

## No. 2018-10

## AN ACT

## HB 631

Amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for conduct relating to sex offenders and for general rule; in falsification and intimidation, further providing for the offense of failure to comply with registration requirements, defining the offense of failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements and imposing penalties; in proceedings prior to petition to adopt, further providing for grounds for involuntary termination and for definitions; in domestic and sexual violence victim address confidentiality, further providing for agency use of designated address; in sentencing, providing for a mandatory period of probation for certain sexual offenders and extensively revising registration of sexual offenders provisions; and making editorial changes.

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

Section 1. Section 3130 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3130. Conduct relating to sex offenders.

(a) Offense defined.—A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) *or I (relating to continued 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. Ch. 97 Subch. H *or I*:

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

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

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

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

(b) Definition.—As used in this section, the term "sex offender" means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H *or I*.

Section 1.1. Section 3141 of Title 18, amended June 29, 2017 (P.L.247, No.13), is amended to read:

## § 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. Ch. 97 Subch. H (relating to registration of sexual offenders) *or I (relating to continued 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. The forfeiture shall be conducted in accordance with 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions).

Section 2. Section 4915.1(a.2)(2), (b)(4), (c.1)(4), (c.3) and (d) of Title 18 are amended, subsection (f) is amended by adding a definition and the section is amended by adding a subsection to read:

§ 4915.1. Failure to comply with registration requirements.

\* \* \*

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

\* \* \*

(2) An individual who is subject to a counseling requirement under a sex offender registration statute following conviction in another jurisdiction *where the requirement is based on the commitment of an offense on or after December 20, 2012, for which the individual was convicted*, commits an offense if [he] *the individual* knowingly fails to comply with 42 Pa.C.S. § 9799.36.

(b) Grading for sexual offenders who must register for 15 years or who must register pursuant to 42 Pa.C.S. § 9799.13(7.1).—

\* \* \*

(4) For the purposes of this subsection, an individual shall mean an individual that meets any of the following:

(i) Is *a sexual offender* subject to registration under 42 Pa.C.S. § 9799.13 and is required to register for a period of 15 years.

(ii) Is *a sexual offender* subject to registration under 42 Pa.C.S. § 9799.13(7.1).

\* \* \*

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

\* \* \*

(4) For the purposes of this subsection, an individual shall mean an individual that meets any of the following:

(i) Is *a sexual offender* subject to registration under 42 Pa.C.S. § 9799.13 and is a transient who must register for a period of 15 years.

(ii) Is *a sexual offender* subject to registration under 42 Pa.C.S. § 9799.13(7.1) and is a transient.

\* \* \*

(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 *of a sexual offense on or after December 20, 2012*, 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 *sexual* 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.1) Affirmative defense.—It is an affirmative defense for a prosecution under this section that the individual acted in accordance with a court order under 42 Pa.C.S. § 9799.15(a.2).*

(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:

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

\* \* \*

Section 3. Title 18 is amended by adding a section to read:

**§ 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements.**

*(a) Offense defined.—An individual who is subject to registration under 42 Pa.C.S. § 9799.55(a), (a.1) or (b) (relating to registration) 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 the individual knowingly fails to:*

*(1) register with the Pennsylvania State Police as required under 42 Pa.C.S. § 9799.56 (relating to registration procedures and applicability);*

*(2) verify the individual's residence or be photographed as required under 42 Pa.C.S. § 9799.60 (relating to verification of residence); or*

*(3) provide accurate information when registering under 42 Pa.C.S. § 9799.56 or verifying a residence under 42 Pa.C.S. § 9799.60.*

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

*(1) An individual who is designated as a sexually violent predator commits an offense if the individual knowingly fails to comply with 42 Pa.C.S. § 9799.70 (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 the individual knowingly fails to comply with that requirement, as provided in 42 Pa.C.S. § 9799.56(b)(4)(i).*

*(b) Grading for offenders who must register for 10 years.—*

*(1) (Reserved).*

(2) Except as set forth in paragraph (3), an individual subject to registration under 42 Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a period of 10 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. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a period of 10 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. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and required to register for a period of 10 years who violates subsection (a)(3) commits a felony of the second degree.

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

(1) (Reserved).

(2) Except as set forth in paragraph (3), an individual subject to registration under 42 Pa.C.S. § 9799.55(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. § 9799.55(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. § 9799.55(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 a notice or information under 42 Pa.C.S. § 9799.54(b) (relating to applicability) or 9799.60(a.1), (b.1) or (b.3) 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. §§ 9799.54(b) and 9799.60(a.1), (b.1) or (b.3) 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. I (relating to continued 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. § 9799.53 (relating to definitions), the individual must provide the Pennsylvania State Police with the information required under 42 Pa.C.S. § 9799.56(a)(2)(i)(A), (B) and (C).*

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

(e.1) *Affirmative defense.—It is an affirmative defense for any prosecution under this section that the individual acted in accordance with a court order under section 9799.59 (relating to exemption from certain notifications).*

(f) *Applicability.—This section applies to:*

(1) *An individual who committed an offense set forth in 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before December 20, 2012, and whose period of registration under 42 Pa.C.S. § 9799.55 has not expired.*

(2) *An individual who was required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.*

(3) *An individual who, before the effective date of this paragraph:*

(i) *commits an offense subject to 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders); but*

(ii) *because of a judicial determination on or after the effective date of this section of the invalidity of 42 Pa.C.S. Ch. 97 Subch. H, is not subject to registration as a sexual offender.*

(g) *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 predator." As defined in 42 Pa.C.S. § 9799.53.*

*"Similar offense." An offense similar to an offense under either subsection (a)(1) or (2) under the laws of this Commonwealth, the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.*

Section 4. Sections 2511(a)(11), 6303(b.1)(8)(vii), 6338.1(c)(4) and 6707 of Title 23 are amended to read:

§ 2511. Grounds for involuntary termination.

(a) General rule.—The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

\* \* \*

(11) The parent is required to register as a sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) *or I (relating to continued registration of sexual offenders)* or to register with a sexual offender registry in another jurisdiction or foreign country.

\* \* \*

§ 6303. Definitions.

\* \* \*

(b.1) Child abuse.—The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

\* \* \*

(8) Engaging in any of the following recent acts:

\* \* \*

(vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

***(D) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).***

\* \* \*

§ 6338.1. Expunction of information of perpetrator who was under 18 years of age when child abuse was committed.

\* \* \*

(c) Nonapplicability.—The provisions of this section shall not apply to any of the following cases:

\* \* \*

**(4) [A sexual offender, as defined in 42 Pa.C.S. § 9799.12, who meets all of the following:] *An individual who:***

(i) Is required to register under 42 Pa.C.S. Ch. 97 Subch. H *or I (relating to continued registration of sexual offenders)* as a result of a criminal conviction for the same acts which resulted in the sexual offender being named a perpetrator of child abuse.

(ii) Has not completed the period of registration required under 42 Pa.C.S. [§ 9799.15 (relating to period of registration)] *Subch. H or I.*

§ 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:

(1) when the State or local government agency has been granted a waiver pursuant to section 6709 (relating to waiver process); or

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

(i) a released offender complying with State or county probation or parole requirements; or

(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. Ch. 97 Subch. H (relating to registration of sexual offenders) *or I (relating to continued registration of sexual offenders)* or any similar registration requirement imposed by any other jurisdiction.

Section 5. Section 9718.1(a) introductory paragraph of Title 42 is amended to read:

§ 9718.1. Sexual offender treatment.

(a) General rule.—A person, including an offender designated as a "sexually violent predator" as defined in section 9799.12 (relating to definitions) *or 9799.53 (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):

\* \* \*

Section 5.1. Title 42 is amended by adding a section to read:

§ 9718.5. *Mandatory period of probation for certain sexual offenders.*

(a) *Mandatory probation supervision after release from confinement.—A person who is convicted in a court of this Commonwealth of an offense under section 9799.14(d) (relating to sexual offenses and tier system) shall be sentenced to a mandatory period of probation of three years consecutive to and in addition to any other lawful sentence issued by the court.*

(b) *Imposition.—The court may impose the term of probation required under subsection (a) in addition to the maximum sentence permitted for the offense for which the defendant was convicted.*

(c) *Authority of court in sentencing.—There shall be no authority in a court to impose on an offender to which this section is applicable a lesser period of probation than provided for under subsection (a). Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory period of probation provided under this section.*

(d) *Direct supervision.—Nothing under this section shall limit the court's authority to direct supervision by the Pennsylvania Board of*

***Probation and Parole by special order as provided under 61 Pa.C.S. § 6133(a) (relating to probation services).***

Section 5.2. Section 9799.10(4) of Title 42 is amended to read:  
 § 9799.10. Purposes of subchapter.

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

\* \* \*

(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] due to committing a sexually violent offense on or after December 20, 2012, for which the individual was convicted**, 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.

\* \* \*

Section 6. Section 9799.11 heading of Title 42 is amended, subsection (b) is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 9799.11. Legislative findings **[and]**, declaration of policy **and scope**.

\* \* \*

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

\* \* \*

***(4) It is the intention of the General Assembly to address the Pennsylvania Supreme Court's decision in Commonwealth v. Muniz, 164 A.3d 1189 (Pa. 2017) and the Pennsylvania Superior Court's decision in Commonwealth v. Butler (2017 WL 4914155).<sup>1</sup>***

***(c) Scope.—This subchapter shall apply to individuals who committed a sexually violent offense on or after December 20, 2012, for which the individual was convicted.***

Section 7. The definitions of "sexual offender," "sexually violent delinquent child," "sexually violent offense," "sexually violent predator" and "transient" in section 9799.12 of Title 42 are amended to read:

§ 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:

\* \* \*

"Sexual offender." An individual **[required to register under this subchapter.] who has committed a sexually violent offense. The term includes a sexually violent predator.**

<sup>1</sup>"Pennsylvania Superior Court's decision in *Commonwealth v. Butler* (2017 WL 3882445)." in enrolled bill.



"Sexually violent delinquent child." As defined in section 6402 (relating to definitions)[.] *if the determination as a sexually violent delinquent child is based on an act of sexual violence, as defined in section 6402, committed on or after December 20, 2012, for which the child was adjudicated delinquent and determined to be in need of commitment for involuntary treatment as specified in Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).*

"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 *committed on or after December 20, 2012, for which the individual was convicted.*

"Sexually violent predator." An individual [determined to be a sexually violent predator under section 9795.4 (relating to assessments) prior to the effective date of this subchapter or an individual convicted of an offense] *who committed a sexually violent offense on or after December 20, 2012, for which the individual was convicted,* specified in:

(1) section 9799.14(b)(1), (2), (3), (4), (5), (6), (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), (8), (9) or (10);

(2) section 9799.14(c)(1), (1.1), (1.2), (1.3), (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), (1.3), (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, **on or after the effective date of this subchapter,** 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 or similar designation where the determination occurred in another jurisdiction, a foreign country or by court martial following a judicial or administrative determination pursuant to a process similar to that under section 9799.24[. **In addition, the term shall include any person convicted between January 23, 2005, and December 19, 2012, of any offense set forth in section 9799.13(3.1) (relating to applicability) determined by a court to be a sexually violent predator due to a mental abnormality or personality disorder that made the person likely to engage in predatory sexually violent offenses, which person shall be deemed a sexually violent predator under this subchapter.] where the determination or designation is based on the commitment of a sexually violent offense on or after December 20, 2012, for which the individual was convicted.**

\* \* \*

"Transient." [An individual required to register under this subchapter] *A sexual offender* 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.

Section 8. Section 9799.13 of Title 42 is amended to read:  
§ 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, is convicted of a sexually violent offense and who has a residence within this Commonwealth or is a transient.] *A sexual offender 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, is convicted of a sexually violent offense in this Commonwealth and] *A sexual offender who is convicted in this Commonwealth and who*** does not have a residence in this Commonwealth and:

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

(1.2) **[An individual who, on or after the effective date of this section, is convicted of a sexually violent offense and] *A sexual offender who*** does not have a residence within this Commonwealth or is not a transient 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, as a result of a conviction for a sexually violent offense,] *A sexual offender who 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, is subject to a sentence of intermediate punishment or has supervision transferred pursuant to the Interstate Compact for Adult Supervision in accordance with section 9799.19(g).

(2.1) **[An individual who, on or after the effective date of this section, is, as a result of a conviction for a sexually violent offense,] *A sexual offender who is*** an inmate in a Federal correctional institution or is supervised by Federal probation authorities and who:

- (i) has a residence within this Commonwealth or is a transient;
- (ii) is employed within this Commonwealth; or
- (iii) is a student within this Commonwealth.

**[(3) An individual who:**

**(i) was required to register with the Pennsylvania State Police pursuant to this subchapter prior to December 20, 2012, and who had not fulfilled the individual's period of registration as of December 20, 2012; or**

**(ii) was required to register with the Pennsylvania State Police pursuant to this subchapter prior to December 20, 2012, and did not register.**

**(3.1) The following:**

(i) An individual who between January 23, 2005, and December 19, 2012, was:

(A) convicted of a sexually violent offense;

(B) released from a period of incarceration resulting from a conviction for a sexually violent offense; or

(C) under the supervision of the Pennsylvania Board of Probation and Parole or county probation or parole as a result of a conviction for a sexually violent offense.

(ii) For purposes of this paragraph, the term "sexually violent offense" shall have the meaning set forth in section 9799.12 (relating to definitions), except that it shall not include:

(A) Convictions:

(I) Under the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 2902(b) (relating to unlawful restraint).

Section 2903(b) (relating to false imprisonment).

Section 2904 (relating to interference with custody of children).

Section 3122.1 (relating to statutory sexual assault).

Section 6301 (relating to corruption of minors).

Section 7507.1 (relating to invasion of privacy).

(II) For a comparable military offense or similar offense under the laws of another jurisdiction or foreign country or under a former law of this Commonwealth prior to December 8, 2008.

(B) A conviction under 18 Pa.C.S. § 3126 (relating to indecent assault) where the crime is graded as a misdemeanor of the second degree or where the conviction occurred between January 22, 2006, and January 1, 2007, when the crime is graded as a felony of the third degree.

**(3.2) An individual who between December 8, 2008, and December 19, 2012, was:**

(i) convicted of conspiracy or solicitation to commit a sexually violent offense as defined in paragraph (3.1);

(ii) released from serving a period of incarceration resulting from a conviction for conspiracy or solicitation to commit a sexually violent offense as defined in paragraph (3.1); or

(iii) under the supervision of the Pennsylvania Board of Probation and Parole or county probation or parole as a result of a conviction for conspiracy or solicitation to commit a sexually violent offense as defined in paragraph (3.1).]

(7) [An individual who, on or after the effective date of this section, is] *A sexual offender* 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,] as a result of committing an offense set forth in section 9799.14(b)(23) (relating to sexual offenses and tier system) on or after December 20, 2012, for which the individual was convicted,** is required to register in a sexual offender registry in another jurisdiction or foreign country **[based upon a conviction of an offense set forth in section 9799.14(b)(23) (relating to sexual offenses and tier system)]** 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.

(7.2) **[An individual who, on or after the effective date of this paragraph,] A sexual offender who** is convicted **[of a sexually violent offense]** in another jurisdiction or foreign country, or is incarcerated or under supervision as a result of a conviction **[for a sexually violent offense]** in another jurisdiction or foreign country 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.

(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.

(8.1) An individual who is a juvenile offender who is adjudicated delinquent in this Commonwealth on or after the effective date of this paragraph but who does not have a residence within this Commonwealth, is not a transient, is not employed in this Commonwealth or is not a student within this Commonwealth must register with the Pennsylvania State Police in accordance with section 9799.19 prior to leaving this Commonwealth.

(8.2) An individual who between January 23, 2005, and December 19, 2012, established a residence or was a transient in this Commonwealth, was employed within this Commonwealth, or was a student in this Commonwealth, and who was required to register in a sexual offender registry as a result of an adjudication of delinquency for an offense which occurred in a foreign country or another jurisdiction and that required the individual to register in that foreign country or other jurisdiction.

(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).]**

Section 9. Section 9799.14(b)(3) of Title 42 is amended and subsection (d) is amended by adding a paragraph to read:  
 § 9799.14. Sexual offenses and tier system.

\* \* \*

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

\* \* \*

(3) 18 Pa.C.S. § 2904 (relating to interference with custody of children), *except in cases where the defendant is the child's parent, guardian or other lawful custodian.*

\* \* \*

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

\* \* \*

*(17) One conviction of a sexually violent offense and one conviction of a sexually violent offense as defined in section 9799.55 (relating to registration).*

Section 10. Section 9799.15(a.1) and (b)(1)(i) and (iv) of Title 42 are amended and the section is amended by adding subsections to read:  
 § 9799.15. Period of registration.

\* \* \*

[(a.1) Credit for time on registry.—The following apply:

(1) An individual subject to registration under this subchapter shall receive credit for any time registered with the Pennsylvania State Police prior to December 20, 2012.

(2) An individual subject to registration under this subchapter shall register with the Pennsylvania State Police for the period of time set forth in subsection (a), except that:

(i) An individual registered pursuant to section 9799.13(2), (2.1), (3), (3.1) or (3.2) for a sexually violent offense shall register for the period set forth in subsection (a), less any credit for time spent registered pursuant to this subchapter for that offense prior to December 20, 2012.

(ii) An individual registered pursuant to section 9799.13(7), (7.1) or (7.2) for a sexually violent offense shall register for the period set forth in subsection (a), less any credit as a result of time registered in a sexual offender registry for that sexually violent offense in the foreign country or other jurisdiction where the individual was convicted.

(iii) An individual registered pursuant to section 9799.13(8), (8.1) or (8.2) as a result of an adjudication of delinquency occurring in a foreign country or other jurisdiction shall register for the period set forth in subsection (a), less any credit as a result of time registered in a sexual offender registry in the foreign country or other jurisdiction where the individual was adjudicated delinquent.]

(a.2) *Assessment by court after 25 years.—An individual required to register under subsection (a)(3), (5), (6) and (7) may be exempt from the*

*requirement to register, the requirement to verify residence, employment and enrollment in an educational institution, the requirement to appear on the publicly accessible Internet website maintained by the Pennsylvania State Police and all other requirements of this subchapter if:*

*(1) Subject to subsection (c), at least 25 years have elapsed prior to filing a petition with the sentencing court to be exempt from the requirements of this subchapter, during which time the petitioner has not been convicted in this Commonwealth or any other jurisdiction or foreign country of an offense punishable by imprisonment of more than one year, or the petitioner's release from custody following the petitioner's most recent conviction for an offense, whichever is later.*

*(2) Upon receipt of a petition filed under paragraph (1), the sentencing court shall enter an order directing that the petitioner be assessed by the board. Upon receipt from the court of an order for an assessment under this subsection, a member of the board designated by the administrative officer of the board shall conduct an assessment of the petitioner to determine if the relief sought, if granted, is likely to pose a threat to the safety of any other person. The board shall establish standards for evaluations and for evaluators conducting assessments.*

*(3) The order for an assessment under this subsection shall be sent to the administrative officer of the board within 10 days of the entry. No later than 90 days following receipt of the order, the board shall submit a written report containing the board's assessment to the sentencing court, the district attorney and the attorney for the petitioner.*

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

*(5) The sentencing court shall exempt the petitioner from application of any or all of the requirements of this subchapter, at the discretion of the court, only upon a finding of clear and convincing evidence that exempting the sexual offender from a particular requirement or all of the requirements of this subchapter is not likely to pose a threat to the safety of any other person.*

*(6) A court granting relief under this subsection shall notify the Pennsylvania State Police in writing within 10 days from the date the relief is granted. If a memorandum of understanding has been entered into under section 9799.26 (relating to victim notification) with respect to relief granted to the petitioner, the Pennsylvania State Police shall transmit the information about the relief to the Office of Victim Advocate as soon as is practicable. The Office of Victim Advocate shall notify the victim of the relief, in accordance with the memorandum of understanding, as described in section 9799.26.*

*(7) The petitioner and the Commonwealth shall have the right to appellate review of the actions of the sentencing court under this*

*subsection. An appeal by the Commonwealth shall stay the order of the sentencing court.*

*(8) The petitioner may file an additional petition with the sentencing court no sooner than five years from the date of the final determination of a court regarding the petition and no sooner than every five years thereafter.*

*(9) If the petitioner is exempt from any provisions of this subchapter and the petitioner is subsequently convicted under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements), relief granted under this subsection shall be void and the petitioner shall automatically and immediately again be subject to the provisions of this subchapter, as previously determined by this subchapter.*

*(a.3) Agency cooperation.—All State, county and local agencies, offices and entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing access to records and information as requested by the board in connection with the court-ordered assessment under subsection (a.2).*

(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]** *who committed* 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.

\* \* \*

(iv) For an individual who **[is convicted of]** *committed* 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.

\* \* \*

Section 11. Section 9799.16(a) of Title 42 is amended by adding a paragraph to read:

§ 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.
- (4) *Contain information about individuals required to register with the Pennsylvania State Police under Subchapter I (relating to continued registration of sexual offenders).*

\* \* \*

Section 12. Section 9799.19(b), (b.1), (c), (d), (e), (e.1), (e.2), (f), (g), (i)(3) and (j) of Title 42 are amended and the section is amended by adding subsections to read:

§ 9799.19. Initial registration.

\* \* \*

**[(b) Initial registration if incarcerated within Commonwealth or by Federal Court on effective date of section.—The following apply:**

**(1) If the individual is, prior to the effective date of this section, incarcerated in a Federal, 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 Federal, 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 Federal, 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 on or after the effective date of section.—If the individual is, on or 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.

(e.1) Initial registration for county or Federal probationers on the effective date of this section.—

(1) If the individual is, on the effective date of this section, already serving a sentence of county probation, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information set forth in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) is collected. The information in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.

(2) If the individual is, on the effective date of this section, already under the supervision of Federal probation authorities for a sexually violent offense, 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.

(e.2) Initial registration for county or State parolees on the effective date of this section.—

(1) If the individual is, on the effective date of this section, already serving a sentence of county parole, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information set forth in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) is collected. The information in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.

(2) If the individual is, on the effective date of this section, already serving a sentence of State parole, the Pennsylvania Board of Probation and Parole shall register the individual within 48 hours.

**The appropriate official of the Pennsylvania Board 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 Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) is collected. The information in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of the Pennsylvania Board of Probation and Parole shall notify the Pennsylvania State Police.]**

(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,]** *for committing a sexually violent offense which requires registration in another jurisdiction or foreign country whether or not the sexual offense is designated as a sexually violent offense*, the individual shall provide the information set forth in section 9799.16(b) *(relating to registry)* 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]** *An individual who committed 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.*

\* \* \*

(i) Initial registration if convicted or adjudicated delinquent outside Commonwealth.—

\* \* \*

(3) If the individual is[, **on or after the effective date of this section,**] convicted of a sexually violent offense and incarcerated in a Federal correctional institution or being supervised by Federal probation authorities, 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 in this Commonwealth. In addition, the individual shall comply with 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 into the registry.

[**(j) Former law and registration.—An individual subject to registration under section 9799.13(3) shall appear at an approved registration site to update registration or, if necessary, 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.]**

*(k) Registration if incarcerated within Commonwealth or by Federal court.—The following apply to an individual who committed a sexually violent offense:*

*(1) If the individual is incarcerated in a Federal, State or county correctional facility, the individual shall provide the information specified in section 9799.16(b) to the appropriate official of the Federal, 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 10 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 facility or a work release facility; or*

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

*(2) For individuals described in paragraph (1), the appropriate official of the Federal, State or county correctional facility or the*

*Pennsylvania Board of Probation and Parole shall collect and forward the information specified in section 9799.16(b) to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information specified in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information specified 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 the State or county correctional facility receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the information specified 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 specified in section 9799.16(b), the State or county correctional facility 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.*

*(l) Registration if sentenced to a State or county correctional facility.—If the individual committed a sexually violent offense and is sentenced to a period of incarceration in a State or county correctional facility, the individual shall provide the information specified 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 specified 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 specified in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information specified in section 9799.16(b) and (c) shall be included in the registry.*

*(2) If the individual is incarcerated in a State 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 10 days prior to, the individual's release from the correctional facility. The following apply:*

*(i) The correctional facility shall ensure that the information specified 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 specified 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 specified 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 facility 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 specified 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 facility due to the expiration of sentence and the individual refuses to provide the information specified in section 9799.16(b), the State or county correctional facility 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.*

*(m) Registration if sentenced to county intermediate punishment.—If the individual committed a sexually violent offense and is 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 specified 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 described 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 specified in section 9799.16(c) with respect to the individual is collected and entered in the registry.*

*(n) Registration if sentenced to county intermediate punishment.—If the individual committed a sexually violent offense and is 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 specified 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 specified 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 specified 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 specified 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 described 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 specified in section 9799.16(c) with respect to the individual is collected and entered in the registry.*

*(o) Registration if sentenced to county probation.—If the individual committed a sexually violent offense and is sentenced to county probation, the individual shall provide the information specified 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 described 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 specified in section 9799.16(c) with respect to the individual is collected and entered in the registry.*

*(p) Registration for county or Federal probationers.—If the individual committed a sexually violent offense, the following apply:*

*(1) If the individual is serving a sentence of county probation, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information specified in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information specified in section 9799.16(c) is collected. The information specified in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.*

*(2) If the individual is under the supervision of Federal probation authorities for a sexually violent offense, the individual shall provide the information specified in section 9799.16(b) by appearing at an approved registration site within 48 hours of the effective date of this section.*

*(q) Registration for State or county parolees.—*

*(1) If the individual committed a sexually violent offense and is serving a sentence of county parole, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information specified in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information specified in section 9799.16(c) is collected. The information specified in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.*



*(2) If the individual committed a sexually violent offense and is serving a sentence of State parole, the Pennsylvania Board of Probation and Parole shall register the individual within 48 hours. The appropriate official of the Pennsylvania Board of Probation and Parole shall collect the information specified in section 9799.16(b) from the individual and forward the information to the Pennsylvania State Police. The Pennsylvania State Police shall ensure that the information specified in section 9799.16(c) is collected. The information specified in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of the Pennsylvania Board of Probation and Parole shall notify the Pennsylvania State Police.*

Section 13. Section 9799.23(b)(2) of Title 42 is amended to read:

§ 9799.23. Court notification and classification requirements.

\* \* \*

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

\* \* \*

(2) Except as provided in [section] *sections 9799.15(a.2) and 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.

Section 14. Sections 9799.25(b)(2) and (3), (c)(1) and (f)(1) and 9799.26(a)(1) of Title 42 are amended and the sections are amended by adding subsections to read:

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

\* \* \*

*(a.1) Alternate requirements regarding verification.—The following apply to an individual required to appear in person under subsection (a)(2) or (3):*

*(1) If the individual has been in compliance with the requirements of this subchapter for the first three years of the individual's period of registration and, during the same three-year period, the individual has not been convicted in this Commonwealth or any other jurisdiction or foreign country of an offense punishable by imprisonment of more than one year, the individual shall appear at an approved registration site annually. The individual shall appear within 10 days before the date designated by the Pennsylvania State Police to verify information in section 9799.16(b) and be photographed.*

*(2) The other appearances required of the individual under this section may be completed by contacting the Pennsylvania State Police by telephone at a telephone number designated by the Pennsylvania State Police. The individual shall call the Pennsylvania State Police within three business days of the date designated by the Pennsylvania State Police.*

*(3) If the individual fails to comply with the provisions of this subsection and the individual is subsequently convicted under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration*

*requirements), any relief granted under this subsection shall be void, and the petitioner shall automatically and immediately again be subject to the provisions of this subchapter, as previously determined by this subchapter.*

*(a.2) Telephonic verification system.—The Pennsylvania State Police shall develop a mechanism to permit individuals to utilize the telephonic verification system established in this section. No individual may utilize the telephonic verification system until the Pennsylvania State Police publishes notice in the Pennsylvania Bulletin that the system is operational.*

(b) Deadline.—The following apply:

\* \* \*

(2) In the case of a sexual offender who fails to appear *in person or telephonically* 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 *in person or telephonically* 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 sexually violent delinquent children, and photographing the sexual offender by:

(1) Sending a notice by first class United States mail to each sexual offender at the last reported location where the offender receives mail. 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) *or (a.1)*. 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 sexually violent delinquent children, and provide a list of approved registration sites *and the telephone number to contact the Pennsylvania State Police under subsection (a.1)*.

\* \* \*

(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 *in total* who are required to register under this [chapter] *subchapter and Subchapter I (relating to continued registration of sexual offenders)* as sexually violent predators.

\* \* \*

## (a) Duty to inform victim.—

(1) If an [offender] *individual* 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, but not limited to, 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.

\* \* \*

*(d) Alternate means of notifying victims.—*

*(1) The Pennsylvania State Police may enter into a memorandum of understanding with the Office of Victim Advocate to assist the Pennsylvania State Police in notifying victims and providing the information under subsection (a). In addition, the memorandum of understanding may also include the Office of Victim Advocate's notifying a victim of relief granted to a petitioner under section 9799.15(a.2). The memorandum of understanding must state the manner and method of notifying victims and the duties of the Pennsylvania State Police and the Office of Victim Advocate under this section and section 9799.15(a.2). A memorandum of understanding entered into under this subsection shall be valid for no more than 10 years. There shall be no limit to the number of memoranda of understanding which may be executed by the Pennsylvania State Police and the Office of Victim Advocate under this subsection.*

*(2) As used in this subsection, the term "Office of Victim Advocate" shall mean the office established under section 301 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.*

Section 15. Section 9799.31(13) of Title 42 is amended to read:

§ 9799.31. Immunity for good faith conduct.

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

\* \* \*

(13) The Department of **[Public Welfare] Human Services** and its agents and employees.

\* \* \*

Section 16. Section 9799.32(6) of Title 42 is amended and the section is amended by adding a paragraph to read:

§ 9799.32. Pennsylvania State Police.

The Pennsylvania State Police have the following duties:

\* \* \*

(6) To facilitate verification of information from individuals **[required to register under this subchapter] under section 9799.13 (relating to applicability)** as provided in section 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

\* \* \*

**(10) To develop the telephonic verification system established under section 9799.25.**

Section 17. Sections 9799.34(1), 9799.36(b), 9799.38(a)(1) and (2) and 9799.39 of Title 42 are amended to read:

§ 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] specified in section 9799.13 (relating to applicability)** before the individual is released from confinement or commitment or is discharged.

\* \* \*

§ 9799.36. Counseling of sexually violent predators.

\* \* \*

(b) Designation in another jurisdiction.—If an individual **[required to register under this subchapter] specified in section 9799.13 (relating to applicability)** 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.

\* \* \*

§ 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 Subchapter I (relating to continued registration of sexual offenders)** and any guidelines promulgated under this subchapter **and Subchapter I**. 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 *and Subchapter I*. The first report shall be released to the general public no fewer than 18 months following the effective date of this section.

\* \* \*

§ 9799.39. Photographs and fingerprinting.

An individual subject to registration *under section 9799.13 (relating to applicability)* 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.

Section 18. Title 42 is amended by adding a section to read:

§ 9799.42. *Standing for Pennsylvania State Police.*

*Except for petitions filed under section 9799.15(a.2) (relating to period of registration), the Pennsylvania State Police shall have standing to appear and contest a filing in a court of this Commonwealth which seeks to challenge in any way the obligation of an individual required to register with the Pennsylvania State Police under this subchapter.*

Section 19. Chapter 97 of Title 42 is amended by adding a subchapter to read:

### **SUBCHAPTER I CONTINUED REGISTRATION OF SEXUAL OFFENDERS**

*Sec.*

9799.51. *Legislative findings and declaration of policy.*

9799.52. *Scope.*

9799.53. *Definitions.*

9799.54. *Applicability.*

9799.55. *Registration.*

9799.56. *Registration procedures and applicability.*

9799.57. *Sentencing court information.*

9799.58. *Assessments.*

9799.59. *Exemption from certain notifications.*

9799.60. *Verification of residence.*

9799.61. *Victim notification.*

9799.62. *Other notification.*

- 9799.63. *Information made available on Internet and electronic notification.*
- 9799.64. *Administration.*
- 9799.65. *Global positioning system technology.*
- 9799.66. *Immunity for good faith conduct.*
- 9799.67. *Duties of Pennsylvania State Police.*
- 9799.68. *Duties of Pennsylvania Board of Probation and Parole.*
- 9799.69. *Board.*
- 9799.70. *Counseling of sexually violent predators.*
- 9799.71. *Exemption from notification for certain licensees and their employees.*
- 9799.72. *Annual performance audit.*
- 9799.73. *Photographs and fingerprinting.*
- 9799.74. *Standing for Pennsylvania State Police.*
- 9799.75. *Construction of subchapter.*
- § 9799.51. *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 offenders as well as 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 itself for the release of sexually violent predators and offenders. 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 and offenders pose a high risk of engaging in further offenses even after being released from incarceration or commitments, and 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 and offenders 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 a sexual 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 and 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.*
- (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, community notification and access to information regarding sexually violent predators and offenders 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 and offenders among public agencies and officials and to authorize the release of necessary and relevant information about sexually violent predators and offenders to members of the general public, including information available through the publicly accessible Internet website of the Pennsylvania State Police, 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 sexually violent predators and offenders without a fixed place of habitation or abode to register under this subchapter.*

*(4) Address the Pennsylvania Supreme Court's decision in Commonwealth v. Muniz, No. 47 MAP 2016 (Pa. 2016), and the Pennsylvania Superior Court's decision in Commonwealth v. Butler (2017 WL 4914155).<sup>1</sup>*

**§ 9799.52. Scope.**

*This subchapter shall apply to individuals who were:*

*(1) convicted of a sexually violent offense committed on or after April 22, 1996, but before December 20, 2012, whose period of registration with the Pennsylvania State Police, as described in section 9799.55 (relating to registration), has not expired; or*

*(2) required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.*

**§ 9799.53. Definitions.**

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

*"Active notification." Notification in accordance with section 9799.62 (relating to other notification) or a process whereby law enforcement, pursuant to the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, notifies persons in the community in which the individual resides, including a person identified in section 9799.62(b), of the residence, employment or school location of the individual.*

*"Approved registration site." A site in this Commonwealth approved by the Pennsylvania State Police as required by section 9799.67(2) (relating to duties of Pennsylvania State Police):*

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<sup>1</sup>Pennsylvania Superior Court's decision in *Commonwealth v. Butler* (2017 WL 3882445)." in enrolled bill.

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

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

(3) which is capable of submitting photographs utilizing the Commonwealth Photo Imaging Network or in another manner and in 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 a portion of real estate is or may become obligated by covenant, easement or agreement imposed upon the owner's interest to pay an amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of any part of the real estate other than the portion or interest owned solely by the individual.

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

"Employed." Includes a vocation or employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during a calendar year, whether financially compensated, volunteered, under a contract or for the purpose of government or educational benefit.

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

"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.

"Minor." As used in section 9799.55 (relating to registration), an individual under 18 years of age unless the age of the victim who is considered a minor is otherwise defined in section 9799.55.

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

"Offender." Subject to section 9799.75 (relating to construction of subchapter), an individual required to register under section 9799.55(a), (b)(1) or (2) (relating to registration).

"Passive notification." Notification in accordance with section 9799.63 (relating to information made available on Internet and electronic notification) or a process whereby persons, 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, 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 9799.55 (relating to registration).*

*"Penetration." Includes any penetration, however slight, of the genitals, anus or mouth of another person with a part of the person's body or a foreign object for a 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.*

*"Residence." 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 specified 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.*

*"Sexually violent offense." The following criminal offenses:*

*(1) Except as provided in paragraph (2):*

*(i) a criminal offense specified in section 9799.55 (relating to registration) committed on or after April 22, 1996, but before December 20, 2012, for which the individual was convicted; or*

*(ii) a criminal offense for which an individual was required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.*

*(2) The following criminal offenses committed on or after January 26, 2005, but before December 20, 2012, for which the individual was convicted:*

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

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

*"Sexually violent predator." Subject to section 9799.75 (relating to construction of subchapter), a person who has been convicted of a sexually violent offense and who is determined to be a sexually violent predator under section 9799.58 (relating to assessments) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator where the determination occurred in the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or by court martial.*

*"Student." A person who is enrolled on a full-time or part-time basis in a public or private educational institution, including a secondary school, trade or professional institution or institution of higher education.*

*§ 9799.54. Applicability.*

**(a) Registration.**—*The following individuals shall register with the Pennsylvania State Police as provided in this subchapter:*

*(1) An individual who committed a sexually violent offense within this Commonwealth and whose period of registration with the Pennsylvania State Police, as specified in section 9799.55 (relating to registration), as of the effective date of this section, has not expired. The individual shall register for the period of time under section 9799.55 less any credit for time spent registered with the Pennsylvania State Police prior to the effective date of this section.*

*(2) An individual who committed a sexually violent offense within this Commonwealth and who has failed to register with the Pennsylvania State Police. In such a case, the individual shall register for the period of time under section 9799.55.*

*(3) An individual who committed a sexually violent offense within this Commonwealth and is an inmate in a State or county correctional facility 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, is subject to a sentence of intermediate punishment or has supervision transferred under the Interstate Compact for Adult Supervision in accordance with section 9799.62(e) (relating to other notification). The individual shall register for the period of time under section 9799.55, except that the period required in section 9799.55 shall be tolled for any period of time the individual is recommitted for a parole violation or sentenced to a term of imprisonment.*

*(4) An individual who was convicted of an offense similar to an offense set forth in section 9799.55 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, a foreign nation or under a former law of this Commonwealth or who was court martialed for a similar offense and who, as of the effective date of this section, has not completed registration requirements. The period of registration shall be as set forth in section 9799.56(b)(4) (relating to registration procedures and applicability) less any credit for time spent on a sexual offender registry of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or with the Pennsylvania State Police prior to the effective date of this section.*

**(b) Initial registration.**—*Individuals required to register under this section shall have 90 days from the effective date of this section to initially register with the Pennsylvania State Police. The individual shall appear at an approved registration site to be photographed, fingerprinted and to verify information. The Pennsylvania State Police shall send a notice by first class United States mail to the individual's last reported residence in order to inform the individual of the requirements of this subchapter. The notice shall specifically inform the individual of the duties specified in section 9799.57 (relating to sentencing court information). The notice shall be sent no later than 30 days from the effective date of this section. The notice shall also provide a list of approved registration sites. Neither*

*failure on the part of the Pennsylvania State Police to send nor failure of an individual to receive notice or information under this paragraph shall relieve the individual of the requirements of this subchapter.*

**§ 9799.55. Registration.**

*(a) Ten-year registration.—Except as provided under subsection (a.1) or (b), the following individuals shall be required to register with the Pennsylvania State Police for a period of 10 years:*

*(1) (i) (A) Individuals convicted within this Commonwealth of any of the following offenses committed on or after April 22, 1996, but before December 20, 2012:*

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

*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).*

*(B) Individuals convicted within this Commonwealth of an offense set forth in clause (A) who were required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.*

*(ii) Individuals convicted within this Commonwealth of any of the following offenses committed on or after January 26, 2005, but before December 20, 2012:*

*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).*

*(2) Individuals convicted of an attempt, conspiracy or solicitation to commit any of the offenses under paragraph (1)(i) or (ii) or subsection (b)(2).*

*(3) Individuals who currently have a residence in this Commonwealth who have been convicted of offenses similar to the crimes cited in paragraphs (1)(i) or (ii) 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 10-year registration.—Except as provided under subsection (b), an individual considered to be an offender under section*

9799.56(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 sections 9799.54 (relating to applicability) and 9799.56(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:*

(i) (A) *in this Commonwealth of the following offenses, if committed on or after April 22, 1996, but before December 20, 2012:*

*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);*

*or*

*18 Pa.C.S. § 4302 when the victim is under 12 years of age;*

*or*

(B) *in this Commonwealth of offenses set forth in clause (A) who were required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired; or*

(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, if committed, or for which registration with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth was required, on or after April 22, 1996, but before December 20, 2012, who currently reside in this Commonwealth.*

(3) *Sexually violent predators.*

(4) *An individual who is considered to be a sexually violent predator under section 9799.56(b) or who is otherwise required to register for life under section 9799.56(b), if the sexual offense which is the basis for the consideration or requirement for which the individual was convicted was committed, or for which registration with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth was required, on or after April 22, 1996, but before December 20, 2012.*

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

(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 in total who are*

*required to register under Subchapter H (relating to registration of sexual offenders) and this subchapter 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).*

**§ 9799.56. Registration procedures and applicability.**

**(a) Registration.—**

*(1) (i) Offenders and sexually violent predators shall be required to register with the Pennsylvania State Police as specified in section 9799.54 (relating to applicability).*

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

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

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

*(i) A 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" in section 9799.53 (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 specified in this subparagraph shall apply until the individual establishes a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53. If the individual who has a residence as defined in paragraph (2) of*

*the definition of "residence" in section 9799.53 changes or adds to the places listed in this subparagraph during a 30-day period, the individual shall list these when reregistering during the next 30-day period.*

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

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

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

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

*(3) The registration period required in section 9799.55(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.*

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

*(i) Where the offender or sexually violent predator was granted parole by the Pennsylvania Board of Probation and Parole or the court or is sentenced to probation or intermediate punishment, the board or county office of probation and parole shall collect registration information from the offender or sexually violent predator and forward that registration information to the Pennsylvania State Police. The Department of Corrections or county correctional facility shall not release the offender or sexually violent predator until it receives verification from the Pennsylvania State Police that the Pennsylvania State Police have received the registration information. Verification by the Pennsylvania State Police may occur by electronic means, including e-mail or facsimile transmission. Where the offender or sexually violent predator is scheduled to be released from a State or county correctional facility because of the expiration of the maximum term of incarceration, the Department of Corrections or county correctional facility shall collect the information from the offender or sexually violent predator no later than 10 days prior to the maximum expiration date. The registration information shall be forwarded to the Pennsylvania State Police.*

*(ii) Where the offender or sexually violent predator scheduled to be released from a State or county correctional facility due to the maximum expiration date refuses to provide the registration information, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police or police*

*department with jurisdiction over the facility of the failure to provide registration information and of the expected date, time and location of the release of the offender or sexually violent predator.*

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

*(1) (Reserved).*

*(2) (Reserved).*

*(3) (Reserved).*

*(4) An individual who 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 three business days of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:*

*(i) If the individual has been classified as a sexually violent predator as defined in section 9799.53 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 9799.53, be considered a sexually violent predator and subject to lifetime registration under section 9799.55(b). The individual shall also be subject to the provisions of this section and sections 9799.60 (relating to verification of residence), 9799.62 (relating to other notification) and 9799.63(c)(1) (relating to information made available on 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.*

*(ii) Except as provided in subparagraphs (i) and (iv), if the individual has been convicted or sentenced by a court or court martial for an offense listed in section 9799.55(b) or an equivalent offense, the individual shall, notwithstanding section 9799.53, be considered an offender and be subject to lifetime registration under section 9799.55(b). The individual shall also be subject to the provisions of this section and sections 9799.60 and 9799.63(c)(2).*

*(iii) Except as provided in subparagraphs (i), (ii), (iv) and (v), if the individual has been convicted or sentenced by a court or court martial for an offense listed in section 9799.55(a) or an equivalent offense, the individual shall be, notwithstanding section*

9799.53, considered an offender and subject to registration under this subchapter. The individual shall also be subject to the provisions of this section and sections 9799.60 and 9799.63(c)(2). The individual shall be subject to this subchapter for a period of 10 years or for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, whichever is greater, less any credit due to the individual as a result of prior compliance with registration requirements.

(iv) Except as provided in subparagraph (i) and notwithstanding subparagraph (v), if the individual is subject to active notification in the other jurisdiction or subject to active notification by reason of court martial, the individual shall, notwithstanding section 9799.53, be considered an offender and subject to this section and sections 9799.60, 9799.62 and 9799.63(c)(1). If the individual was convicted of or sentenced in the other jurisdiction or sentenced by court martial for an offense listed in section 9799.55(b) or an equivalent offense, the individual shall be subject to this subchapter for the individual's lifetime. If the individual was convicted of or sentenced in the other jurisdiction or sentenced by court martial for an offense listed in section 9799.55(a) or an equivalent offense, the individual shall be subject to this subchapter for a period of 10 years or for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, whichever is greater, less any credit due to the individual as a result of prior compliance with registration requirements. Otherwise, the individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, less any credit due to the individual as a result of prior compliance with registration requirements.

(v) Except as provided in subparagraphs (i), (ii), (iii) and (iv), if the individual is subject to passive notification in the other jurisdiction or subject to passive notification by reason of court martial, the individual shall, notwithstanding section 9799.53, be considered an offender and subject to this section and sections 9799.60 and 9799.63(c)(2). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, less any credit due to the individual as a result of prior compliance with registration requirements.

(5) Notwithstanding the provisions of Chapter 63 (relating to juvenile matters) and except as provided in paragraph (4), an individual who 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 three business days of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:*

*(i) If the individual has been classified as a sexually violent predator as defined in section 9799.53 or determined under the laws of the other jurisdiction to be subject to active notification and lifetime registration on the basis of a statutorily authorized administrative or judicial decision or on the basis of a statute or administrative rule requiring active notification and lifetime registration based solely on the offense for which the individual was adjudicated, the individual shall, notwithstanding section 9799.53, be considered a sexually violent predator and subject to lifetime registration under section 9799.55(b). The individual shall also be subject to the provisions of this section and sections 9799.60 and 9799.63(c)(1), except that the individual shall not be required to receive counseling unless required to do so by the other jurisdiction.*

*(ii) Except as provided in subparagraph (i), if the individual is subject to active notification in the other jurisdiction, the individual shall, notwithstanding section 9799.53, be considered an offender and subject to registration under this subchapter. The individual shall also be subject to the provisions of this section and sections 9799.60, 9799.62 and 9799.63(c)(1). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction, less any credit due to the individual as a result of prior compliance with registration requirements.*

*(iii) Except as provided in subparagraphs (i) and (ii), if the individual is subject to passive notification in the other jurisdiction, the individual shall, notwithstanding section 9799.53, be considered an offender and be subject to this section and sections 9799.60 and 9799.63(c)(2). The individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction, less any credit due to the individual as a result of prior registration compliance.*

*(c) Registration information to local police.—*

*(1) The Pennsylvania State Police shall provide the information obtained under this section and sections 9799.57 (relating to sentencing court information) and 9799.60 to the chief law enforcement officers of the police departments of the municipalities in which the individual will 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 establish a residence or be employed or enrolled as a student following the individual's release from incarceration, parole or probation.*

*(2) The Pennsylvania State Police shall provide notice to the chief law enforcement officers of the police departments of the municipalities notified under paragraph (1) when an individual fails to comply with the registration requirements of this section or section 9799.60 and*

*request, as appropriate, that these police departments assist in locating and apprehending the individual.*

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

*(d) Penalty.—An individual subject to registration under this subchapter who fails to register with the Pennsylvania State Police as required by this section may be subject to prosecution under 18 Pa.C.S. § 4915.2 (relating to failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements).*

*(e) Registration sites.—An individual subject to section 9799.55 shall register and submit to fingerprinting and photographing as required by this subchapter at approved registration sites.*

*§ 9799.57. Sentencing court information.*

*The sentencing court shall inform offenders and sexually violent predators convicted on or after the effective date of this section at the time of sentencing of the provisions of this subchapter. The court shall:*

*(1) Specifically inform the offender or sexually violent predator of the duty to register and provide the information required for each registration, including verification as required in section 9799.60(a) (relating to verification of residence).*

*(2) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within three business days 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 a calendar 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" in section 9799.53 (relating to definitions).*

*(2.1) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within three business days 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 three business days after establishing residence in another state.*

*(4) Order the fingerprints and photograph of the offender or sexually violent predator to be provided to the Pennsylvania State Police upon sentencing.*

*(5) Specifically inform the offender or sexually violent predator of the duty to register with the appropriate authorities in a state in which the offender or sexually violent predator is employed, carries on a vocation or is a student if the state requires the registration.*

*(6) Require the offender or sexually violent predator to read and sign a form stating that the duty to register under this subchapter has been explained. Where the offender or sexually violent predator is incapable of reading, the court shall certify the duty to register was explained to the offender or sexually violent predator and the offender or sexually violent predator indicated an understanding of the duty.*

**§ 9799.58. Assessments.**

*(a) Order for assessment.—After conviction but before sentencing, a court shall order an individual convicted of an offense specified in section 9799.55 (relating to registration) to be assessed by the board. The order for an assessment shall be sent to the administrative officer of the board within 10 days of the date of conviction.*

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

*(1) Facts of the current offense, including:*

*(i) Whether the offense involved multiple victims.*

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

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

*(iv) Relationship of the individual to the victim.*

*(v) Age of the victim.*

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

*(vii) The mental capacity of the victim.*

*(2) Prior offense history, including:*

*(i) The individual's prior criminal record.*

*(ii) Whether the individual completed any prior sentences.*

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

*(3) Characteristics of the individual, including:*

*(i) Age of the individual.*

(ii) *Use of illegal drugs by the individual.*

(iii) *A 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 or entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing access to 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 which trigger the application of this subchapter to include, but not be limited to:*

(1) *A concise narrative of the offender'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 offender 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 same 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 a lawyer appointed to represent the individual if he or she 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 an assessment of an offender or sexually violent predator be conducted and provide a report to the Pennsylvania Board of Probation and Parole prior to considering an offender or sexually violent predator for parole.*

(h) *Delinquent children.—Except where section 6358(b.1) is applicable, 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 under section 6352 (relating to disposition of delinquent child) after having been found 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), 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 under section 6358(c). The probation officer shall assist the board in obtaining access to the child and records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).*

(i) *Other assessments.—Upon receipt from the court of an order for an assessment under section 9799.59 (relating to exemption from certain notifications), a member of the board as designated by the administrative officer of the board shall conduct an assessment of the individual to determine if the relief sought, if granted, is likely to pose a threat to the safety of any other person. The board shall establish standards for evaluations and for evaluators conducting these assessments.*  
§ 9799.59. *Exemption from certain notifications.*

(a) *General rule.—An individual required to register under section 9799.55(a.1) and (b) (relating to registration) may be exempt from the requirement to register, the requirement to verify residence, employment and enrollment in an educational institution, the requirement to appear on the publicly accessible Internet website maintained by the Pennsylvania State Police and all other requirements of this subchapter if:*

(1) *At least 25 years have elapsed prior to filing a petition with the sentencing court to be exempt from the requirements of this subchapter, during which time the petitioner has not been convicted in this*

*Commonwealth or any other jurisdiction or foreign country of an offense punishable by imprisonment of more than one year, or the petitioner's release from custody following the petitioner's most recent conviction for an offense, whichever is later.*

(2) *Upon receipt of a petition filed under paragraph (1), the sentencing court shall enter an order directing that the petitioner be assessed by the board. Upon receipt from the court of an order for an assessment under this section, a member of the board designated by the administrative officer of the board shall conduct an assessment of the petitioner to determine if the relief sought, if granted, is likely to pose a threat to the safety of any other persons. The board shall establish standards for evaluations and for evaluators conducting assessments.*

(3) *The order for an assessment under this section shall be sent to the administrative officer of the board within 10 days of the entry. No later than 90 days following receipt of the order, the board shall submit a written report containing the board's assessment to the sentencing court, the district attorney and the attorney for the sexual offender.*

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

(5) *The sentencing court shall exempt the petitioner from application of any or all of the requirements of this subchapter, at the discretion of the court, only upon a finding of clear and convincing evidence that exempting the petitioner from a particular requirement or all of the requirements of this subchapter is not likely to pose a threat to the safety of any other person.*

(6) *A court granting relief under this section shall notify the Pennsylvania State Police in writing within 10 days from the date relief is granted.*

(7) *The petitioner and the Commonwealth shall have the right to appellate review of the actions of the sentencing court under this section. An appeal by the Commonwealth shall stay the order of the sentencing court. A court granting relief under this section shall notify the Pennsylvania State Police in writing within 10 days from the date the relief is granted. If a memorandum of understanding has been entered into under section 9799.61 (relating to victim notification) with respect to relief granted to the petitioner, the Pennsylvania State Police shall transmit the information about the relief to the Office of Victim Advocate as soon as is practicable. The Office of Victim Advocate shall notify the victim of the relief, in accordance with the memorandum of understanding, as specified in section 9799.61.*

(8) *The petitioner may file an additional petition with the sentencing court no sooner than five years from the date of the final*

*determination of a court regarding the petition and every five years thereafter.*

*(9) If a petitioner is exempt from any provisions of this subchapter and the petitioner is subsequently convicted under 18 Pa.C.S. § 4915.2 (relating to failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements), relief granted under this section shall be void, and the petitioner shall automatically and immediately again be subject to the provisions of this subchapter, as previously determined by this subchapter.*

*(b) Agency cooperation.—All State, county and local agencies, offices and entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing access to records and information as requested by the board in connection with the court-ordered assessment under subsection (a).*

*§ 9799.60. Verification of residence.*

*(a) Quarterly verification by sexually violent predators.—The Pennsylvania State Police shall verify the residence and compliance with counseling as provided for in section 9799.70 (relating to counseling of sexually violent predators) of sexually violent predators every 90 days through the use of a nonforwardable verification form to the last reported residence. For the period of registration required by section 9799.55 (relating to registration), a sexually violent predator shall appear quarterly within 10 days of the dates designated by the Pennsylvania State Police each calendar year at an approved registration site to complete a verification form and to be photographed.*

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

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

*(2) providing verification and compliance forms as necessary to each approved registration site not less than 10 days before each of the quarterly verification periods.*

*(b) Annual verification by offenders.—The Pennsylvania State Police shall verify the residence of offenders. For the period of registration required by section 9799.55, an offender shall appear within 10 days before each annual anniversary date of the offender's initial registration under section 9799.55 at an approved registration site to complete a verification form and to be photographed.*

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

*(1) sending a notice by first class United States mail to all registered offenders at their last reported residence addresses. This notice shall be*

*sent not more than 30 days nor less than 15 days prior to each offender's annual anniversary date and shall remind the offender of the annual verification requirement and provide the offender with a list of approved registration sites; and*

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

*(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" in section 9799.53 (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 three business days 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" in section 9799.53 at the last reported location where the individual receives mail. This notice shall be sent not more than 10 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.*

*(c) Notification of law enforcement agencies of change of residence.—A change of residence of an offender or sexually violent predator required to register under this subchapter reported to the Pennsylvania State Police shall be immediately reported by the Pennsylvania State Police to the appropriate law enforcement agency having jurisdiction of the offender's or the sexually violent predator's new place of residence. The Pennsylvania State Police shall, if the offender or sexually violent predator changes residence to another state, notify the law enforcement agency with which the offender or sexually violent predator must register in the new state.*

*(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" in section 9799.53 within the 10-day period or three business days in the case of an offender or sexually violent predator who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53, as specified 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 the individual for violating this section. The Pennsylvania State Police shall assume responsibility for locating and arresting the offender or sexually violent predator in jurisdictions where no municipal police jurisdiction exists. The Pennsylvania State Police shall assist a municipal police department requesting assistance with locating and arresting an offender or sexually violent predator who fails to verify the offender's or sexually violent predator's residence.*

*(e) Penalty.—An individual subject to registration under section 9799.55(a) or (b) who fails to verify the individual's residence or to be photographed as required by this section may be subject to prosecution under 18 Pa.C.S. § 4915.2 (relating to failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements).*

*(f) Effect of notice.—Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive notice or information under subsection (a.1), (b.1) or (b.3) shall relieve that predator or offender from the requirements of this subchapter. § 9799.61. Victim notification.*

*(a) Duty to inform victim.—*

*(1) Where the individual is determined to be a sexually violent predator by a court under section 9799.58 (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 the sexually violent predator notifies the Pennsylvania State Police of a change of residence. In the case of a sexually violent predator who has a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53 (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 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" in section 9799.53, the notice shall contain the sexually violent predator's name and the information specified in section 9799.56(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 described 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 9799.58, 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" in section 9799.53.*

*(c) Alternate means of notifying victims.—*

*(1) The Pennsylvania State Police may enter into a memorandum of understanding with the Office of Victim Advocate to assist the Pennsylvania State Police in notifying victims and providing the information under subsection (a). In addition, the memorandum of understanding may also include the Office of Victim Advocate's notifying a victim of relief granted to a petitioner under section 9799.59 (relating to exemption from certain notifications). The memorandum of understanding must set forth the manner and method of notifying victims and the duties of the Pennsylvania State Police and the Office of Victim Advocate under this section and section 9799.59(a). A memorandum of understanding entered into under this subsection shall be valid for no more than 10 years. There shall be no limit to the number of memoranda of understanding which may be executed by the Pennsylvania State Police and the Office of Victim Advocate under this subsection.*

*(2) As used in this subsection, the term "Office of Victim Advocate" shall mean the office established under section 301 of the Crime Victims Act.*

**§ 9799.62. Other notification.**

*(a) Notice by municipality's chief law enforcement officer.— Notwithstanding any of the provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history record information), the chief law enforcement officer of the full-time or part-time police department of the municipality where a sexually violent predator lives shall be responsible for providing written notice as required under this section.*

*(1) The notice shall contain:*

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

*(ii) The address or addresses at which 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" in section 9799.53 (relating to definitions), the notice shall be limited to that provided for under section 9799.56(a)(2)(i)(C) (relating to registration procedures and applicability).*

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

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

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

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

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

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

**(2) The director of the county children and youth service agency of the county where the sexually violent predator 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 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 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 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.**

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

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

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

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

**(e) Interstate transfers.—The duties of police departments under this section shall also apply to individuals who are transferred to this Commonwealth under the Interstate Compact for the Supervision of Adult Offenders or the Interstate Compact for Juveniles.**

**§ 9799.63. Information made available on 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, 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. The publicly accessible Internet website created under this subchapter and the information required to be posted under this subchapter shall be included on the publicly accessible Internet website created and maintained by the Pennsylvania State Police under Subchapter H (relating to registration of sexual offenders).*

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

*(3) Ensure that the Internet website contains:*

*(i) 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.*

*(ii) A statement that some information contained on the Internet website may be outdated or inaccurate.*

*(iii) A statement 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 on the Internet website 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.*

*(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, 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" in section 9799.53 (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 an institution or location at which the person is enrolled as a student;*

*(v) the municipality, county and zip code of an employment location;*

*(vi) a photograph of the individual, 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) identifying marks, including scars, birthmarks and tattoos;*

*(ix) the license plate number and description of a 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;*

*(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" in section 9799.53, the information listed in section 9799.56(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 specified 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 9799.59 (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 an extension of this period under section 9799.56(a)(3).**

**§ 9799.64. Administration.**

**The Governor shall direct the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the State Sexual Offenders Assessment Board, the Department of Corrections, the Department of Transportation and any other agency of this Commonwealth the Governor deems necessary to collaboratively design, develop and implement an integrated and secure system of communication, storage and retrieval of information to assure the timely, accurate and efficient administration of this subchapter.**

**§ 9799.65. Global positioning system technology.**

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

**§ 9799.66. Immunity for good faith conduct.**

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

**(1) The Pennsylvania State Police and local law enforcement agencies and employees of 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 a 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/operators of registered family day-care homes, and their agents and employees.**

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

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

**(11) Members of the Sexual Offenders Assessment Board and its agents and employees.**

*(12) The unit owners' association of a common interest community and its agents and employees as it relates to distributing information regarding sexually violent predators obtained under section 9799.62(b)(1) (relating to other notification).*

**§ 9799.67. Duties of Pennsylvania State Police.**

*The Pennsylvania State Police shall:*

*(1) Create and maintain a State registry of offenders and sexually violent predators required to register under this subchapter. The registry shall be incorporated as part of the registry established under Subchapter H (relating to registration of sexual offenders).*

*(2) In consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole and the chairperson and the minority chairperson of the Judiciary Committee of the Senate and the chairperson and the minority chairperson 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 9799.55 (relating to registration) and 9799.60 (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" in section 9799.53 (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 9799.55. An approved registration site shall be capable of submitting fingerprints, photographs and 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 the 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 the 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 specified in this paragraph.*

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

*(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 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 under sections 9799.56 (relating to registration procedures and applicability) and 9799.60.*

*(5) In consultation with the Department of Education and the Pennsylvania Board of Probation and Parole, promulgate guidelines directing licensed day-care centers, licensed preschool programs, schools, universities and colleges, including community colleges, on the proper use and administration of information received under section 9799.62 (relating to other notification).*

*(6) Immediately transfer the information received from the Pennsylvania Board of Probation and Parole under section 9799.68(2) and (3) (relating to duties of Pennsylvania Board of Probation and Parole) and the fingerprints of a sexually violent predator to the Federal Bureau of Investigation.*

*(7) Notify individuals of the requirements under this subchapter, as specified in section 9799.54 (relating to applicability).*

**§ 9799.68. Duties of Pennsylvania Board of Probation and Parole.**

*The Pennsylvania Board of Probation and Parole shall:*

*(1) Create a notification form which will inform State and county prison and probation and parole personnel how to inform offenders and sexually violent predators required to register under this subchapter of their duty under the law.*

*(2) In cooperation with the Department of Corrections and other Commonwealth agencies, obtain the following information regarding offenders and sexually violent predators:*

*(i) Name, including aliases.*

*(ii) Identifying factors.*

*(iii) Anticipated future residence.*

*(iv) Offense history.*

*(v) Documentation of treatment received for the mental abnormality or personality disorder.*

*(vi) Photograph of the offender or sexually violent predator.*

*(3) Immediately transmit the information in paragraph (2) to the Pennsylvania State Police for immediate entry into the State registry of offenders and sexually violent predators and the criminal history record of the individual as provided in 18 Pa.C.S. Ch. 91 (relating to criminal history record information).*

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

**§ 9799.69. Board.**

*(a) Composition.—The State Sexual Offenders Assessment 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 per annum.*

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

**§ 9799.70. Counseling of sexually violent predators.**

*For the period of registration required by section 9799.55(b) (relating to registration), 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 person cannot afford to pay for the counseling sessions, that person shall still attend the counseling sessions and the parole office shall pay the requisite fees.*

**§ 9799.71. Exemption from notification for certain licensees and their employees.**

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

*(1) a sexually violent predator; or*

*(2) an individual who is transferred to this Commonwealth under the Interstate Compact for the Supervision of Adult Offenders or the Interstate Compact for Juveniles.*

**§ 9799.72. Annual performance audit.**

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

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

*(3) Provide a copy of its report to the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the State Sexual Offenders Assessment Board, the Administrative Office of Pennsylvania Courts, State or local agencies referenced therein, the chairperson and the minority chairperson of the Judiciary Committee of the Senate and the chairperson and the minority chairperson of the Judiciary Committee of the House of*

*Representatives no less than 30 days prior to the report's release to the general public.*

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

**§ 9799.73. Photographs and fingerprinting.**

*An individual subject to section 9799.55 (relating to registration) shall submit to fingerprinting and photographing as required by this subchapter at approved registration sites. Fingerprinting as required by this subchapter shall, at a minimum, require submission of a full set of fingerprints. Photographing as required by this subchapter shall, at a minimum, require submission to photographs of the face and 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.*

**§ 9799.74. Standing for Pennsylvania State Police.**

*Except for petitions filed under section 9799.59(a) (relating to exemptions from certain notifications), the Pennsylvania State Police shall have standing to appear and contest a filing in a court of this Commonwealth which seeks to challenge in any way the obligation of an individual required to register with the Pennsylvania State Police under this subchapter.*

**§ 9799.75. Construction of subchapter.**

*(a) Registration.—Nothing in this subchapter shall be construed to relieve an individual from the obligation to register with the Pennsylvania State Police under this subchapter if the individual:*

*(1) committed a sexually violent offense within this Commonwealth or committed an 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 which is similar or equivalent to a sexually violent offense, or who was court martialled for a similar or equivalent offense, whether or not the offense is designated as a sexually violent offense; and*

*(2) was required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth that was enacted before December 20, 2012, or would have been required to register with the Pennsylvania State Police under the act of November 24, 2004 (P.L.1243, No.152), entitled "An act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two year limitation; providing for limitation and*

*application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting."*<sup>1</sup>

*(b) Reregistration.—Nothing in this subchapter shall be construed to require an individual who had previously registered with the Pennsylvania State Police for a sexually violent offense prior to July 9, 2000, to reregister under this subchapter if the individual's registration requirements were satisfied.*

Section 20. This act applies as follows:

(1) The amendment of 18 Pa.C.S. § 4915.1 and 42 Pa.C.S. Ch. 97 Subch. H shall apply to an individual who commits an offense on or after December 20, 2012.

(2) The addition of 18 Pa.C.S. § 4915.2 and 42 Pa.C.S. Ch. 97 Subch. I shall apply to:

(i) An individual who committed an offense set forth in 42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before December 20, 2012, and whose period of registration as set forth in 42 Pa.C.S. § 9799.55 has not expired.

(ii) An individual required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth as set forth in 42 Pa.C.S. § 9799.55(a)(1)(i), (b)(2) and (4).

(iii) An individual who, before or after the effective date of this paragraph:

(A) commits an offense subject to 42 Pa.C.S. Subch. H; but

(B) because of a judicial determination on or after the effective date of this section of the invalidity of 42 Pa.C.S. Subch. H, is not subject to registration as a sexual offender.

Section 21. The amendment or addition of 42 Pa.C.S. §§ 9799.25(f) and 9799.55(d) 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 22. This act shall take effect as follows:

(1) The addition of 42 Pa.C.S. § 9718.5 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 21st day of February, A.D. 2018

TOM WOLF

<sup>1</sup>"under Act 152 of 2004." in enrolled bill.