioner to terminate the obligation to register is not likely to pose a threat to the safety of any other person. The burden of proof shall be on the petitioner.*

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

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

(e) *Prohibition.—This section shall not apply to an individual who:*

(1) *Has been designated as a sexually violent predator.*

(2) *Has been convicted of a sexually violent offense who is required to register for a period of 15 years or a period of 25 years.*

(3) *Has been convicted of a sexually violent offense who is required to register for a period of life.*

(4) *Is a sexually violent delinquent child.*

§ 9799.18. *Information sharing.*

(a) *General rule.—The Pennsylvania State Police shall, within three business days, transfer information provided by an individual set forth in section 9799.13 (relating to applicability) under sections 9799.15(g) and (i) (relating to period of registration), 9799.16(b) (relating to registry) and 9799.19 (relating to initial registration) to:*

(1) *A jurisdiction in which the individual is required to register the individual's residence, employment or enrollment as a student.*

(2) *A jurisdiction in which the individual has terminated the individual's residence, employment or enrollment as a student.*

(3) *The United States Attorney General, the Department of Justice and the United States Marshals Service for inclusion in the National Sex Offender Registry, NCIC and any other database established by such Federal agencies.*

(4) *The district attorney of the county in which the individual:*

(i) *establishes a residence or terminates a residence;*

(ii) *commences employment or terminates employment; or*

(iii) *enrolls as a student or terminates enrollment as a student.*

(5) *The chief law enforcement officer of the police department of the municipality in which the individual:*

(i) *establishes a residence or terminates a residence;*

(ii) *commences employment or terminates employment; or*

¹"the court shall hold" in enrolled bill.

²"criteria is" in enrolled bill.

(iii) enrolls as a student or terminates enrollment as a student.

(6) The county office of probation and parole for the county in which the individual:

(i) establishes a residence or terminates a residence;

(ii) commences employment or terminates employment; or

(iii) enrolls as a student or terminates enrollment as a student.

(b) When sexual offender fails to appear.—When another jurisdiction notifies this Commonwealth that a sexual offender has terminated his residence, employment or enrollment as a student in that jurisdiction and intends to establish a residence in this Commonwealth, commence employment in this Commonwealth or commence enrollment as a student in this Commonwealth and that sexual offender fails to appear in this Commonwealth to register, the Pennsylvania State Police shall notify the other jurisdiction that the sexual offender failed to appear.

(c) International residence.—The Pennsylvania State Police shall, within three business days, transfer information that a sexual offender intends to establish residence in another country to:

(1) A jurisdiction in which the sexual offender is required to register residence, employment or enrollment as a student.

(2) The United States Marshals Service.

(3) The Department of Justice for inclusion in the National Sex Offender Registry and NCIC.

(d) International travel.—The Pennsylvania State Police shall, within three business days, transfer information about international travel provided by the sexual offender under section 9799.15(i) to:

(1) A jurisdiction in which the sexual offender is required to register the sexual offender's residence, employment or enrollment as a student.

(2) The United States Marshals Service.

(3) The Department of Justice for inclusion in the National Sex Offender Registry and NCIC.

(e) National Child Protection Act agencies.—The Pennsylvania State Police shall, within three business days, transfer such criminal history record information about a sexual offender in the registry necessary to enable an agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (Public Law 103-209, 42 U.S.C. 5119a) to conduct the background checks.

§ 9799.19. Initial registration.

(a) General rule.—An individual set forth in section 9799.13 (relating to applicability) shall initially register with the Pennsylvania State Police as set forth in this section.

(b) Initial registration if incarcerated within Commonwealth on effective date of section.—The following apply:

(1) If the individual is, on the effective date of this section, incarcerated in a State or county correctional facility, the individual shall provide the information set forth in section 9799.16(b) (relating to registry) to the appropriate official of the State or county correctional

facility or the Pennsylvania Board of Probation and Parole for inclusion in the registry before being released due to:

(i) the expiration of sentence, in which case the information shall be collected no later than ten days prior to the maximum expiration date;

(ii) parole;

(iii) State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional institution or a work release facility; or

(iv) special probation supervised by the Pennsylvania Board of Probation and Parole.

(2) For individuals set forth in paragraph (1), the appropriate official of the State or county correctional facility or the Pennsylvania Board of Probation and Parole shall collect and forward the information in section 9799.16(b) to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information in section 9799.16(b) and (c) shall be included in the registry. With respect to individuals released under paragraph (1)(ii), (iii) or (iv), the State or county correctional facility shall not release the individual until it receives verification from the Pennsylvania State Police that it has received the information set forth in section 9799.16(b) and (c). Verification may take place by electronic means. With respect to individuals released under paragraph (1)(i), if the individual refuses to provide the information set forth in section 9799.16(b), the State or county correctional institution shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

(b.1) Initial registration if sentenced to a county or State correctional facility after effective date of section.—If the individual is, after the effective date of this section, sentenced to a period of incarceration in a county or State correctional facility, the individual shall provide the information set forth in section 9799.16(b) as follows:

(1) At the time of sentencing, the court shall require the individual to immediately report to the Office of Probation and Parole serving that county to register under this subchapter. The appropriate office of probation and parole shall collect the information set forth in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police. The appropriate office of probation and parole shall, in addition, ensure the information set forth in 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information in section 9799.16(b) and (c) shall be included in the registry.

(2) If the individual is incarcerated in a State correctional facility or county correctional facility, the correctional facility shall notify the Pennsylvania State Police, not more than 30 days in advance of, but not

later than ten days prior to, the individual's release from the correctional facility. The following apply:

(i) The correctional facility shall ensure that the information set forth in section 9799.16(b) and (c) for the individual has been submitted to the Pennsylvania State Police.

(ii) If the information has not been submitted to the Pennsylvania State Police, the correctional facility shall collect the information set forth in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police.

(iii) The correctional facility shall also report any changes to the information set forth in section 9799.16(b) and (c) on file with the Pennsylvania State Police.

(iv) In the case of parole, State or county intermediate punishment where the sentence is restrictive and the individual is sentenced to a period of incarceration in a State or county correctional institution or work release facility or special probation supervised by the Pennsylvania Board of Probation and Parole, the correctional facility may not release the individual until the correctional facility receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the information set forth in section 9799.16(b) and (c). Verification by the Pennsylvania State Police may occur by electronic means.

(v) If the individual is scheduled to be released from a State or county correctional institution due to the expiration of sentence and the individual refuses to provide the information set forth in section 9799.16(b), the State or county correctional institution shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

(c) Initial registration if sentenced to county intermediate punishment on effective date of section.—If the individual is, on the effective date of this section, sentenced to county intermediate punishment which is restorative where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this subsection. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(d) Initial registration if sentenced to county intermediate punishment after effective date of section.—If the individual is, after the effective date of this section, sentenced to county intermediate punishment, the following apply:

(1) If the individual is sentenced to county intermediate punishment which is restorative, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(2) If the individual is sentenced to county intermediate punishment which is restrictive where the individual is not sentenced to incarceration or to a work release facility, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(e) Initial registration if sentenced to county probation on or after effective date of section.—If the individual is, on or after the effective date of this section, sentenced to county probation, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(f) Initial registration if being supervised by Commonwealth under Interstate Compact for Adult Offender Supervision.—If an individual is in this Commonwealth and is being supervised by the State Board of Probation and Parole or the county office of probation and parole pursuant to the Interstate Compact for Adult Offender Supervision, the following apply:

(1) If the individual is being supervised under the compact after the effective date of this section, the individual shall provide the information set forth in section 9799.16(b) to the appropriate official of the State Board of Probation and Parole or the county office of probation and parole for inclusion in the registry. The appropriate official shall collect the information set forth in section 9799.16(b) and forward the information to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information set

forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. If the individual fails to provide the information in section 9799.16(b), the appropriate official of the State Board of Probation and Parole or county office of probation and parole shall notify the Pennsylvania State Police.

(2) If the individual is being supervised under the compact on the effective date of this section, the individual shall provide the information set forth in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section. The appropriate official of the Pennsylvania Board of Probation and Parole or the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as set forth in this paragraph. If the individual fails to appear, the appropriate official shall notify the Pennsylvania State Police. The appropriate official shall, in addition, ensure the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police.

(g) *Supervision of individual convicted in Commonwealth who does not intend to reside in Commonwealth.*—On or after the effective date of this section, an individual convicted of a sexually violent offense within this Commonwealth who seeks transfer of supervision to another jurisdiction pursuant to the Interstate Compact for Adult Offender Supervision shall not have supervision transferred to another jurisdiction prior to the individual's registration with the Pennsylvania State Police as set forth in this section.

(h) *Initial registration of juvenile offender or sexually violent delinquent child.*—If the individual is a juvenile offender or a sexually violent delinquent child, the following apply:

(1) If the individual is a juvenile offender who is adjudicated delinquent by a court on or after the effective date of this section, the court shall require the individual to provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court at the time of disposition under section 6352 (relating to disposition of delinquent child). The chief juvenile probation officer shall collect the information in section 9799.16(b) and (c) and forward it to the Pennsylvania State Police for inclusion in the registry as directed by the Pennsylvania State Police. If the juvenile offender is under court-ordered placement in an institution or facility set forth in section 6352(a)(3), the institution or facility shall ensure the information provided by the juvenile offender pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The institution or facility may not release the juvenile offender until it receives verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered in the registry.

(2) If the individual is, on the effective date of this section, a juvenile offender and is subject to the jurisdiction of the court pursuant to a disposition entered under section 6352 and is on probation, the individual shall provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court within 30 days of the

effective date of this section. The chief juvenile probation officer shall collect the information set forth in section 9799.16(b) and (c) and forward it to the Pennsylvania State Police for inclusion in the registry, as directed by the Pennsylvania State Police.

(3) If the individual is, on the effective date of this section, a juvenile offender and is subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is under court-ordered placement in an institution or facility set forth in section 6352, the director of the institution or facility or a designee shall make the juvenile offender available for and facilitate the collection of the information set forth in section 9799.16(b) and (c) as directed by the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the institution or facility to transport the juvenile offender to and from an approved registration site in order to fulfill the requirement of this paragraph. In order to fulfill the requirements of this paragraph, the chief juvenile probation officer of the court shall, within ten days of the effective date of this section, notify the director of the institution or facility and the Pennsylvania State Police that the juvenile offender is required to register under this subchapter. In addition, the institution or facility shall ensure that the information provided by the juvenile offender pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The juvenile offender may not be released until the institution or facility receives verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered into the registry.

(4) If the individual is, on the effective date of this section, a sexually violent delinquent child and receiving involuntary treatment in the State-owned facility or unit under Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons), the director of the facility or unit or a designee shall make the sexually violent delinquent child available for and facilitate the collection of the information set forth in section 9799.16(b) and (c) as directed by the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the facility or unit to transport the sexually violent delinquent child to and from an approved registration site in order to fulfill the requirement of this paragraph. In addition, the facility or unit shall ensure that the information provided by the sexually violent delinquent child pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The facility or unit may not transfer the sexually violent child to outpatient treatment until it has received verification from the Pennsylvania State Police that it has received the information set forth in section 9799.16(b) and (c).

(5) If the individual is, on or after the effective date of this section, determined by the court to be a sexually violent delinquent child and committed for involuntary treatment to the State-owned facility or unit under Chapter 64, the following apply:

(i) *The court shall require the individual to provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court at the time of commitment. The chief juvenile probation officer shall collect and forward the information to the Pennsylvania State Police for inclusion in the registry. The chief juvenile probation officer shall, at the time of commitment, also ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the facility or unit to transport the sexually violent delinquent child to and from an approved registration site in order to fulfill the requirement of initial registration at the time of commitment.*

(ii) *The facility or unit shall ensure that the information provided by the sexually violent delinquent child pursuant to section 9799.16(b) is updated to reflect accurate information prior to transfer to involuntary outpatient treatment pursuant to section 6404.1 (relating to transfer to involuntary outpatient treatment) or discharge. The court may not transfer the sexually violent delinquent child to outpatient treatment or discharge the child from the facility or unit until it has received verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered in the registry.*

(i) *Initial registration if convicted outside Commonwealth.—The following apply:*

(1) *If the individual is, on or after the effective date of this section, convicted of a sexually violent offense in another jurisdiction or a foreign country or of a comparable military offense, the individual shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student within this Commonwealth. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15 (relating to period of registration). If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.*

(2) *If the individual is, on or after the effective date of this section, a juvenile offender as defined in paragraph (2) of the definition of "juvenile offender" in section 9799.12 (relating to definitions), the individual shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student within this Commonwealth. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a*

transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(j) Former law and initial registration.—If the individual was required to register under this subchapter before the effective date of this section and has not fulfilled the period of registration, the individual shall appear at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within 90 days of the effective date of this section. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

§ 9799.20. Duty to inform.

In order to implement the provisions of section 9799.19 (relating to initial registration), the Pennsylvania State Police, the court having jurisdiction over the sexual offender, the chief juvenile probation officer of the court and the appropriate official of the Pennsylvania Board of Probation and Parole, county office of probation and parole, the Department of Public Welfare or a State or county correctional institution shall:

(1) Inform the individual required to register of the individual's duties under this subchapter.

(2) Require the individual to read and sign a form stating that the duty to register has been explained and that the individual understands the registration requirement.

(3) Collect the information required under section 9799.16 (b) and (c) (relating to registry) and forward the information to the Pennsylvania State Police for inclusion in the registry as set forth in this subchapter.

§ 9799.21. Penalty.

An individual set forth in section 9799.13 (relating to applicability) may be subject to prosecution under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements) if the individual fails to:

(1) register with the Pennsylvania State Police as set forth in section 9799.15 (relating to period of registration), 9799.19 (relating to initial registration) or 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police);

(2) verify the information provided by the individual or be photographed as provided in sections 9799.15, 9799.19 and 9799.25; or

(3) provide accurate information when registering under sections 9799.15, 9799.19 and 9799.25.

§ 9799.22. Enforcement.

(a) Failure to comply.—When an individual set forth in section 9799.13 (relating to applicability) fails to comply with section 9799.21(1), (2) or (3) (relating to penalty), the Pennsylvania State Police shall:

(1) locate and arrest the individual for violating this section; or

(2) *notify the municipal police department where the individual has a residence, is employed or is enrolled as a student. The municipal police shall locate and arrest the individual for violating this section. In municipalities where no municipal police department exists, the Pennsylvania State Police shall proceed under paragraph (1).*

(b) *When individual cannot be found.—In the event the individual cannot be located, the Pennsylvania State Police shall:*

(1) *Enter information on the Internet website of sexual offenders and in the registry indicating that the individual cannot be located.*

(2) *Provide information to the National Sex Offender Registry and NCIC to reflect that the individual cannot be located.*

(3) *Notify the United States Marshals Service.*

(4) *In cooperation with the district attorney, seek issuance of a warrant for the arrest of the individual. If a warrant is issued pursuant to this paragraph, the Pennsylvania State Police shall provide information to the National Crime Information Center Wanted Person File to reflect that a warrant has been issued for the individual's arrest.*

(c) *Notice from another jurisdiction.—When another jurisdiction notifies the Commonwealth that a sexual offender has terminated residence, employment or enrollment as a student in that jurisdiction and intends to establish a residence in this Commonwealth, commence employment in this Commonwealth or commence enrollment as a student in this Commonwealth and that sexual offender fails to appear in this Commonwealth to register as provided in section 9799.15 (relating to period of registration), the Pennsylvania State Police shall notify the other jurisdiction that the sexual offender failed to appear.*

(d) *Duty to inform Pennsylvania State Police.—In order to implement the provisions of section 9799.15 and section 9799.19 (relating to initial registration), the court with jurisdiction over the sexual offender, the chief juvenile probation officer of the court and the appropriate official of the Pennsylvania Board of Probation and Parole, the county office of probation and parole, the Department of Public Welfare or a State or county correctional institution shall inform the Pennsylvania State Police if the individual refuses to provide the information required. The Pennsylvania State Police shall locate and arrest the individual for a violation of 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements).*

§ 9799.23. Court notification and classification requirements.

(a) *Notice to sexual offenders.—At the time of sentencing or disposition, in the case of a juvenile offender or sexually violent delinquent child, the court shall inform the sexual offender of the provisions of this subchapter. The court shall:*

(1) *Specifically inform the sexual offender of the duty to register under this subchapter.*

(2) *Specifically inform the sexual offender of the duty to register in accordance with sections 9799.15 (relating to period of registration), 9799.16(b) (relating to registry), 9799.19 (relating to initial registration) and 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).*

(3) *Specifically inform the sexual offender of the duty to register with authorities in another jurisdiction within three business days of:*

(i) *Commencement of residence, change of residence, termination of residence or failure to maintain a residence, thus making the sexual offender a transient.*

(ii) *Commencement of employment, a change in the location or entity in which the sexual offender is employed or termination of employment.*

(iii) *Commencement of enrollment as a student, a change in enrollment as a student or termination of enrollment as a student.*

(4) *In accordance with section 9799.16(c), order that the fingerprints, palm prints, DNA sample and photograph of the sexual offender be provided to the Pennsylvania State Police upon sentencing.*

(5) *Require the sexual offender to read and sign a form stating that the duty to register under this subchapter has been explained. If the sexual offender is incapable of speaking, reading or writing the English language, the court shall certify the duty to register was explained to the sexual offender, and the sexual offender indicated an understanding of the duty.*

(6) *Specifically classify the individual as one of the following:*

(i) *An individual convicted of a Tier I offense.*

(ii) *An individual convicted of a Tier II offense.*

(iii) *An individual convicted of a Tier III offense.*

(iv) *A sexually violent predator.*

(v) *A juvenile offender.*

(vi) *A sexually violent delinquent child.*

(b) *Mandatory registration.—All sexual offenders must register in accordance with this subchapter. The following apply:*

(1) *Failure by the court to provide the information required in this section, to correctly inform a sexual offender of the sexual offender's obligations or to require a sexual offender to register shall not relieve the sexual offender from the requirements of this subchapter.*

(2) *Except as provided in section 9799.17 (relating to termination of period of registration for juvenile offenders), the court shall have no authority to relieve a sexual offender from the duty to register under this subchapter or to modify the requirements of this subchapter as they relate to the sexual offender.*

§ 9799.24. *Assessments.*

(a) *Order for assessment.—After conviction but before sentencing, a court shall order an individual convicted of a sexually violent offense to be assessed by the board. The order for an assessment shall be sent to the administrative officer of the board within ten days of the date of conviction for the sexually violent offense.*

(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.

(ii) Use of illegal drugs.

(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 field as criteria reasonably related to the risk of reoffense.

(c) Release of information.—All State, county and local agencies, offices and 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.

(d.1) Summary of offense.—The board shall prepare a description of the offense or offenses that trigger the application of this subchapter to include, but not be limited to:

(1) A concise narrative of the individual's conduct.

(2) Whether the victim was a minor.

(3) The manner of weapon or physical force used or threatened.

(4) If the offense involved unauthorized entry into a room or vehicle occupied by the victim.

(5) If the offense was part of a course or pattern of conduct involving multiple incidents or victims.

(6) Previous instances in which the individual was determined guilty of an offense subject to this subchapter or of a crime of violence

as defined in section 9714(g) (relating to sentences for second and subsequent offenses).

(e) *Hearing.*—

(1) *A hearing to determine whether the individual is a sexually violent predator shall be scheduled upon the praecipe filed by the district attorney. The district attorney upon filing a praecipe shall serve a copy of the praecipe upon defense counsel together with a copy of the report of the board.*

(2) *The individual and 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. In addition, the individual shall have the right to counsel and to have an attorney appointed to represent the individual if the individual cannot afford one. If the individual requests another expert assessment, the individual shall provide a copy of the expert assessment to the district attorney prior to the hearing.*

(3) *At the hearing prior to sentencing, the court shall determine whether the Commonwealth has proved by clear and convincing evidence that the individual is a sexually violent predator.*

(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, the board and the Pennsylvania State Police.*

(f) *Presentence investigation.*—*In all cases where the board has performed an assessment under this section, copies of the report shall be provided to the agency preparing the presentence investigation.*

(g) *Parole assessment.*—*The Pennsylvania Board of Probation and Parole may request of the board that an assessment of a sexual offender be conducted and that a report be provided to the Pennsylvania Board of Probation and Parole prior to considering a sexual offender for parole.*

(h) *Delinquent children.*—*The probation officer shall notify the board 90 days prior to the 20th birthday of the child of the status of the delinquent child who is committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) after having been found delinquent for an act of sexual violence that if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest), together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality as defined in section 6402 (relating to definitions) or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court within the time frames set forth in section 6358(c). The probation officer shall assist the board in obtaining access to the child and any records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).*

§ 9799.25. Verification by sexual offenders and Pennsylvania State Police.

(a) *Periodic verification.*—Except for initial registration as provided in section 9799.19 (relating to initial registration) and in accordance with section 9799.15(a) (relating to period of registration), sexual offenders shall verify the information provided in section 9799.16(b) (relating to registry) and be photographed as follows:

(1) *An individual convicted of a Tier I sexual offense shall appear in person at an approved registration site annually.*

(2) *An individual convicted of a Tier II sexual offense shall appear in person at an approved registration site semiannually.*

(3) *An individual convicted of a Tier III sexual offense shall appear in person at an approved registration site quarterly.*

(4) *An individual designated as a sexually violent predator shall appear in person at an approved registration site quarterly.*

(5) *A juvenile offender shall appear in person at an approved registration site quarterly.*

(6) *A sexually violent delinquent child shall appear in person at an approved registration site quarterly.*

(7) *A transient shall appear in person at an approved registration site monthly.*

(8) *An individual required to register under section 9799.13(7.1) (relating to applicability) shall annually appear in person at an approved registration site.*

(b) *Deadline.*—The following apply:

(1) *A sexual offender shall appear as required under subsection (a) within ten days of the date designated by the Pennsylvania State Police. Failure to appear within ten days may subject the sexual offender to prosecution under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements).*

(2) *In the case of a sexual offender who fails to appear as required under this section, the Pennsylvania State Police shall notify the municipal police department where the sexual offender has a residence, is employed or is enrolled as a student. The municipal police shall locate the sexual offender and arrest the sexual offender for violating this section. A municipal police department may request assistance locating or arresting a sexual offender from the Pennsylvania State Police. In municipalities where no municipal police department exists, the Pennsylvania State Police shall locate the offender and arrest the sexual offender for violating this section.*

(3) *In the case of a sexual offender who fails to appear as required under this section, the Pennsylvania State Police shall notify the United States Marshals Service in accordance with section 9799.22(b)(3) (relating to enforcement).*

(c) *Facilitation of verification.*—The Pennsylvania State Police shall administer and facilitate the process of verification of information, including compliance with counseling in the case of sexually violent predators, and photographing the sexual offender by:

(1) *Sending a notice by first class United States mail to each sexual offender at the offender's last reported residence or location, including*

a post office box. The notice shall be sent not more than 30 days nor less than 15 days prior to the date a sexual offender is required to appear pursuant to subsection (a). The notice shall remind the sexual offender of the sexual offender's responsibilities under this subchapter, including counseling in the case of sexually violent predators, and provide a list of approved registration sites.

(2) Providing verification and compliance forms as necessary at each approved registration site.

(d) Effect of notice.—Failure to send or receive notice of information under this section shall not relieve the sexual offender from the requirements of this subchapter.

(e) Natural disaster.—The occurrence of a natural disaster or other event requiring evacuation of residences shall not relieve the sexual offender of the duty to register or any other duty imposed by this subchapter.

(f) Residents in group-based homes.—

(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals who are required to register under this chapter as sexually violent predators.

(2) A group-based home that violates paragraph (1) shall be subject to a civil penalty in the amount of \$2,500 for a first violation and in the amount of \$5,000 for a second or subsequent violation.

(3) The Pennsylvania State Police or local law enforcement agency of jurisdiction shall investigate compliance with this subsection, and the Attorney General or district attorney may commence a civil action in the court of common pleas of the county in which a group-based home is located to impose and collect from the group-based home the penalty under paragraph (2).

(4) As used in this subsection, the term "group-based home" has the meaning given to it in 61 Pa.C.S. § 6124(c) (relating to certain offenders residing in group-based homes).

§ 9799.26. Victim notification.

(a) Duty to inform victim.—

(1) If an offender is determined to be a sexually violent predator or a sexually violent delinquent child, the municipal police department or the Pennsylvania State Police, if no municipal police jurisdiction exists, shall give written notice to the victim when the sexually violent predator or the sexually violent delinquent child registers initially under section 9799.19 (relating to initial registration) or under section 9799.15(g)(2), (3) or (4) (relating to period of registration). The notice shall be given within 72 hours after the sexually violent predator or the sexually violent delinquent child registers or notifies the Pennsylvania State Police of current information under section 9799.15(g). The notice shall contain the following information about the sexually violent predator or sexually violent delinquent child:

(i) Name.

(ii) Residence. This subparagraph includes whether the sexually violent predator or sexually violent delinquent child is a transient, in which case the notice shall contain information about the

transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park. In addition, the notice shall contain a list of places the transient eats, frequents and engages in leisure activities.

(iii) The address of employment.

(iv) The address where the sexually violent predator or sexually violent delinquent child is enrolled as a student.

(2) A victim may terminate the duty to inform set forth in paragraph (1) by providing the local municipal police department or the Pennsylvania State Police, if no local municipal police department exists, with a written statement releasing that agency from the duty to comply with this section as it pertains to that victim.

(b) Individual not determined to be sexually violent predator or sexually violent delinquent child.—If an individual is not determined to be a sexually violent predator or a sexually violent delinquent child, the victim shall be notified in accordance with section 201 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

(c) Electronic notification option.—In addition to subsections (a) and (b), the Pennsylvania State Police shall develop and implement a system that allows a victim to receive electronic notification instead of the notification in subsections (a) and (b) when a sexual offender provides current information to the Pennsylvania State Police under subsection (a). § 9799.27. Other notification.

(a) Notice.—Notwithstanding the provisions of Chapter 63 (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the chief law enforcement officer of the police department of the municipality where a sexually violent predator or sexually violent delinquent child lives or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the chief law enforcement officer of the police department of the transient's last known habitat, shall be responsible for providing written notice as required under this section. The notice shall contain:

(1) The name of the individual.

(2) The address of the residence of the individual. If the individual is a transient, written notice under this paragraph shall consist of information about the transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park, and a list of the places the transient eats, frequents and engages in leisure activities.

(3) The offense for which the individual was convicted, sentenced by a court, adjudicated delinquent or court martialled.

(4) A statement that the individual has been determined to be a sexually violent predator or sexually violent delinquent child, which determination has or has not been terminated as of a date certain.

(5) A photograph of the sexually violent predator or sexually violent delinquent child.

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 or sexually violent delinquent child. As used in this paragraph:

(i) In the case of a sexually violent predator or sexually violent delinquent child being a transient, "neighbor" includes residents in the area of the transient's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(ii) 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.

(2) The director of the county children and youth agency of the county where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the director of the county children and youth agency of the county of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(3) The superintendent of each school district and the equivalent official for each private and parochial school enrolling students up through grade 12 in the municipality where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the superintendent of each school district and the equivalent official for private and parochial schools enrolling students up through grade 12 in the municipality of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(4) The superintendent of each school district and the equivalent official for each private and parochial school located within a one-mile radius of where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the superintendent of each school district and the equivalent official for each private and parochial school within a one-mile radius of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(5) The licensee of each certified day-care center and licensed preschool program and owner or operator of each registered family day-care home in the municipality where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to

establish a residence and being a transient, the licensee of each certified day-care center and licensed preschool program and owner or operator of each registered family day-care home in the municipality of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(6) The president of each college, university and community college located within 1,000 feet of where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the president of each college, university and community college located within 1,000 feet of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park.

(c) Notification time frames.—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 five days after information of the sexually violent predator's or sexually violent delinquent child'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 the requirement of this paragraph.

(2) To the persons specified in subsection (b)(2), (3), (4), (5) and (6), notice shall be provided within seven days after the chief law enforcement officer receives information regarding the sexually violent predator's or sexually violent delinquent child's release date and residence.

(d) Public notice.—Information provided in accordance with subsection (a) shall be available to the general public upon request. The information may be provided by electronic means.

§ 9799.28. Public Internet website.

(a) Information to be made available through Internet.—The Pennsylvania State Police shall, in the manner and form directed by the Governor:

(1) Develop and maintain a system for making information about individuals convicted of a sexually violent offense, sexually violent predators and sexually violent delinquent children publicly available by electronic means via an Internet website. In order to fulfill its duties under this section, the Pennsylvania State Police shall ensure that the Internet website:

(i) Contains a feature to permit a member of the public to obtain relevant information for an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child by a single query for any given zip code or geographic radius set by the user.

(ii) Contains a feature to allow a member of the public to receive electronic notification when an individual convicted of a

sexually violent offense, sexually violent predator or sexually violent delinquent child provides information under section 9799.15(g)(2), (3) or (4) (relating to period of registration) relating to a geographic area chosen by the user.

(iii) Includes in its design all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Internet Website. The Pennsylvania State Police shall ensure that the website is able to participate in the Dru Sjodin National Sex Offender Public Internet Website as the United States Attorney General may direct.

(iv) Is updated within three business days with the information required.

(2) Include on the Internet website the following:

(i) Instructions on how to seek correction of information that an individual contends is erroneous.

(ii) A warning that the information on the Internet website should not be used to unlawfully injure, harass or commit a crime against an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child and that any such action could result in criminal or civil penalties.

(3) Include on the Internet website an explanation of its limitations, including statements advising that:

(i) A positive identification of an individual convicted of a sexually violent offense, sexually violent predator or sexually violent delinquent child may be confirmed only by fingerprints.

(ii) Some information contained on the Internet website may be outdated or inaccurate.

(iii) The Internet website is not a comprehensive listing of every person who has ever committed a sexual offense in Pennsylvania.

(4) Strive to ensure that the information contained on the Internet website is accurate and that the data therein is revised and updated as provided in paragraph (1)(iv).

(5) Provide on the Internet website general information designed to inform and educate the public about sexual offenders 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.

(b) Required information.—Notwithstanding Chapter 63 (relating to juvenile matters) and 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the Internet website shall contain the following information regarding an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child:

(1) Name and aliases.

(2) Year of birth.

(3) Street address, city, county and zip code of residences and intended residences. In the case of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child who fails to establish a residence and is therefore a transient, the Internet website shall contain information about the

transient's temporary habitat or other temporary place of abode or dwelling, including a homeless shelter or park. In addition, the Internet website shall contain a list of places the transient eats, frequents and engages in leisure activities.

(4) *Street address, city, county and zip code of any location at which an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is enrolled as a student.*

(5) *Street address, city, county and zip code of a fixed location where an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is employed. If an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is not employed at a fixed address, the information shall include general travel routes and general areas of work.*

(6) *Current photograph of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.*

(7) *Physical description of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.*

(8) *License plate number and a description of a vehicle owned or operated by an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.*

(9) *The sexually violent offense for which an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is registered under this subchapter.*

(10) *A statement whether an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is in compliance with registration.*

(11) *A statement whether the victim is a minor.*

(c) *Prohibited information.—The public Internet website established under this section shall not contain:*

(1) *The identity of any victim.*

(2) *The Social Security number of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child.*

(3) *Any information relating to arrests of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child that did not result in conviction.*

(4) *Travel and immigration document numbers.*

(d) *(Reserved).*

(e) *Duration of posting.—The information listed in subsection (b) shall be made available on the Internet website unless:*

(1) *An individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is deceased, in which case the Internet website shall contain a notice of the death.*

(2) *An individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child has terminated residence, has terminated employment or has terminated enrollment as*

a student within this Commonwealth, in which case the Internet website shall contain a notice indicating such information.

§ 9799.29. Administration.

The Governor shall direct the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the board, the Department of Corrections, the Department of Transportation and any other agency of the Commonwealth that 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.

§ 9799.30. Global positioning system technology.

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

§ 9799.31. Immunity for good faith conduct.

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

(1) Agents and employees of the Pennsylvania State Police and local law enforcement agencies.

(2) District attorneys and their agents and employees.

(3) Superintendents, administrators, teachers, employees and volunteers engaged in the supervision of children of any public, private or parochial school.

(4) Directors and employees of county children and youth agencies.

(5) Presidents or similar officers of universities and colleges, including community colleges.

(6) The Pennsylvania Board of Probation and Parole and its agents and employees.

(7) County probation and parole offices and their agents and employees.

(8) Licensees of certified day-care centers and directors of licensed preschool programs and owners and operators of registered family day-care homes and their agents and employees.

(9) The Department of Corrections and its agents and employees.

(10) County correctional facilities and their agents and employees.

(11) The board and its members, agents and employees.

(12) Juvenile probation offices and their agents and employees.

(13) The Department of Public Welfare and its agents and employees.

(14) Institutions or facilities set forth in section 6352(a)(3) (relating to disposition of delinquent child) and their agents and employees.

(15) The unit owners' association of a common interest community and its agents and employees as it relates to distributing information regarding section 9799.27(b)(1) (relating to other notification).

§ 9799.32. Pennsylvania State Police.

The Pennsylvania State Police have the following duties:

(1) To create and maintain the Statewide registry of sexual offenders in conformity with the provisions of this subchapter.

(2) In consultation with the Department of Corrections, the Office of Attorney General, the Juvenile Court Judges' Commission, the Administrative Office of Pennsylvania Courts, the Pennsylvania Board of Probation and Parole and the chairman and minority chairman of the Judiciary Committee of the Senate and the chairman and minority chairman of the Judiciary Committee of the House of Representatives, to promulgate guidelines necessary for the general administration of this subchapter. These guidelines shall establish procedures to allow an individual subject to the requirements of this subchapter, including a transient, 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 notice sent to individuals required to register under this subchapter. An approved registration site shall be capable of submitting fingerprints, palm prints, DNA samples 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. 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) To write regulations regarding neighbor notification under section 9799.27(b)(1) (relating to other notification).

(4) Within three business days, to transfer information as set forth in section 9799.18 (relating to information sharing).

(5) To enforce the provisions of this subchapter as set forth in section 9799.22 (relating to enforcement).

(6) To facilitate verification of information from individuals required to register under this subchapter as provided in section 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

(7) In consultation with the Department of Education and the Pennsylvania Board of Probation and Parole, to 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 9799.27.

(8) In consultation with the Department of Corrections and the Pennsylvania Board of Probation and Parole, to promulgate guidelines directing State and county correctional facilities and State and county probation and parole offices regarding the completion of information, including the taking of photographs, required by sexual offenders under this subchapter.

(9) In consultation with the Administrative Office of Pennsylvania Courts, the Department of Public Welfare and the Juvenile Court Judges' Commission, to promulgate guidelines regarding the

completion of information required by juvenile offenders and sexually violent delinquent children under this subchapter.

§ 9799.33. Duties of probation and parole officials.

(a) Duties.—The Pennsylvania Board of Probation and Parole, the county office of probation and parole and the chief juvenile probation officer of the court shall:

(1) Perform their respective duties set forth for the Pennsylvania Board of Probation and Parole, the county office of probation and parole and the chief juvenile probation officer of the court in accordance with section 9799.19 (relating to initial registration).

(2) On a form prescribed by the Pennsylvania State Police, notify the Pennsylvania State Police each time a sexual offender is arrested, recommitted to a State or county correctional institution for a parole violation or incarcerated.

(b) Notification form.—The Pennsylvania Board of Probation and Parole shall create a notification form which will inform State and county prison and probation and parole personnel how to inform sexual offenders of their duties under this subchapter. In addition, the Pennsylvania Board of Probation and Parole shall 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 global satellite positioning system technology.

§ 9799.34. Duties of facilities housing sexual offenders.

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

(1) To perform their respective duties in accordance with section 9799.19 (relating to initial registration). This paragraph includes taking a current photograph of the individual required to register under this subchapter before the individual is released from confinement or commitment or is discharged.

(2) On a form prescribed by the Pennsylvania State Police, to notify the Pennsylvania State Police each time a sexual offender is incarcerated, committed or released, including supervised release or transfer to another correctional institution or facility or institution, in the case of a juvenile offender or sexually violent delinquent child. This paragraph shall include a community corrections center or community contract facility.

(3) To assist sexual offenders registering under this subchapter.

§ 9799.35. Board.

(a) Composition.—The board shall be composed of psychiatrists, psychologists and criminal justice experts, each of whom is an expert in the field of the behavior and treatment of sexual offenders.

(b) Appointment.—The Governor shall appoint the board members.

(c) Term of office.—Members of the board shall serve four-year terms.

(d) Compensation.—The members of the board shall be compensated at a rate of \$350 per assessment and receive reimbursement for their actual and necessary expenses while performing the business of the board. The chairman shall receive \$500 additional compensation annually.

(e) Staff.—Support staff for the board shall be provided by the Pennsylvania Board of Probation and Parole.

§ 9799.36. Counseling of sexually violent predators.

(a) General rule.—A sexually violent predator shall be required to attend at least monthly counseling sessions in a program approved by the board and be financially responsible for all fees assessed from the counseling sessions. The board shall monitor the compliance of the sexually violent predator. If the sexually violent predator can prove to the satisfaction of the court that the sexually violent predator cannot afford to pay for the counseling sessions, the sexually violent predator shall nonetheless attend the counseling sessions, and the parole office shall pay the requisite fees.

(b) Designation in another jurisdiction.—If an individual required to register under this subchapter has been designated as a sexually violent predator in another jurisdiction and was required to undergo counseling, the individual shall be subject to the provisions of this section.

(c) Penalty.—A sexually violent predator who knowingly fails to attend counseling sessions as provided in this section may be subject to prosecution under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements).

§ 9799.37. 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 of the person, to disclose any information regarding an individual required to be included in the registry pursuant to this subchapter.

§ 9799.38. Annual performance audit.

(a) Duties of the Attorney General.—The Attorney General has the following duties:

(1) To conduct a performance audit annually to determine compliance with the requirements of this subchapter and any guidelines promulgated under this subchapter. 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 board, the Administrative Office of 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) To prepare an annual report of its findings and any action that it recommends be taken by the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of 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 no fewer than 18 months following the effective date of this section.

(3) To provide a copy of its report to the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, State or local agencies referenced in the report, 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 fewer 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 board, the Administrative Office of 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 of Attorney General 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.

§ 9799.39. Photographs and fingerprinting.

An individual subject to registration shall submit to fingerprinting and photographing as required by this subchapter. Fingerprinting as required by this subchapter shall, at a minimum, require submission of a full set of fingerprints and palm prints. 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.

§ 9799.40. Duties of Pennsylvania Commission on Sentencing.

The Pennsylvania Commission on Sentencing shall establish procedures to enable courts to classify sexual offenders as provided in section 9799.23 (relating to court notification and classification requirements).

§ 9799.41. Expiration.

The following provisions shall expire one year after the effective date of this section:

Section 9718.3 (relating to sentence for failure to comply with registration of sexual offenders).

Section 9791 (relating to legislative findings and declaration of policy).

Section 9792 (relating to definitions).

Section 9795.1 (relating to registration).

Section 9795.2 (relating to registration procedures and applicability).

Section 9795.3 (relating to sentencing court information).

Section 9795.4 (relating to assessments).

Section 9795.5 (relating to exemption from certain notifications).

Section 9796 (relating to verification of residence).

Section 9797 (relating to victim notification).

Section 9798 (relating to other notification).

Section 9798.1 (relating to information made available on the Internet and electronic notification).

Section 9798.2 (relating to administration).

Section 9798.3 (relating to global positioning system technology).

Section 9799 (relating to immunity for good faith conduct).

Section 9799.1 (relating to duties of Pennsylvania State Police).

Section 9799.2 (relating to duties of Pennsylvania Board of Probation and Parole).

Section 9799.3 (relating to board).

Section 9799.4 (relating to counseling of sexually violent predators).

Section 9799.7 (relating to exemption from notification for certain licensees and their employees).

Section 9799.8 (relating to annual performance audit).

Section 9799.9 (relating to photographs and fingerprinting).

Section 13. The definition of "other specified offense" in section 2303 of Title 44 is amended to read:

§ 2303. Definitions.

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

* * *

"Other specified offense." *Any of the following:*

(1) A felony offense [or an].

(2) An offense under 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle *or structure*) or 3126 (relating to indecent assault) or an attempt to commit such an offense.

(3) *An offense subject to 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).*

* * *

Section 14. Paragraph (4) of the definition of "eligible offender" in section 4503 of Title 61 is amended to read:

§ 4503. Definitions.

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

* * *

"Eligible offender." A defendant or inmate convicted of a criminal offense who will be committed to the custody of the department and who meets all of the following eligibility requirements:

* * *

(4) Has not been found guilty or previously convicted or adjudicated delinquent for violating any of the following provisions or an equivalent 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:

18 Pa.C.S. § 4302 (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

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).

18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).

Received a criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

Any *sexually violent* offense [listed under 42 Pa.C.S. § 9795.1 (relating to registration)] as defined in 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).

* * *

Section 15. Section 6137(a)(3.1)(ii) of Title 61 is amended to read:

§ 6137. Parole power.

(a) General criteria for parole.—

* * *

(3.1) * * *

(ii) This paragraph shall not apply to offenders who are currently serving a term of imprisonment for a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses) or for a crime requiring registration under 42 Pa.C.S. [§ 9795.1 (relating to registration)] Ch. 97 Subch. H (relating to registration of sexual offenders).

* * *

Section 16. Any reference in any act or part of an act to 42 Pa.C.S. § 9795.1 shall be deemed a reference to 42 Pa.C.S. § 9799.15 as if fully set forth in that act or part of that act.

Section 17. This act shall apply as follows:

(1) The addition of 42 Pa.C.S. § 9799.28(b)(11) shall apply to:

(i) Persons¹ convicted after November 30, 2006, of an offense which required registration under former 42 Pa.C.S. § 9795.1 and to persons required to register under 42 Pa.C.S. Ch. 97 Subch. H on or after the effective date of this section.

(ii)² All individuals required to register under 42 Pa.C.S. Ch. 97 Subch. H on or after the effective date of this paragraph.

(iii)³ All individuals required to register under 42 Pa.C.S. Ch. 97 Subch. H or former 42 Pa.C.S. § 9793 prior to the effective date of this paragraph and whose registration has not expired prior to the effective date of this paragraph.

(2)⁴ The addition of 42 Pa.C.S. §§ 9795.1(d) and 9799.25(f) shall apply to all group-based homes and their residents, regardless of when the group-based homes began to provide housing or the residents began their residency.

Section 18. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) This section.

¹"to persons" in enrolled bill.

²"(2)" in enrolled bill.

³"(3)" in enrolled bill.

⁴"(4)" in enrolled bill.

- (ii) The addition of 18 Pa.C.S. § 4915(g).
 - (iii) The amendment of 42 Pa.C.S. § 9791.
 - (iv) The amendment of 42 Pa.C.S. § 9795.1(a) and (b).
 - (v) The amendment of 42 Pa.C.S. § 9798.1(a) and (b)(7).
 - (vi) The amendment of 42 Pa.C.S. § 9799.1(2).
 - (vii) The addition of 42 Pa.C.S. § 9799.41.
- (2) The following provisions shall take effect in one year:
- (i) The amendment of 18 Pa.C.S. § 3130(a) introductory paragraph and (1) and (b).
 - (ii) The amendment of 18 Pa.C.S. § 3141.
 - (iii) The addition of 18 Pa.C.S. § 4915.1.
 - (iv) The amendment of 23 Pa.C.S. § 6707(2)(ii).
 - (v) The amendment of 42 Pa.C.S. § 6358(a) and (b).
 - (vi) The amendment of 42 Pa.C.S. § 6403(a)(2), (b)(3) and (d).
 - (vii) The amendment of 42 Pa.C.S. § 6404.
 - (viii) The addition of 42 Pa.C.S. § 6404.1.
 - (ix) The addition of 42 Pa.C.S. § 6404.2.
 - (x) The amendment of 42 Pa.C.S. § 6406(a).
 - (xi) The amendment of 42 Pa.C.S. § 6409.
 - (xii) The amendment of 42 Pa.C.S. § 9718.1(a) introductory paragraph and (b)(2).
 - (xiii) The amendment of 42 Pa.C.S. § 9718.2(a) and (d).
 - (xiv) The addition of 42 Pa.C.S. § 9718.4
 - (xv) The addition of 42 Pa.C.S. § 9799.10.
 - (xvi) The addition of 42 Pa.C.S. § 9799.11.
 - (xvii) The addition of 42 Pa.C.S. § 9799.12.
 - (xviii) The addition of 42 Pa.C.S. § 9799.13.
 - (xix) The addition of 42 Pa.C.S. § 9799.14.
 - (xx) The addition of 42 Pa.C.S. § 9799.15.
 - (xxi) The addition of 42 Pa.C.S. § 9799.16.
 - (xxii) The addition of 42 Pa.C.S. § 9799.17.
 - (xxiii) The addition of 42 Pa.C.S. § 9799.18.
 - (xxiv) The addition of 42 Pa.C.S. § 9799.19.
 - (xxv) The addition of 42 Pa.C.S. § 9799.20.
 - (xxvi) The addition of 42 Pa.C.S. § 9799.21.
 - (xxvii) The addition of 42 Pa.C.S. § 9799.22.
 - (xxviii) The addition of 42 Pa.C.S. § 9799.23.
 - (xxix) The addition of 42 Pa.C.S. § 9799.24.
 - (xxx) The addition of 42 Pa.C.S. § 9799.25.
 - (xxxi) The addition of 42 Pa.C.S. § 9799.26.
 - (xxxii) The addition of 42 Pa.C.S. § 9799.27.
 - (xxxiii) The addition of 42 Pa.C.S. § 9799.28.
 - (xxxiv) The addition of 42 Pa.C.S. § 9799.29.
 - (xxxv) The addition of 42 Pa.C.S. § 9799.30.
 - (xxxvi) The addition of 42 Pa.C.S. § 9799.31.
 - (xxxvii) The addition of 42 Pa.C.S. § 9799.32.
 - (xxxviii) The addition of 42 Pa.C.S. § 9799.33.
 - (xxxix) The addition of 42 Pa.C.S. § 9799.34.
 - (xl) The addition of 42 Pa.C.S. § 9799.35.

- (xli) The addition of 42 Pa.C.S. § 9799.36.
 - (xlii) The addition of 42 Pa.C.S. § 9799.37.
 - (xliii) The addition of 42 Pa.C.S. § 9799.38.
 - (xliv) The addition of 42 Pa.C.S. § 9799.39.
 - (xlv) The addition of 42 Pa.C.S. § 9799.40.
 - (xlvi) The amendment of the definition of "other specified offense" in 44 Pa.C.S. § 2303.
 - (xlvii) The amendment of paragraph (4) of the definition of "eligible offender" in 61 Pa.C.S.¹ § 4503.
 - (xlviii) The amendment of 61 Pa.C.S. § 6137(a)(3.1)(ii).
 - (xlix) The amendment of 61 Pa.C.S. § 6137(a)(3.1)(ii).
 - (l) Section 16 of this act.
 - (li) Section 17 of this act.
- (3) The remainder of this act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 2011

TOM CORBETT

¹"44 Pa.C.S." in enrolled bill.