

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1952 Session of  
2017

INTRODUCED BY MARSICO, STEPHENS, CORBIN, RYAN, DRISCOLL,  
MALONEY, DAVIS, TOEPEL, ROTHMAN, KAUFFMAN, BAKER, W. KELLER,  
MILLARD, RAPP, ROZZI, COX, A. HARRIS, PICKETT, JOZWIAK, HILL-  
EVANS, CORR, CUTLER, SCHWEYER, ORTITAY, READSHAW, WHEELAND,  
M. QUINN, DeLUCA, PHILLIPS-HILL, ROEBUCK, CALTAGIRONE,  
WATSON, WHITE, BARBIN AND HEFFLEY, DECEMBER 4, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 21, 2018

AN ACT

1 ~~Amending Titles 18 (Crimes and Offenses), 23 (Domestic~~ <--  
2 ~~Relations) and 42 (Judiciary and Judicial Procedure) of the~~  
3 ~~Pennsylvania Consolidated Statutes, in sexual offenses,~~  
4 ~~further providing for conduct relating to sex offenders and~~  
5 ~~for general rule; in falsification and intimidation, further~~  
6 ~~providing for the offense of failure to comply with~~  
7 ~~registration requirements, defining the offense of failure to~~  
8 ~~comply with 42 Pa.C.S. Ch. 97 Subch. I registration~~  
9 ~~requirements and imposing penalties; in proceedings prior to~~  
10 ~~petition to adopt, further providing for grounds for~~  
11 ~~involuntary termination and for definitions; in domestic and~~  
12 ~~sexual violence victim address confidentiality, further~~  
13 ~~providing for agency use of designated address; in~~  
14 ~~sentencing, extensively revising registration of sexual~~  
15 ~~offenders provisions; and making editorial changes.~~  
16 AMENDING TITLES 18 (CRIMES AND OFFENSES), 23 (DOMESTIC <--  
17 RELATIONS) AND 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE  
18 PENNSYLVANIA CONSOLIDATED STATUTES, IN SEXUAL OFFENSES,  
19 FURTHER PROVIDING FOR CONDUCT RELATING TO SEX OFFENDERS AND  
20 FOR GENERAL RULE; IN FALSIFICATION AND INTIMIDATION, FURTHER  
21 PROVIDING FOR THE OFFENSE OF FAILURE TO COMPLY WITH  
22 REGISTRATION REQUIREMENTS, DEFINING THE OFFENSE OF FAILURE TO  
23 COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I REGISTRATION  
24 REQUIREMENTS AND IMPOSING PENALTIES; IN PROCEEDINGS PRIOR TO  
25 PETITION TO ADOPT, FURTHER PROVIDING FOR GROUNDS FOR  
26 INVOLUNTARY TERMINATION, FOR DEFINITIONS AND FOR EXPUNCTION  
27 OF INFORMATION OF PERPETRATOR WHO WAS UNDER 18 YEARS OF AGE  
28 WHEN CHILD ABUSE WAS COMMITTED; IN DOMESTIC AND SEXUAL  
29 VIOLENCE VICTIM ADDRESS CONFIDENTIALITY, FURTHER PROVIDING

1 FOR AGENCY USE OF DESIGNATED ADDRESS; IN SENTENCING,  
2 EXTENSIVELY REVISING REGISTRATION OF SEXUAL OFFENDERS  
3 PROVISIONS; AND MAKING EDITORIAL CHANGES.

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

6 ~~Section 1. Section 3130 of Title 18 of the Pennsylvania~~ <--

7 ~~Consolidated Statutes is amended to read:~~

8 ~~§ 3130. Conduct relating to sex offenders.~~

9 ~~(a) Offense defined. A person commits a felony of the third~~  
10 ~~degree if the person has reason to believe that a sex offender~~  
11 ~~is not complying with or has not complied with the requirements~~  
12 ~~of the sex offender's probation or parole, imposed by statute or~~  
13 ~~court order, or with the registration requirements of 42 Pa.C.S.~~  
14 ~~Ch. 97 Subch. H (relating to registration of sexual offenders)~~  
15 ~~or I (relating to continued registration of sexual offenders),~~  
16 ~~and the person, with the intent to assist the sex offender in~~  
17 ~~cluding a law enforcement agent or agency that is seeking to~~  
18 ~~find the sex offender to question the sex offender about, or to~~  
19 ~~arrest the sex offender for, noncompliance with the requirements~~  
20 ~~of the sex offender's probation or parole or the requirements of~~  
21 ~~42 Pa.C.S. Ch. 97 Subch. H or I:~~

22 ~~(1) withholds information from or does not notify the~~  
23 ~~law enforcement agent or agency about the sex offender's~~  
24 ~~noncompliance with the requirements of parole, the~~  
25 ~~requirements of 42 Pa.C.S. Ch. 97 Subch. H or I or, if known,~~  
26 ~~the sex offender's whereabouts;~~

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

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

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

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

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

10          ~~§ 3141. General rule.~~

11          ~~A person:~~

12                 ~~(1) convicted under section 3121 (relating to rape),~~  
13                 ~~3122.1 (relating to statutory sexual assault), 3123 (relating~~  
14                 ~~to involuntary deviate sexual intercourse), 3124.1 (relating~~  
15                 ~~to sexual assault), 3125 (relating to aggravated indecent~~  
16                 ~~assault) or 3126 (relating to indecent assault); or~~

17                 ~~(2) required to register with the Pennsylvania State~~  
18                 ~~Police under 42 Pa.C.S. Ch. 97 Subch. H (relating to~~  
19                 ~~registration of sexual offenders) or I (relating to continued~~  
20                 ~~registration of sexual offenders).~~

21          ~~may be required to forfeit property rights in any property or~~  
22          ~~assets used to implement or facilitate commission of the crime~~  
23          ~~or crimes of which the person has been convicted. The forfeiture~~  
24          ~~shall be conducted in accordance with 42 Pa.C.S. §§ 5803-~~  
25          ~~(relating to asset forfeiture), 5805 (relating to forfeiture~~  
26          ~~procedure), 5806 (relating to motion for return of property),~~  
27          ~~5807 (relating to restrictions on use), 5807.1 (relating to~~  
28          ~~prohibition on adoptive seizures) and 5808 (relating to~~  
29          ~~exceptions).~~

30          ~~Section 2. Section 4915.1(a.2)(2), (b)(4), (c.1)(4), (c.3)-~~

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

4 ~~§ 4915.1. Failure to comply with registration requirements.~~

5 ~~\* \* \*~~

6 ~~(a.2) Counseling. The following apply:~~

7 ~~\* \* \*~~

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

15 ~~(b) Grading for sexual offenders who must register for 15~~  
16 ~~years or who must register pursuant to 42 Pa.C.S. §~~  
17 ~~9799.13(7.1).~~

18 ~~\* \* \*~~

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

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

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

26 ~~\* \* \*~~

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

29 ~~\* \* \*~~

30 ~~(4) For the purposes of this subsection, an individual~~

1 shall mean an individual that meets any of the following:

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

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

7 \* \* \*

8 (c.3) ~~Grading for failure to comply with counseling~~  
9 ~~requirements. An individual designated as a sexually violent~~  
10 ~~predator or sexually violent delinquent child or an individual~~  
11 ~~who is subject to a counseling requirement under a sex offender~~  
12 ~~registration statute following conviction of a sexual offense on~~  
13 ~~or after December 20, 2012, in another jurisdiction commits a~~  
14 ~~misdemeanor of the first degree if the individual violates~~  
15 ~~subsection (a.2).~~

16 (d) ~~Effect of notice. Neither failure on the part of the~~  
17 ~~Pennsylvania State Police to send nor failure of a sexually~~  
18 ~~violent predator or sexual offender to receive any notice or~~  
19 ~~information pursuant to 42 Pa.C.S. § 9799.25 shall be a defense~~  
20 ~~to a prosecution commenced against an individual arising from a~~  
21 ~~violation of this section. The provisions of 42 Pa.C.S. §~~  
22 ~~9799.25 are not an element of an offense under this section.~~

23 \* \* \*

24 (e.1) ~~Affirmative defense. It is an affirmative defense for~~  
25 ~~a prosecution under this section that the individual acted in~~  
26 ~~accordance with a court order under 42 Pa.C.S. § 9799.15(a.2)~~  
27 ~~(relating to period of registration).~~

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

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

3 \* \* \*

4 Section 3. Title 18 is amended by adding a section to read:  
5 ~~§ 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I~~  
6 ~~registration requirements.~~

7 ~~(a) Offense defined. An individual who is subject to~~  
8 ~~registration under 42 Pa.C.S. § 9799.55(a), (a.1) or (b)~~  
9 ~~(relating to registration) or who was subject to registration~~  
10 ~~under former 42 Pa.C.S. § 9793 (relating to registration of~~  
11 ~~certain offenders for ten years) commits an offense if the~~  
12 ~~individual knowingly fails to:~~

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

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

19 ~~(3) provide accurate information when registering under~~  
20 ~~42 Pa.C.S. § 9799.56 or verifying a residence under 42~~  
21 ~~Pa.C.S. § 9799.60.~~

22 ~~(a.1) Counseling. The following apply:~~

23 ~~(1) An individual who is designated as a sexually~~  
24 ~~violent predator commits an offense if the individual~~  
25 ~~knowingly fails to comply with 42 Pa.C.S. § 9799.70 (relating~~  
26 ~~to counseling of sexually violent predators).~~

27 ~~(2) An individual who is subject to a counseling~~  
28 ~~requirement under a sex offender registration statute~~  
29 ~~following conviction in another jurisdiction commits an~~  
30 ~~offense if the individual knowingly fails to comply with that~~

1 ~~requirement, as provided in 42 Pa.C.S. § 9799.56(b)(4)(i).~~

2 ~~(b) Grading for offenders who must register for 10 years.~~

3 ~~(1) (Reserved).~~

4 ~~(2) Except as set forth in paragraph (3), an individual~~  
5 ~~subject to registration under 42 Pa.C.S. § 9799.55(a) or~~  
6 ~~(a.1) or former 42 Pa.C.S. § 9793 and required to register~~  
7 ~~for a period of 10 years who commits a violation of~~  
8 ~~subsection (a)(1) or (2) commits a felony of the third~~  
9 ~~degree.~~

10 ~~(3) An individual subject to registration under 42~~  
11 ~~Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and~~  
12 ~~required to register for a period of 10 years who commits a~~  
13 ~~violation of subsection (a)(1) or (2) and who has previously~~  
14 ~~been convicted of an offense under subsection (a)(1) or (2)~~  
15 ~~or a similar offense commits a felony of the second degree.~~

16 ~~(4) An individual subject to registration under 42~~  
17 ~~Pa.C.S. § 9799.55(a) or (a.1) or former 42 Pa.C.S. § 9793 and~~  
18 ~~required to register for a period of 10 years who violates~~  
19 ~~subsection (a)(3) commits a felony of the second degree.~~

20 ~~(c) Grading for sexually violent predators and others with~~  
21 ~~lifetime registration.~~

22 ~~(1) (Reserved).~~

23 ~~(2) Except as set forth in paragraph (3), an individual~~  
24 ~~subject to registration under 42 Pa.C.S. § 9799.55(b) or~~  
25 ~~former 42 Pa.C.S. § 9793 and who is subject to lifetime~~  
26 ~~registration who commits a violation of subsection (a)(1) or~~  
27 ~~(2) commits a felony of the second degree.~~

28 ~~(3) An individual subject to registration under 42~~  
29 ~~Pa.C.S. § 9799.55(b) or former 42 Pa.C.S. § 9793 and who is~~  
30 ~~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~~

1 ~~proper issuing authority without unnecessary delay. In no~~  
2 ~~case may the individual be released from custody without~~  
3 ~~first having appeared before the issuing authority.~~

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

7 ~~(i) The individual must be fingerprinted and~~  
8 ~~photographed in the manner required by 42 Pa.C.S. Ch. 97-~~  
9 ~~Subch. I (relating to continued registration of sexual~~  
10 ~~offenders).~~

11 ~~(ii) The individual must provide the Pennsylvania~~  
12 ~~State Police with all current or intended residences, all~~  
13 ~~information concerning current or intended employment,~~  
14 ~~including all employment locations, and all information~~  
15 ~~concerning current or intended enrollment as a student.~~  
16 ~~If the individual has a residence as defined in paragraph~~  
17 ~~(2) of the definition of "residence" set forth in 42~~  
18 ~~Pa.C.S. § 9799.53 (relating to definitions), the~~  
19 ~~individual must provide the Pennsylvania State Police~~  
20 ~~with the information required under 42 Pa.C.S. §~~  
21 ~~9799.56(a)(2)(i)(A), (B) and (C).~~

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

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

28 ~~(f) Applicability. This section applies to:~~

29 ~~(1) An individual who committed an offense set forth in~~  
30 ~~42 Pa.C.S. § 9799.55 on or after April 22, 1996, but before~~

1 ~~December 20, 2012, and whose period of registration under 42-~~  
2 ~~Pa.C.S. § 9799.55 has not expired.~~

3 ~~(2) An individual who was required to register with the~~  
4 ~~Pennsylvania State Police under a former sexual offender~~  
5 ~~registration law of this Commonwealth on or after April 22,~~  
6 ~~1996, but before December 20, 2012, whose period of~~  
7 ~~registration has not expired.~~

8 ~~(3) An individual who, before the effective date of this~~  
9 ~~paragraph:~~

10 ~~(i) Commits an offense subject to 42 Pa.C.S. Ch. 97-~~  
11 ~~Subch. H (relating to registration of sexual offenders);~~  
12 ~~but~~

13 ~~(ii) because of a judicial determination on or after~~  
14 ~~the effective date of this section of the invalidity of~~  
15 ~~42 Pa.C.S. Ch. 97 Subch. H, is not subject to~~  
16 ~~registration as a sexual offender.~~

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

20 ~~"Sexually violent predator." As defined in 42 Pa.C.S. §~~  
21 ~~9799.53.~~

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

27 ~~Section 4. Sections 2511(a)(11), 6303(b.1)(8)(vii), 6707 and~~  
28 ~~6338.1(c)(4) of Title 23 are amended to read:~~  
29 ~~§ 2511. Grounds for involuntary termination.~~

30 ~~(a) General rule. The rights of a parent in regard to a~~

1 ~~child may be terminated after a petition filed on any of the~~  
2 ~~following grounds:~~

3           \* \* \*

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

10          \* \* \*

11 ~~§ 6303. Definitions.~~

12          \* \* \*

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

16                 \* \* \*

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

18                         \* \* \*

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

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

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

30                                 ~~(C) Has been determined to be a sexually violent~~

1 ~~delinquent child as defined in 42 Pa.C.S. § 9799.12~~  
2 ~~(relating to definitions).~~

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

7 \* \* \*

8 ~~§ 6707. Agency use of designated address.~~

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

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

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

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

20 ~~(ii) a convicted sexual offender who has fulfilled~~  
21 ~~the offender's sentence but must register the offender's~~  
22 ~~community residence as required under 42 Pa.C.S. Ch. 97-~~  
23 ~~Subch. II (relating to registration of sexual offenders)~~  
24 ~~or I (relating to continued registration of sexual~~  
25 ~~offenders) or any similar registration requirement~~  
26 ~~imposed by any other jurisdiction.~~

27 ~~§ 6338.1. Expunction of information of perpetrator who was~~  
28 ~~under 18 years of age when child abuse was committed.~~

29 \* \* \*

30 ~~(c) Nonapplicability. The provisions of this section shall~~

1 ~~not apply to any of the following cases:~~

2 ~~\* \* \*~~

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

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

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

13 ~~Section 5. Sections 9718.1(a) introductory paragraph and~~  
14 ~~9799.10(4) of Title 42 are amended to read:~~

15 ~~§ 9718.1. Sexual offender treatment.~~

16 ~~(a) General rule. A person, including an offender~~  
17 ~~designated as a "sexually violent predator" as defined in~~  
18 ~~section 9799.12 (relating to definitions) or 9799.53 (relating~~  
19 ~~to definitions), shall attend and participate in a Department of~~  
20 ~~Corrections program of counseling or therapy designed for~~  
21 ~~incarcerated sex offenders if the person is incarcerated in a~~  
22 ~~State institution for any of the following provisions under 18-~~  
23 ~~Pa.C.S. (relating to crimes and offenses):~~

24 ~~\* \* \*~~

25 ~~§ 9799.10. Purposes of subchapter.~~

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

28 ~~\* \* \*~~

29 ~~(4) To require individuals who are [currently] subject~~  
30 ~~to the criminal justice system of this Commonwealth as~~

1 ~~inmates, supervised with respect to probation or parole or~~  
2 ~~registrants [under this subchapter] due to committing a~~  
3 ~~sexually violent offense on or after December 20, 2012, for~~  
4 ~~which the individual was convicted, to register with the~~  
5 ~~Pennsylvania State Police and to otherwise comply with this~~  
6 ~~subchapter. To the extent practicable and consistent with the~~  
7 ~~requirements of the Adam Walsh Child Protection and Safety~~  
8 ~~Act of 2006, this subchapter shall be construed to maintain~~  
9 ~~existing procedures regarding registration of sexual~~  
10 ~~offenders who are subject to the criminal justice system of~~  
11 ~~this Commonwealth.~~

12 \* \* \*

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

16 ~~§ 9799.11. Legislative findings [and], declaration of policy~~  
17 ~~and scope.~~

18 \* \* \*

19 ~~(b) Declaration of policy. The General Assembly declares as~~  
20 ~~follows:~~

21 \* \* \*

22 ~~(4) It is the intention of the General Assembly to~~  
23 ~~address the Pennsylvania Supreme Court's decision in~~  
24 ~~Commonwealth v. Muniz, 164 A.3d 1189 (Pa. 2017) and the~~  
25 ~~Pennsylvania Superior Court's decision in Commonwealth v.~~  
26 ~~Butler (2017 WL3882445).~~

27 ~~(c) Scope. This subchapter shall apply to individuals who~~  
28 ~~committed a sexually violent offense on or after December 20,~~  
29 ~~2012, for which the individual was convicted.~~

30 ~~Section 7. The definitions of "sexual offender," "sexually~~

1 ~~violent delinquent child," "sexually violent offense," "sexually~~  
2 ~~violent predator" and "transient" in section 9799.12 of Title 42~~  
3 ~~are amended to read:~~

4 ~~§ 9799.12. Definitions.~~

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

8 \* \* \*

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

12 ~~"Sexually violent delinquent child." As defined in section~~  
13 ~~6402 (relating to definitions)[.] if the determination as a~~  
14 ~~sexually violent delinquent child is based on an act of sexual~~  
15 ~~violence, as defined in section 6402, committed on or after~~  
16 ~~December 20, 2012, for which the child was adjudicated~~  
17 ~~delinquent and determined to be in need of commitment for~~  
18 ~~involuntary treatment as specified in Chapter 64 (relating to~~  
19 ~~court ordered involuntary treatment of certain sexually violent~~  
20 ~~persons).~~

21 ~~"Sexually violent offense." An offense specified in section~~  
22 ~~9799.14 (relating to sexual offenses and tier system) as a Tier~~  
23 ~~I, Tier II or Tier III sexual offense committed on or after~~  
24 ~~December 20, 2012, for which the individual was convicted.~~

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

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

6 ~~(2) section 9799.14(c) (1), (1.1), (1.2), (1.3), (2),~~  
7 ~~(3), (4), (5) or (6) or an attempt, conspiracy or~~  
8 ~~solicitation to commit an offense under section 9799.14(c)~~  
9 ~~(1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or~~

10 ~~(3) section 9799.14(d) (1), (2), (3), (4), (5), (6), (7),~~  
11 ~~(8) or (9) or an attempt, conspiracy or solicitation to~~  
12 ~~commit an offense under section 9799.14(d) (1), (2), (3), (4),~~  
13 ~~(5), (6), (7), (8) or (9)~~

14 ~~who[, on or after the effective date of this subchapter,] is~~  
15 ~~determined to be a sexually violent predator under section~~  
16 ~~9799.24 (relating to assessments) due to a mental abnormality or~~  
17 ~~personality disorder that makes the individual likely to engage~~  
18 ~~in predatory sexually violent offenses. The term includes an~~  
19 ~~individual determined to be a sexually violent predator or~~  
20 ~~similar designation where the determination occurred in another~~  
21 ~~jurisdiction, a foreign country or by court martial following a~~  
22 ~~judicial or administrative determination pursuant to a process~~  
23 ~~similar to that under section 9799.24[. In addition, the term~~  
24 ~~shall include any person convicted between January 23, 2005, and~~  
25 ~~December 19, 2012, of any offense set forth in section~~  
26 ~~9799.13(3.1) (relating to applicability) determined by a court~~  
27 ~~to be a sexually violent predator due to a mental abnormality or~~  
28 ~~personality disorder that made the person likely to engage in~~  
29 ~~predatory sexually violent offenses, which person shall be~~  
30 ~~deemed a sexually violent predator under this subchapter.] where~~

1 ~~the determination or designation is based on the commitment of a~~  
2 ~~sexually violent offense on or after December 20, 2012, for~~  
3 ~~which the individual was convicted.~~

4 \* \* \*

5 ~~"Transient." [An individual required to register under this~~  
6 ~~subchapter] A sexual offender who does not have a residence but~~  
7 ~~nevertheless resides in this Commonwealth in a temporary habitat~~  
8 ~~or other temporary place of abode or dwelling, including, but~~  
9 ~~not limited to, a homeless shelter or park.~~

10 Section 8. Section 9799.13 of Title 42 is amended to read:  
11 § 9799.13. Applicability.

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

18 (1) ~~[An individual who, on or after the effective date~~  
19 ~~of this section, is convicted of a sexually violent offense~~  
20 ~~and who has a residence within this Commonwealth or is a~~  
21 ~~transient.] A sexual offender who has a residence within this~~  
22 ~~Commonwealth or is a transient.~~

23 (1.1) ~~[An individual who, on or after the effective date~~  
24 ~~of this section, is convicted of a sexually violent offense~~  
25 ~~in this Commonwealth and] A sexual offender who is convicted~~  
26 ~~in this Commonwealth and who does not have a residence in~~  
27 ~~this Commonwealth and:~~

28 (i) ~~is employed in this Commonwealth; or~~

29 (ii) ~~is a student in this Commonwealth.~~

30 (1.2) ~~[An individual who, on or after the effective date~~

1 of this section, is convicted of a sexually violent offense  
2 and] A sexual offender who does not have a residence within  
3 this Commonwealth or is not a transient in this Commonwealth  
4 and:

5 (i) is employed in this Commonwealth; or

6 (ii) is a student in this Commonwealth.

7 (2) [An individual who, on or after the effective date  
8 of this section, is, as a result of a conviction for a  
9 sexually violent offense,] A sexual offender who is an inmate  
10 in a State or county correctional institution of this  
11 Commonwealth, including a community corrections center or a  
12 community contract facility, is being supervised by the  
13 Pennsylvania Board of Probation and Parole or county  
14 probation or parole, is subject to a sentence of intermediate  
15 punishment or has supervision transferred pursuant to the  
16 Interstate Compact for Adult Supervision in accordance with  
17 section 9799.19(g).

18 (2.1) [An individual who, on or after the effective date  
19 of this section, is, as a result of a conviction for a  
20 sexually violent offense,] A sexual offender who is an inmate  
21 in a Federal correctional institution or is supervised by  
22 Federal probation authorities and who:

23 (i) has a residence within this Commonwealth or is a  
24 transient;

25 (ii) is employed within this Commonwealth; or

26 (iii) is a student within this Commonwealth.

27 [(3) — An individual who:

28 (i) was required to register with the Pennsylvania  
29 State Police pursuant to this subchapter prior to  
30 December 20, 2012, and who had not fulfilled the

1 ~~individual's period of registration as of December 20,~~  
2 ~~2012; or~~

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

6 ~~(3.1) The following:~~

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

9 ~~(A) convicted of a sexually violent offense;~~

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

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

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

21 ~~(A) Convictions:~~

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

24 ~~Section 2902(b) (relating to unlawful~~  
25 ~~restraint).~~

26 ~~Section 2903(b) (relating to false~~  
27 ~~imprisonment).~~

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

30 ~~Section 3122.1 (relating to statutory~~

1 ~~sexual assault).~~

2 ~~Section 6301 (relating to corruption of~~  
3 ~~minors).~~

4 ~~Section 7507.1 (relating to invasion of~~  
5 ~~privacy).~~

6 ~~(II) For a comparable military offense or~~  
7 ~~similar offense under the laws of another~~  
8 ~~jurisdiction or foreign country or under a former~~  
9 ~~law of this Commonwealth prior to December 8,~~  
10 ~~2008.~~

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

17 ~~(3.2) An individual who between December 8, 2008, and~~  
18 ~~December 19, 2012, was:~~

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

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

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

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

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

9           ~~(ii) is employed within this Commonwealth; or~~

10          ~~(iii) is a student within this Commonwealth.~~

11          ~~(7.1) An individual who, [on or after the effective date~~  
12 ~~of this section,] as a result of committing an offense set~~  
13 ~~forth in section 9799.14(b)(23) (relating to sexual offenses~~  
14 ~~and tier system) on or after December 20, 2012, for which the~~  
15 ~~individual was convicted, is required to register in a sexual~~  
16 ~~offender registry in another jurisdiction or foreign country~~  
17 ~~[based upon a conviction of an offense set forth in section~~  
18 ~~9799.14(b)(23) (relating to sexual offenses and tier system)]~~  
19 ~~and:~~

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

22          ~~(ii) is employed within this Commonwealth; or~~

23          ~~(iii) is a student within this Commonwealth.~~

24          ~~(7.2) [An individual who, on or after the effective date~~  
25 ~~of this paragraph,] A sexual offender who is convicted [of a~~  
26 ~~sexually violent offense] in another jurisdiction or foreign~~  
27 ~~country, or is incarcerated or under supervision as a result~~  
28 ~~of a conviction [for a sexually violent offense] in another~~  
29 ~~jurisdiction or foreign country and:~~

30          ~~(i) has a residence in this Commonwealth or is a~~

1           ~~transient;~~

2           ~~(ii) is employed within this Commonwealth; or~~

3           ~~(iii) is a student within this Commonwealth.~~

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

8           ~~(i) has a residence within this Commonwealth;~~

9           ~~(ii) is employed within this Commonwealth; or~~

10          ~~(iii) is a student within this Commonwealth.~~

11          ~~(8.1) An individual who is a juvenile offender who is~~  
12 ~~adjudicated delinquent in this Commonwealth on or after the~~  
13 ~~effective date of this paragraph but who does not have a~~  
14 ~~residence within this Commonwealth, is not a transient, is~~  
15 ~~not employed in this Commonwealth or is not a student within~~  
16 ~~this Commonwealth must register with the Pennsylvania State~~  
17 ~~Police in accordance with section 9799.19 prior to leaving~~  
18 ~~this Commonwealth.~~

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

28          ~~(9) An individual who[, on or after the effective date~~  
29 ~~of this section,] is a sexually violent delinquent child.~~  
30 ~~[who is committed for involuntary treatment or, on the~~

1 ~~effective date of this section, is under commitment receiving~~  
2 ~~involuntary treatment in the State owned facility or unit as~~  
3 ~~set forth in Chapter 64 (relating to court ordered~~  
4 ~~involuntary treatment of certain sexually violent persons).]~~

5 ~~Section 9. Section 9799.14(b) (3) of Title 42 is amended and~~  
6 ~~subsection (d) is amended by adding a paragraph to read:~~

7 ~~§ 9799.14. Sexual offenses and tier system.~~

8 ~~\* \* \*~~

9 ~~(b) Tier I sexual offenses. The following offenses shall be~~  
10 ~~classified as Tier I sexual offenses:~~

11 ~~\* \* \*~~

12 ~~(3) 18 Pa.C.S. § 2904 (relating to interference with~~  
13 ~~custody of children), except in cases where the defendant is~~  
14 ~~the child's parent, guardian or other lawful custodian.~~

15 ~~\* \* \*~~

16 ~~(d) Tier III sexual offenses. The following offenses shall~~  
17 ~~be classified as Tier III sexual offenses:~~

18 ~~\* \* \*~~

19 ~~(17) One conviction of a sexually violent offense and~~  
20 ~~one conviction of a sexually violent offenses as defined in~~  
21 ~~section 9799.55 (relating to registration).~~

22 ~~Section 10. Section 9799.15(a.1) and (b) (1) (i) and (iv) of~~  
23 ~~Title 42 are amended and the section is amended by adding a~~  
24 ~~subsection to read:~~

25 ~~§ 9799.15. Period of registration.~~

26 ~~\* \* \*~~

27 ~~{(a.1) Credit for time on registry. The following apply:~~

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

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

5 ~~(i) An individual registered pursuant to section~~  
6 ~~9799.13(2), (2.1), (3), (3.1) or (3.2) for a sexually~~  
7 ~~violent offense shall register for the period set forth~~  
8 ~~in subsection (a), less any credit for time spent~~  
9 ~~registered pursuant to this subchapter for that offense~~  
10 ~~prior to December 20, 2012.~~

11 ~~(ii) An individual registered pursuant to section~~  
12 ~~9799.13(7), (7.1) or (7.2) for a sexually violent offense~~  
13 ~~shall register for the period set forth in subsection~~  
14 ~~(a), less any credit as a result of time registered in a~~  
15 ~~sexual offender registry for that sexually violent~~  
16 ~~offense in the foreign country or other jurisdiction~~  
17 ~~where the individual was convicted.~~

18 ~~(iii) An individual registered pursuant to section~~  
19 ~~9799.13(8), (8.1) or (8.2) as a result of an adjudication~~  
20 ~~of delinquency occurring in a foreign country or other~~  
21 ~~jurisdiction shall register for the period set forth in~~  
22 ~~subsection (a), less any credit as a result of time~~  
23 ~~registered in a sexual offender registry in the foreign~~  
24 ~~country or other jurisdiction where the individual was~~  
25 ~~adjudicated delinquent.]~~

26 ~~(a.2) Assessment by court after 25 years. An individual~~  
27 ~~required to register under subsection (a) (3), (5), (6) and (7)~~  
28 ~~may be exempt from the requirement to register, the requirement~~  
29 ~~to verify residence, employment and enrollment in an educational~~  
30 ~~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~~

1 ~~application of any or all of the requirements of this~~  
2 ~~subchapter. The petitioner and the district attorney shall be~~  
3 ~~given notice of the hearing and an opportunity to be heard,~~  
4 ~~the right to call witnesses and the right to cross examine~~  
5 ~~witnesses. The petitioner shall have the right to counsel and~~  
6 ~~to have a lawyer appointed to represent the petitioner if the~~  
7 ~~petitioner cannot afford one.~~

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

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

26 ~~(7) The petitioner and the Commonwealth shall have the~~  
27 ~~right to appellate review of the actions of the sentencing~~  
28 ~~court under this subsection. An appeal by the Commonwealth~~  
29 ~~shall stay the order of the sentencing court.~~

30 ~~(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~~

1 ~~period of incarceration.~~

2 ~~\* \* \*~~

3 ~~(iv) For an individual who [is convicted of]~~  
4 ~~committed a sexually violent offense in another~~  
5 ~~jurisdiction or foreign country or a comparable military~~  
6 ~~offense, the period of registration shall commence upon~~  
7 ~~establishment of a residence or commencement of~~  
8 ~~employment or enrollment as a student within this~~  
9 ~~Commonwealth. This subparagraph shall apply to an~~  
10 ~~individual convicted of a sexually violent offense in~~  
11 ~~another jurisdiction or foreign country or comparable~~  
12 ~~military offense and who is a transient.~~

13 ~~\* \* \*~~

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

16 ~~§ 9799.16. Registry.~~

17 ~~(a) Establishment. There is established a Statewide~~  
18 ~~registry of sexual offenders in order to carry out the~~  
19 ~~provisions of this subchapter. The Pennsylvania State Police~~  
20 ~~shall create and maintain the registry. The registry shall~~  
21 ~~maintain a complete and systematic index of all records required~~  
22 ~~regarding sexual offenders in order to comply with the Adam~~  
23 ~~Walsh Child Protection and Safety Act of 2006 (Public Law 109-~~  
24 ~~248, 120 Stat. 587). The registry shall:~~

25 ~~(1) Be composed of an electronic database and digitized~~  
26 ~~records.~~

27 ~~(2) Be able to communicate with the Sex Offender~~  
28 ~~Registration and Notification Act Exchange Portal developed~~  
29 ~~by the United States Department of Justice, the National Sex~~  
30 ~~Offender Registry or any successor database which is~~

1 ~~maintained by the Department of Justice and the Dru Sjodin~~  
2 ~~National Sex Offender Public Internet Website maintained by~~  
3 ~~the Department of Justice.~~

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

6 ~~(4) Contain information about individuals required to~~  
7 ~~register with the Pennsylvania State Police under Subchapter~~  
8 ~~I (relating to continued registration of sexual offenders)~~

9 \* \* \*

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

13 ~~§ 9799.19. Initial registration.~~

14 \* \* \*

15 ~~{(b) Initial registration if incarcerated within~~  
16 ~~Commonwealth or by Federal Court on effective date of section.~~

17 ~~The following apply:~~

18 ~~(1) If the individual is, prior to the effective date of~~  
19 ~~this section, incarcerated in a Federal, State or county~~  
20 ~~correctional facility, the individual shall provide the~~  
21 ~~information set forth in section 9799.16(b) (relating to~~  
22 ~~registry) to the appropriate official of the Federal, State~~  
23 ~~or county correctional facility or the Pennsylvania Board of~~  
24 ~~Probation and Parole for inclusion in the registry before~~  
25 ~~being released due to:~~

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

29 ~~(ii) parole;~~

30 ~~(iii) State or county intermediate punishment where~~

1 ~~the sentence is restrictive and the individual is~~  
2 ~~sentenced to a period of incarceration in a State or~~  
3 ~~county correctional institution or a work release~~  
4 ~~facility; or~~

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

7 ~~(2) For individuals set forth in paragraph (1), the~~  
8 ~~appropriate official of the Federal, State or county~~  
9 ~~correctional facility or the Pennsylvania Board of Probation~~  
10 ~~and Parole shall collect and forward the information in~~  
11 ~~section 9799.16(b) to the Pennsylvania State Police. The~~  
12 ~~appropriate official shall, in addition, ensure that the~~  
13 ~~information set forth in section 9799.16(c) is collected and~~  
14 ~~forwarded to the Pennsylvania State Police. The information~~  
15 ~~in section 9799.16(b) and (c) shall be included in the~~  
16 ~~registry. With respect to individuals released under~~  
17 ~~paragraph (1)(ii), (iii) or (iv), the State or county~~  
18 ~~correctional facility shall not release the individual until~~  
19 ~~it receives verification from the Pennsylvania State Police~~  
20 ~~that it has received the information set forth in section~~  
21 ~~9799.16(b) and (c). Verification may take place by electronic~~  
22 ~~means. With respect to individuals released under paragraph~~  
23 ~~(1)(i), if the individual refuses to provide the information~~  
24 ~~set forth in section 9799.16(b), the State or county~~  
25 ~~correctional institution shall notify the Pennsylvania State~~  
26 ~~Police or the municipal police department with jurisdiction~~  
27 ~~over the facility of the failure to provide the information~~  
28 ~~and of the expected date, time and location of the release of~~  
29 ~~the individual.~~

30 ~~(b.1) Initial registration if sentenced to a county or State~~

1 ~~correctional facility on or after the effective date of~~  
2 ~~section. If the individual is, on or after the effective date~~  
3 ~~of this section, sentenced to a period of incarceration in a~~  
4 ~~county or State correctional facility, the individual shall~~  
5 ~~provide the information set forth in section 9799.16(b) as~~  
6 ~~follows:~~

7       ~~(1) At the time of sentencing, the court shall require~~  
8 ~~the individual to immediately report to the Office of~~  
9 ~~Probation and Parole serving that county to register under~~  
10 ~~this subchapter. The appropriate office of probation and~~  
11 ~~parole shall collect the information set forth in section~~  
12 ~~9799.16(b) from the individual and forward the information to~~  
13 ~~the Pennsylvania State Police. The appropriate office of~~  
14 ~~probation and parole shall, in addition, ensure the~~  
15 ~~information set forth in 9799.16(c) is collected and~~  
16 ~~forwarded to the Pennsylvania State Police. The information~~  
17 ~~in section 9799.16(b) and (c) shall be included in the~~  
18 ~~registry.~~

19       ~~(2) If the individual is incarcerated in a State~~  
20 ~~correctional facility or county correctional facility, the~~  
21 ~~correctional facility shall notify the Pennsylvania State~~  
22 ~~Police, not more than 30 days in advance of, but not later~~  
23 ~~than ten days prior to, the individual's release from the~~  
24 ~~correctional facility. The following apply:~~

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

29           ~~(ii) If the information has not been submitted to~~  
30 ~~the Pennsylvania State Police, the correctional facility~~

1 ~~shall collect the information set forth in section~~  
2 ~~9799.16(b) from the individual and forward the~~  
3 ~~information to the Pennsylvania State Police.~~

4 ~~(iii) The correctional facility shall also report~~  
5 ~~any changes to the information set forth in section~~  
6 ~~9799.16(b) and (c) on file with the Pennsylvania State~~  
7 ~~Police.~~

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

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

30 ~~(c) Initial registration if sentenced to county intermediate~~

1 ~~punishment on effective date of section. If the individual is,~~  
2 ~~on the effective date of this section, sentenced to county~~  
3 ~~intermediate punishment which is restorative where the~~  
4 ~~individual is not sentenced to incarceration or to a work-~~  
5 ~~release facility, the individual shall provide the information-~~  
6 ~~set forth in section 9799.16(b) by appearing at an approved~~  
7 ~~registration site within 48 hours of the effective date of this~~  
8 ~~section. The appropriate official of the county office of-~~  
9 ~~probation and parole shall ensure that the individual has-~~  
10 ~~appeared at an approved registration site as set forth in this~~  
11 ~~subsection. If the individual fails to appear, the appropriate~~  
12 ~~official of the county office of probation and parole shall~~  
13 ~~notify the Pennsylvania State Police. The Pennsylvania State~~  
14 ~~Police shall ensure the information set forth in section~~  
15 ~~9799.16(c) with respect to the individual is collected and~~  
16 ~~entered in the registry.~~

17 ~~(d) Initial registration if sentenced to county intermediate~~  
18 ~~punishment after effective date of section. If the individual-~~  
19 ~~is, after the effective date of this section, sentenced to~~  
20 ~~county intermediate punishment, the following apply:~~

21 ~~(1) If the individual is sentenced to county~~  
22 ~~intermediate punishment which is restorative, the individual~~  
23 ~~shall provide the information set forth in section 9799.16(b)~~  
24 ~~by appearing at an approved registration site within 48 hours~~  
25 ~~of being sentenced. The appropriate official of the county~~  
26 ~~office of probation and parole shall ensure that the~~  
27 ~~individual has appeared at an approved registration site as~~  
28 ~~set forth in this paragraph. If the individual fails to~~  
29 ~~appear, the appropriate official of the county office of~~  
30 ~~probation and parole shall notify the Pennsylvania State~~

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

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

19 ~~(c) Initial registration if sentenced to county probation on~~  
20 ~~or after effective date of section. If the individual is, on or~~  
21 ~~after the effective date of this section, sentenced to county~~  
22 ~~probation, the individual shall provide the information set~~  
23 ~~forth in section 9799.16(b) by appearing at an approved~~  
24 ~~registration site within 48 hours of being sentenced. The~~  
25 ~~appropriate official of the county office of probation and~~  
26 ~~parole shall ensure that the individual has appeared at an~~  
27 ~~approved registration site as set forth in this paragraph. If~~  
28 ~~the individual fails to appear, the appropriate official of the~~  
29 ~~county office of probation and parole shall notify the~~  
30 ~~Pennsylvania State Police. The Pennsylvania State Police shall~~

1 ~~ensure the information set forth in section 9799.16(c) with~~  
2 ~~respect to the individual is collected and entered in the~~  
3 ~~registry.~~

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

6 ~~(1) If the individual is, on the effective date of this~~  
7 ~~section, already serving a sentence of county probation, the~~  
8 ~~appropriate office of probation and parole serving the county~~  
9 ~~shall register the individual within 48 hours. The~~  
10 ~~appropriate official of that office shall collect the~~  
11 ~~information set forth in section 9799.16(b) and forward that~~  
12 ~~information to the Pennsylvania State Police. The~~  
13 ~~Pennsylvania State Police shall ensure that the information~~  
14 ~~set forth in section 9799.16(c) is collected. The information~~  
15 ~~in section 9799.16(b) and (c) shall be included in the~~  
16 ~~registry. If the individual fails to comply, the appropriate~~  
17 ~~official of that office shall notify the Pennsylvania State~~  
18 ~~Police.~~

19 ~~(2) If the individual is, on the effective date of this~~  
20 ~~section, already under the supervision of Federal probation~~  
21 ~~authorities for a sexually violent offense, the individual~~  
22 ~~shall provide the information set forth in section 9799.16(b)~~  
23 ~~by appearing at an approved registration site within 48 hours~~  
24 ~~of the effective date of this section.~~

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

27 ~~(1) If the individual is, on the effective date of this~~  
28 ~~section, already serving a sentence of county parole, the~~  
29 ~~appropriate office of probation and parole serving the county~~  
30 ~~shall register the individual within 48 hours. The~~

1 ~~appropriate official of that office shall collect the~~  
2 ~~information set forth in section 9799.16(b) and forward that~~  
3 ~~information to the Pennsylvania State Police. The~~  
4 ~~Pennsylvania State Police shall ensure that the information~~  
5 ~~set forth in section 9799.16(c) is collected. The information~~  
6 ~~in section 9799.16(b) and (c) shall be included in the~~  
7 ~~registry. If the individual fails to comply, the appropriate~~  
8 ~~official of that office shall notify the Pennsylvania State~~  
9 ~~Police.~~

10 ~~(2) If the individual is, on the effective date of this~~  
11 ~~section, already serving a sentence of State parole, the~~  
12 ~~Pennsylvania Board of Probation and Parole shall register the~~  
13 ~~individual within 48 hours. The appropriate official of the~~  
14 ~~Pennsylvania Board of Probation and Parole shall collect the~~  
15 ~~information set forth in section 9799.16(b) from the~~  
16 ~~individual and forward the information to the Pennsylvania~~  
17 ~~State Police. The Pennsylvania State Police shall ensure that~~  
18 ~~the information set forth in section 9799.16(c) is collected.~~  
19 ~~The information in section 9799.16(b) and (c) shall be~~  
20 ~~included in the registry. If the individual fails to comply,~~  
21 ~~the appropriate official of the Pennsylvania Board of~~  
22 ~~Probation and Parole shall notify the Pennsylvania State~~  
23 ~~Police.]~~

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

1           ~~(1) If the individual is being supervised under the~~  
2 ~~compact [after the effective date of this section,] for~~  
3 ~~committing a sexually violent offense which requires~~  
4 ~~registration in another jurisdiction or foreign country~~  
5 ~~whether or not the sexual offense is designated as a sexually~~  
6 ~~violent offense, the individual shall provide the information~~  
7 ~~set forth in section 9799.16(b) to the appropriate official~~  
8 ~~of the State Board of Probation and Parole or the county~~  
9 ~~office of probation and parole for inclusion in the registry.~~  
10 ~~The appropriate official shall collect the information set~~  
11 ~~forth in section 9799.16(b) and forward the information to~~  
12 ~~the Pennsylvania State Police. The appropriate official~~  
13 ~~shall, in addition, ensure that the information set forth in~~  
14 ~~section 9799.16(c) is collected and forwarded to the~~  
15 ~~Pennsylvania State Police. If the individual fails to provide~~  
16 ~~the information in section 9799.16(b), the appropriate~~  
17 ~~official of the State Board of Probation and Parole or county~~  
18 ~~office of probation and parole shall notify the Pennsylvania~~  
19 ~~State Police.~~

20           ~~{(2) If the individual is being supervised under the~~  
21 ~~compact on the effective date of this section, the individual~~  
22 ~~shall provide the information set forth in section 9799.16(b)~~  
23 ~~by appearing at an approved registration site within 48 hours~~  
24 ~~of the effective date of this section. The appropriate~~  
25 ~~official of the Pennsylvania Board of Probation and Parole or~~  
26 ~~the county office of probation and parole shall ensure that~~  
27 ~~the individual has appeared at an approved registration site~~  
28 ~~as set forth in this paragraph. If the individual fails to~~  
29 ~~appear, the appropriate official shall notify the~~  
30 ~~Pennsylvania State Police. The appropriate official shall, in~~

1 ~~addition, ensure the information set forth in section~~  
2 ~~9799.16(c) is collected and forwarded to the Pennsylvania~~  
3 ~~State Police.]~~

4 ~~(g) Supervision of individual convicted in Commonwealth who~~  
5 ~~does not intend to reside in Commonwealth. [On or after the~~  
6 ~~effective date of this section, an individual convicted of] An~~  
7 ~~individual who committed a sexually violent offense within this~~  
8 ~~Commonwealth who seeks transfer of supervision to another~~  
9 ~~jurisdiction pursuant to the Interstate Compact for Adult~~  
10 ~~Offender Supervision shall not have supervision transferred to~~  
11 ~~another jurisdiction prior to the individual's registration with~~  
12 ~~the Pennsylvania State Police as set forth in this section.~~

13 \* \* \*

14 ~~(i) Initial registration if convicted or adjudicated~~  
15 ~~delinquent outside Commonwealth.~~

16 \* \* \*

17 ~~(3) If the individual is[, on or after the effective~~  
18 ~~date of this section,] convicted of a sexually violent~~  
19 ~~offense and incarcerated in a Federal correctional~~  
20 ~~institution or being supervised by Federal probation~~  
21 ~~authorities, the individual shall appear in person at an~~  
22 ~~approved registration site to provide the information set~~  
23 ~~forth in section 9799.16(b) to the Pennsylvania State Police~~  
24 ~~within three business days of establishing residence,~~  
25 ~~commencing employment or commencing enrollment as a student~~  
26 ~~in this Commonwealth. In addition, the individual shall~~  
27 ~~comply with other provisions of this subchapter, including~~  
28 ~~section 9799.15. If the individual fails to establish a~~  
29 ~~residence but nevertheless resides in this Commonwealth, the~~  
30 ~~individual shall register as a transient. The Pennsylvania~~

1 ~~State Police shall ensure that the information set forth in~~  
2 ~~section 9799.16(c) with respect to the individual is~~  
3 ~~collected and entered into the registry.~~

4 ~~[(j) Former law and registration. An individual subject to~~  
5 ~~registration under section 9799.13(3) shall appear at an~~  
6 ~~approved registration site to update registration or, if~~  
7 ~~necessary, to provide the information set forth in section~~  
8 ~~9799.16(b) to the Pennsylvania State Police within 90 days of~~  
9 ~~the effective date of this section. In addition, the individual~~  
10 ~~shall comply with the other provisions of this subchapter,~~  
11 ~~including section 9799.15. If the individual fails to establish~~  
12 ~~a residence, the individual shall register as a transient. The~~  
13 ~~Pennsylvania State Police shall ensure that the information set~~  
14 ~~forth in section 9799.16(c) with respect to the individual is~~  
15 ~~collected and entered in the registry.]~~

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

19 ~~(1) If the individual is incarcerated in a Federal,~~  
20 ~~State or county correctional facility, the individual shall~~  
21 ~~provide the information specified in section 9799.16(b)~~  
22 ~~(relating to registry) to the appropriate official of the~~  
23 ~~Federal, State or county correctional facility or the~~  
24 ~~Pennsylvania Board of Probation and Parole for inclusion in~~  
25 ~~the registry before being released due to:~~

26 ~~(i) the expiration of sentence, in which case the~~  
27 ~~information shall be collected no later than 10 days~~  
28 ~~prior to the maximum expiration date;~~

29 ~~(ii) parole;~~

30 ~~(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 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.~~

1 ~~(1) Registration if sentenced to a State or county~~  
2 ~~correctional facility. If the individual committed a sexually~~  
3 ~~violent offense and is sentenced to a period of incarceration in~~  
4 ~~a State or county correctional facility, the individual shall~~  
5 ~~provide the information specified in section 9799.16(b) as~~  
6 ~~follows:~~

7 ~~(1) At the time of sentencing, the court shall require~~  
8 ~~the individual to immediately report to the office of~~  
9 ~~probation and parole serving that county to register under~~  
10 ~~this subchapter. The appropriate office of probation and~~  
11 ~~parole shall collect the information specified in section~~  
12 ~~9799.16(b) from the individual and forward the information to~~  
13 ~~the Pennsylvania State Police. The appropriate office of~~  
14 ~~probation and parole shall, in addition, ensure the~~  
15 ~~information specified in section 9799.16(c) is collected and~~  
16 ~~forwarded to the Pennsylvania State Police. The information~~  
17 ~~specified in section 9799.16(b) and (c) shall be included in~~  
18 ~~the registry.~~

19 ~~(2) If the individual is incarcerated in a State or~~  
20 ~~county correctional facility, the correctional facility shall~~  
21 ~~notify the Pennsylvania State Police, not more than 30 days~~  
22 ~~in advance of, but not later than 10 days prior to, the~~  
23 ~~individual's release from the correctional facility. The~~  
24 ~~following apply:~~

25 ~~(i) The correctional facility shall ensure that the~~  
26 ~~information specified in section 9799.16(b) and (c) for~~  
27 ~~the individual has been submitted to the Pennsylvania~~  
28 ~~State Police.~~

29 ~~(ii) If the information has not been submitted to~~  
30 ~~the Pennsylvania State Police, the correctional facility~~

1 ~~shall collect the information specified in section~~  
2 ~~9799.16(b) from the individual and forward the~~  
3 ~~information to the Pennsylvania State Police.~~

4 ~~(iii) The correctional facility shall also report~~  
5 ~~any changes to the information specified in section~~  
6 ~~9799.16(b) and (c) on file with the Pennsylvania State~~  
7 ~~Police.~~

8 ~~(iv) In the case of parole, State or county~~  
9 ~~intermediate punishment where the sentence is~~  
10 ~~restrictive and the individual is sentenced to a period~~  
11 ~~of incarceration in a State or county correctional~~  
12 ~~facility or work release facility or special probation~~  
13 ~~supervised by the Pennsylvania Board of Probation and~~  
14 ~~Parole, the correctional facility may not release the~~  
15 ~~individual until the correctional facility receives~~  
16 ~~verification from the Pennsylvania State Police that the~~  
17 ~~Pennsylvania State Police has received the information~~  
18 ~~specified in section 9799.16(b) and (c). Verification by~~  
19 ~~the Pennsylvania State Police may occur by electronic~~  
20 ~~means.~~

21 ~~(v) If the individual is scheduled to be released~~  
22 ~~from a State or county correctional facility due to the~~  
23 ~~expiration of sentence and the individual refuses to~~  
24 ~~provide the information specified in section 9799.16(b),~~  
25 ~~the State or county correctional facility shall notify~~  
26 ~~the Pennsylvania State Police or the municipal police~~  
27 ~~department with jurisdiction over the facility of the~~  
28 ~~failure to provide the information and of the expected~~  
29 ~~date, time and location of the release of the individual.~~

30 ~~(m) Registration if sentenced to county intermediate~~

~~1 punishment. If the individual committed a sexually violent  
2 offense and is sentenced to county intermediate punishment which  
3 is restorative where the individual is not sentenced to  
4 incarceration or to a work release facility, the individual  
5 shall provide the information specified in section 9799.16(b) by  
6 appearing at an approved registration site within 48 hours of  
7 being sentenced. The appropriate official of the county office  
8 of probation and parole shall ensure that the individual has  
9 appeared at an approved registration site as described in this  
10 subsection. If the individual fails to appear, the appropriate  
11 official of the county office of probation and parole shall  
12 notify the Pennsylvania State Police. The Pennsylvania State  
13 Police shall ensure the information specified in section  
14 9799.16(c) with respect to the individual is collected and  
15 entered in the registry.~~

~~16 (n) Registration if sentenced to county intermediate  
17 punishment. If the individual committed a sexually violent  
18 offense and is sentenced to county intermediate punishment, the  
19 following apply:~~

~~20 (1) If the individual is sentenced to county  
21 intermediate punishment which is restorative, the individual  
22 shall provide the information specified in section 9799.16(b)  
23 by appearing at an approved registration site within 48 hours  
24 of being sentenced. The appropriate official of the county  
25 office of probation and parole shall ensure that the  
26 individual has appeared at an approved registration site as  
27 specified in this paragraph. If the individual fails to  
28 appear, the appropriate official of the county office of  
29 probation and parole shall notify the Pennsylvania State  
30 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.~~

~~(c) 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~~

1 ~~registry.~~

2 ~~(p) Registration for county or Federal probationers. If the~~  
3 ~~individual committed a sexually violent offense, the following~~  
4 ~~apply:~~

5 ~~(1) If the individual is serving a sentence of county~~  
6 ~~probation, the appropriate office of probation and parole~~  
7 ~~serving the county shall register the individual within 48~~  
8 ~~hours. The appropriate official of that office shall collect~~  
9 ~~the information specified in section 9799.16(b) and forward~~  
10 ~~that information to the Pennsylvania State Police. The~~  
11 ~~Pennsylvania State Police shall ensure that the information~~  
12 ~~specified in section 9799.16(c) is collected. The information~~  
13 ~~specified in section 9799.16(b) and (c) shall be included in~~  
14 ~~the registry. If the individual fails to comply, the~~  
15 ~~appropriate official of that office shall notify the~~  
16 ~~Pennsylvania State Police.~~

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

22 ~~(q) Registration for State or county parolees.~~

23 ~~(1) If the individual committed a sexually violent~~  
24 ~~offense and is serving a sentence of county parole, the~~  
25 ~~appropriate office of probation and parole serving the county~~  
26 ~~shall register the individual within 48 hours. The~~  
27 ~~appropriate official of that office shall collect the~~  
28 ~~information specified in section 9799.16(b) and forward that~~  
29 ~~information to the Pennsylvania State Police. The~~  
30 ~~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) (relating to period of registration) and 9799.17 (relating to termination of period of registration for~~

1 ~~juvenile offenders), the court shall have no authority to~~  
2 ~~relieve a sexual offender from the duty to register under~~  
3 ~~this subchapter or to modify the requirements of this~~  
4 ~~subchapter as they relate to the sexual offender.~~

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

8 ~~§ 9799.25. Verification by sexual offenders and Pennsylvania~~  
9 ~~State Police.~~

10 ~~\* \* \*~~

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

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

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

1 ~~State Police.~~

2 ~~(3) If the individual fails to comply with the~~  
3 ~~provisions of this subsection and the individual is~~  
4 ~~subsequently convicted under 18 Pa.C.S. § 4915.1 (relating to~~  
5 ~~failure to comply with registration requirements), any relief~~  
6 ~~granted under this subsection shall be void, and the~~  
7 ~~petitioner shall automatically and immediately again be~~  
8 ~~subject to the provisions of this subchapter, as previously~~  
9 ~~determined by this subchapter.~~

10 ~~(a.2) Telephonic verification system. The Pennsylvania~~  
11 ~~State Police shall develop a mechanism to permit individuals to~~  
12 ~~utilize the telephonic verification system established in this~~  
13 ~~section. No individual may utilize the telephonic verification~~  
14 ~~system until the Pennsylvania State Police publishes notice in~~  
15 ~~the Pennsylvania Bulletin that the system is operational.~~

16 ~~(b) Deadline. The following apply:~~

17 \* \* \*

18 ~~(2) In the case of a sexual offender who fails to appear~~  
19 ~~in person or telephonically as required under this section,~~  
20 ~~the Pennsylvania State Police shall notify the municipal~~  
21 ~~police department where the sexual offender has a residence,~~  
22 ~~is employed or is enrolled as a student. The municipal police~~  
23 ~~shall locate the sexual offender and arrest the sexual~~  
24 ~~offender for violating this section. A municipal police~~  
25 ~~department may request assistance locating or arresting a~~  
26 ~~sexual offender from the Pennsylvania State Police. In~~  
27 ~~municipalities where no municipal police department exists,~~  
28 ~~the Pennsylvania State Police shall locate the offender and~~  
29 ~~arrest the sexual offender for violating this section.~~

30 ~~(3) In the case of a sexual offender who fails to appear~~

1 ~~in person or telephonically as required under this section,~~  
2 ~~the Pennsylvania State Police shall notify the United States~~  
3 ~~Marshals Service in accordance with section 9799.22 (b) (3)~~  
4 ~~(relating to enforcement).~~

5 ~~(c) Facilitation of verification. The Pennsylvania State~~  
6 ~~Police shall administer and facilitate the process of~~  
7 ~~verification of information, including compliance with~~  
8 ~~counseling in the case of sexually violent predators and~~  
9 ~~sexually violent delinquent children, and photographing the~~  
10 ~~sexual offender by:~~

11 ~~(1) Sending a notice by first class United States mail~~  
12 ~~to each sexual offender at the last reported location where~~  
13 ~~the offender receives mail. The notice shall be sent not more~~  
14 ~~than 30 days nor less than 15 days prior to the date a sexual~~  
15 ~~offender is required to appear pursuant to subsection (a) or~~  
16 ~~(a.1). The notice shall remind the sexual offender of the~~  
17 ~~sexual offender's responsibilities under this subchapter,~~  
18 ~~including counseling in the case of sexually violent~~  
19 ~~predators and sexually violent delinquent children, and~~  
20 ~~provide a list of approved registration sites and the~~  
21 ~~telephone number to contact the Pennsylvania State Police~~  
22 ~~under subsection (a.1).~~

23 \* \* \*

24 ~~(f) Residents in group based homes.~~

25 ~~(1) A group based home may not provide concurrent~~  
26 ~~residence in the group based home to more than five~~  
27 ~~individuals in total who are required to register under this~~  
28 ~~[chapter] subchapter and Subchapter I (relating to continued~~  
29 ~~registration of sexual offenders) as sexually violent~~  
30 ~~predators.~~

1           \* \* \*

2   ~~§ 9799.26. Victim notification.~~

3   ~~(a) Duty to inform victim.~~

4           ~~(1) If an [offender] individual is determined to be a~~  
5   ~~sexually violent predator or a sexually violent delinquent~~  
6   ~~child, the municipal police department or the Pennsylvania~~  
7   ~~State Police, if no municipal police jurisdiction exists,~~  
8   ~~shall give written notice to the victim when the sexually~~  
9   ~~violent predator or the sexually violent delinquent child~~  
10   ~~registers initially under section 9799.19 (relating to~~  
11   ~~initial registration) or under section 9799.15 (g) (2), (3) or~~  
12   ~~(4) (relating to period of registration). The notice shall be~~  
13   ~~given within 72 hours after the sexually violent predator or~~  
14   ~~the sexually violent delinquent child registers or notifies~~  
15   ~~the Pennsylvania State Police of current information under~~  
16   ~~section 9799.15 (g). The notice shall contain the following~~  
17   ~~information about the sexually violent predator or sexually~~  
18   ~~violent delinquent child:~~

19           ~~(i) Name.~~

20           ~~(ii) Residence. This subparagraph includes whether~~  
21   ~~the sexually violent predator or sexually violent~~  
22   ~~delinquent child is a transient, in which case the notice~~  
23   ~~shall contain information about the transient's temporary~~  
24   ~~habitat or other temporary place of abode or dwelling,~~  
25   ~~including, but not limited to, a homeless shelter or~~  
26   ~~park. In addition, the notice shall contain a list of~~  
27   ~~places the transient eats, frequents and engages in~~  
28   ~~leisure activities.~~

29           ~~(iii) The address of employment.~~

30           ~~(iv) The address where the sexually violent predator~~

1 ~~or sexually violent delinquent child is enrolled as a~~  
2 ~~student.~~

3 \* \* \*

4 ~~(d) Alternate means of notifying victims.~~

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

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

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

27 § 9799.31. Immunity for good faith conduct.

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

30 \* \* \*

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

3           ~~\* \* \*~~

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

6           ~~§ 9799.32. Pennsylvania State Police.~~

7           ~~The Pennsylvania State Police have the following duties:~~

8           ~~\* \* \*~~

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

14           ~~\* \* \*~~

15           ~~(10) To develop the telephonic verification system~~  
16           ~~established under section 9799.25 (relating to verification~~  
17           ~~by sexual offenders and Pennsylvania State Police).~~

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

20           ~~§ 9799.34. Duties of facilities housing sexual offenders.~~

21           ~~The Department of Corrections, a county correctional~~  
22           ~~facility, an institution or facility set forth in section~~  
23           ~~6352(a)(3) (relating to disposition of delinquent child) and the~~  
24           ~~separate, State owned facility or unit established under Chapter~~  
25           ~~64 (relating to court ordered involuntary treatment of certain~~  
26           ~~sexually violent persons) shall have the following duties:~~

27           ~~(1) To perform their respective duties in accordance~~  
28           ~~with section 9799.19 (relating to initial registration). This~~  
29           ~~paragraph includes taking a current photograph of the~~  
30           ~~individual [required to register under this subchapter]~~

1 ~~specified in section 9799.13 (relating to applicability)~~  
2 ~~before the individual is released from confinement or~~  
3 ~~commitment or is discharged.~~

4 \* \* \*

5 ~~§ 9799.36. Counseling of sexually violent predators.~~

6 \* \* \*

7 ~~(b) Designation in another jurisdiction. If an individual~~  
8 ~~{required to register under this subchapter} specified in~~  
9 ~~section 9799.13 (relating to applicability) has been designated~~  
10 ~~as a sexually violent predator in another jurisdiction and was~~  
11 ~~required to undergo counseling, the individual shall be subject~~  
12 ~~to the provisions of this section.~~

13 \* \* \*

14 ~~§ 9799.38. Annual performance audit.~~

15 ~~(a) Duties of the Attorney General. The Attorney General~~  
16 ~~has the following duties:~~

17 ~~(1) To conduct a performance audit annually to determine~~  
18 ~~compliance with the requirements of this subchapter and~~  
19 ~~Subchapter I (relating to continued registration of sexual~~  
20 ~~offenders) and any guidelines promulgated under this~~  
21 ~~subchapter and Subchapter I. The audit shall, at a minimum,~~  
22 ~~include a review of the practices, procedures and records of~~  
23 ~~the Pennsylvania State Police, the Pennsylvania Board of~~  
24 ~~Probation and Parole, the Department of Corrections, the~~  
25 ~~board, the Administrative Office of Pennsylvania Courts and~~  
26 ~~any other State or local agency the Attorney General deems~~  
27 ~~necessary in order to conduct a thorough and accurate~~  
28 ~~performance audit.~~

29 ~~(2) To prepare an annual report of its findings and any~~  
30 ~~action that it recommends be taken by the Pennsylvania State~~

1 ~~Police, the Pennsylvania Board of Probation and Parole, the~~  
2 ~~Department of Corrections, the board, the Administrative~~  
3 ~~Office of Pennsylvania Courts, other State or local agencies~~  
4 ~~and the General Assembly to ensure compliance with this~~  
5 ~~subchapter and Subchapter I. The first report shall be~~  
6 ~~released to the general public no fewer than 18 months~~  
7 ~~following the effective date of this section.~~

8 \* \* \*

9 ~~§ 9799.39. Photographs and fingerprinting.~~

10 ~~An individual subject to registration under section 9799.13~~  
11 ~~(relating to applicability) shall submit to fingerprinting and~~  
12 ~~photographing as required by this subchapter. Fingerprinting as~~  
13 ~~required by this subchapter shall, at a minimum, require~~  
14 ~~submission of a full set of fingerprints and palm prints.~~  
15 ~~Photographing as required by this subchapter shall, at a~~  
16 ~~minimum, require submission to photographs of the face and any~~  
17 ~~scars, marks, tattoos or other unique features of the~~  
18 ~~individual. Fingerprints and photographs obtained under this~~  
19 ~~subchapter may be maintained for use under this subchapter and~~  
20 ~~for general law enforcement purposes.~~

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

22 ~~§ 9799.42. Standing for Pennsylvania State Police.~~

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

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

1 SUBCHAPTER I

2 CONTINUED REGISTRATION OF SEXUAL OFFENDERS

3 Sec.

4 9799.51. Legislative findings and declaration of policy.

5 9799.52. Scope.

6 9799.53. Definitions.

7 9799.54. Applicability.

8 9799.55. Registration.

9 9799.56. Registration procedures and applicability.

10 9799.57. Sentencing court information.

11 9799.58. Assessments.

12 9799.59. Exemption from certain notifications.

13 9799.60. Verification of residence.

14 9799.61. Victim notification.

15 9799.62. Other notification.

16 9799.63. Information made available on Internet and electronic  
17 notification.

18 9799.64. Administration.

19 9799.65. Global positioning system technology.

20 9799.66. Immunity for good faith conduct.

21 9799.67. Duties of Pennsylvania State Police.

22 9799.68. Duties of Pennsylvania Board of Probation and Parole.

23 9799.69. Board.

24 9799.70. Counseling of sexually violent predators.

25 9799.71. Exemption from notification for certain licensees and  
26 their employees.

27 9799.72. Annual performance audit.

28 9799.73. Photographs and fingerprinting.

29 § 9799.51. Legislative findings and declaration of policy.

30 (a) Legislative findings. It is hereby determined and

1 ~~declared as a matter of legislative finding:~~

2 ~~(1) If the public is provided adequate notice and~~  
3 ~~information about sexually violent predators and offenders,~~  
4 ~~as well as those sexually violent predators and offenders who~~  
5 ~~do not have a fixed place of habitation or abode, the~~  
6 ~~community can develop constructive plans to prepare itself~~  
7 ~~for the release of sexually violent predators and offenders.~~  
8 ~~This allows communities to meet with law enforcement to~~  
9 ~~prepare and obtain information about the rights and~~  
10 ~~responsibilities of the community and to provide education~~  
11 ~~and counseling to their children.~~

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

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

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

27 ~~(5) Persons found to have committed a sexual offense~~  
28 ~~have a reduced expectation of privacy because of the public's~~  
29 ~~interest in public safety and in the effective operation of~~  
30 ~~government.~~

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

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

9           ~~(1) Protect the safety and general welfare of the people~~  
10 ~~of this Commonwealth by providing for registration, community~~  
11 ~~notification and access to information regarding sexually~~  
12 ~~violent predators and offenders who are about to be released~~  
13 ~~from custody and will live in or near their neighborhood.~~

14           ~~(2) Require the exchange of relevant information about~~  
15 ~~sexually violent predators and offenders among public~~  
16 ~~agencies and officials and to authorize the release of~~  
17 ~~necessary and relevant information about sexually violent~~  
18 ~~predators and offenders to members of the general public,~~  
19 ~~including information available through the publicly~~  
20 ~~accessible Internet website of the Pennsylvania State Police,~~  
21 ~~as a means of assuring public protection and shall not be~~  
22 ~~construed as punitive.~~

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

28           ~~(4) Address the Pennsylvania Supreme Court's decision in~~  
29 ~~*Commonwealth v. Muniz*, No. 47 MAP 2016 (Pa. 2016) and the~~  
30 ~~Pennsylvania Superior Court's decision in *Commonwealth v.*~~

1 ~~Butler (2017 WL3882445).~~

2 ~~§ 9799.52. Scope.~~

3 ~~This subchapter shall apply to individuals who were:~~

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

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

14 ~~§ 9799.53. Definitions.~~

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

18 ~~"Active notification." Notification in accordance with~~  
19 ~~section 9799.62 (relating to other notification) or a process~~  
20 ~~whereby law enforcement, pursuant to the laws of the United~~  
21 ~~States or one of its territories or possessions, another state,~~  
22 ~~the District of Columbia, the Commonwealth of Puerto Rico or a~~  
23 ~~foreign nation, notifies persons in the community in which the~~  
24 ~~individual resides, including a person identified in section~~  
25 ~~9799.62(b), of the residence, employment or school location of~~  
26 ~~the individual.~~

27 ~~"Approved registration site." A site in this Commonwealth~~  
28 ~~approved by the Pennsylvania State Police as required by section~~  
29 ~~9799.67(2) (relating to duties of Pennsylvania State Police):~~

30 ~~(1) at which individuals subject to this subchapter may~~

~~1 register, verify information or be fingerprinted or  
2 photographed as required by this subchapter;~~

~~3 (2) which is capable of submitting fingerprints  
4 utilizing the Integrated Automated Fingerprint Identification  
5 System or in another manner and in the form as the  
6 Pennsylvania State Police shall require; and~~

~~7 (3) which is capable of submitting photographs utilizing  
8 the Commonwealth Photo Imaging Network or in another manner  
9 and in the form as the Pennsylvania State Police shall  
10 require.~~

~~11 "Board." The State Sexual Offenders Assessment Board.~~

~~12 "Common interest community." Includes a cooperative, a  
13 condominium and a planned community where an individual by  
14 virtue of an ownership interest in a portion of real estate is  
15 or may become obligated by covenant, easement or agreement  
16 imposed upon the owner's interest to pay an amount for real  
17 property taxes, insurance, maintenance, repair, improvement,  
18 management, administration or regulation of any part of the real  
19 estate other than the portion or interest owned solely by the  
20 individual.~~

~~21 "Commonwealth Photo Imaging Network." The computer network  
22 administered by the Commonwealth and used to record and store  
23 digital photographs of an individual's face and scars, marks,  
24 tattoos or other unique features of the individual.~~

~~25 "Employed." Includes a vocation or employment that is full  
26 time or part time for a period of time exceeding 14 days or for  
27 an aggregate period of time exceeding 30 days during a calendar  
28 year, whether financially compensated, volunteered, under a  
29 contract or for the purpose of government or educational  
30 benefit.~~

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

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

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

16 ~~"Municipality." A city, borough, incorporated town or~~  
17 ~~township.~~

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

22 ~~"Passive notification." Notification in accordance with~~  
23 ~~section 9799.63 (relating to information made available on~~  
24 ~~Internet and electronic notification) or a process whereby~~  
25 ~~persons, under the laws of the United States or one of its~~  
26 ~~territories or possessions, another state, the District of~~  
27 ~~Columbia, the Commonwealth of Puerto Rico or a foreign nation,~~  
28 ~~are able to access information pertaining to an individual as a~~  
29 ~~result of the individual having been convicted or sentenced by a~~  
30 ~~court for an offense similar to an offense listed in section~~

1 ~~9799.55 (relating to registration).~~

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

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

10 ~~"Residence." With respect to an individual required to~~  
11 ~~register under this subchapter, any of the following:~~

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

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

20 ~~"Sexually violent offense." The following criminal offenses:~~

21 ~~(1) Except as provided in paragraph (2):~~

22 ~~(i) a criminal offense specified in section 9799.55~~  
23 ~~(relating to registration) committed on or after April~~  
24 ~~22, 1996, but before December 20, 2012, for which the~~  
25 ~~individual was convicted; or~~

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

1 ~~expired.~~

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

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

7 ~~(ii) 18 Pa.C.S. § 3124.2 (relating to institutional~~  
8 ~~sexual assault).~~

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

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

24 ~~§ 9799.54. Applicability.~~

25 ~~(a) Registration. The following individuals shall register~~  
26 ~~with the Pennsylvania State Police as provided in this~~  
27 ~~subchapter:~~

28 ~~(1) An individual who committed a sexually violent~~  
29 ~~offense within this Commonwealth and whose period of~~  
30 ~~registration with the Pennsylvania State Police, as specified~~

1 ~~in section 9799.55 (relating to registration), as of the~~  
2 ~~effective date of this section, has not expired. The~~  
3 ~~individual shall register for the period of time under~~  
4 ~~section 9799.55 less any credit for time spent registered~~  
5 ~~with the Pennsylvania State Police prior to the effective~~  
6 ~~date of this section.~~

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

12 ~~(3) An individual who committed a sexually violent~~  
13 ~~offense within this Commonwealth and is an inmate in a State~~  
14 ~~or county correctional facility of this Commonwealth,~~  
15 ~~including a community corrections center or a community~~  
16 ~~contract facility, is being supervised by the Pennsylvania~~  
17 ~~Board of Probation and Parole or county probation or parole,~~  
18 ~~is subject to a sentence of intermediate punishment or has~~  
19 ~~supervision transferred under the Interstate Compact for~~  
20 ~~Adult Supervision in accordance with section 9799.62(e)~~  
21 ~~(relating to other notification). The individual shall~~  
22 ~~register for the period of time under section 9799.55, except~~  
23 ~~that the period required in section 9799.55 shall be tolled~~  
24 ~~for any period of time the individual is recommitted for a~~  
25 ~~parole violation or sentenced to a term of imprisonment.~~

26 ~~(4) An individual who was convicted of an offense~~  
27 ~~similar to an offense set forth in section 9799.55 under the~~  
28 ~~laws of the United States or one of its territories or~~  
29 ~~possessions, another state, the District of Columbia, the~~  
30 ~~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~~

1 ~~subsection (a.1) or (b), the following individuals shall be~~  
2 ~~required to register with the Pennsylvania State Police for a~~  
3 ~~period of 10 years:~~

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

8 ~~18 Pa.C.S. § 2901 (relating to kidnapping) where~~  
9 ~~the victim is a minor.~~

10 ~~18 Pa.C.S. § 3126 (relating to indecent assault)~~  
11 ~~where the offense is graded as a misdemeanor of the~~  
12 ~~first degree or higher.~~

13 ~~18 Pa.C.S. § 4302 (relating to incest) where the~~  
14 ~~victim is 12 years of age or older but under 18 years~~  
15 ~~of age.~~

16 ~~18 Pa.C.S. § 5902(b) or (b.1) (relating to~~  
17 ~~prostitution and related offenses) where the actor~~  
18 ~~promotes the prostitution of a minor.~~

19 ~~18 Pa.C.S. § 5903(a) (3), (4), (5) or (6)~~  
20 ~~(relating to obscene and other sexual materials and~~  
21 ~~performances) where the victim is a minor.~~

22 ~~18 Pa.C.S. § 6312 (relating to sexual abuse of~~  
23 ~~children).~~

24 ~~18 Pa.C.S. § 6318 (relating to unlawful contact~~  
25 ~~with minor).~~

26 ~~18 Pa.C.S. § 6320 (relating to sexual~~  
27 ~~exploitation of children).~~

28 ~~(B) Individuals convicted within this~~  
29 ~~Commonwealth of an offense set forth in clause (A)~~  
30 ~~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       ~~(1) An individual with two or more convictions of any of~~  
2 ~~the offenses set forth in subsection (a).~~

3       ~~(2) Individuals convicted:~~

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

7                   ~~18 Pa.C.S. § 3121 (relating to rape);~~  
8                   ~~18 Pa.C.S. § 3123 (relating to involuntary~~  
9 ~~deviate sexual intercourse);~~

10                   ~~18 Pa.C.S. § 3124.1 (relating to sexual assault);~~  
11                   ~~18 Pa.C.S. § 3125 (relating to aggravated~~  
12 ~~indecent assault); or~~

13                   ~~18 Pa.C.S. § 4302 (relating to incest) when the~~  
14 ~~victim is under 12 years of age; or~~

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

21           ~~(ii) of offenses similar to the crimes cited in~~  
22 ~~subparagraph (i) under the laws of the United States or~~  
23 ~~one of its territories or possessions, another state, the~~  
24 ~~District of Columbia, the Commonwealth of Puerto Rico or~~  
25 ~~a foreign nation or under a former law of this~~  
26 ~~Commonwealth, if committed, or for which registration~~  
27 ~~with the Pennsylvania State Police under a former sexual~~  
28 ~~offender registration law of this Commonwealth was~~  
29 ~~required, on or after April 22, 1996, but before December~~  
30 ~~20, 2012, who currently reside in this Commonwealth.~~

1       ~~(3) Sexually violent predators.~~

2       ~~(4) An individual who is considered to be a sexually~~  
3 ~~violent predator under section 9799.56(b) or who is otherwise~~  
4 ~~required to register for life under section 9799.56(b), if~~  
5 ~~the sexual offense which is the basis for the consideration~~  
6 ~~or requirement for which the individual was convicted was~~  
7 ~~committed, or for which registration with the Pennsylvania~~  
8 ~~State Police under a former sexual offender registration law~~  
9 ~~of this Commonwealth was required, on or after April 22,~~  
10 ~~1996, but before December 20, 2012.~~

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

15       ~~(d) Residents in group based homes.~~

16       ~~(1) A group based home may not provide concurrent~~  
17 ~~residence in the group based home to more than five~~  
18 ~~individuals in total who are required to register under~~  
19 ~~Subchapter H (relating to registration of sexual offenders)~~  
20 ~~and this subchapter as sexually violent predators.~~

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

25       ~~(3) The Pennsylvania State Police or local law~~  
26 ~~enforcement agency of jurisdiction shall investigate~~  
27 ~~compliance with this subsection, and the Attorney General or~~  
28 ~~district attorney may commence a civil action in the court of~~  
29 ~~common pleas of the county in which a group based home is~~  
30 ~~located to impose and collect from the group based home the~~

1 ~~penalty under paragraph (2).~~

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

6 ~~§ 9799.56. Registration procedures and applicability.~~

7 ~~(a) Registration.~~

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

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

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

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

27 ~~(i) A change of residence or establishment of an~~  
28 ~~additional residence or residences. In the case of an~~  
29 ~~individual who has a residence as defined in paragraph~~  
30 ~~(2) of the definition of "residence" in section 9799.53~~

1 ~~(relating to definitions), the individual shall inform~~  
2 ~~the Pennsylvania State Police of the following:~~

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

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

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

13 ~~The duty to provide the information specified in this~~  
14 ~~subparagraph shall apply until the individual establishes~~  
15 ~~a residence as defined in paragraph (1) of the definition~~  
16 ~~of "residence" in section 9799.53. If the individual who~~  
17 ~~has a residence as defined in paragraph (2) of the~~  
18 ~~definition of "residence" in section 9799.53 changes or~~  
19 ~~adds to the places listed in this subparagraph during a~~  
20 ~~30 day period, the individual shall list these when~~  
21 ~~reregistering during the next 30 day period.~~

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

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

29 ~~(iv) Becoming employed or enrolled as a student if~~  
30 ~~the person has not previously provided that information~~

1 ~~to the Pennsylvania State Police.~~

2 ~~(2.1) Registration with a new law enforcement agency~~  
3 ~~shall occur no later than three business days after~~  
4 ~~establishing residence in another state.~~

5 ~~(3) The registration period required in section~~  
6 ~~9799.55(a) and (a.1) (relating to registration) shall be~~  
7 ~~tolled when an offender is recommitted for a parole violation~~  
8 ~~or sentenced to an additional term of imprisonment. In such~~  
9 ~~cases, the Department of Corrections or county correctional~~  
10 ~~facility shall notify the Pennsylvania State Police of the~~  
11 ~~admission of the offender.~~

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

14 ~~(i) Where the offender or sexually violent predator~~  
15 ~~was granted parole by the Pennsylvania Board of Probation~~  
16 ~~and Parole or the court or is sentenced to probation or~~  
17 ~~intermediate punishment, the board or county office of~~  
18 ~~probation and parole shall collect registration~~  
19 ~~information from the offender or sexually violent~~  
20 ~~predator and forward that registration information to the~~  
21 ~~Pennsylvania State Police. The Department of Corrections~~  
22 ~~or county correctional facility shall not release the~~  
23 ~~offender or sexually violent predator until it receives~~  
24 ~~verification from the Pennsylvania State Police that the~~  
25 ~~Pennsylvania State Police have received the registration~~  
26 ~~information. Verification by the Pennsylvania State~~  
27 ~~Police may occur by electronic means, including e-mail or~~  
28 ~~facsimile transmission. Where the offender or sexually~~  
29 ~~violent predator is scheduled to be released from a State~~  
30 ~~or county correctional facility because of the expiration~~

1 ~~of the maximum term of incarceration, the Department of~~  
2 ~~Corrections or county correctional facility shall collect~~  
3 ~~the information from the offender or sexually violent~~  
4 ~~predator no later than 10 days prior to the maximum~~  
5 ~~expiration date. The registration information shall be~~  
6 ~~forwarded to the Pennsylvania State Police.~~

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

17 ~~(b) Individuals convicted or sentenced by a court or~~  
18 ~~adjudicated delinquent in jurisdictions outside this~~  
19 ~~Commonwealth or sentenced by court martial.~~

20 ~~(1) (Reserved).~~

21 ~~(2) (Reserved).~~

22 ~~(3) (Reserved).~~

23 ~~(4) An individual who has a residence, is employed or is~~  
24 ~~a student in this Commonwealth and who has been convicted of~~  
25 ~~or sentenced by a court or court martial for a sexually~~  
26 ~~violent offense or a similar offense under the laws of the~~  
27 ~~United States or one of its territories or possessions,~~  
28 ~~another state, the District of Columbia, the Commonwealth of~~  
29 ~~Puerto Rico or a foreign nation, or who was required to~~  
30 ~~register under a sexual offender statute in the jurisdiction~~

1 ~~where convicted, sentenced or court martialled, shall register~~  
2 ~~at an approved registration site within three business days~~  
3 ~~of the individual's arrival in this Commonwealth. The~~  
4 ~~provisions of this subchapter shall apply to the individual~~  
5 ~~as follows:~~

6 ~~(i) If the individual has been classified as a~~  
7 ~~sexually violent predator as defined in section 9799.53~~  
8 ~~or determined under the laws of the other jurisdiction or~~  
9 ~~by reason of court martial to be subject to active~~  
10 ~~notification and lifetime registration on the basis of a~~  
11 ~~statutorily authorized administrative or judicial~~  
12 ~~decision or on the basis of a statute or administrative~~  
13 ~~rule requiring active notification and lifetime~~  
14 ~~registration based solely on the offense for which the~~  
15 ~~individual was convicted, sentenced or court martialled,~~  
16 ~~the individual shall, notwithstanding section 9799.53, be~~  
17 ~~considered a sexually violent predator and subject to~~  
18 ~~lifetime registration under section 9799.55(b). The~~  
19 ~~individual shall also be subject to the provisions of~~  
20 ~~this section and sections 9799.60 (relating to~~  
21 ~~verification of residence), 9799.62 (relating to other~~  
22 ~~notification) and 9799.63(c)(1) (relating to information~~  
23 ~~made available on Internet and electronic notification),~~  
24 ~~except that the individual shall not be required to~~  
25 ~~receive counseling unless required to do so by the other~~  
26 ~~jurisdiction or by reason of court martial.~~

27 ~~(ii) Except as provided in subparagraphs (i) and~~  
28 ~~(iv), if the individual has been convicted or sentenced~~  
29 ~~by a court or court martialled for an offense listed in~~  
30 ~~section 9799.55(b) or an equivalent offense, the~~

1 ~~individual shall, notwithstanding section 9799.53, be~~  
2 ~~considered an offender and be subject to lifetime~~  
3 ~~registration under section 9799.55(b). The individual~~  
4 ~~shall also be subject to the provisions of this section~~  
5 ~~and sections 9799.60 and 9799.63(c)(2).~~

6 ~~(iii) Except as provided in subparagraphs (i), (ii),~~  
7 ~~(iv) and (v), if the individual has been convicted or~~  
8 ~~sentenced by a court or court martial for an offense~~  
9 ~~listed in section 9799.55(a) or an equivalent offense,~~  
10 ~~the individual shall be, notwithstanding section 9799.53,~~  
11 ~~considered an offender and subject to registration under~~  
12 ~~this subchapter. The individual shall also be subject to~~  
13 ~~the provisions of this section and sections 9799.60 and~~  
14 ~~9799.63(c)(2). The individual shall be subject to this~~  
15 ~~subchapter for a period of 10 years or for a period of~~  
16 ~~time equal to the time for which the individual was~~  
17 ~~required to register in the other jurisdiction or~~  
18 ~~required to register by reason of court martial,~~  
19 ~~whichever is greater, less any credit due to the~~  
20 ~~individual as a result of prior compliance with~~  
21 ~~registration requirements.~~

22 ~~(iv) Except as provided in subparagraph (i) and~~  
23 ~~notwithstanding subparagraph (v), if the individual is~~  
24 ~~subject to active notification in the other jurisdiction~~  
25 ~~or subject to active notification by reason of court~~  
26 ~~martial, the individual shall, notwithstanding section~~  
27 ~~9799.53, be considered an offender and subject to this~~  
28 ~~section and sections 9799.60, 9799.62 and 9799.63(c)(1).~~  
29 ~~If the individual was convicted of or sentenced in the~~  
30 ~~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~~

1 ~~to the individual as a result of prior compliance with~~  
2 ~~registration requirements.~~

3 ~~(5) Notwithstanding the provisions of Chapter 63-~~  
4 ~~(relating to juvenile matters) and except as provided in~~  
5 ~~paragraph (4), an individual who has a residence, is employed~~  
6 ~~or is a student in this Commonwealth and who is required to~~  
7 ~~register as a sex offender under the laws of the United~~  
8 ~~States or one of its territories or possessions, another~~  
9 ~~state, the District of Columbia, the Commonwealth of Puerto~~  
10 ~~Rico or a foreign nation as a result of a juvenile~~  
11 ~~adjudication shall register at an approved registration site~~  
12 ~~within three business days of the individual's arrival in~~  
13 ~~this Commonwealth. The provisions of this subchapter shall~~  
14 ~~apply to the individual as follows:~~

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

1 ~~jurisdiction.~~

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

14 ~~(iii) Except as provided in subparagraphs (i) and~~  
15 ~~(ii), if the individual is subject to passive~~  
16 ~~notification in the other jurisdiction, the individual~~  
17 ~~shall, notwithstanding section 9799.53, be considered an~~  
18 ~~offender and be subject to this section and sections~~  
19 ~~9799.60 and 9799.63(c)(2). The individual shall be~~  
20 ~~subject to this subchapter for a period of time equal to~~  
21 ~~the time for which the individual was required to~~  
22 ~~register in the other jurisdiction, less any credit due~~  
23 ~~to the individual as a result of prior registration~~  
24 ~~compliance.~~

25 ~~(c) Registration information to local police.~~

26 ~~(1) The Pennsylvania State Police shall provide the~~  
27 ~~information obtained under this section and sections 9799.57~~  
28 ~~(relating to sentencing court information) and 9799.60 to the~~  
29 ~~chief law enforcement officers of the police departments of~~  
30 ~~the municipalities in which the individual will establish a~~

1 ~~residence or be employed or enrolled as a student. In~~  
2 ~~addition, the Pennsylvania State Police shall provide this~~  
3 ~~officer with the address at which the individual will~~  
4 ~~establish a residence or be employed or enrolled as a student~~  
5 ~~following the individual's release from incarceration, parole~~  
6 ~~or probation.~~

7 ~~(2) The Pennsylvania State Police shall provide notice~~  
8 ~~to the chief law enforcement officers of the police~~  
9 ~~departments of the municipalities notified under paragraph~~  
10 ~~(1) when an individual fails to comply with the registration~~  
11 ~~requirements of this section or section 9799.60 and request,~~  
12 ~~as appropriate, that these police departments assist in~~  
13 ~~locating and apprehending the individual.~~

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

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

26 ~~(e) Registration sites. An individual subject to section~~  
27 ~~9799.55 shall register and submit to fingerprinting and~~  
28 ~~photographing as required by this subchapter at approved~~  
29 ~~registration sites.~~

30 ~~§ 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~~

1           ~~(iii) the place the individual receives mail,~~  
2           ~~including a post office box,~~  
3           ~~if the individual fails to establish a residence as defined~~  
4           ~~in paragraph (1) of the definition of "residence" in section~~  
5           ~~9799.53 (relating to definitions).~~

6           ~~(2.1) Specifically inform the offender or sexually~~  
7           ~~violent predator of the duty to inform the Pennsylvania State~~  
8           ~~Police within three business days of becoming employed or~~  
9           ~~enrolled as a student if the person has not previously~~  
10           ~~provided that information to the Pennsylvania State Police.~~

11           ~~(3) Specifically inform the offender or sexually violent~~  
12           ~~predator of the duty to register with a new law enforcement~~  
13           ~~agency if the offender or sexually violent predator moves to~~  
14           ~~another state no later than three business days after~~  
15           ~~establishing residence in another state.~~

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

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

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

1 ~~duty.~~

2 ~~§ 9799.58. Assessments.~~

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

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

17 ~~(1) Facts of the current offense, including:~~

18 ~~(i) Whether the offense involved multiple victims.~~

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

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

23 ~~(iv) Relationship of the individual to the victim.~~

24 ~~(v) Age of the victim.~~

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

28 ~~(vii) The mental capacity of the victim.~~

29 ~~(2) Prior offense history, including:~~

30 ~~(i) The individual's prior criminal record.~~

1 ~~(ii) Whether the individual completed any prior~~  
2 ~~sentences.~~

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

5 ~~(3) Characteristics of the individual, including:~~

6 ~~(i) Age of the individual.~~

7 ~~(ii) Use of illegal drugs by the individual.~~

8 ~~(iii) A mental illness, mental disability or mental~~  
9 ~~abnormality.~~

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

12 ~~(4) Factors that are supported in a sexual offender~~  
13 ~~assessment field as criteria reasonably related to the risk~~  
14 ~~of reoffense.~~

15 ~~(c) Release of information. All State, county and local~~  
16 ~~agencies, offices or entities in this Commonwealth, including~~  
17 ~~juvenile probation officers, shall cooperate by providing access~~  
18 ~~to records and information as requested by the board in~~  
19 ~~connection with the court ordered assessment and the assessment~~  
20 ~~requested by the Pennsylvania Board of Probation and Parole or~~  
21 ~~the assessment of a delinquent child under section 6358~~  
22 ~~(relating to assessment of delinquent children by the State~~  
23 ~~Sexual Offenders Assessment Board).~~

24 ~~(d) Submission of report by board. The board shall have 90~~  
25 ~~days from the date of conviction of the individual to submit a~~  
26 ~~written report containing its assessment to the district~~  
27 ~~attorney.~~

28 ~~(d.1) Summary of offense. The board shall prepare a~~  
29 ~~description of the offense or offenses which trigger the~~  
30 ~~application of this subchapter to include, but not be limited~~

1 ~~to:~~

2 ~~(1) A concise narrative of the offender's conduct.~~

3 ~~(2) Whether the victim was a minor.~~

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

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

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

10 ~~(6) Previous instances in which the offender was~~  
11 ~~determined guilty of an offense subject to this subchapter or~~  
12 ~~of a crime of violence as defined in section 9714(g)~~  
13 ~~(relating to sentences for second and subsequent offenses).~~

14 ~~(c) Hearing.~~

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

21 ~~(2) The individual and district attorney shall be given~~  
22 ~~notice of the hearing and an opportunity to be heard, the~~  
23 ~~right to call witnesses, the right to call expert witnesses~~  
24 ~~and the right to cross examine witnesses. In addition, the~~  
25 ~~individual shall have the right to counsel and to have a~~  
26 ~~lawyer appointed to represent the individual if he or she~~  
27 ~~cannot afford one. If the individual requests another expert~~  
28 ~~assessment, the individual shall provide a copy of the expert~~  
29 ~~assessment to the district attorney prior to the hearing.~~

30 ~~(3) At the hearing prior to sentencing, the court shall~~

1 ~~determine whether the Commonwealth has proved by clear and~~  
2 ~~convincing evidence that the individual is a sexually violent~~  
3 ~~predator.~~

4 ~~(4) A copy of the order containing the determination of~~  
5 ~~the court shall be immediately submitted to the individual,~~  
6 ~~the district attorney, the Pennsylvania Board of Probation~~  
7 ~~and Parole, the Department of Corrections, the board and the~~  
8 ~~Pennsylvania State Police.~~

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

13 ~~(g) Parole assessment. The Pennsylvania Board of Probation~~  
14 ~~and Parole may request of the board an assessment of an offender~~  
15 ~~or sexually violent predator be conducted and provide a report~~  
16 ~~to the Pennsylvania Board of Probation and Parole prior to~~  
17 ~~considering an offender or sexually violent predator for parole.~~

18 ~~(h) Delinquent children. Except where section 6358(b.1) is~~  
19 ~~applicable, the probation officer shall notify the board 90 days~~  
20 ~~prior to the 20th birthday of the child of the status of the~~  
21 ~~delinquent child who is committed to an institution or other~~  
22 ~~facility under section 6352 (relating to disposition of~~  
23 ~~delinquent child) after having been found delinquent for an act~~  
24 ~~of sexual violence which if committed by an adult would be a~~  
25 ~~violation of 18 Pa.C.S. § 3121 (relating to rape), 3123~~  
26 ~~(relating to involuntary deviate sexual intercourse), 3124.1~~  
27 ~~(relating to sexual assault), 3125 (relating to aggravated~~  
28 ~~indecent assault), 3126 (relating to indecent assault) or 4302~~  
29 ~~(relating to incest), together with the location of the facility~~  
30 ~~where the child is committed. The board shall conduct an~~

1 ~~assessment of the child, which shall include the board's~~  
2 ~~determination of whether or not the child is in need of~~  
3 ~~commitment due to a mental abnormality as defined in section~~  
4 ~~6402 (relating to definitions) or a personality disorder, either~~  
5 ~~of which results in serious difficulty in controlling sexually~~  
6 ~~violent behavior, and provide a report to the court within the~~  
7 ~~time frames under section 6358(c). The probation officer shall~~  
8 ~~assist the board in obtaining access to the child and records or~~  
9 ~~information as requested by the board in connection with the~~  
10 ~~assessment. The assessment shall be conducted under subsection~~  
11 ~~(b).~~

12 ~~(i) Other assessments. Upon receipt from the court of an~~  
13 ~~order for an assessment under section 9799.59 (relating to~~  
14 ~~exemption from certain notifications), a member of the board as~~  
15 ~~designated by the administrative officer of the board shall~~  
16 ~~conduct an assessment of the individual to determine if the~~  
17 ~~relief sought, if granted, is likely to pose a threat to the~~  
18 ~~safety of any other person. The board shall establish standards~~  
19 ~~for evaluations and for evaluators conducting these assessments.~~  
20 ~~§ 9799.59. Exemption from certain notifications.~~

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

28 ~~(1) At least 25 years have elapsed prior to filing a~~  
29 ~~petition with the sentencing court to be exempt from the~~  
30 ~~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~~

1 ~~petitioner cannot afford one.~~

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

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

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

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

30 ~~(9) If a petitioner is exempt from any provisions of~~

~~1 this subchapter and the petitioner is subsequently convicted  
2 under 18 Pa.C.S. § 4915.2 (relating to failure to comply with  
3 42 Pa.C.S. Ch. 97 Subch. I registration requirements), relief  
4 granted under this section shall be void, and the petitioner  
5 shall automatically and immediately again be subject to the  
6 provisions of this subchapter, as previously determined by  
7 this subchapter.~~

~~8 (b) Agency cooperation. All State, county and local  
9 agencies, offices and entities in this Commonwealth, including  
10 juvenile probation officers, shall cooperate by providing access  
11 to records and information as requested by the board in  
12 connection with the court ordered assessment under subsection  
13 (a).~~

~~14 § 9799.60. Verification of residence.~~

~~15 (a) Quarterly verification by sexually violent predators.  
16 The Pennsylvania State Police shall verify the residence and  
17 compliance with counseling as provided for in section 9799.70  
18 (relating to counseling of sexually violent predators) of  
19 sexually violent predators every 90 days through the use of a  
20 nonforwardable verification form to the last reported residence.  
21 For the period of registration required by section 9799.55  
22 (relating to registration), a sexually violent predator shall  
23 appear quarterly within 10 days of the dates designated by the  
24 Pennsylvania State Police each calendar year at an approved  
25 registration site to complete a verification form and to be  
26 photographed.~~

~~27 (a.1) Facilitation of quarterly verification. The  
28 Pennsylvania State Police shall facilitate and administer the  
29 verification process required by subsection (a) by:~~

~~30 (1) sending a notice by first class United States mail~~

1 ~~to all registered sexually violent predators at their last~~  
2 ~~reported residence addresses. This notice shall be sent not~~  
3 ~~more than 30 days nor less than 15 days prior to each of the~~  
4 ~~quarterly verification periods specified in subsection (a)~~  
5 ~~and shall remind sexually violent predators of their~~  
6 ~~quarterly verification requirement and provide them with a~~  
7 ~~list of approved registration sites; and~~

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

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

18 ~~(b.1) Facilitation of annual verification. The Pennsylvania~~  
19 ~~State Police shall facilitate and administer the verification~~  
20 ~~process required by subsection (b) by:~~

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

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

30 ~~(b.2) Monthly verification by individuals with temporary~~

1 ~~habitats located within this Commonwealth. The Pennsylvania~~  
2 ~~State Police shall verify the residence of individuals required~~  
3 ~~to register under this subchapter who have a residence as~~  
4 ~~defined in paragraph (2) of the definition of "residence" in~~  
5 ~~section 9799.53 (relating to definitions) every 30 days through~~  
6 ~~the use of a nonforwardable verification form to the last~~  
7 ~~reported location where the individual receives mail. The~~  
8 ~~individual shall appear every 30 days at an approved~~  
9 ~~registration site to complete a verification form and to be~~  
10 ~~photographed. The individual shall appear within three business~~  
11 ~~days of the date designated by the Pennsylvania State Police.~~

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

15 ~~(1) sending a notice by first class United States mail~~  
16 ~~to an individual required to register under this subchapter~~  
17 ~~who has a residence as defined in paragraph (2) of the~~  
18 ~~definition of "residence" in section 9799.53 at the last~~  
19 ~~reported location where the individual receives mail. This~~  
20 ~~notice shall be sent not more than 10 days nor less than five~~  
21 ~~days prior to each of the monthly verification periods and~~  
22 ~~shall remind the individual of the monthly verification~~  
23 ~~requirement and provide a list of approved registration~~  
24 ~~sites; and~~

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

27 ~~(c) Notification of law enforcement agencies of change of~~  
28 ~~residence. A change of residence of an offender or sexually~~  
29 ~~violent predator required to register under this subchapter~~  
30 ~~reported to the Pennsylvania State Police shall be immediately~~

1 ~~reported by the Pennsylvania State Police to the appropriate law~~  
2 ~~enforcement agency having jurisdiction of the offender's or the~~  
3 ~~sexually violent predator's new place of residence. The~~  
4 ~~Pennsylvania State Police shall, if the offender or sexually~~  
5 ~~violent predator changes residence to another state, notify the~~  
6 ~~law enforcement agency with which the offender or sexually~~  
7 ~~violent predator must register in the new state.~~

8 ~~(d) Failure to provide verification. Where an offender or~~  
9 ~~sexually violent predator fails to provide verification of~~  
10 ~~residence defined in paragraph (1) of the definition of~~  
11 ~~"residence" in section 9799.53 within the 10 day period or three~~  
12 ~~business days in the case of an offender or sexually violent~~  
13 ~~predator who has a residence as defined in paragraph (2) of the~~  
14 ~~definition of "residence" in section 9799.53, as specified in~~  
15 ~~this section, the Pennsylvania State Police shall immediately~~  
16 ~~notify the municipal police department of the offender's or the~~  
17 ~~sexually violent predator's last verified residence. The local~~  
18 ~~municipal police shall locate the offender or sexually violent~~  
19 ~~predator and arrest the individual for violating this section.~~  
20 ~~The Pennsylvania State Police shall assume responsibility for~~  
21 ~~locating and arresting the offender or sexually violent predator~~  
22 ~~in jurisdictions where no municipal police jurisdiction exists.~~  
23 ~~The Pennsylvania State Police shall assist a municipal police~~  
24 ~~department requesting assistance with locating and arresting an~~  
25 ~~offender or sexually violent predator who fails to verify the~~  
26 ~~offender's or sexually violent predator's residence.~~

27 ~~(e) Penalty. An individual subject to registration under~~  
28 ~~section 9799.55(a) or (b) who fails to verify the individual's~~  
29 ~~residence or to be photographed as required by this section may~~  
30 ~~be subject to prosecution under 18 Pa.C.S. § 4915.2 (relating to~~

1 ~~failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration~~  
2 ~~of sexual offenders requirements).~~

3 ~~(f) Effect of notice. Neither failure on the part of the~~  
4 ~~Pennsylvania State Police to send nor failure of a sexually~~  
5 ~~violent predator or offender to receive notice or information~~  
6 ~~under subsection (a.1), (b.1) or (b.3) shall relieve that~~  
7 ~~predator or offender from the requirements of this subchapter.~~  
8 ~~§ 9799.61. Victim notification.~~

9 ~~(a) Duty to inform victim.~~

10 ~~(1) Where the individual is determined to be a sexually~~  
11 ~~violent predator by a court under section 9799.58 (relating~~  
12 ~~to assessments), the local municipal police department or the~~  
13 ~~Pennsylvania State Police where no municipal police~~  
14 ~~jurisdiction exists shall give written notice to the sexually~~  
15 ~~violent predator's victim when the sexually violent predator~~  
16 ~~registers initially and when the sexually violent predator~~  
17 ~~notifies the Pennsylvania State Police of a change of~~  
18 ~~residence. In the case of a sexually violent predator who has~~  
19 ~~a residence as defined in paragraph (1) of the definition of~~  
20 ~~"residence" in section 9799.53 (relating to definitions),~~  
21 ~~notice shall be given within 72 hours after the sexually~~  
22 ~~violent predator registers or notifies the Pennsylvania State~~  
23 ~~Police of a change of address. The notice shall contain the~~  
24 ~~sexually violent predator's name and the address or addresses~~  
25 ~~where the individual has a residence. In the case of a~~  
26 ~~sexually violent predator who has a residence as defined in~~  
27 ~~paragraph (2) of the definition of "residence" in section~~  
28 ~~9799.53, the notice shall contain the sexually violent~~  
29 ~~predator's name and the information specified in section~~  
30 ~~9799.56(a)(2)(i)(A) and (B) (relating to registration~~

1 ~~procedures and applicability). The notice shall be given to~~  
2 ~~the victim within 72 hours after the sexually violent~~  
3 ~~predator registers or notifies the Pennsylvania State Police~~  
4 ~~of a change of residence.~~

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

11 ~~(b) Where an individual is not determined to be a sexually~~  
12 ~~violent predator. Where an individual is not determined to be a~~  
13 ~~sexually violent predator by a court under section 9799.58, the~~  
14 ~~victim shall be notified in accordance with section 201 of the~~  
15 ~~act of November 24, 1998 (P.L.882, No.111), known as the Crime~~  
16 ~~Victims Act. This subsection includes the circumstance of an~~  
17 ~~offender having a residence as defined in paragraph (2) of the~~  
18 ~~definition of "residence" in section 9799.53.~~

19 ~~(c) Alternate means of notifying victims.~~

20 ~~(1) The Pennsylvania State Police may enter into a~~  
21 ~~memorandum of understanding with the Office of Victim~~  
22 ~~Advocate to assist the Pennsylvania State Police in notifying~~  
23 ~~victims and providing the information under subsection (a).~~  
24 ~~In addition, the memorandum of understanding may also include~~  
25 ~~the Office of Victim Advocate's notifying a victim of relief~~  
26 ~~granted to a petitioner under section 9799.59 (relating to~~  
27 ~~exemption from certain notifications). The memorandum of~~  
28 ~~understanding must set forth the manner and method of~~  
29 ~~notifying victims and the duties of the Pennsylvania State~~  
30 ~~Police and the Office of Victim Advocate under this section~~

1 ~~and section 9799.59(a). A memorandum of understanding entered~~  
2 ~~into under this subsection shall be valid for no more than 10~~  
3 ~~years. There shall be no limit to the number of memoranda of~~  
4 ~~understanding which may be executed by the Pennsylvania State~~  
5 ~~Police and the Office of Victim Advocate under this~~  
6 ~~subsection.~~

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

10 ~~§ 9799.62. Other notification.~~

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

18 ~~(1) The notice shall contain:~~

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

21 ~~(ii) The address or addresses at which the sexually~~  
22 ~~violent predator has a residence. If, however, the~~  
23 ~~sexually violent predator has a residence as defined in~~  
24 ~~paragraph (2) of the definition of "residence" in section~~  
25 ~~9799.53 (relating to definitions), the notice shall be~~  
26 ~~limited to that provided for under section 9799.56(a)(2)~~  
27 ~~(i)(C) (relating to registration procedures and~~  
28 ~~applicability).~~

29 ~~(iii) The offense for which the sexually violent~~  
30 ~~predator was convicted, sentenced by a court, adjudicated~~

1 ~~delinquent or court martialled.~~

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

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

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

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

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

18 ~~(2) The director of the county children and youth~~  
19 ~~service agency of the county where the sexually violent~~  
20 ~~predator has a residence.~~

21 ~~(3) The superintendent of each school district and the~~  
22 ~~equivalent official for private and parochial schools~~  
23 ~~enrolling students up through grade 12 in the municipality~~  
24 ~~where the sexually violent predator has a residence.~~

25 ~~(3.1) The superintendent of each school district and the~~  
26 ~~equivalent official for each private and parochial school~~  
27 ~~located within a one mile radius of where the sexually~~  
28 ~~violent predator has a residence.~~

29 ~~(4) The licensee of each certified day care center and~~  
30 ~~licensed preschool program and owner/operator of each~~

1 ~~registered family day care home in the municipality where the~~  
2 ~~sexually violent predator has a residence.~~

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

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

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

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

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

25 ~~(e) Interstate transfers. The duties of police departments~~  
26 ~~under this section shall also apply to individuals who are~~  
27 ~~transferred to this Commonwealth under the Interstate Compact~~  
28 ~~for the Supervision of Adult Offenders or the Interstate Compact~~  
29 ~~for Juveniles.~~

30 ~~§ 9799.63. Information made available on Internet and~~

1 ~~electronic notification.~~

2 ~~(a) Legislative findings. It is hereby declared to be the~~  
3 ~~finding of the General Assembly that public safety will be~~  
4 ~~enhanced by making information about sexually violent predators,~~  
5 ~~lifetime registrants and other sex offenders available to the~~  
6 ~~public through the Internet and electronic notification.~~  
7 ~~Knowledge of whether a person is a sexually violent predator,~~  
8 ~~lifetime registrant or other sex offender could be a significant~~  
9 ~~factor in protecting oneself and one's family members, or those~~  
10 ~~in care of a group or community organization, from recidivist~~  
11 ~~acts by sexually violent predators, lifetime registrants and~~  
12 ~~other sex offenders. The technology afforded by the Internet and~~  
13 ~~electronic notification would make this information readily~~  
14 ~~accessible to parents and private entities, enabling them to~~  
15 ~~undertake appropriate remedial precautions to prevent or avoid~~  
16 ~~placing potential victims at risk. Public access to information~~  
17 ~~about sexually violent predators, lifetime registrants and other~~  
18 ~~sex offenders is intended solely as a means of public protection~~  
19 ~~and shall not be construed as punitive.~~

20 ~~(b) Internet posting of sexually violent predators, lifetime~~  
21 ~~registrants, other offenders and electronic notification. The~~  
22 ~~Commissioner of the Pennsylvania State Police shall, in the~~  
23 ~~manner and form directed by the Governor:~~

24 ~~(1) Develop and maintain a system for making the~~  
25 ~~information described in subsection (c) publicly available by~~  
26 ~~electronic means so that the public may, without limitation,~~  
27 ~~obtain access to the information via an Internet website to~~  
28 ~~view an individual record or the records of all sexually~~  
29 ~~violent predators, lifetime registrants and other offenders~~  
30 ~~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~~

1 ~~erroneous.~~

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

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

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

18 ~~(c) Information permitted to be disclosed regarding~~  
19 ~~individuals. Notwithstanding 18 Pa.C.S. Ch. 91, the Internet~~  
20 ~~website shall contain the following information on each~~  
21 ~~individual:~~

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

24 ~~(i) name and all known aliases;~~

25 ~~(ii) year of birth;~~

26 ~~(iii) in the case of an individual who has a~~  
27 ~~residence as defined in paragraph (1) of the definition~~  
28 ~~of "residence" in section 9799.53 (relating to~~  
29 ~~definitions), the street address, municipality, county~~  
30 ~~and zip code of all residences, including, where~~

1 ~~applicable, the name of the prison or other place of~~  
2 ~~confinement;~~

3 ~~(iv) the street address, municipality, county, zip~~  
4 ~~code and name of an institution or location at which the~~  
5 ~~person is enrolled as a student;~~

6 ~~(v) the municipality, county and zip code of an~~  
7 ~~employment location;~~

8 ~~(vi) a photograph of the individual, which shall be~~  
9 ~~updated not less than annually;~~

10 ~~(vii) a physical description of the offender,~~  
11 ~~including sex, height, weight, eye color, hair color and~~  
12 ~~race;~~

13 ~~(viii) identifying marks, including scars,~~  
14 ~~birthmarks and tattoos;~~

15 ~~(ix) the license plate number and description of a~~  
16 ~~vehicle owned or registered to the offender;~~

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

19 ~~(xi) whether the victim is a minor;~~

20 ~~(xii) a description of the offense or offenses which~~  
21 ~~triggered the application of this subchapter;~~

22 ~~(xiii) the date of the offense and conviction, if~~  
23 ~~available; and~~

24 ~~(xiv) in the case of an individual who has a~~  
25 ~~residence as defined in paragraph (2) of the definition~~  
26 ~~of "residence" in section 9799.53, the information listed~~  
27 ~~in section 9799.56(a)(2)(i)(C) (relating to registration~~  
28 ~~procedures and applicability), including, where~~  
29 ~~applicable, the name of the prison or other place of~~  
30 ~~confinement.~~

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

4 ~~(d) Duration of Internet posting.~~

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

8 ~~(2) The information listed in subsection (c) about an~~  
9 ~~offender who is subject to lifetime registration shall be~~  
10 ~~made available on the Internet for the lifetime of the~~  
11 ~~offender unless the offender is granted relief under section~~  
12 ~~9799.59 (relating to exemption from certain notifications).~~

13 ~~(3) The information listed in subsection (c) about any~~  
14 ~~other offender subject to registration shall be made~~  
15 ~~available on the Internet for the entire period during which~~  
16 ~~the offender is required to register, including an extension~~  
17 ~~of this period under section 9799.56(a)(3).~~

18 ~~§ 9799.64. Administration.~~

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

28 ~~§ 9799.65. Global positioning system technology.~~

29 ~~The Pennsylvania Board of Probation and Parole and county~~  
30 ~~probation authorities may impose supervision conditions that~~

1 ~~include offender tracking through global positioning system~~  
2 ~~technology.~~

3 ~~§ 9799.66. Immunity for good faith conduct.~~

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

6 ~~(1) The Pennsylvania State Police and local law~~  
7 ~~enforcement agencies and employees of law enforcement~~  
8 ~~agencies.~~

9 ~~(2) District attorneys and their agents and employees.~~

10 ~~(3) Superintendents, administrators, teachers, employees~~  
11 ~~and volunteers engaged in the supervision of children of a~~  
12 ~~public, private or parochial school.~~

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

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

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

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

21 ~~(8) Licensees of certified day care centers and~~  
22 ~~directors of licensed preschool programs and owners/operators~~  
23 ~~of registered family day care homes, and their agents and~~  
24 ~~employees.~~

25 ~~(9) The Pennsylvania Department of Corrections and its~~  
26 ~~agents and employees.~~

27 ~~(10) County correctional facilities and their agents and~~  
28 ~~employees.~~

29 ~~(11) Members of the Sexual Offenders Assessment Board~~  
30 ~~and its agents and employees.~~

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

6       ~~§ 9799.67. Duties of Pennsylvania State Police.~~

7       ~~The Pennsylvania State Police shall:~~

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

13          ~~(2) In consultation with the Department of Corrections,~~  
14          ~~the Office of Attorney General, the Pennsylvania Board of~~  
15          ~~Probation and Parole and the chairperson and the minority~~  
16          ~~chairperson of the Judiciary Committee of the Senate and the~~  
17          ~~chairperson and the minority chairperson of the Judiciary~~  
18          ~~Committee of the House of Representatives, promulgate~~  
19          ~~guidelines necessary for the general administration of this~~  
20          ~~subchapter. These guidelines shall establish procedures to~~  
21          ~~allow an individual subject to the requirements of sections~~  
22          ~~9799.55 (relating to registration) and 9799.60 (relating to~~  
23          ~~verification of residence) to fulfill these requirements at~~  
24          ~~approved registration sites throughout this Commonwealth.~~  
25          ~~This paragraph includes the duty to establish procedures to~~  
26          ~~allow an individual who has a residence as defined in~~  
27          ~~paragraph (2) of the definition of "residence" in section~~  
28          ~~9799.53 (relating to definitions) to fulfill the requirements~~  
29          ~~regarding registration at approved registration sites~~  
30          ~~throughout this Commonwealth. The Pennsylvania State Police~~

1 ~~shall publish a list of approved registration sites in the~~  
2 ~~Pennsylvania Bulletin and provide a list of approved~~  
3 ~~registration sites in any notices sent to individuals~~  
4 ~~required to register under section 9799.55. An approved~~  
5 ~~registration site shall be capable of submitting~~  
6 ~~fingerprints, photographs and other information required~~  
7 ~~electronically to the Pennsylvania State Police. The~~  
8 ~~Pennsylvania State Police shall require that approved~~  
9 ~~registration sites submit fingerprints utilizing the~~  
10 ~~Integrated Automated Fingerprint Identification System or in~~  
11 ~~another manner and in the form as the Pennsylvania State~~  
12 ~~Police shall require. The Pennsylvania State Police shall~~  
13 ~~require that approved registration sites submit photographs~~  
14 ~~utilizing the Commonwealth Photo Imaging Network or in~~  
15 ~~another manner and in the form as the Pennsylvania State~~  
16 ~~Police shall require. Approved registration sites shall not~~  
17 ~~be limited to sites managed by the Pennsylvania State Police~~  
18 ~~and shall include sites managed by local law enforcement~~  
19 ~~agencies that meet the criteria for approved registration~~  
20 ~~sites specified in this paragraph.~~

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

23 ~~(4) Notify, within five business days of receiving the~~  
24 ~~offender's or the sexually violent predator's registration,~~  
25 ~~the chief law enforcement officers of the police departments~~  
26 ~~having primary jurisdiction of the municipalities in which an~~  
27 ~~offender or sexually violent predator has a residence, is~~  
28 ~~employed or enrolled as a student of the fact that the~~  
29 ~~offender or sexually violent predator has been registered~~  
30 ~~with the Pennsylvania State Police under sections 9799.56~~

1 ~~(relating to registration procedures and applicability) and~~  
2 ~~9799.60.~~

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

10 ~~(6) Immediately transfer the information received from~~  
11 ~~the Pennsylvania Board of Probation and Parole under section~~  
12 ~~9799.68(2) and (3) (relating to duties of Pennsylvania Board~~  
13 ~~of Probation and Parole) and the fingerprints of a sexually~~  
14 ~~violent predator to the Federal Bureau of Investigation.~~

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

18 ~~§ 9799.68. Duties of Pennsylvania Board of Probation and~~  
19 ~~Parole.~~

20 ~~The Pennsylvania Board of Probation and Parole shall:~~

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

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

29 ~~(i) Name, including aliases.~~

30 ~~(ii) Identifying factors.~~

1 ~~(iii) Anticipated future residence.~~

2 ~~(iv) Offense history.~~

3 ~~(v) Documentation of treatment received for the~~  
4 ~~mental abnormality or personality disorder.~~

5 ~~(vi) Photograph of the offender or sexually violent~~  
6 ~~predator.~~

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

13 ~~(4) Apply for Federal funding as provided in the Adam~~  
14 ~~Walsh Child Protection and Safety Act of 2006 (Public Law~~  
15 ~~109-248, 120 Stat. 587) to support and enhance programming~~  
16 ~~using satellite global positioning system technology.~~

17 ~~§ 9799.69. Board.~~

18 ~~(a) Composition. The State Sexual Offenders Assessment~~  
19 ~~Board shall be composed of psychiatrists, psychologists and~~  
20 ~~criminal justice experts, each of whom is an expert in the field~~  
21 ~~of the behavior and treatment of sexual offenders.~~

22 ~~(b) Appointment. The Governor shall appoint the board~~  
23 ~~members.~~

24 ~~(c) Term of office. Members of the board shall serve four~~  
25 ~~year terms.~~

26 ~~(d) Compensation. The members of the board shall be~~  
27 ~~compensated at a rate of \$350 per assessment and receive~~  
28 ~~reimbursement for their actual and necessary expenses while~~  
29 ~~performing the business of the board. The chairman shall receive~~  
30 ~~\$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~~

1 ~~Commission on Sentencing and any other State or local agency~~  
2 ~~requested to do so shall fully cooperate with the Attorney~~  
3 ~~General and assist the office in satisfying the requirements of~~  
4 ~~this section. For purposes of this subsection, full cooperation~~  
5 ~~shall include, at a minimum, complete access to unredacted~~  
6 ~~records, files, reports and data systems.~~

7 ~~§ 9799.73. Photographs and fingerprinting.~~

8 ~~An individual subject to section 9799.55 (relating to~~  
9 ~~registration) shall submit to fingerprinting and photographing~~  
10 ~~as required by this subchapter at approved registration sites.~~  
11 ~~Fingerprinting as required by this subchapter shall, at a~~  
12 ~~minimum, require submission of a full set of fingerprints.~~  
13 ~~Photographing as required by this subchapter shall, at a~~  
14 ~~minimum, require submission to photographs of the face and~~  
15 ~~scars, marks, tattoos or other unique features of the~~  
16 ~~individual. Fingerprints and photographs obtained under this~~  
17 ~~subchapter may be maintained for use under this subchapter and~~  
18 ~~for general law enforcement purposes.~~

19 ~~§ 9799.74. Standing for Pennsylvania State Police.~~

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

26 ~~§ 9799.75. Construction of subchapter.~~

27 ~~(a) Registration. Nothing in this subchapter shall be~~  
28 ~~construed to relieve an individual from the obligation to~~  
29 ~~register with the Pennsylvania State Police under Subchapter I~~  
30 ~~if the individual:~~

1 ~~(1) committed a sexually violent offense within this~~  
2 ~~Commonwealth or committed an offense under the laws of the~~  
3 ~~United States or one of its territories or possessions,~~  
4 ~~another state, the District of Columbia, the Commonwealth of~~  
5 ~~Puerto Rico or a foreign nation which is similar or~~  
6 ~~equivalent to a sexually violent offense, or who was court~~  
7 ~~martialed for a similar or equivalent offense, whether or not~~  
8 ~~the offense is designated as a sexually violent offense; and~~

9 ~~(2) was required to register with the Pennsylvania State~~  
10 ~~Police under a former sexual offender registration law of~~  
11 ~~this Commonwealth that was enacted before December 20, 2012,~~  
12 ~~or would have been required to register with the Pennsylvania~~  
13 ~~State Police under Act 152 of 2004.~~

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

20 Section 20. This act applies as follows:

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

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

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

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

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

7                   ~~(A) Commits an offense subject to 42 Pa.C.S.~~  
8                   ~~Subch. H; but~~

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

13           ~~Section 21. The amendment or addition of 42 Pa.C.S. §§~~  
14           ~~9799.25(f) and 9799.55(d) shall apply to all group based homes~~  
15           ~~and their residents, regardless of when the group based homes~~  
16           ~~began to provide housing or the residents began their residency.~~

17           ~~Section 22. This act shall take effect immediately.~~

18           SECTION 1. SECTIONS 3130, 3141 AND 4915.1(A.2)(2), (B)(4), <--  
19           (C.1)(4), (C.3), (D), (E.1) AND (F) OF TITLE 18 OF THE  
20           PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED FEBRUARY 21, 2018  
21           (P.L.27, NO.10), ARE REENACTED TO READ:

22           § 3130. CONDUCT RELATING TO SEX OFFENDERS.

23           (A) OFFENSE DEFINED.--A PERSON COMMITS A FELONY OF THE THIRD  
24           DEGREE IF THE PERSON HAS REASON TO BELIEVE THAT A SEX OFFENDER  
25           IS NOT COMPLYING WITH OR HAS NOT COMPLIED WITH THE REQUIREMENTS  
26           OF THE SEX OFFENDER'S PROBATION OR PAROLE, IMPOSED BY STATUTE OR  
27           COURT ORDER, OR WITH THE REGISTRATION REQUIREMENTS OF 42 PA.C.S.  
28           CH. 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS)  
29           OR I (RELATING TO CONTINUED REGISTRATION OF SEXUAL OFFENDERS),  
30           AND THE PERSON, WITH THE INTENT TO ASSIST THE SEX OFFENDER IN

1 ELUDING A LAW ENFORCEMENT AGENT OR AGENCY THAT IS SEEKING TO  
2 FIND THE SEX OFFENDER TO QUESTION THE SEX OFFENDER ABOUT, OR TO  
3 ARREST THE SEX OFFENDER FOR, NONCOMPLIANCE WITH THE REQUIREMENTS  
4 OF THE SEX OFFENDER'S PROBATION OR PAROLE OR THE REQUIREMENTS OF  
5 42 PA.C.S. CH. 97 SUBCH. H OR I:

6 (1) WITHHOLDS INFORMATION FROM OR DOES NOT NOTIFY THE  
7 LAW ENFORCEMENT AGENT OR AGENCY ABOUT THE SEX OFFENDER'S  
8 NONCOMPLIANCE WITH THE REQUIREMENTS OF PAROLE, THE  
9 REQUIREMENTS OF 42 PA.C.S. CH. 97 SUBCH. H OR I OR, IF KNOWN,  
10 THE SEX OFFENDER'S WHEREABOUTS;

11 (2) HARBORS OR ATTEMPTS TO HARBOR OR ASSIST ANOTHER  
12 PERSON IN HARBORING OR ATTEMPTING TO HARBOR THE SEX OFFENDER;

13 (3) CONCEALS OR ATTEMPTS TO CONCEAL, OR ASSISTS ANOTHER  
14 PERSON IN CONCEALING OR ATTEMPTING TO CONCEAL, THE SEX  
15 OFFENDER; OR

16 (4) PROVIDES INFORMATION TO THE LAW ENFORCEMENT AGENT OR  
17 AGENCY REGARDING THE SEX OFFENDER WHICH THE PERSON KNOWS TO  
18 BE FALSE.

19 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SEX  
20 OFFENDER" MEANS A PERSON WHO IS REQUIRED TO REGISTER WITH THE  
21 PENNSYLVANIA STATE POLICE PURSUANT TO THE PROVISIONS OF 42  
22 PA.C.S. CH. 97 SUBCH. H OR I.

23 § 3141. GENERAL RULE.

24 A PERSON:

25 (1) CONVICTED UNDER SECTION 3121 (RELATING TO RAPE),  
26 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT), 3123 (RELATING  
27 TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE), 3124.1 (RELATING  
28 TO SEXUAL ASSAULT), 3125 (RELATING TO AGGRAVATED INDECENT  
29 ASSAULT) OR 3126 (RELATING TO INDECENT ASSAULT); OR

30 (2) REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE

1 POLICE UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO  
2 REGISTRATION OF SEXUAL OFFENDERS) OR I (RELATING TO CONTINUED  
3 REGISTRATION OF SEXUAL OFFENDERS);  
4 MAY BE REQUIRED TO FORFEIT PROPERTY RIGHTS IN ANY PROPERTY OR  
5 ASSETS USED TO IMPLEMENT OR FACILITATE COMMISSION OF THE CRIME  
6 OR CRIMES OF WHICH THE PERSON HAS BEEN CONVICTED. THE FORFEITURE  
7 SHALL BE CONDUCTED IN ACCORDANCE WITH 42 PA.C.S. §§ 5803  
8 (RELATING TO ASSET FORFEITURE), 5805 (RELATING TO FORFEITURE  
9 PROCEDURE), 5806 (RELATING TO MOTION FOR RETURN OF PROPERTY),  
10 5807 (RELATING TO RESTRICTIONS ON USE), 5807.1 (RELATING TO  
11 PROHIBITION ON ADOPTIVE SEIZURES) AND 5808 (RELATING TO  
12 EXCEPTIONS).

13 § 4915.1. FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.

14 \* \* \*

15 (A.2) COUNSELING.--THE FOLLOWING APPLY:

16 \* \* \*

17 (2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING  
18 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE  
19 FOLLOWING CONVICTION IN ANOTHER JURISDICTION WHERE THE  
20 REQUIREMENT IS BASED ON THE COMMITMENT OF AN OFFENSE ON OR  
21 AFTER DECEMBER 20, 2012, FOR WHICH THE INDIVIDUAL WAS  
22 CONVICTED, COMMITS AN OFFENSE IF THE INDIVIDUAL KNOWINGLY  
23 FAILS TO COMPLY WITH 42 PA.C.S. § 9799.36.

24 (B) GRADING FOR SEXUAL OFFENDERS WHO MUST REGISTER FOR 15  
25 YEARS OR WHO MUST REGISTER PURSUANT TO 42 PA.C.S. §  
26 9799.13(7.1).--

27 \* \* \*

28 (4) FOR THE PURPOSES OF THIS SUBSECTION, AN INDIVIDUAL  
29 SHALL MEAN AN INDIVIDUAL THAT MEETS ANY OF THE FOLLOWING:

30 (I) IS A SEXUAL OFFENDER SUBJECT TO REGISTRATION

1 UNDER 42 PA.C.S. § 9799.13 AND IS REQUIRED TO REGISTER  
2 FOR A PERIOD OF 15 YEARS.

3 (II) IS A SEXUAL OFFENDER SUBJECT TO REGISTRATION  
4 UNDER 42 PA.C.S. § 9799.13(7.1).

5 \* \* \*

6 (C.1) GRADING FOR SEXUAL OFFENDERS WHO ARE TRANSIENTS WHO  
7 MUST REGISTER FOR 15 YEARS.--

8 \* \* \*

9 (4) FOR THE PURPOSES OF THIS SUBSECTION, AN INDIVIDUAL  
10 SHALL MEAN AN INDIVIDUAL THAT MEETS ANY OF THE FOLLOWING:

11 (I) IS A SEXUAL OFFENDER SUBJECT TO REGISTRATION  
12 UNDER 42 PA.C.S. § 9799.13 AND IS A TRANSIENT WHO MUST  
13 REGISTER FOR A PERIOD OF 15 YEARS.

14 (II) IS A SEXUAL OFFENDER SUBJECT TO REGISTRATION  
15 UNDER 42 PA.C.S. § 9799.13(7.1) AND IS A TRANSIENT.

16 \* \* \*

17 (C.3) GRADING FOR FAILURE TO COMPLY WITH COUNSELING  
18 REQUIREMENTS.--AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT  
19 PREDATOR OR SEXUALLY VIOLENT DELINQUENT CHILD OR AN INDIVIDUAL  
20 WHO IS SUBJECT TO A COUNSELING REQUIREMENT UNDER A SEX OFFENDER  
21 REGISTRATION STATUTE FOLLOWING CONVICTION OF A SEXUAL OFFENSE ON  
22 OR AFTER DECEMBER 20, 2012, IN ANOTHER JURISDICTION COMMITS A  
23 MISDEMEANOR OF THE FIRST DEGREE IF THE INDIVIDUAL VIOLATES  
24 SUBSECTION (A.2).

25 (D) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE  
26 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY  
27 VIOLENT PREDATOR OR SEXUAL OFFENDER TO RECEIVE ANY NOTICE OR  
28 INFORMATION PURSUANT TO 42 PA.C.S. § 9799.25 SHALL BE A DEFENSE  
29 TO A PROSECUTION COMMENCED AGAINST AN INDIVIDUAL ARISING FROM A  
30 VIOLATION OF THIS SECTION. THE PROVISIONS OF 42 PA.C.S. §

1 9799.25 ARE NOT AN ELEMENT OF AN OFFENSE UNDER THIS SECTION.

2 \* \* \*

3 (E.1) AFFIRMATIVE DEFENSE.--IT IS AN AFFIRMATIVE DEFENSE FOR  
4 A PROSECUTION UNDER THIS SECTION THAT THE INDIVIDUAL ACTED IN  
5 ACCORDANCE WITH A COURT ORDER UNDER 42 PA.C.S. § 9799.15(A.2).

6 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
7 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
8 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

9 "SEXUAL OFFENDER." THE TERM SHALL HAVE THE MEANING GIVEN TO  
10 IT IN 42 PA.C.S. § 9799.12 (RELATING TO DEFINITIONS).

11 "SEXUALLY VIOLENT DELINQUENT CHILD." THE TERM SHALL HAVE THE  
12 MEANING GIVEN TO IT IN 42 PA.C.S. § 9799.12 (RELATING TO  
13 DEFINITIONS).

14 "SEXUALLY VIOLENT PREDATOR." THE TERM SHALL HAVE THE MEANING  
15 GIVEN TO IT IN 42 PA.C.S. § 9799.12 (RELATING TO DEFINITIONS).

16 "SIMILAR OFFENSE." AN OFFENSE SIMILAR TO AN OFFENSE UNDER  
17 EITHER SUBSECTION (A) (1) OR (2) UNDER THE LAWS OF THIS  
18 COMMONWEALTH, ANOTHER JURISDICTION OR A FOREIGN COUNTRY OR A  
19 MILITARY OFFENSE, AS DEFINED IN 42 PA.C.S. § 9799.12 (RELATING  
20 TO DEFINITIONS).

21 "TRANSIENT." THE TERM SHALL HAVE THE MEANING GIVEN TO IT IN  
22 42 PA.C.S. § 9799.12 (RELATING TO DEFINITIONS).

23 SECTION 2. SECTION 4915.2 OF TITLE 18, ADDED FEBRUARY 21,  
24 2018 (P.L.27, NO.10), IS REENACTED AND AMENDED TO READ:

25 § 4915.2. FAILURE TO COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I  
26 REGISTRATION REQUIREMENTS.

27 (A) OFFENSE DEFINED.--AN INDIVIDUAL WHO IS SUBJECT TO  
28 REGISTRATION UNDER 42 PA.C.S. § 9799.55(A), (A.1) OR (B)  
29 (RELATING TO REGISTRATION) OR WHO WAS SUBJECT TO REGISTRATION  
30 UNDER FORMER 42 PA.C.S. § 9793 (RELATING TO REGISTRATION OF

1 CERTAIN OFFENDERS FOR TEN YEARS) COMMITS AN OFFENSE IF THE  
2 INDIVIDUAL KNOWINGLY FAILS TO:

3 (1) REGISTER WITH THE PENNSYLVANIA STATE POLICE AS  
4 REQUIRED UNDER 42 PA.C.S. § 9799.56 (RELATING TO REGISTRATION  
5 PROCEDURES AND APPLICABILITY);

6 (2) VERIFY THE INDIVIDUAL'S RESIDENCE OR BE PHOTOGRAPHED  
7 AS REQUIRED UNDER 42 PA.C.S. § 9799.60 (RELATING TO  
8 VERIFICATION OF RESIDENCE); OR

9 (3) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER  
10 42 PA.C.S. § 9799.56 OR VERIFYING A RESIDENCE UNDER 42  
11 PA.C.S. § 9799.60.

12 (A.1) COUNSELING.--THE FOLLOWING APPLY:

13 (1) AN INDIVIDUAL WHO IS DESIGNATED AS A SEXUALLY  
14 VIOLENT PREDATOR COMMITS AN OFFENSE IF THE INDIVIDUAL  
15 KNOWINGLY FAILS TO COMPLY WITH 42 PA.C.S. § 9799.70 (RELATING  
16 TO COUNSELING OF SEXUALLY VIOLENT PREDATORS).

17 (2) AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING  
18 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE  
19 FOLLOWING CONVICTION IN ANOTHER JURISDICTION COMMITS AN  
20 OFFENSE IF THE INDIVIDUAL KNOWINGLY FAILS TO COMPLY WITH THAT  
21 REQUIREMENT, AS PROVIDED IN 42 PA.C.S. § 9799.56(B)(4)(I).

22 (B) GRADING FOR OFFENDERS WHO MUST REGISTER FOR 10 YEARS.--

23 (1) (RESERVED).

24 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL  
25 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.55(A) OR  
26 (A.1) OR FORMER 42 PA.C.S. § 9793 AND REQUIRED TO REGISTER  
27 FOR A PERIOD OF 10 YEARS WHO COMMITS A VIOLATION OF  
28 SUBSECTION (A)(1) OR (2) COMMITS A FELONY OF THE THIRD  
29 DEGREE.

30 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42

1 PA.C.S. § 9799.55(A) OR (A.1) OR FORMER 42 PA.C.S. § 9793 AND  
2 REQUIRED TO REGISTER FOR A PERIOD OF 10 YEARS WHO COMMITS A  
3 VIOLATION OF SUBSECTION (A) (1) OR (2) AND WHO HAS PREVIOUSLY  
4 BEEN CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (1) OR (2)  
5 OR A SIMILAR OFFENSE COMMITS A FELONY OF THE SECOND DEGREE.

6 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42  
7 PA.C.S. § 9799.55(A) OR (A.1) OR FORMER 42 PA.C.S. § 9793 AND  
8 REQUIRED TO REGISTER FOR A PERIOD OF 10 YEARS WHO VIOLATES  
9 SUBSECTION (A) (3) COMMITS A FELONY OF THE SECOND DEGREE.

10 (C) GRADING FOR SEXUALLY VIOLENT PREDATORS AND OTHERS WITH  
11 LIFETIME REGISTRATION.--

12 (1) (RESERVED).

13 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), AN INDIVIDUAL  
14 SUBJECT TO REGISTRATION UNDER 42 PA.C.S. § 9799.55(B) OR  
15 FORMER 42 PA.C.S. § 9793 AND WHO IS SUBJECT TO LIFETIME  
16 REGISTRATION WHO COMMITS A VIOLATION OF SUBSECTION (A) (1) OR  
17 (2) COMMITS A FELONY OF THE SECOND DEGREE.

18 (3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42  
19 PA.C.S. § 9799.55(B) OR FORMER 42 PA.C.S. § 9793 AND WHO IS  
20 SUBJECT TO LIFETIME REGISTRATION WHO COMMITS A VIOLATION OF  
21 SUBSECTION (A) (1) OR (2) AND WHO HAS PREVIOUSLY BEEN  
22 CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (1) OR (2) OR A  
23 SIMILAR OFFENSE COMMITS A FELONY OF THE FIRST DEGREE.

24 (4) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER 42  
25 PA.C.S. § 9799.55(B) OR FORMER 42 PA.C.S. § 9793 AND WHO IS  
26 SUBJECT TO LIFETIME REGISTRATION WHO VIOLATES SUBSECTION (A)  
27 (3) COMMITS A FELONY OF THE FIRST DEGREE.

28 (C.1) GRADING FOR FAILURE TO COMPLY WITH COUNSELING  
29 REQUIREMENTS.--AN INDIVIDUAL DESIGNATED AS A SEXUALLY VIOLENT  
30 PREDATOR OR AN INDIVIDUAL WHO IS SUBJECT TO A COUNSELING

1 REQUIREMENT UNDER A SEX OFFENDER REGISTRATION STATUTE FOLLOWING  
2 CONVICTION IN ANOTHER JURISDICTION WHO COMMITS A VIOLATION OF  
3 SUBSECTION (A.1) COMMITS A MISDEMEANOR OF THE FIRST DEGREE.

4 (D) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE  
5 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY  
6 VIOLENT PREDATOR OR OFFENDER TO RECEIVE A NOTICE OR INFORMATION  
7 UNDER 42 PA.C.S. § 9799.54(B) (RELATING TO APPLICABILITY) OR  
8 9799.60(A.1), (B.1) OR (B.3) SHALL BE A DEFENSE TO A PROSECUTION  
9 COMMENCED AGAINST AN INDIVIDUAL ARISING FROM A VIOLATION OF THIS  
10 SECTION. THE PROVISIONS OF 42 PA.C.S. §§ 9799.54(B) AND  
11 9799.60(A.1), (B.1) OR (B.3) ARE NOT AN ELEMENT OF AN OFFENSE  
12 UNDER THIS SECTION.

13 (E) ARRESTS FOR VIOLATION.--

14 (1) A POLICE OFFICER SHALL HAVE THE SAME RIGHT OF ARREST  
15 WITHOUT A WARRANT AS IN A FELONY WHENEVER THE POLICE OFFICER  
16 HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL HAS COMMITTED A  
17 VIOLATION OF THIS SECTION REGARDLESS OF WHETHER THE VIOLATION  
18 OCCURRED IN THE PRESENCE OF THE POLICE OFFICER.

19 (2) AN INDIVIDUAL ARRESTED FOR A VIOLATION OF THIS  
20 SECTION SHALL BE AFFORDED A PRELIMINARY ARRAIGNMENT BY THE  
21 PROPER ISSUING AUTHORITY WITHOUT UNNECESSARY DELAY. IN NO  
22 CASE MAY THE INDIVIDUAL BE RELEASED FROM CUSTODY WITHOUT  
23 FIRST HAVING APPEARED BEFORE THE ISSUING AUTHORITY.

24 (3) PRIOR TO ADMITTING AN INDIVIDUAL ARRESTED FOR A  
25 VIOLATION OF THIS SECTION TO BAIL, THE ISSUING AUTHORITY  
26 SHALL REQUIRE ALL OF THE FOLLOWING:

27 (I) THE INDIVIDUAL MUST BE FINGERPRINTED AND  
28 PHOTOGRAPHED IN THE MANNER REQUIRED BY 42 PA.C.S. CH. 97  
29 SUBCH. I (RELATING TO CONTINUED REGISTRATION OF SEXUAL  
30 OFFENDERS).

1 (II) THE INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA  
2 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL  
3 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT,  
4 INCLUDING ALL EMPLOYMENT LOCATIONS, AND ALL INFORMATION  
5 CONCERNING CURRENT OR INTENDED ENROLLMENT AS A STUDENT.  
6 IF THE INDIVIDUAL HAS A RESIDENCE AS DEFINED IN PARAGRAPH  
7 (2) OF THE DEFINITION OF "RESIDENCE" SET FORTH IN 42  
8 PA.C.S. § 9799.53 (RELATING TO DEFINITIONS), THE  
9 INDIVIDUAL MUST PROVIDE THE PENNSYLVANIA STATE POLICE  
10 WITH THE INFORMATION REQUIRED UNDER 42 PA.C.S. §  
11 9799.56(A) (2) (I) (A), (B) AND (C).

12 (III) LAW ENFORCEMENT MUST MAKE REASONABLE ATTEMPTS  
13 TO VERIFY THE INFORMATION PROVIDED BY THE INDIVIDUAL.

14 (E.1) AFFIRMATIVE DEFENSE.--IT IS AN AFFIRMATIVE DEFENSE FOR  
15 ANY PROSECUTION UNDER THIS SECTION THAT THE INDIVIDUAL ACTED IN  
16 ACCORDANCE WITH A COURT ORDER UNDER SECTION 9799.59 (RELATING TO  
17 EXEMPTION FROM CERTAIN NOTIFICATIONS).

18 (F) APPLICABILITY.--THIS SECTION APPLIES TO:

19 (1) AN INDIVIDUAL WHO COMMITTED AN OFFENSE SET FORTH IN  
20 42 PA.C.S. § 9799.55 ON OR AFTER APRIL 22, 1996, BUT BEFORE  
21 DECEMBER 20, 2012, AND WHOSE PERIOD OF REGISTRATION UNDER 42  
22 PA.C.S. § 9799.55 HAS NOT EXPIRED.

23 (2) AN INDIVIDUAL WHO WAS REQUIRED TO REGISTER WITH THE  
24 PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL OFFENDER  
25 REGISTRATION LAW OF THIS COMMONWEALTH ON OR AFTER APRIL 22,  
26 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE PERIOD OF  
27 REGISTRATION HAS NOT EXPIRED.

28 (3) AN INDIVIDUAL WHO, BEFORE [THE EFFECTIVE DATE OF  
29 THIS PARAGRAPH] FEBRUARY 21, 2018:

30 (I) COMMITS AN OFFENSE SUBJECT TO 42 PA.C.S. CH. 97

1 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS);  
2 BUT

3 (II) BECAUSE OF A JUDICIAL DETERMINATION ON OR AFTER  
4 [THE EFFECTIVE DATE OF THIS SECTION] FEBRUARY 21, 2018,  
5 OF THE INVALIDITY OF 42 PA.C.S. CH. 97 SUBCH. H, IS NOT  
6 SUBJECT TO REGISTRATION AS A SEXUAL OFFENDER.

7 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
8 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
9 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

10 "SEXUALLY VIOLENT PREDATOR." AS DEFINED IN 42 PA.C.S. §  
11 9799.53.

12 "SIMILAR OFFENSE." AN OFFENSE SIMILAR TO AN OFFENSE UNDER  
13 EITHER SUBSECTION (A) (1) OR (2) UNDER THE LAWS OF THIS  
14 COMMONWEALTH, THE UNITED STATES OR ONE OF ITS TERRITORIES OR  
15 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE  
16 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION.

17 SECTION 3. SECTIONS 2511(A) (11), 6303(B.1) (8) (VII),  
18 6338.1(C) (4) AND 6707 OF TITLE 23, AMENDED FEBRUARY 21, 2018  
19 (P.L.27, NO.10), ARE REENACTED TO READ:

20 § 2511. GROUNDS FOR INVOLUNTARY TERMINATION.

21 (A) GENERAL RULE.--THE RIGHTS OF A PARENT IN REGARD TO A  
22 CHILD MAY BE TERMINATED AFTER A PETITION FILED ON ANY OF THE  
23 FOLLOWING GROUNDS:

24 \* \* \*

25 (11) THE PARENT IS REQUIRED TO REGISTER AS A SEXUAL  
26 OFFENDER UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO  
27 REGISTRATION OF SEXUAL OFFENDERS) OR I (RELATING TO CONTINUED  
28 REGISTRATION OF SEXUAL OFFENDERS) OR TO REGISTER WITH A  
29 SEXUAL OFFENDER REGISTRY IN ANOTHER JURISDICTION OR FOREIGN  
30 COUNTRY.

1 \* \* \*

2 § 6303. DEFINITIONS.

3 \* \* \*

4 (B.1) CHILD ABUSE.--THE TERM "CHILD ABUSE" SHALL MEAN  
5 INTENTIONALLY, KNOWINGLY OR RECKLESSLY DOING ANY OF THE  
6 FOLLOWING:

7 \* \* \*

8 (8) ENGAGING IN ANY OF THE FOLLOWING RECENT ACTS:

9 \* \* \*

10 (VII) LEAVING A CHILD UNSUPERVISED WITH AN  
11 INDIVIDUAL, OTHER THAN THE CHILD'S PARENT, WHO THE ACTOR  
12 KNOWS OR REASONABLY SHOULD HAVE KNOWN:

13 (A) IS REQUIRED TO REGISTER AS A TIER II OR TIER  
14 III SEXUAL OFFENDER UNDER 42 PA.C.S. CH. 97 SUBCH. H  
15 (RELATING TO REGISTRATION OF SEXUAL OFFENDERS), WHERE  
16 THE VICTIM OF THE SEXUAL OFFENSE WAS UNDER 18 YEARS  
17 OF AGE WHEN THE CRIME WAS COMMITTED.

18 (B) HAS BEEN DETERMINED TO BE A SEXUALLY VIOLENT  
19 PREDATOR UNDER 42 PA.C.S. § 9799.24 (RELATING TO  
20 ASSESSMENTS) OR ANY OF ITS PREDECESSORS.

21 (C) HAS BEEN DETERMINED TO BE A SEXUALLY VIOLENT  
22 DELINQUENT CHILD AS DEFINED IN 42 PA.C.S. § 9799.12  
23 (RELATING TO DEFINITIONS).

24 (D) HAS BEEN DETERMINED TO BE A SEXUALLY VIOLENT  
25 PREDATOR UNDER 42 PA.C.S. § 9799.58 (RELATING TO  
26 ASSESSMENTS) OR HAS TO REGISTER FOR LIFE UNDER 42  
27 PA.C.S. § 9799.55(B) (RELATING TO REGISTRATION).

28 \* \* \*

29 § 6338.1. EXPUNCTION OF INFORMATION OF PERPETRATOR WHO WAS  
30 UNDER 18 YEARS OF AGE WHEN CHILD ABUSE WAS COMMITTED.

1 \* \* \*

2 (C) NONAPPLICABILITY.--THE PROVISIONS OF THIS SECTION SHALL  
3 NOT APPLY TO ANY OF THE FOLLOWING CASES:

4 \* \* \*

5 (4) AN INDIVIDUAL WHO:

6 (I) IS REQUIRED TO REGISTER UNDER 42 PA.C.S. CH. 97  
7 SUBCH. H OR I (RELATING TO CONTINUED REGISTRATION OF  
8 SEXUAL OFFENDERS) AS A RESULT OF A CRIMINAL CONVICTION  
9 FOR THE SAME ACTS WHICH RESULTED IN THE SEXUAL OFFENDER  
10 BEING NAMED A PERPETRATOR OF CHILD ABUSE.

11 (II) HAS NOT COMPLETED THE PERIOD OF REGISTRATION  
12 REQUIRED UNDER 42 PA.C.S. SUBCH. H OR I.

13 § 6707. AGENCY USE OF DESIGNATED ADDRESS.

14 STATE AND LOCAL GOVERNMENT AGENCIES SHALL ACCEPT THE  
15 SUBSTITUTE ADDRESS DESIGNATED ON A VALID PROGRAM PARTICIPATION  
16 CARD ISSUED TO THE PROGRAM PARTICIPANT BY THE OFFICE OF VICTIM  
17 ADVOCATE AS THE PROGRAM PARTICIPANT'S ADDRESS EXCEPT AS FOLLOWS:

18 (1) WHEN THE STATE OR LOCAL GOVERNMENT AGENCY HAS BEEN  
19 GRANTED A WAIVER PURSUANT TO SECTION 6709 (RELATING TO WAIVER  
20 PROCESS); OR

21 (2) WHEN THE PROGRAM PARTICIPANT IS ANY OF THE  
22 FOLLOWING:

23 (I) A RELEASED OFFENDER COMPLYING WITH STATE OR  
24 COUNTY PROBATION OR PAROLE REQUIREMENTS; OR

25 (II) A CONVICTED SEXUAL OFFENDER WHO HAS FULFILLED  
26 THE OFFENDER'S SENTENCE BUT MUST REGISTER THE OFFENDER'S  
27 COMMUNITY RESIDENCE AS REQUIRED UNDER 42 PA.C.S. CH. 97  
28 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS)  
29 OR I (RELATING TO CONTINUED REGISTRATION OF SEXUAL  
30 OFFENDERS) OR ANY SIMILAR REGISTRATION REQUIREMENT

1 IMPOSED BY ANY OTHER JURISDICTION.

2 SECTION 4. SECTIONS 9718.1(A) INTRODUCTORY PARAGRAPH,  
3 9799.10(4) AND 9799.11 HEADING, (B)(4) AND (C) OF TITLE 42,  
4 AMENDED OR ADDED FEBRUARY 21, 2018 (P.L.27, NO.10), ARE  
5 REENACTED TO READ:

6 § 9718.1. SEXUAL OFFENDER TREATMENT.

7 (A) GENERAL RULE.--A PERSON, INCLUDING AN OFFENDER  
8 DESIGNATED AS A "SEXUALLY VIOLENT PREDATOR" AS DEFINED IN  
9 SECTION 9799.12 (RELATING TO DEFINITIONS) OR 9799.53 (RELATING  
10 TO DEFINITIONS), SHALL ATTEND AND PARTICIPATE IN A DEPARTMENT OF  
11 CORRECTIONS PROGRAM OF COUNSELING OR THERAPY DESIGNED FOR  
12 INCARCERATED SEX OFFENDERS IF THE PERSON IS INCARCERATED IN A  
13 STATE INSTITUTION FOR ANY OF THE FOLLOWING PROVISIONS UNDER 18  
14 PA.C.S. (RELATING TO CRIMES AND OFFENSES):

15 \* \* \*

16 § 9799.10. PURPOSES OF SUBCHAPTER.

17 THIS SUBCHAPTER SHALL BE INTERPRETED AND CONSTRUED TO  
18 EFFECTUATE THE FOLLOWING PURPOSES:

19 \* \* \*

20 (4) TO REQUIRE INDIVIDUALS WHO ARE SUBJECT TO THE  
21 CRIMINAL JUSTICE SYSTEM OF THIS COMMONWEALTH AS INMATES,  
22 SUPERVISED WITH RESPECT TO PROBATION OR PAROLE OR REGISTRANTS  
23 DUE TO COMMITTING A SEXUALLY VIOLENT OFFENSE ON OR AFTER  
24 DECEMBER 20, 2012, FOR WHICH THE INDIVIDUAL WAS CONVICTED, TO  
25 REGISTER WITH THE PENNSYLVANIA STATE POLICE AND TO OTHERWISE  
26 COMPLY WITH THIS SUBCHAPTER. TO THE EXTENT PRACTICABLE AND  
27 CONSISTENT WITH THE REQUIREMENTS OF THE ADAM WALSH CHILD  
28 PROTECTION AND SAFETY ACT OF 2006, THIS SUBCHAPTER SHALL BE  
29 CONSTRUED TO MAINTAIN EXISTING PROCEDURES REGARDING  
30 REGISTRATION OF SEXUAL OFFENDERS WHO ARE SUBJECT TO THE

1 CRIMINAL JUSTICE SYSTEM OF THIS COMMONWEALTH.

2 \* \* \*

3 § 9799.11. LEGISLATIVE FINDINGS, DECLARATION OF POLICY AND  
4 SCOPE.

5 \* \* \*

6 (B) DECLARATION OF POLICY.--THE GENERAL ASSEMBLY DECLARES AS  
7 FOLLOWS:

8 \* \* \*

9 (4) IT IS THE INTENTION OF THE GENERAL ASSEMBLY TO  
10 ADDRESS THE PENNSYLVANIA SUPREME COURT'S DECISION IN  
11 COMMONWEALTH V. MUNIZ, 164 A.3D 1189 (PA. 2017) AND THE  
12 PENNSYLVANIA SUPERIOR COURT'S DECISION IN COMMONWEALTH V.  
13 BUTLER (2017 WL 3882445).

14 (C) SCOPE.--THIS SUBCHAPTER SHALL APPLY TO INDIVIDUALS WHO  
15 COMMITTED A SEXUALLY VIOLENT OFFENSE ON OR AFTER DECEMBER 20,  
16 2012, FOR WHICH THE INDIVIDUAL WAS CONVICTED.

17 SECTION 5. THE DEFINITIONS OF "SEXUAL OFFENDER," "SEXUALLY  
18 VIOLENT DELINQUENT CHILD," "SEXUALLY VIOLENT OFFENSE," "SEXUALLY  
19 VIOLENT PREDATOR" AND "TRANSIENT" IN SECTION 9799.12 OF TITLE  
20 42, AMENDED FEBRUARY 21, 2018 (P.L.27, NO.10), ARE REENACTED TO  
21 READ:

22 § 9799.12. DEFINITIONS.

23 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
24 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
25 CONTEXT CLEARLY INDICATES OTHERWISE:

26 \* \* \*

27 "SEXUAL OFFENDER." AN INDIVIDUAL WHO HAS COMMITTED A  
28 SEXUALLY VIOLENT OFFENSE. THE TERM INCLUDES A SEXUALLY VIOLENT  
29 PREDATOR.

30 "SEXUALLY VIOLENT DELINQUENT CHILD." AS DEFINED IN SECTION

1 6402 (RELATING TO DEFINITIONS) IF THE DETERMINATION AS A  
2 SEXUALLY VIOLENT DELINQUENT CHILD IS BASED ON AN ACT OF SEXUAL  
3 VIOLENCE, AS DEFINED IN SECTION 6402, COMMITTED ON OR AFTER  
4 DECEMBER 20, 2012, FOR WHICH THE CHILD WAS ADJUDICATED  
5 DELINQUENT AND DETERMINED TO BE IN NEED OF COMMITMENT FOR  
6 INVOLUNTARY TREATMENT AS SPECIFIED IN CHAPTER 64 (RELATING TO  
7 COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT  
8 PERSONS).

9 "SEXUALLY VIOLENT OFFENSE." AN OFFENSE SPECIFIED IN SECTION  
10 9799.14 (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM) AS A TIER  
11 I, TIER II OR TIER III SEXUAL OFFENSE COMMITTED ON OR AFTER  
12 DECEMBER 20, 2012, FOR WHICH THE INDIVIDUAL WAS CONVICTED.

13 "SEXUALLY VIOLENT PREDATOR." AN INDIVIDUAL WHO COMMITTED A  
14 SEXUALLY VIOLENT OFFENSE ON OR AFTER DECEMBER 20, 2012, FOR  
15 WHICH THE INDIVIDUAL WAS CONVICTED, SPECIFIED IN:

16 (1) SECTION 9799.14(B)(1), (2), (3), (4), (5), (6), (8),  
17 (9) OR (10) (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM) OR  
18 AN ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT ANY OFFENSE  
19 UNDER SECTION 9799.14(B)(1), (2), (3), (4), (5), (6), (8),  
20 (9) OR (10);

21 (2) SECTION 9799.14(C)(1), (1.1), (1.2), (1.3), (2),  
22 (3), (4), (5) OR (6) OR AN ATTEMPT, CONSPIRACY OR  
23 SOLICITATION TO COMMIT AN OFFENSE UNDER SECTION 9799.14(C)  
24 (1), (1.1), (1.2), (1.3), (2), (3), (4), (5) OR (6); OR

25 (3) SECTION 9799.14(D)(1), (2), (3), (4), (5), (6), (7),  
26 (8) OR (9) OR AN ATTEMPT, CONSPIRACY OR SOLICITATION TO  
27 COMMIT AN OFFENSE UNDER SECTION 9799.14(D)(1), (2), (3), (4),  
28 (5), (6), (7), (8) OR (9)

29 WHO IS DETERMINED TO BE A SEXUALLY VIOLENT PREDATOR UNDER  
30 SECTION 9799.24 (RELATING TO ASSESSMENTS) DUE TO A MENTAL

1 ABNORMALITY OR PERSONALITY DISORDER THAT MAKES THE INDIVIDUAL  
2 LIKELY TO ENGAGE IN PREDATORY SEXUALLY VIOLENT OFFENSES. THE  
3 TERM INCLUDES AN INDIVIDUAL DETERMINED TO BE A SEXUALLY VIOLENT  
4 PREDATOR OR SIMILAR DESIGNATION WHERE THE DETERMINATION OCCURRED  
5 IN ANOTHER JURISDICTION, A FOREIGN COUNTRY OR BY COURT MARTIAL  
6 FOLLOWING A JUDICIAL OR ADMINISTRATIVE DETERMINATION PURSUANT TO  
7 A PROCESS SIMILAR TO THAT UNDER SECTION 9799.24 WHERE THE  
8 DETERMINATION OR DESIGNATION IS BASED ON THE COMMITMENT OF A  
9 SEXUALLY VIOLENT OFFENSE ON OR AFTER DECEMBER 20, 2012, FOR  
10 WHICH THE INDIVIDUAL WAS CONVICTED.

11 \* \* \*

12 "TRANSIENT." A SEXUAL OFFENDER WHO DOES NOT HAVE A RESIDENCE  
13 BUT NEVERTHELESS RESIDES IN THIS COMMONWEALTH IN A TEMPORARY  
14 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,  
15 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR PARK.

16 SECTION 6. SECTION 9799.13 OF TITLE 42, AMENDED FEBRUARY 21,  
17 2018 (P.L.27, NO.10), IS REENACTED AND AMENDED TO READ:  
18 § 9799.13. APPLICABILITY.

19 THE FOLLOWING INDIVIDUALS SHALL REGISTER WITH THE  
20 PENNSYLVANIA STATE POLICE AS PROVIDED IN SECTIONS 9799.15  
21 (RELATING TO PERIOD OF REGISTRATION), 9799.19 (RELATING TO  
22 INITIAL REGISTRATION) AND 9799.25 (RELATING TO VERIFICATION BY  
23 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE) AND OTHERWISE  
24 COMPLY WITH THE PROVISIONS OF THIS SUBCHAPTER:

25 (1) A SEXUAL OFFENDER WHO HAS A RESIDENCE WITHIN THIS  
26 COMMONWEALTH OR IS A TRANSIENT.

27 (1.1) A SEXUAL OFFENDER WHO IS CONVICTED IN THIS  
28 COMMONWEALTH AND WHO DOES NOT HAVE A RESIDENCE IN THIS  
29 COMMONWEALTH AND:

30 (I) IS EMPLOYED IN THIS COMMONWEALTH; OR

1 (II) IS A STUDENT IN THIS COMMONWEALTH.

2 (1.2) A SEXUAL OFFENDER WHO DOES NOT HAVE A RESIDENCE  
3 WITHIN THIS COMMONWEALTH OR IS NOT A TRANSIENT IN THIS  
4 COMMONWEALTH AND:

5 (I) IS EMPLOYED IN THIS COMMONWEALTH; OR

6 (II) IS A STUDENT IN THIS COMMONWEALTH.

7 (2) A SEXUAL OFFENDER WHO IS AN INMATE IN A STATE OR  
8 COUNTY CORRECTIONAL INSTITUTION OF THIS COMMONWEALTH,  
9 INCLUDING A COMMUNITY CORRECTIONS CENTER OR A COMMUNITY  
10 CONTRACT FACILITY, IS BEING SUPERVISED BY THE PENNSYLVANIA  
11 BOARD OF PROBATION AND PAROLE OR COUNTY PROBATION OR PAROLE,  
12 IS SUBJECT TO A SENTENCE OF INTERMEDIATE PUNISHMENT OR HAS  
13 SUPERVISION TRANSFERRED PURSUANT TO THE INTERSTATE COMPACT  
14 FOR ADULT SUPERVISION IN ACCORDANCE WITH SECTION 9799.19(G).

15 (2.1) A SEXUAL OFFENDER WHO IS AN INMATE IN A FEDERAL  
16 CORRECTIONAL INSTITUTION OR IS SUPERVISED BY FEDERAL  
17 PROBATION AUTHORITIES AND WHO:

18 (I) HAS A RESIDENCE WITHIN THIS COMMONWEALTH OR IS A  
19 TRANSIENT;

20 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

21 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

22 (7) A SEXUAL OFFENDER REQUIRED TO REGISTER IN A SEXUAL  
23 OFFENDER REGISTRY IN ANOTHER JURISDICTION OR IN A FOREIGN  
24 COUNTRY BASED UPON A CONVICTION FOR A SEXUALLY VIOLENT  
25 OFFENSE OR UNDER A SEXUAL OFFENDER STATUTE IN THE  
26 JURISDICTION WHERE THE INDIVIDUAL IS CONVICTED AND:

27 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A  
28 TRANSIENT;

29 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

30 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

1 (7.1) AN INDIVIDUAL WHO, AS A RESULT OF COMMITTING AN  
2 OFFENSE SET FORTH IN SECTION 9799.14(B)(23) (RELATING TO  
3 SEXUAL OFFENSES AND TIER SYSTEM) ON OR AFTER DECEMBER 20,  
4 2012, FOR WHICH THE INDIVIDUAL WAS CONVICTED, IS REQUIRED TO  
5 REGISTER IN A SEXUAL OFFENDER REGISTRY IN ANOTHER  
6 JURISDICTION OR FOREIGN COUNTRY AND:

7 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A  
8 TRANSIENT;

9 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

10 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

11 (7.2) A SEXUAL OFFENDER WHO IS CONVICTED IN ANOTHER  
12 JURISDICTION OR FOREIGN COUNTRY, OR IS INCARCERATED OR UNDER  
13 SUPERVISION AS A RESULT OF A CONVICTION IN ANOTHER  
14 JURISDICTION OR FOREIGN COUNTRY AND:

15 (I) HAS A RESIDENCE IN THIS COMMONWEALTH OR IS A  
16 TRANSIENT;

17 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

18 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

19 (8) AN INDIVIDUAL WHO, ON OR AFTER [THE EFFECTIVE DATE  
20 OF THIS SECTION] DECEMBER 20, 2012, IS A JUVENILE OFFENDER  
21 WHO WAS ADJUDICATED DELINQUENT WITHIN THIS COMMONWEALTH OR  
22 WAS ADJUDICATED DELINQUENT IN ANOTHER JURISDICTION OR A  
23 FOREIGN COUNTRY AND:

24 (I) HAS A RESIDENCE WITHIN THIS COMMONWEALTH;

25 (II) IS EMPLOYED WITHIN THIS COMMONWEALTH; OR

26 (III) IS A STUDENT WITHIN THIS COMMONWEALTH.

27 (8.1) AN INDIVIDUAL WHO IS A JUVENILE OFFENDER WHO IS  
28 ADJUDICATED DELINQUENT IN THIS COMMONWEALTH ON OR AFTER [THE  
29 EFFECTIVE DATE OF THIS PARAGRAPH] DECEMBER 20, 2012, BUT WHO  
30 DOES NOT HAVE A RESIDENCE WITHIN THIS COMMONWEALTH, IS NOT A

1 TRANSIENT, IS NOT EMPLOYED IN THIS COMMONWEALTH OR IS NOT A  
2 STUDENT WITHIN THIS COMMONWEALTH MUST REGISTER WITH THE  
3 PENNSYLVANIA STATE POLICE IN ACCORDANCE WITH SECTION 9799.19  
4 PRIOR TO LEAVING THIS COMMONWEALTH.

5 (8.2) AN INDIVIDUAL WHO BETWEEN JANUARY 23, 2005, AND  
6 DECEMBER 19, 2012, ESTABLISHED A RESIDENCE OR WAS A TRANSIENT  
7 IN THIS COMMONWEALTH, WAS EMPLOYED WITHIN THIS COMMONWEALTH,  
8 OR WAS A STUDENT IN THIS COMMONWEALTH, AND WHO WAS REQUIRED  
9 TO REGISTER IN A SEXUAL OFFENDER REGISTRY AS A RESULT OF AN  
10 ADJUDICATION OF DELINQUENCY FOR AN OFFENSE WHICH OCCURRED IN  
11 A FOREIGN COUNTRY OR ANOTHER JURISDICTION AND THAT REQUIRED  
12 THE INDIVIDUAL TO REGISTER IN THAT FOREIGN COUNTRY OR OTHER  
13 JURISDICTION.

14 (9) AN INDIVIDUAL WHO IS A SEXUALLY VIOLENT DELINQUENT  
15 CHILD.

16 SECTION 7. SECTION 9799.14(B)(3) AND (D)(17) OF TITLE 42,  
17 AMENDED OR ADDED FEBRUARY 21, 2018 (P.L.27, NO.10), ARE  
18 REENACTED TO READ:

19 § 9799.14. SEXUAL OFFENSES AND TIER SYSTEM.

20 \* \* \*

21 (B) TIER I SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL BE  
22 CLASSIFIED AS TIER I SEXUAL OFFENSES:

23 \* \* \*

24 (3) 18 PA.C.S. § 2904 (RELATING TO INTERFERENCE WITH  
25 CUSTODY OF CHILDREN), EXCEPT IN CASES WHERE THE DEFENDANT IS  
26 THE CHILD'S PARENT, GUARDIAN OR OTHER LAWFUL CUSTODIAN.

27 \* \* \*

28 (D) TIER III SEXUAL OFFENSES.--THE FOLLOWING OFFENSES SHALL  
29 BE CLASSIFIED AS TIER III SEXUAL OFFENSES:

30 \* \* \*

1 (17) ONE CONVICTION OF A SEXUALLY VIOLENT OFFENSE AND  
2 ONE CONVICTION OF A SEXUALLY VIOLENT OFFENSE AS DEFINED IN  
3 SECTION 9799.55 (RELATING TO REGISTRATION).

4 SECTION 8. SECTION 9799.15 OF TITLE 42, AMENDED FEBRUARY 21,  
5 2018 (P.L.27, NO.10), IS REENACTED AND AMENDED TO READ:

6 § 9799.15. PERIOD OF REGISTRATION.

7 (A) PERIOD OF REGISTRATION.--SUBJECT TO SUBSECTION (C), AN  
8 INDIVIDUAL SPECIFIED IN SECTION 9799.13 (RELATING TO  
9 APPLICABILITY) SHALL REGISTER WITH THE PENNSYLVANIA STATE POLICE  
10 AS FOLLOWS:

11 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE,  
12 EXCEPT AN OFFENSE SET FORTH IN SECTION 9799.14(B) (23)  
13 (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM), SHALL REGISTER  
14 FOR A PERIOD OF 15 YEARS.

15 (2) AN INDIVIDUAL CONVICTED OF A TIER II SEXUAL OFFENSE  
16 SHALL REGISTER FOR A PERIOD OF 25 YEARS.

17 (3) AN INDIVIDUAL CONVICTED OF A TIER III SEXUAL OFFENSE  
18 SHALL REGISTER FOR THE LIFE OF THE INDIVIDUAL.

19 (4) A JUVENILE OFFENDER WHO WAS ADJUDICATED DELINQUENT  
20 IN THIS COMMONWEALTH, OR WHO WAS ADJUDICATED DELINQUENT IN  
21 ANOTHER JURISDICTION OR FOREIGN COUNTRY AS A CONSEQUENCE OF  
22 HAVING COMMITTED AN OFFENSE SIMILAR TO AN OFFENSE WHICH WOULD  
23 REQUIRE THE INDIVIDUAL TO REGISTER IF THE OFFENSE WAS  
24 COMMITTED IN THIS COMMONWEALTH, SHALL REGISTER FOR THE LIFE  
25 OF THE INDIVIDUAL.

26 (4.1) A JUVENILE OFFENDER WHO IS REQUIRED TO REGISTER IN  
27 A SEXUAL OFFENDER REGISTRY IN ANOTHER JURISDICTION OR FOREIGN  
28 COUNTRY AS A CONSEQUENCE OF HAVING BEEN ADJUDICATED  
29 DELINQUENT FOR AN OFFENSE SIMILAR TO AN OFFENSE WHICH, IF  
30 COMMITTED IN THIS COMMONWEALTH, WOULD NOT REQUIRE THE

1 INDIVIDUAL TO REGISTER SHALL REGISTER FOR A PERIOD OF TIME  
2 EQUAL TO THAT REQUIRED OF THE INDIVIDUAL IN THE OTHER  
3 JURISDICTION OR FOREIGN COUNTRY.

4 (5) A SEXUALLY VIOLENT DELINQUENT CHILD SHALL REGISTER  
5 FOR THE LIFE OF THE INDIVIDUAL.

6 (6) A SEXUALLY VIOLENT PREDATOR SHALL REGISTER FOR THE  
7 LIFE OF THE INDIVIDUAL.

8 (7) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER SECTION  
9 9799.13(7.1) SHALL REGISTER FOR THE PERIOD OF TIME EQUAL TO  
10 THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO REGISTER IN  
11 ANOTHER JURISDICTION OR FOREIGN COUNTRY.

12 (A.2) ASSESSMENT BY COURT AFTER 25 YEARS.--AN INDIVIDUAL  
13 REQUIRED TO REGISTER UNDER SUBSECTION (A) (3), (5), (6) AND (7)  
14 MAY BE EXEMPT FROM THE REQUIREMENT TO REGISTER, THE REQUIREMENT  
15 TO VERIFY RESIDENCE, EMPLOYMENT AND ENROLLMENT IN AN EDUCATIONAL  
16 INSTITUTION, THE REQUIREMENT TO APPEAR ON THE PUBLICLY  
17 ACCESSIBLE INTERNET WEBSITE MAINTAINED BY THE PENNSYLVANIA STATE  
18 POLICE AND ALL OTHER REQUIREMENTS OF THIS SUBCHAPTER IF:

19 (1) SUBJECT TO SUBSECTION (C), AT LEAST 25 YEARS HAVE  
20 ELAPSED PRIOR TO FILING A PETITION WITH THE SENTENCING COURT  
21 TO BE EXEMPT FROM THE REQUIREMENTS OF THIS SUBCHAPTER, DURING  
22 WHICH TIME THE PETITIONER HAS NOT BEEN CONVICTED IN THIS  
23 COMMONWEALTH OR ANY OTHER JURISDICTION OR FOREIGN COUNTRY OF  
24 AN OFFENSE PUNISHABLE BY IMPRISONMENT OF MORE THAN ONE YEAR,  
25 OR THE PETITIONER'S RELEASE FROM CUSTODY FOLLOWING THE  
26 PETITIONER'S MOST RECENT CONVICTION FOR AN OFFENSE, WHICHEVER  
27 IS LATER.

28 (2) UPON RECEIPT OF A PETITION FILED UNDER PARAGRAPH  
29 (1), THE SENTENCING COURT SHALL ENTER AN ORDER DIRECTING THAT  
30 THE PETITIONER BE ASSESSED BY THE BOARD. UPON RECEIPT FROM

1 THE COURT OF AN ORDER FOR AN ASSESSMENT UNDER THIS  
2 SUBSECTION, A MEMBER OF THE BOARD DESIGNATED BY THE  
3 ADMINISTRATIVE OFFICER OF THE BOARD SHALL CONDUCT AN  
4 ASSESSMENT OF THE PETITIONER TO DETERMINE IF THE RELIEF  
5 SOUGHT, IF GRANTED, IS LIKELY TO POSE A THREAT TO THE SAFETY  
6 OF ANY OTHER PERSON. THE BOARD SHALL ESTABLISH STANDARDS FOR  
7 EVALUATIONS AND FOR EVALUATORS CONDUCTING ASSESSMENTS.

8 (3) THE ORDER FOR AN ASSESSMENT UNDER THIS SUBSECTION  
9 SHALL BE SENT TO THE ADMINISTRATIVE OFFICER OF THE BOARD  
10 WITHIN 10 DAYS OF THE ENTRY. NO LATER THAN 90 DAYS FOLLOWING  
11 RECEIPT OF THE ORDER, THE BOARD SHALL SUBMIT A WRITTEN REPORT  
12 CONTAINING THE BOARD'S ASSESSMENT TO THE SENTENCING COURT,  
13 THE DISTRICT ATTORNEY AND THE ATTORNEY FOR THE PETITIONER.

14 (4) WITHIN 120 DAYS OF FILING THE PETITION UNDER  
15 PARAGRAPH (1), THE SENTENCING COURT SHALL HOLD A HEARING TO  
16 DETERMINE WHETHER TO EXEMPT THE PETITIONER FROM THE  
17 APPLICATION OF ANY OR ALL OF THE REQUIREMENTS OF THIS  
18 SUBCHAPTER. THE PETITIONER AND THE DISTRICT ATTORNEY SHALL BE  
19 GIVEN NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD,  
20 THE RIGHT TO CALL WITNESSES AND THE RIGHT TO CROSS-EXAMINE  
21 WITNESSES. THE PETITIONER SHALL HAVE THE RIGHT TO COUNSEL AND  
22 TO HAVE A LAWYER APPOINTED TO REPRESENT THE PETITIONER IF THE  
23 PETITIONER CANNOT AFFORD ONE.

24 (5) THE SENTENCING COURT SHALL EXEMPT THE PETITIONER  
25 FROM APPLICATION OF ANY OR ALL OF THE REQUIREMENTS OF THIS  
26 SUBCHAPTER, AT THE DISCRETION OF THE COURT, ONLY UPON A  
27 FINDING OF CLEAR AND CONVINCING EVIDENCE THAT EXEMPTING THE  
28 SEXUAL OFFENDER FROM A PARTICULAR REQUIREMENT OR ALL OF THE  
29 REQUIREMENTS OF THIS SUBCHAPTER IS NOT LIKELY TO POSE A  
30 THREAT TO THE SAFETY OF ANY OTHER PERSON.

1 (6) A COURT GRANTING RELIEF UNDER THIS SUBSECTION SHALL  
2 NOTIFY THE PENNSYLVANIA STATE POLICE IN WRITING WITHIN 10  
3 DAYS FROM THE DATE THE RELIEF IS GRANTED. IF A MEMORANDUM OF  
4 UNDERSTANDING HAS BEEN ENTERED INTO UNDER SECTION 9799.26  
5 (RELATING TO VICTIM NOTIFICATION) WITH RESPECT TO RELIEF  
6 GRANTED TO THE PETITIONER, THE PENNSYLVANIA STATE POLICE  
7 SHALL TRANSMIT THE INFORMATION ABOUT THE RELIEF TO THE OFFICE  
8 OF VICTIM ADVOCATE AS SOON AS IS PRACTICABLE. THE OFFICE OF  
9 VICTIM ADVOCATE SHALL NOTIFY THE VICTIM OF THE RELIEF, IN  
10 ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING, AS DESCRIBED  
11 IN SECTION 9799.26.

12 (7) THE PETITIONER AND THE COMMONWEALTH SHALL HAVE THE  
13 RIGHT TO APPELLATE REVIEW OF THE ACTIONS OF THE SENTENCING  
14 COURT UNDER THIS SUBSECTION. AN APPEAL BY THE COMMONWEALTH  
15 SHALL STAY THE ORDER OF THE SENTENCING COURT.

16 (8) THE PETITIONER MAY FILE AN ADDITIONAL PETITION WITH  
17 THE SENTENCING COURT NO SOONER THAN FIVE YEARS FROM THE DATE  
18 OF THE FINAL DETERMINATION OF A COURT REGARDING THE PETITION  
19 AND NO SOONER THAN EVERY FIVE YEARS THEREAFTER.

20 (9) IF THE PETITIONER IS EXEMPT FROM ANY PROVISIONS OF  
21 THIS SUBCHAPTER AND THE PETITIONER IS SUBSEQUENTLY CONVICTED  
22 UNDER 18 PA.C.S. § 4915.1 (RELATING TO FAILURE TO COMPLY WITH  
23 REGISTRATION REQUIREMENTS), RELIEF GRANTED UNDER THIS  
24 SUBSECTION SHALL BE VOID AND THE PETITIONER SHALL  
25 AUTOMATICALLY AND IMMEDIATELY AGAIN BE SUBJECT TO THE  
26 PROVISIONS OF THIS SUBCHAPTER, AS PREVIOUSLY DETERMINED BY  
27 THIS SUBCHAPTER.

28 (A.3) AGENCY COOPERATION.--ALL STATE, COUNTY AND LOCAL  
29 AGENCIES, OFFICES AND ENTITIES IN THIS COMMONWEALTH, INCLUDING  
30 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING ACCESS

1 TO RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN  
2 CONNECTION WITH THE COURT-ORDERED ASSESSMENT UNDER SUBSECTION  
3 (A.2) .

4 (B) COMMENCEMENT OF REGISTRATION.--THE FOLLOWING APPLY:

5 (1) THE PERIOD OF REGISTRATION SET FORTH IN SUBSECTION

6 (A) SHALL COMMENCE AS FOLLOWS:

7 (I) FOR AN INDIVIDUAL WHO COMMITTED A SEXUALLY  
8 VIOLENT OFFENSE IN THIS COMMONWEALTH, THE PERIOD OF  
9 REGISTRATION SHALL COMMENCE UPON:

10 (A) RELEASE FROM INCARCERATION IN A STATE OR  
11 COUNTY CORRECTIONAL FACILITY, INCLUDING RELEASE TO A  
12 COMMUNITY CORRECTION CENTER OR COMMUNITY CONTRACT  
13 FACILITY;

14 (B) PAROLE OR A SENTENCE OF PROBATION; OR

15 (C) A SENTENCE OF STATE OR COUNTY INTERMEDIATE  
16 PUNISHMENT IN WHICH THE PERSON IS NOT SENTENCED TO A  
17 PERIOD OF INCARCERATION.

18 (II) FOR AN INDIVIDUAL WHO IS A JUVENILE OFFENDER,  
19 THE PERIOD OF REGISTRATION SHALL COMMENCE UPON:

20 (A) RELEASE FROM AN INSTITUTION OR FACILITY SET  
21 FORTH IN SECTION 6352(A)(3) (RELATING TO DISPOSITION  
22 OF DELINQUENT CHILD), IF THE JUVENILE OFFENDER IS, ON  
23 OR AFTER [THE EFFECTIVE DATE OF THIS SECTION]  
24 DECEMBER 20, 2012, SUBJECT TO THE JURISDICTION OF A  
25 COURT PURSUANT TO A DISPOSITION ENTERED UNDER SECTION  
26 6352 AND IS UNDER COURT-ORDERED PLACEMENT IN AN  
27 INSTITUTION OR FACILITY SET FORTH IN SECTION 6352(A)  
28 (3); OR

29 (B) DISPOSITION, IF THE JUVENILE OFFENDER IS, ON  
30 OR AFTER [THE EFFECTIVE DATE OF THIS SECTION]

1           DECEMBER 20, 2012, SUBJECT TO THE JURISDICTION OF A  
2 COURT PURSUANT TO A DISPOSITION ENTERED UNDER SECTION  
3 6352 AND IS PLACED ON PROBATION OR IS OTHERWISE  
4 SUBJECT TO JURISDICTION OF A COURT PURSUANT TO A  
5 DISPOSITION UNDER SECTION 6352 THAT DID NOT INVOLVE  
6 OUT-OF-HOME PLACEMENT.

7           (III) FOR A SEXUALLY VIOLENT DELINQUENT CHILD, THE  
8 PERIOD OF REGISTRATION SHALL COMMENCE UPON TRANSFER TO  
9 INVOLUNTARY OUTPATIENT TREATMENT PURSUANT TO SECTION  
10 6404.1 (RELATING TO TRANSFER TO INVOLUNTARY OUTPATIENT  
11 TREATMENT).

12           (IV) FOR AN INDIVIDUAL WHO COMMITTED A SEXUALLY  
13 VIOLENT OFFENSE IN ANOTHER JURISDICTION OR FOREIGN  
14 COUNTRY OR A COMPARABLE MILITARY OFFENSE, THE PERIOD OF  
15 REGISTRATION SHALL COMMENCE UPON ESTABLISHMENT OF A  
16 RESIDENCE OR COMMENCEMENT OF EMPLOYMENT OR ENROLLMENT AS  
17 A STUDENT WITHIN THIS COMMONWEALTH. THIS SUBPARAGRAPH  
18 SHALL APPLY TO AN INDIVIDUAL CONVICTED OF A SEXUALLY  
19 VIOLENT OFFENSE IN ANOTHER JURISDICTION OR FOREIGN  
20 COUNTRY OR COMPARABLE MILITARY OFFENSE AND WHO IS A  
21 TRANSIENT.

22           (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1), AN  
23 INDIVIDUAL SPECIFIED IN SECTION 9799.13 SHALL INITIALLY  
24 REGISTER WITH THE PENNSYLVANIA STATE POLICE AS SET FORTH IN  
25 SECTION 9799.19 (RELATING TO INITIAL REGISTRATION).

26           (C) PERIOD OF REGISTRATION TOLLED.--THE FOLLOWING SHALL  
27 APPLY:

28           (1) THE PERIOD OF REGISTRATION SET FORTH IN SUBSECTION  
29           (A) SHALL BE TOLLED FOR THE PERIOD OF TIME IN WHICH THE  
30 INDIVIDUAL SPECIFIED IN SECTION 9799.13 IS:

1 (I) INCARCERATED IN A FEDERAL, STATE OR COUNTY  
2 CORRECTIONAL INSTITUTION, EXCLUDING A COMMUNITY CONTRACT  
3 FACILITY OR COMMUNITY CORRECTIONS CENTER;

4 (II) SUBJECT TO A SENTENCE OF INTERMEDIATE  
5 PUNISHMENT WHICH IS RESTRICTIVE AND WHERE THE INDIVIDUAL  
6 IS SENTENCED TO A PERIOD OF INCARCERATION;

7 (III) COMMITTED TO AN INSTITUTION OR FACILITY SET  
8 FORTH IN SECTION 6352(A)(3) THAT PROVIDES THE INDIVIDUAL  
9 WITH 24-HOUR-PER-DAY SUPERVISION AND CARE;

10 (IV) COMMITTED TO AND RECEIVING INVOLUNTARY  
11 INPATIENT TREATMENT IN THE STATE-OWNED FACILITY OR UNIT  
12 SET FORTH IN CHAPTER 64 (RELATING TO COURT-ORDERED  
13 INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY VIOLENT  
14 PERSONS); OR

15 (V) INCARCERATED IN A FEDERAL CORRECTIONAL  
16 INSTITUTION, EXCLUDING A COMMUNITY CONTRACT FACILITY OR  
17 COMMUNITY CORRECTIONS CENTER.

18 (2) THIS SUBSECTION SHALL APPLY TO AN INDIVIDUAL  
19 SPECIFIED IN SECTION 9799.13 WHO IS RECOMMITTED TO A FEDERAL,  
20 STATE OR COUNTY CORRECTIONAL INSTITUTION FOR A PAROLE  
21 VIOLATION OR WHO HAS BEEN SENTENCED TO AN ADDITIONAL TERM OF  
22 IMPRISONMENT. IN ADDITION, THIS SUBSECTION SHALL APPLY TO AN  
23 INDIVIDUAL COMMITTED TO OR RECOMMITTED TO A FEDERAL  
24 CORRECTIONAL INSTITUTION. IN THE CASE OF RECOMMITMENT TO A  
25 STATE OR COUNTY CORRECTIONAL INSTITUTION, THE DEPARTMENT OF  
26 CORRECTIONS OR THE COUNTY CORRECTIONAL FACILITY SHALL NOTIFY  
27 THE PENNSYLVANIA STATE POLICE OF THE ADMISSION OF THE  
28 INDIVIDUAL.

29 (D) SEXUALLY VIOLENT PREDATORS.--AN INDIVIDUAL CONVICTED OF  
30 A TIER I SEXUAL OFFENSE, A TIER II SEXUAL OFFENSE OR A TIER III

1 SEXUAL OFFENSE WHO IS DETERMINED TO BE A SEXUALLY VIOLENT  
2 PREDATOR UNDER SECTION 9799.24 (RELATING TO ASSESSMENTS) SHALL  
3 REGISTER FOR THE LIFE OF THE INDIVIDUAL.

4 (E) PERIODIC IN-PERSON APPEARANCE REQUIRED.--EXCEPT AS  
5 PROVIDED IN SUBSECTION (F) AND SUBJECT TO SUBSECTIONS (G) AND  
6 (H), AN INDIVIDUAL SPECIFIED IN SECTION 9799.13 SHALL APPEAR IN  
7 PERSON AT AN APPROVED REGISTRATION SITE TO PROVIDE OR VERIFY THE  
8 INFORMATION SET FORTH IN SECTION 9799.16(B) (RELATING TO  
9 REGISTRY) AND TO BE PHOTOGRAPHED AS FOLLOWS:

10 (1) AN INDIVIDUAL CONVICTED OF A TIER I SEXUAL OFFENSE  
11 SHALL APPEAR ANNUALLY.

12 (2) AN INDIVIDUAL CONVICTED OF A TIER II SEXUAL OFFENSE  
13 SHALL APPEAR SEMIANNUALLY.

14 (3) AN INDIVIDUAL CONVICTED OF A TIER III SEXUAL OFFENSE  
15 SHALL APPEAR QUARTERLY.

16 (4) AN INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO  
17 SECTION 9799.13(7.1) SHALL APPEAR ANNUALLY.

18 (F) SEXUALLY VIOLENT PREDATORS.--A SEXUALLY VIOLENT PREDATOR  
19 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE TO:

20 (1) PROVIDE OR VERIFY THE INFORMATION SET FORTH IN  
21 SECTION 9799.16(B);

22 (2) BE PHOTOGRAPHED QUARTERLY; AND

23 (3) STATE WHETHER HE IS IN COMPLIANCE WITH SECTION  
24 9799.36 (RELATING TO COUNSELING OF SEXUALLY VIOLENT  
25 PREDATORS).

26 (G) IN-PERSON APPEARANCE TO UPDATE INFORMATION.--IN ADDITION  
27 TO THE PERIODIC IN-PERSON APPEARANCE REQUIRED IN SUBSECTIONS  
28 (E), (F) AND (H), AN INDIVIDUAL SPECIFIED IN SECTION 9799.13  
29 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE WITHIN  
30 THREE BUSINESS DAYS TO PROVIDE CURRENT INFORMATION RELATING TO:

1 (1) A CHANGE IN NAME, INCLUDING AN ALIAS.

2 (2) A COMMENCEMENT OF RESIDENCE, CHANGE IN RESIDENCE,  
3 TERMINATION OF RESIDENCE OR FAILURE TO MAINTAIN A RESIDENCE,  
4 THUS MAKING THE INDIVIDUAL A TRANSIENT.

5 (3) COMMENCEMENT OF EMPLOYMENT, A CHANGE IN THE LOCATION  
6 OR ENTITY IN WHICH THE INDIVIDUAL IS EMPLOYED OR A  
7 TERMINATION OF EMPLOYMENT.

8 (4) INITIAL ENROLLMENT AS A STUDENT, A CHANGE IN  
9 ENROLLMENT AS A STUDENT OR TERMINATION AS A STUDENT.

10 (5) AN ADDITION AND A CHANGE IN TELEPHONE NUMBER,  
11 INCLUDING A CELL PHONE NUMBER, OR A TERMINATION OF TELEPHONE  
12 NUMBER, INCLUDING A CELL PHONE NUMBER.

13 (6) AN ADDITION, A CHANGE IN AND TERMINATION OF A MOTOR  
14 VEHICLE OWNED OR OPERATED, INCLUDING WATERCRAFT OR AIRCRAFT.  
15 IN ORDER TO FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE  
16 INDIVIDUAL MUST PROVIDE ANY LICENSE PLATE NUMBERS AND  
17 REGISTRATION NUMBERS AND OTHER IDENTIFIERS AND AN ADDITION TO  
18 OR CHANGE IN THE ADDRESS OF THE PLACE THE VEHICLE IS STORED.

19 (7) A COMMENCEMENT OF TEMPORARY LODGING, A CHANGE IN  
20 TEMPORARY LODGING OR A TERMINATION OF TEMPORARY LODGING. IN  
21 ORDER TO FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE  
22 INDIVIDUAL MUST PROVIDE THE SPECIFIC LENGTH OF TIME AND THE  
23 DATES DURING WHICH THE INDIVIDUAL WILL BE TEMPORARILY LODGED.

24 (8) AN ADDITION, CHANGE IN OR TERMINATION OF E-MAIL  
25 ADDRESS, INSTANT MESSAGE ADDRESS OR ANY OTHER DESIGNATIONS  
26 USED IN INTERNET COMMUNICATIONS OR POSTINGS.

27 (9) AN ADDITION, CHANGE IN OR TERMINATION OF INFORMATION  
28 RELATED TO OCCUPATIONAL AND PROFESSIONAL LICENSING, INCLUDING  
29 TYPE OF LICENSE HELD AND LICENSE NUMBER.

30 (H) TRANSIENTS, JUVENILE OFFENDERS AND SEXUALLY VIOLENT

1 DELINQUENT CHILDREN.--IF THE INDIVIDUAL SPECIFIED IN SECTION  
2 9799.13 IS A TRANSIENT, A JUVENILE OFFENDER OR A SEXUALLY  
3 VIOLENT DELINQUENT CHILD, THE FOLLOWING APPLY:

4 (1) IF THE INDIVIDUAL IS A TRANSIENT, THE INDIVIDUAL  
5 SHALL APPEAR IN PERSON AT AN APPROVED REGISTRATION SITE TO  
6 PROVIDE OR TO VERIFY THE INFORMATION SET FORTH IN SECTION  
7 9799.16(B) AND TO BE PHOTOGRAPHED MONTHLY. THE DUTY TO APPEAR  
8 IN PERSON MONTHLY AND TO BE PHOTOGRAPHED SHALL APPLY UNTIL A  
9 TRANSIENT ESTABLISHES A RESIDENCE. IN THE EVENT A TRANSIENT  
10 ESTABLISHES A RESIDENCE, THE REQUIREMENT OF PERIODIC IN-  
11 PERSON APPEARANCES SET FORTH IN SUBSECTION (E) SHALL APPLY.

12 (2) IF THE INDIVIDUAL IS A JUVENILE OFFENDER WHO IS NOT  
13 A TRANSIENT, THE INDIVIDUAL SHALL APPEAR AT AN APPROVED  
14 REGISTRATION SITE TO PROVIDE OR VERIFY THE INFORMATION SET  
15 FORTH IN SECTION 9799.16(B) AND TO BE PHOTOGRAPHED QUARTERLY.

16 (3) IF THE INDIVIDUAL IS A SEXUALLY VIOLENT DELINQUENT  
17 CHILD WHO IS NOT A TRANSIENT, THE INDIVIDUAL SHALL APPEAR AT  
18 AN APPROVED REGISTRATION SITE TO PROVIDE OR VERIFY THE  
19 INFORMATION SET FORTH IN SECTION 9799.16(B) AND TO BE  
20 PHOTOGRAPHED QUARTERLY.

21 (I) INTERNATIONAL TRAVEL.--IN ADDITION TO THE PERIODIC IN-  
22 PERSON APPEARANCE REQUIRED IN SUBSECTION (E), AN INDIVIDUAL  
23 SPECIFIED IN SECTION 9799.13 SHALL APPEAR IN PERSON AT AN  
24 APPROVED REGISTRATION SITE NO LESS THAN 21 DAYS IN ADVANCE OF  
25 TRAVELING OUTSIDE OF THE UNITED STATES. THE INDIVIDUAL SHALL  
26 PROVIDE THE FOLLOWING INFORMATION:

27 (1) DATES OF TRAVEL, INCLUDING DATE OF RETURN TO THE  
28 UNITED STATES.

29 (2) DESTINATIONS.

30 (3) TEMPORARY LODGING.

1 (J) IN-PERSON REPORTING BY INCARCERATED OR COMMITTED  
2 INDIVIDUALS.--THE REQUIREMENTS OF SUBSECTIONS (E), (F), (G) AND  
3 (H) DO NOT APPLY WHERE THE INDIVIDUAL SPECIFIED IN SECTION  
4 9799.13 IS:

5 (1) INCARCERATED IN A CORRECTIONAL INSTITUTION,  
6 EXCLUDING A COMMUNITY CONTRACT FACILITY OR COMMUNITY  
7 CORRECTIONS CENTER;

8 (2) SUBJECT TO A SENTENCE OF INTERMEDIATE PUNISHMENT  
9 WHICH IS RESTRICTIVE AND WHERE THE INDIVIDUAL IS SENTENCED TO  
10 A PERIOD OF INCARCERATION;

11 (3) COMMITTED TO AN INSTITUTION OR FACILITY SET FORTH IN  
12 SECTION 6352(A) (3) WHICH PROVIDES THE INDIVIDUAL WITH 24-  
13 HOUR-PER-DAY SUPERVISION AND CARE; OR

14 (4) COMMITTED TO AND RECEIVING INVOLUNTARY INPATIENT  
15 TREATMENT IN THE STATE-OWNED FACILITY OR UNIT SET FORTH IN  
16 CHAPTER 64.

17 SECTION 9. SECTION 9799.16(A) (4) OF TITLE 42, AMENDED  
18 FEBRUARY 21, 2018 (P.L.27, NO.10), IS REENACTED TO READ:  
19 § 9799.16. REGISTRY.

20 (A) ESTABLISHMENT.--THERE IS ESTABLISHED A STATEWIDE  
21 REGISTRY OF SEXUAL OFFENDERS IN ORDER TO CARRY OUT THE  
22 PROVISIONS OF THIS SUBCHAPTER. THE PENNSYLVANIA STATE POLICE  
23 SHALL CREATE AND MAINTAIN THE REGISTRY. THE REGISTRY SHALL  
24 MAINTAIN A COMPLETE AND SYSTEMATIC INDEX OF ALL RECORDS REQUIRED  
25 REGARDING SEXUAL OFFENDERS IN ORDER TO COMPLY WITH THE ADAM  
26 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW 109-  
27 248, 120 STAT. 587). THE REGISTRY SHALL:

28 \* \* \*

29 (4) CONTAIN INFORMATION ABOUT INDIVIDUALS REQUIRED TO  
30 REGISTER WITH THE PENNSYLVANIA STATE POLICE UNDER SUBCHAPTER

1 I (RELATING TO CONTINUED REGISTRATION OF SEXUAL OFFENDERS).

2 \* \* \*

3 SECTION 10. SECTION 9799.19 OF TITLE 42, AMENDED FEBRUARY  
4 21, 2018 (P.L.27, NO.10), IS REENACTED AND AMENDED TO READ:

5 § 9799.19. INITIAL REGISTRATION.

6 (A) GENERAL RULE.--AN INDIVIDUAL SET FORTH IN SECTION  
7 9799.13 (RELATING TO APPLICABILITY) SHALL INITIALLY REGISTER  
8 WITH THE PENNSYLVANIA STATE POLICE AS SET FORTH IN THIS SECTION.

9 (F) INITIAL REGISTRATION IF BEING SUPERVISED BY COMMONWEALTH  
10 UNDER INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION.--IF AN  
11 INDIVIDUAL IS IN THIS COMMONWEALTH AND IS BEING SUPERVISED BY  
12 THE STATE BOARD OF PROBATION AND PAROLE OR THE COUNTY OFFICE OF  
13 PROBATION AND PAROLE PURSUANT TO THE INTERSTATE COMPACT FOR  
14 ADULT OFFENDER SUPERVISION, THE FOLLOWING APPLY:

15 (1) IF THE INDIVIDUAL IS BEING SUPERVISED UNDER THE  
16 COMPACT FOR COMMITTING A SEXUALLY VIOLENT OFFENSE WHICH  
17 REQUIRES REGISTRATION IN ANOTHER JURISDICTION OR FOREIGN  
18 COUNTRY WHETHER OR NOT THE SEXUAL OFFENSE IS DESIGNATED AS A  
19 SEXUALLY VIOLENT OFFENSE, THE INDIVIDUAL SHALL PROVIDE THE  
20 INFORMATION SET FORTH IN SECTION 9799.16(B) (RELATING TO  
21 REGISTRY) TO THE APPROPRIATE OFFICIAL OF THE STATE BOARD OF  
22 PROBATION AND PAROLE OR THE COUNTY OFFICE OF PROBATION AND  
23 PAROLE FOR INCLUSION IN THE REGISTRY. THE APPROPRIATE  
24 OFFICIAL SHALL COLLECT THE INFORMATION SET FORTH IN SECTION  
25 9799.16(B) AND FORWARD THE INFORMATION TO THE PENNSYLVANIA  
26 STATE POLICE. THE APPROPRIATE OFFICIAL SHALL, IN ADDITION,  
27 ENSURE THAT THE INFORMATION SET FORTH IN SECTION 9799.16(C)  
28 IS COLLECTED AND FORWARDED TO THE PENNSYLVANIA STATE POLICE.  
29 IF THE INDIVIDUAL FAILS TO PROVIDE THE INFORMATION IN SECTION  
30 9799.16(B), THE APPROPRIATE OFFICIAL OF THE STATE BOARD OF

1 PROBATION AND PAROLE OR COUNTY OFFICE OF PROBATION AND PAROLE  
2 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE.

3 (G) SUPERVISION OF INDIVIDUAL CONVICTED IN COMMONWEALTH WHO  
4 DOES NOT INTEND TO RESIDE IN COMMONWEALTH.--AN INDIVIDUAL WHO  
5 COMMITTED A SEXUALLY VIOLENT OFFENSE WITHIN THIS COMMONWEALTH  
6 WHO SEEKS TRANSFER OF SUPERVISION TO ANOTHER JURISDICTION  
7 PURSUANT TO THE INTERSTATE COMPACT FOR ADULT OFFENDER  
8 SUPERVISION SHALL NOT HAVE SUPERVISION TRANSFERRED TO ANOTHER  
9 JURISDICTION PRIOR TO THE INDIVIDUAL'S REGISTRATION WITH THE  
10 PENNSYLVANIA STATE POLICE AS SET FORTH IN THIS SECTION.

11 (H) INITIAL REGISTRATION OF JUVENILE OFFENDER OR SEXUALLY  
12 VIOLENT DELINQUENT CHILD.--

13 (1) IF THE INDIVIDUAL IS A JUVENILE OFFENDER WHO IS  
14 ADJUDICATED DELINQUENT BY A COURT ON OR AFTER [THE EFFECTIVE  
15 DATE OF THIS SECTION] DECEMBER 20, 2012, THE FOLLOWING APPLY:

16 (I) THE COURT SHALL REQUIRE THE INDIVIDUAL TO  
17 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)  
18 TO THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AS  
19 FOLLOWS:

20 (A) EXCEPT AS SET FORTH IN CLAUSE (B), AT THE  
21 TIME OF DISPOSITION UNDER SECTION 6352 (RELATING TO  
22 DISPOSITION OF DELINQUENT CHILD).

23 (B) AT THE TIME THE INDIVIDUAL IS ADJUDICATED  
24 DELINQUENT UNDER SECTION 6341 (RELATING TO  
25 ADJUDICATION) IF:

26 (I) THE ADJUDICATION OF DELINQUENCY OCCURS  
27 IN ANY COUNTY OTHER THAN THE INDIVIDUAL'S COUNTY  
28 OF RESIDENCE; AND

29 (II) THE COURT INTENDS TO TRANSFER THE  
30 INDIVIDUAL'S CASE FOR DISPOSITION TO THE

1 INDIVIDUAL'S COUNTY OF RESIDENCE UNDER SECTION  
2 6321(C) (RELATING TO COMMENCEMENT OF  
3 PROCEEDINGS) .

4 (II) THE CHIEF JUVENILE PROBATION OFFICER SHALL  
5 COLLECT THE INFORMATION IN SECTION 9799.16(B) AND (C) AND  
6 FORWARD IT TO THE PENNSYLVANIA STATE POLICE FOR INCLUSION  
7 IN THE REGISTRY AS DIRECTED BY THE PENNSYLVANIA STATE  
8 POLICE. IF THE JUVENILE OFFENDER IS, UNDER SECTION  
9 6352(A) (3), SUBJECT TO COURT-ORDERED PLACEMENT IN AN  
10 INSTITUTION OR FACILITY WHICH PROVIDES THE JUVENILE WITH  
11 24-HOUR-PER-DAY SUPERVISION AND CARE, THE INSTITUTION OR  
12 FACILITY SHALL ENSURE THE INFORMATION PROVIDED BY THE  
13 JUVENILE OFFENDER PURSUANT TO SECTION 9799.16(B) IS  
14 UPDATED TO REFLECT ACCURATE INFORMATION PRIOR TO RELEASE.  
15 THE INSTITUTION OR FACILITY MAY NOT RELEASE THE JUVENILE  
16 OFFENDER UNTIL IT RECEIVES VERIFICATION FROM THE  
17 PENNSYLVANIA STATE POLICE THAT THE INFORMATION REQUIRED  
18 UNDER SECTION 9799.16(B) AND (C) HAS BEEN ENTERED IN THE  
19 REGISTRY.

20 (2) IF, ON [THE EFFECTIVE DATE OF THIS SECTION] DECEMBER  
21 20, 2012, THE INDIVIDUAL IS A JUVENILE OFFENDER AND IS  
22 SUBJECT TO THE JURISDICTION OF THE COURT PURSUANT TO A  
23 DISPOSITION ENTERED UNDER SECTION 6352 AND IS ON PROBATION OR  
24 THE INDIVIDUAL IS OTHERWISE BEING SUPERVISED IN THE  
25 COMMUNITY, INCLUDING PLACEMENT IN A FOSTER FAMILY HOME OR  
26 OTHER RESIDENTIAL SETTING WHICH PROVIDES THE INDIVIDUAL WITH  
27 LESS THAN 24-HOUR-PER-DAY SUPERVISION AND CARE, THE  
28 INDIVIDUAL SHALL PROVIDE THE INFORMATION SET FORTH IN SECTION  
29 9799.16(B) TO THE CHIEF JUVENILE PROBATION OFFICER OF THE  
30 COURT WITHIN 30 DAYS OF [THE EFFECTIVE DATE OF THIS SECTION]

1        DECEMBER 20, 2012. THE CHIEF JUVENILE PROBATION OFFICER SHALL  
2 COLLECT THE INFORMATION SET FORTH IN SECTION 9799.16(B) AND  
3 (C) AND FORWARD IT TO THE PENNSYLVANIA STATE POLICE FOR  
4 INCLUSION IN THE REGISTRY, AS DIRECTED BY THE PENNSYLVANIA  
5 STATE POLICE.

6            (3) IF THE INDIVIDUAL IS, ON [THE EFFECTIVE DATE OF THIS  
7 SECTION] DECEMBER 20, 2012, ALREADY A JUVENILE OFFENDER AND  
8 IS SUBJECT TO THE JURISDICTION OF A COURT PURSUANT TO A  
9 DISPOSITION ENTERED UNDER SECTION 6352 AND IS, UNDER SECTION  
10 6352, SUBJECT TO COURT-ORDERED PLACEMENT IN AN INSTITUTION OR  
11 FACILITY WHICH PROVIDES THE JUVENILE WITH 24-HOUR-PER-DAY  
12 SUPERVISION AND CARE, THE DIRECTOR OF THE INSTITUTION OR  
13 FACILITY OR A DESIGNEE SHALL MAKE THE JUVENILE OFFENDER  
14 AVAILABLE FOR AND FACILITATE THE COLLECTION OF THE  
15 INFORMATION SET FORTH IN SECTION 9799.16(B) AND (C) AS  
16 DIRECTED BY THE PENNSYLVANIA STATE POLICE FOR INCLUSION IN  
17 THE REGISTRY. THE PENNSYLVANIA STATE POLICE MAY REQUIRE THE  
18 INSTITUTION OR FACILITY TO TRANSPORT THE JUVENILE OFFENDER TO  
19 AND FROM AN APPROVED REGISTRATION SITE IN ORDER TO FULFILL  
20 THE REQUIREMENT OF THIS PARAGRAPH. IN ORDER TO FULFILL THE  
21 REQUIREMENTS OF THIS PARAGRAPH, THE CHIEF JUVENILE PROBATION  
22 OFFICER OF THE COURT SHALL, WITHIN TEN DAYS OF [THE EFFECTIVE  
23 DATE OF THIS SECTION] DECEMBER 20, 2012, NOTIFY THE DIRECTOR  
24 OF THE INSTITUTION OR FACILITY AND THE PENNSYLVANIA STATE  
25 POLICE THAT THE JUVENILE OFFENDER IS REQUIRED TO REGISTER  
26 UNDER THIS SUBCHAPTER. IN ADDITION, THE INSTITUTION OR  
27 FACILITY SHALL ENSURE THAT THE INFORMATION PROVIDED BY THE  
28 JUVENILE OFFENDER PURSUANT TO SECTION 9799.16(B) IS UPDATED  
29 TO REFLECT ACCURATE INFORMATION PRIOR TO RELEASE. THE  
30 JUVENILE OFFENDER MAY NOT BE RELEASED UNTIL THE INSTITUTION

1 OR FACILITY RECEIVES VERIFICATION FROM THE PENNSYLVANIA STATE  
2 POLICE THAT THE INFORMATION REQUIRED UNDER SECTION 9799.16(B)  
3 AND (C) HAS BEEN ENTERED INTO THE REGISTRY.

4 (4) IF THE INDIVIDUAL IS, ON [THE EFFECTIVE DATE OF THIS  
5 SECTION] DECEMBER 20, 2012, ALREADY A SEXUALLY VIOLENT  
6 DELINQUENT CHILD AND RECEIVING INVOLUNTARY TREATMENT IN THE  
7 STATE-OWNED FACILITY OR UNIT UNDER CHAPTER 64 (RELATING TO  
8 COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN SEXUALLY  
9 VIOLENT PERSONS), THE DIRECTOR OF THE FACILITY OR UNIT OR A  
10 DESIGNEE SHALL MAKE THE SEXUALLY VIOLENT DELINQUENT CHILD  
11 AVAILABLE FOR AND FACILITATE THE COLLECTION OF THE  
12 INFORMATION SET FORTH IN SECTION 9799.16(B) AND (C) AS  
13 DIRECTED BY THE PENNSYLVANIA STATE POLICE FOR INCLUSION IN  
14 THE REGISTRY. THE PENNSYLVANIA STATE POLICE MAY REQUIRE THE  
15 FACILITY OR UNIT TO TRANSPORT THE SEXUALLY VIOLENT DELINQUENT  
16 CHILD TO AND FROM AN APPROVED REGISTRATION SITE IN ORDER TO  
17 FULFILL THE REQUIREMENT OF THIS PARAGRAPH. IN ADDITION, THE  
18 FACILITY OR UNIT SHALL ENSURE THAT THE INFORMATION PROVIDED  
19 BY THE SEXUALLY VIOLENT DELINQUENT CHILD PURSUANT TO SECTION  
20 9799.16(B) IS UPDATED TO REFLECT ACCURATE INFORMATION PRIOR  
21 TO RELEASE. THE FACILITY OR UNIT MAY NOT TRANSFER THE  
22 SEXUALLY VIOLENT CHILD TO OUTPATIENT TREATMENT UNTIL IT HAS  
23 RECEIVED VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT  
24 IT HAS RECEIVED THE INFORMATION SET FORTH IN SECTION  
25 9799.16(B) AND (C).

26 (5) IF THE INDIVIDUAL IS, ON OR AFTER [THE EFFECTIVE  
27 DATE OF THIS SECTION] DECEMBER 20, 2012, DETERMINED BY THE  
28 COURT TO BE A SEXUALLY VIOLENT DELINQUENT CHILD AND COMMITTED  
29 FOR INVOLUNTARY TREATMENT TO THE STATE-OWNED FACILITY OR UNIT  
30 UNDER CHAPTER 64, THE FOLLOWING APPLY:

1           (I) THE COURT SHALL REQUIRE THE INDIVIDUAL TO  
2 PROVIDE THE INFORMATION SET FORTH IN SECTION 9799.16(B)  
3 TO THE CHIEF JUVENILE PROBATION OFFICER OF THE COURT AT  
4 THE TIME OF COMMITMENT. THE CHIEF JUVENILE PROBATION  
5 OFFICER SHALL COLLECT AND FORWARD THE INFORMATION TO THE  
6 PENNSYLVANIA STATE POLICE FOR INCLUSION IN THE REGISTRY.  
7 THE CHIEF JUVENILE PROBATION OFFICER SHALL, AT THE TIME  
8 OF COMMITMENT, ALSO ENSURE THAT THE INFORMATION SET FORTH  
9 IN SECTION 9799.16(C) IS COLLECTED AND FORWARDED TO THE  
10 PENNSYLVANIA STATE POLICE FOR INCLUSION IN THE REGISTRY.  
11 THE PENNSYLVANIA STATE POLICE MAY REQUIRE THE FACILITY OR  
12 UNIT TO TRANSPORT THE SEXUALLY VIOLENT DELINQUENT CHILD  
13 TO AND FROM AN APPROVED REGISTRATION SITE IN ORDER TO  
14 FULFILL THE REQUIREMENT OF INITIAL REGISTRATION AT THE  
15 TIME OF COMMITMENT.

16           (II) THE FACILITY OR UNIT SHALL ENSURE THAT THE  
17 INFORMATION PROVIDED BY THE SEXUALLY VIOLENT DELINQUENT  
18 CHILD PURSUANT TO SECTION 9799.16(B) IS UPDATED TO  
19 REFLECT ACCURATE INFORMATION PRIOR TO TRANSFER TO  
20 INVOLUNTARY OUTPATIENT TREATMENT PURSUANT TO SECTION  
21 6404.1 (RELATING TO TRANSFER TO INVOLUNTARY OUTPATIENT  
22 TREATMENT) OR DISCHARGE. THE COURT MAY NOT TRANSFER THE  
23 SEXUALLY VIOLENT DELINQUENT CHILD TO OUTPATIENT TREATMENT  
24 OR DISCHARGE THE CHILD FROM THE FACILITY OR UNIT UNTIL IT  
25 HAS RECEIVED VERIFICATION FROM THE PENNSYLVANIA STATE  
26 POLICE THAT THE INFORMATION REQUIRED UNDER SECTION  
27 9799.16(B) AND (C) HAS BEEN ENTERED IN THE REGISTRY.

28           (I) INITIAL REGISTRATION IF CONVICTED OR ADJUDICATED  
29 DELINQUENT OUTSIDE COMMONWEALTH.--

30           (1) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER SECTION

1 9799.13(7), (7.1) OR (7.2) SHALL APPEAR IN PERSON AT AN  
2 APPROVED REGISTRATION SITE TO PROVIDE THE INFORMATION SET  
3 FORTH IN SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE  
4 WITHIN THREE BUSINESS DAYS OF ESTABLISHING RESIDENCE,  
5 COMMENCING EMPLOYMENT OR COMMENCING ENROLLMENT AS A STUDENT  
6 WITHIN THIS COMMONWEALTH. IN ADDITION, THE INDIVIDUAL SHALL  
7 COMPLY WITH THE OTHER PROVISIONS OF THIS SUBCHAPTER,  
8 INCLUDING SECTION 9799.15 (RELATING TO PERIOD OF  
9 REGISTRATION). IF THE INDIVIDUAL FAILS TO ESTABLISH A  
10 RESIDENCE BUT NEVERTHELESS RESIDES IN THIS COMMONWEALTH, THE  
11 INDIVIDUAL SHALL REGISTER AS A TRANSIENT. THE PENNSYLVANIA  
12 STATE POLICE SHALL ENSURE THAT THE INFORMATION SET FORTH IN  
13 SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS  
14 COLLECTED AND ENTERED IN THE REGISTRY.

15 (2) IF THE INDIVIDUAL IS, ON OR AFTER [THE EFFECTIVE  
16 DATE OF THIS SECTION] DECEMBER 20, 2012, A JUVENILE OFFENDER  
17 AS DEFINED IN PARAGRAPH (2) OR (3) OF THE DEFINITION OF  
18 "JUVENILE OFFENDER" IN SECTION 9799.12 (RELATING TO  
19 DEFINITIONS), THE INDIVIDUAL SHALL APPEAR IN PERSON AT AN  
20 APPROVED REGISTRATION SITE TO PROVIDE THE INFORMATION SET  
21 FORTH IN SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE  
22 WITHIN THREE BUSINESS DAYS OF ESTABLISHING RESIDENCE,  
23 COMMENCING EMPLOYMENT OR COMMENCING ENROLLMENT AS A STUDENT  
24 WITHIN THIS COMMONWEALTH. IN ADDITION, THE INDIVIDUAL SHALL  
25 COMPLY WITH THE OTHER PROVISIONS OF THIS SUBCHAPTER,  
26 INCLUDING SECTION 9799.15. IF THE INDIVIDUAL FAILS TO  
27 ESTABLISH A RESIDENCE BUT NEVERTHELESS RESIDES IN THIS  
28 COMMONWEALTH, THE INDIVIDUAL SHALL REGISTER AS A TRANSIENT.  
29 THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE  
30 INFORMATION SET FORTH IN SECTION 9799.16(C) WITH RESPECT TO

1 THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

2 (3) IF THE INDIVIDUAL IS CONVICTED OF A SEXUALLY VIOLENT  
3 OFFENSE AND INCARCERATED IN A FEDERAL CORRECTIONAL  
4 INSTITUTION OR BEING SUPERVISED BY FEDERAL PROBATION  
5 AUTHORITIES, THE INDIVIDUAL SHALL APPEAR IN PERSON AT AN  
6 APPROVED REGISTRATION SITE TO PROVIDE THE INFORMATION SET  
7 FORTH IN SECTION 9799.16(B) TO THE PENNSYLVANIA STATE POLICE  
8 WITHIN THREE BUSINESS DAYS OF ESTABLISHING RESIDENCE,  
9 COMMENCING EMPLOYMENT OR COMMENCING ENROLLMENT AS A STUDENT  
10 IN THIS COMMONWEALTH. IN ADDITION, THE INDIVIDUAL SHALL  
11 COMPLY WITH OTHER PROVISIONS OF THIS SUBCHAPTER, INCLUDING  
12 SECTION 9799.15. IF THE INDIVIDUAL FAILS TO ESTABLISH A  
13 RESIDENCE BUT NEVERTHELESS RESIDES IN THIS COMMONWEALTH, THE  
14 INDIVIDUAL SHALL REGISTER AS A TRANSIENT. THE PENNSYLVANIA  
15 STATE POLICE SHALL ENSURE THAT THE INFORMATION SET FORTH IN  
16 SECTION 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS  
17 COLLECTED AND ENTERED INTO THE REGISTRY.

18 (K) REGISTRATION IF INCARCERATED WITHIN COMMONWEALTH OR BY  
19 FEDERAL COURT.--THE FOLLOWING APPLY TO AN INDIVIDUAL WHO  
20 COMMITTED A SEXUALLY VIOLENT OFFENSE:

21 (1) IF THE INDIVIDUAL IS INCARCERATED IN A FEDERAL,  
22 STATE OR COUNTY CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL  
23 PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B) TO  
24 THE APPROPRIATE OFFICIAL OF THE FEDERAL, STATE OR COUNTY  
25 CORRECTIONAL FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION  
26 AND PAROLE FOR INCLUSION IN THE REGISTRY BEFORE BEING  
27 RELEASED DUE TO:

28 (I) THE EXPIRATION OF SENTENCE, IN WHICH CASE THE  
29 INFORMATION SHALL BE COLLECTED NO LATER THAN 10 DAYS  
30 PRIOR TO THE MAXIMUM EXPIRATION DATE;

1 (II) PAROLE;  
2 (III) STATE OR COUNTY INTERMEDIATE PUNISHMENT WHERE  
3 THE SENTENCE IS RESTRICTIVE AND THE INDIVIDUAL IS  
4 SENTENCED TO A PERIOD OF INCARCERATION IN A STATE OR  
5 COUNTY CORRECTIONAL FACILITY OR A WORK RELEASE FACILITY;  
6 OR

7 (IV) SPECIAL PROBATION SUPERVISED BY THE  
8 PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

9 (2) FOR INDIVIDUALS DESCRIBED IN PARAGRAPH (1), THE  
10 APPROPRIATE OFFICIAL OF THE FEDERAL, STATE OR COUNTY  
11 CORRECTIONAL FACILITY OR THE PENNSYLVANIA BOARD OF PROBATION  
12 AND PAROLE SHALL COLLECT AND FORWARD THE INFORMATION  
13 SPECIFIED IN SECTION 9799.16(B) TO THE PENNSYLVANIA STATE  
14 POLICE. THE APPROPRIATE OFFICIAL SHALL, IN ADDITION, ENSURE  
15 THAT THE INFORMATION SPECIFIED IN SECTION 9799.16(C) IS  
16 COLLECTED AND FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE  
17 INFORMATION SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL BE  
18 INCLUDED IN THE REGISTRY. WITH RESPECT TO INDIVIDUALS  
19 RELEASED UNDER PARAGRAPH (1) (II), (III) OR (IV), THE STATE OR  
20 COUNTY CORRECTIONAL FACILITY SHALL NOT RELEASE THE INDIVIDUAL  
21 UNTIL THE STATE OR COUNTY CORRECTIONAL FACILITY RECEIVES  
22 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE  
23 PENNSYLVANIA STATE POLICE HAS RECEIVED THE INFORMATION  
24 SPECIFIED IN SECTION 9799.16(B) AND (C). VERIFICATION MAY  
25 TAKE PLACE BY ELECTRONIC MEANS. WITH RESPECT TO INDIVIDUALS  
26 RELEASED UNDER PARAGRAPH (1) (I), IF THE INDIVIDUAL REFUSES TO  
27 PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B), THE  
28 STATE OR COUNTY CORRECTIONAL FACILITY SHALL NOTIFY THE  
29 PENNSYLVANIA STATE POLICE OR THE MUNICIPAL POLICE DEPARTMENT  
30 WITH JURISDICTION OVER THE FACILITY OF THE FAILURE TO PROVIDE

1 THE INFORMATION AND OF THE EXPECTED DATE, TIME AND LOCATION  
2 OF THE RELEASE OF THE INDIVIDUAL.

3 (L) REGISTRATION IF SENTENCED TO A STATE OR COUNTY  
4 CORRECTIONAL FACILITY.--IF THE INDIVIDUAL COMMITTED A SEXUALLY  
5 VIOLENT OFFENSE AND IS SENTENCED TO A PERIOD OF INCARCERATION IN  
6 A STATE OR COUNTY CORRECTIONAL FACILITY, THE INDIVIDUAL SHALL  
7 PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B) AS  
8 FOLLOWS:

9 (1) AT THE TIME OF SENTENCING, THE COURT SHALL REQUIRE  
10 THE INDIVIDUAL TO IMMEDIATELY REPORT TO THE OFFICE OF  
11 PROBATION AND PAROLE SERVING THAT COUNTY TO REGISTER UNDER  
12 THIS SUBCHAPTER. THE APPROPRIATE OFFICE OF PROBATION AND  
13 PAROLE SHALL COLLECT THE INFORMATION SPECIFIED IN SECTION  
14 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE INFORMATION TO  
15 THE PENNSYLVANIA STATE POLICE. THE APPROPRIATE OFFICE OF  
16 PROBATION AND PAROLE SHALL, IN ADDITION, ENSURE THE  
17 INFORMATION SPECIFIED IN SECTION 9799.16(C) IS COLLECTED AND  
18 FORWARDED TO THE PENNSYLVANIA STATE POLICE. THE INFORMATION  
19 SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN  
20 THE REGISTRY.

21 (2) IF THE INDIVIDUAL IS INCARCERATED IN A STATE OR  
22 COUNTY CORRECTIONAL FACILITY, THE CORRECTIONAL FACILITY SHALL  
23 NOTIFY THE PENNSYLVANIA STATE POLICE, NOT MORE THAN 30 DAYS  
24 IN ADVANCE OF, BUT NOT LATER THAN 10 DAYS PRIOR TO, THE  
25 INDIVIDUAL'S RELEASE FROM THE CORRECTIONAL FACILITY. THE  
26 FOLLOWING APPLY:

27 (I) THE CORRECTIONAL FACILITY SHALL ENSURE THAT THE  
28 INFORMATION SPECIFIED IN SECTION 9799.16(B) AND (C) FOR  
29 THE INDIVIDUAL HAS BEEN SUBMITTED TO THE PENNSYLVANIA  
30 STATE POLICE.

1 (II) IF THE INFORMATION HAS NOT BEEN SUBMITTED TO  
2 THE PENNSYLVANIA STATE POLICE, THE CORRECTIONAL FACILITY  
3 SHALL COLLECT THE INFORMATION SPECIFIED IN SECTION  
4 9799.16(B) FROM THE INDIVIDUAL AND FORWARD THE  
5 INFORMATION TO THE PENNSYLVANIA STATE POLICE.

6 (III) THE CORRECTIONAL FACILITY SHALL ALSO REPORT  
7 ANY CHANGES TO THE INFORMATION SPECIFIED IN SECTION  
8 9799.16(B) AND (C) ON FILE WITH THE PENNSYLVANIA STATE  
9 POLICE.

10 (IV) IN THE CASE OF PAROLE, STATE OR COUNTY  
11 INTERMEDIATE PUNISHMENT WHERE THE SENTENCE IS RESTRICTIVE  
12 AND THE INDIVIDUAL IS SENTENCED TO A PERIOD OF  
13 INCARCERATION IN A STATE OR COUNTY CORRECTIONAL FACILITY  
14 OR WORK RELEASE FACILITY OR SPECIAL PROBATION SUPERVISED  
15 BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE  
16 CORRECTIONAL FACILITY MAY NOT RELEASE THE INDIVIDUAL  
17 UNTIL THE CORRECTIONAL FACILITY RECEIVES VERIFICATION  
18 FROM THE PENNSYLVANIA STATE POLICE THAT THE PENNSYLVANIA  
19 STATE POLICE HAS RECEIVED THE INFORMATION SPECIFIED IN  
20 SECTION 9799.16(B) AND (C). VERIFICATION BY THE  
21 PENNSYLVANIA STATE POLICE MAY OCCUR BY ELECTRONIC MEANS.

22 (V) IF THE INDIVIDUAL IS SCHEDULED TO BE RELEASED  
23 FROM A STATE OR COUNTY CORRECTIONAL FACILITY DUE TO THE  
24 EXPIRATION OF SENTENCE AND THE INDIVIDUAL REFUSES TO  
25 PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B),  
26 THE STATE OR COUNTY CORRECTIONAL FACILITY SHALL NOTIFY  
27 THE PENNSYLVANIA STATE POLICE OR THE MUNICIPAL POLICE  
28 DEPARTMENT WITH JURISDICTION OVER THE FACILITY OF THE  
29 FAILURE TO PROVIDE THE INFORMATION AND OF THE EXPECTED  
30 DATE, TIME AND LOCATION OF THE RELEASE OF THE INDIVIDUAL.

1 (M) REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE  
2 PUNISHMENT.--IF THE INDIVIDUAL COMMITTED A SEXUALLY VIOLENT  
3 OFFENSE AND IS SENTENCED TO COUNTY INTERMEDIATE PUNISHMENT WHICH  
4 IS RESTORATIVE WHERE THE INDIVIDUAL IS NOT SENTENCED TO  
5 INCARCERATION OR TO A WORK RELEASE FACILITY, THE INDIVIDUAL  
6 SHALL PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B) BY  
7 APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS OF  
8 BEING SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE  
9 OF PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS  
10 APPEARED AT AN APPROVED REGISTRATION SITE AS DESCRIBED IN THIS  
11 SUBSECTION. IF THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE  
12 OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND PAROLE SHALL  
13 NOTIFY THE PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE  
14 POLICE SHALL ENSURE THE INFORMATION SPECIFIED IN SECTION  
15 9799.16(C) WITH RESPECT TO THE INDIVIDUAL IS COLLECTED AND  
16 ENTERED IN THE REGISTRY.

17 (N) REGISTRATION IF SENTENCED TO COUNTY INTERMEDIATE  
18 PUNISHMENT.--IF THE INDIVIDUAL COMMITTED A SEXUALLY VIOLENT  
19 OFFENSE AND IS SENTENCED TO COUNTY INTERMEDIATE PUNISHMENT, THE  
20 FOLLOWING APPLY:

21 (1) IF THE INDIVIDUAL IS SENTENCED TO COUNTY  
22 INTERMEDIATE PUNISHMENT WHICH IS RESTORATIVE, THE INDIVIDUAL  
23 SHALL PROVIDE THE INFORMATION SPECIFIED IN SECTION 9799.16(B)  
24 BY APPEARING AT AN APPROVED REGISTRATION SITE WITHIN 48 HOURS  
25 OF BEING SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY  
26 OFFICE OF PROBATION AND PAROLE SHALL ENSURE THAT THE  
27 INDIVIDUAL HAS APPEARED AT AN APPROVED REGISTRATION SITE AS  
28 SPECIFIED IN THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO  
29 APPEAR, THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF  
30 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE

1 POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THE  
2 INFORMATION SPECIFIED IN SECTION 9799.16(C) WITH RESPECT TO  
3 THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

4 (2) IF THE INDIVIDUAL IS SENTENCED TO COUNTY  
5 INTERMEDIATE PUNISHMENT WHICH IS RESTRICTIVE WHERE THE  
6 INDIVIDUAL IS NOT SENTENCED TO INCARCERATION OR TO A WORK  
7 RELEASE FACILITY, THE INDIVIDUAL SHALL PROVIDE THE  
8 INFORMATION SPECIFIED IN SECTION 9799.16(B) BY APPEARING AT  
9 AN APPROVED REGISTRATION SITE WITHIN 48 HOURS OF BEING  
10 SENTENCED. THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF  
11 PROBATION AND PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS  
12 APPEARED AT AN APPROVED REGISTRATION SITE AS DESCRIBED IN  
13 THIS PARAGRAPH. IF THE INDIVIDUAL FAILS TO APPEAR, THE  
14 APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND  
15 PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE POLICE. THE  
16 PENNSYLVANIA STATE POLICE SHALL ENSURE THE INFORMATION  
17 SPECIFIED IN SECTION 9799.16(C) WITH RESPECT TO THE  
18 INDIVIDUAL IS COLLECTED AND ENTERED IN THE REGISTRY.

19 (O) REGISTRATION IF SENTENCED TO COUNTY PROBATION.--IF THE  
20 INDIVIDUAL COMMITTED A SEXUALLY VIOLENT OFFENSE AND IS SENTENCED  
21 TO COUNTY PROBATION, THE INDIVIDUAL SHALL PROVIDE THE  
22 INFORMATION SPECIFIED IN SECTION 9799.16(B) BY APPEARING AT AN  
23 APPROVED REGISTRATION SITE WITHIN 48 HOURS OF BEING SENTENCED.  
24 THE APPROPRIATE OFFICIAL OF THE COUNTY OFFICE OF PROBATION AND  
25 PAROLE SHALL ENSURE THAT THE INDIVIDUAL HAS APPEARED AT AN  
26 APPROVED REGISTRATION SITE AS DESCRIBED IN THIS SUBSECTION. IF  
27 THE INDIVIDUAL FAILS TO APPEAR, THE APPROPRIATE OFFICIAL OF THE  
28 COUNTY OFFICE OF PROBATION AND PAROLE SHALL NOTIFY THE  
29 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL  
30 ENSURE THE INFORMATION SPECIFIED IN SECTION 9799.16(C) WITH

1 RESPECT TO THE INDIVIDUAL IS COLLECTED AND ENTERED IN THE  
2 REGISTRY.

3 (P) REGISTRATION FOR COUNTY OR FEDERAL PROBATIONERS.--IF THE  
4 INDIVIDUAL COMMITTED A SEXUALLY VIOLENT OFFENSE, THE FOLLOWING  
5 APPLY:

6 (1) IF THE INDIVIDUAL IS SERVING A SENTENCE OF COUNTY  
7 PROBATION, THE APPROPRIATE OFFICE OF PROBATION AND PAROLE  
8 SERVING THE COUNTY SHALL REGISTER THE INDIVIDUAL WITHIN 48  
9 HOURS. THE APPROPRIATE OFFICIAL OF THAT OFFICE SHALL COLLECT  
10 THE INFORMATION SPECIFIED IN SECTION 9799.16(B) AND FORWARD  
11 THAT INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE  
12 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION  
13 SPECIFIED IN SECTION 9799.16(C) IS COLLECTED. THE INFORMATION  
14 SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN  
15 THE REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY, THE  
16 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL NOTIFY THE  
17 PENNSYLVANIA STATE POLICE.

18 (2) IF THE INDIVIDUAL IS UNDER THE SUPERVISION OF  
19 FEDERAL PROBATION AUTHORITIES FOR A SEXUALLY VIOLENT OFFENSE,  
20 THE INDIVIDUAL SHALL PROVIDE THE INFORMATION SPECIFIED IN  
21 SECTION 9799.16(B) BY APPEARING AT AN APPROVED REGISTRATION  
22 SITE WITHIN 48 HOURS OF [THE EFFECTIVE DATE OF THIS SECTION]  
23 SENTENCING.

24 (Q) REGISTRATION FOR STATE OR COUNTY PAROLEES.--

25 (1) IF THE INDIVIDUAL COMMITTED A SEXUALLY VIOLENT  
26 OFFENSE AND IS SERVING A SENTENCE OF COUNTY PAROLE, THE  
27 APPROPRIATE OFFICE OF PROBATION AND PAROLE SERVING THE COUNTY  
28 SHALL REGISTER THE INDIVIDUAL WITHIN 48 HOURS. THE  
29 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL COLLECT THE  
30 INFORMATION SPECIFIED IN SECTION 9799.16(B) AND FORWARD THAT

1 INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE  
2 PENNSYLVANIA STATE POLICE SHALL ENSURE THAT THE INFORMATION  
3 SPECIFIED IN SECTION 9799.16(C) IS COLLECTED. THE INFORMATION  
4 SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL BE INCLUDED IN  
5 THE REGISTRY. IF THE INDIVIDUAL FAILS TO COMPLY, THE  
6 APPROPRIATE OFFICIAL OF THAT OFFICE SHALL NOTIFY THE  
7 PENNSYLVANIA STATE POLICE.

8 (2) IF THE INDIVIDUAL COMMITTED A SEXUALLY VIOLENT  
9 OFFENSE AND IS SERVING A SENTENCE OF STATE PAROLE, THE  
10 PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL REGISTER THE  
11 INDIVIDUAL WITHIN 48 HOURS. THE APPROPRIATE OFFICIAL OF THE  
12 PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL COLLECT THE  
13 INFORMATION SPECIFIED IN SECTION 9799.16(B) FROM THE  
14 INDIVIDUAL AND FORWARD THE INFORMATION TO THE PENNSYLVANIA  
15 STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL ENSURE THAT  
16 THE INFORMATION SPECIFIED IN SECTION 9799.16(C) IS COLLECTED.  
17 THE INFORMATION SPECIFIED IN SECTION 9799.16(B) AND (C) SHALL  
18 BE INCLUDED IN THE REGISTRY. IF THE INDIVIDUAL FAILS TO  
19 COMPLY, THE APPROPRIATE OFFICIAL OF THE PENNSYLVANIA BOARD OF  
20 PROBATION AND PAROLE SHALL NOTIFY THE PENNSYLVANIA STATE  
21 POLICE.

22 SECTION 11. SECTIONS 9799.23(B)(2), 9799.25(A.1), (A.2), (B)  
23 (2) AND (3), (C)(1) AND (F)(1), 9799.26(A)(1) AND (D),  
24 9799.31(13), 9799.32(6) AND (10), 9799.34(1) AND 9799.36(B) OF  
25 TITLE 42, AMENDED OR ADDED FEBRUARY 21, 2018 (P.L.27, NO.10),  
26 ARE REENACTED TO READ:

27 § 9799.23. COURT NOTIFICATION AND CLASSIFICATION REQUIREMENTS.

28 \* \* \*

29 (B) MANDATORY REGISTRATION.--ALL SEXUAL OFFENDERS MUST  
30 REGISTER IN ACCORDANCE WITH THIS SUBCHAPTER. THE FOLLOWING

1 APPLY:

2 \* \* \*

3 (2) EXCEPT AS PROVIDED IN SECTIONS 9799.15 (A.2) AND  
4 9799.17 (RELATING TO TERMINATION OF PERIOD OF REGISTRATION  
5 FOR JUVENILE OFFENDERS), THE COURT SHALL HAVE NO AUTHORITY TO  
6 RELIEVE A SEXUAL OFFENDER FROM THE DUTY TO REGISTER UNDER  
7 THIS SUBCHAPTER OR TO MODIFY THE REQUIREMENTS OF THIS  
8 SUBCHAPTER AS THEY RELATE TO THE SEXUAL OFFENDER.

9 § 9799.25. VERIFICATION BY SEXUAL OFFENDERS AND PENNSYLVANIA  
10 STATE POLICE.

11 \* \* \*

12 (A.1) ALTERNATE REQUIREMENTS REGARDING VERIFICATION.--THE  
13 FOLLOWING APPLY TO AN INDIVIDUAL REQUIRED TO APPEAR IN PERSON  
14 UNDER SUBSECTION (A) (2) OR (3):

15 (1) IF THE INDIVIDUAL HAS BEEN IN COMPLIANCE WITH THE  
16 REQUIREMENTS OF THIS SUBCHAPTER FOR THE FIRST THREE YEARS OF  
17 THE INDIVIDUAL'S PERIOD OF REGISTRATION AND, DURING THE SAME  
18 THREE-YEAR PERIOD, THE INDIVIDUAL HAS NOT BEEN CONVICTED IN  
19 THIS COMMONWEALTH OR ANY OTHER JURISDICTION OR FOREIGN  
20 COUNTRY OF AN OFFENSE PUNISHABLE BY IMPRISONMENT OF MORE THAN  
21 ONE YEAR, THE INDIVIDUAL SHALL APPEAR AT AN APPROVED  
22 REGISTRATION SITE ANNUALLY. THE INDIVIDUAL SHALL APPEAR  
23 WITHIN 10 DAYS BEFORE THE DATE DESIGNATED BY THE PENNSYLVANIA  
24 STATE POLICE TO VERIFY INFORMATION IN SECTION 9799.16(B) AND  
25 BE PHOTOGRAPHED.

26 (2) THE OTHER APPEARANCES REQUIRED OF THE INDIVIDUAL  
27 UNDER THIS SECTION MAY BE COMPLETED BY CONTACTING THE  
28 PENNSYLVANIA STATE POLICE BY TELEPHONE AT A TELEPHONE NUMBER  
29 DESIGNATED BY THE PENNSYLVANIA STATE POLICE. THE INDIVIDUAL  
30 SHALL CALL THE PENNSYLVANIA STATE POLICE WITHIN THREE

1 BUSINESS DAYS OF THE DATE DESIGNATED BY THE PENNSYLVANIA  
2 STATE POLICE.

3 (3) IF THE INDIVIDUAL FAILS TO COMPLY WITH THE  
4 PROVISIONS OF THIS SUBSECTION AND THE INDIVIDUAL IS  
5 SUBSEQUENTLY CONVICTED UNDER 18 PA.C.S. § 4915.1 (RELATING TO  
6 FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS), ANY RELIEF  
7 GRANTED UNDER THIS SUBSECTION SHALL BE VOID, AND THE  
8 PETITIONER SHALL AUTOMATICALLY AND IMMEDIATELY AGAIN BE  
9 SUBJECT TO THE PROVISIONS OF THIS SUBCHAPTER, AS PREVIOUSLY  
10 DETERMINED BY THIS SUBCHAPTER.

11 (A.2) TELEPHONIC VERIFICATION SYSTEM.--THE PENNSYLVANIA  
12 STATE POLICE SHALL DEVELOP A MECHANISM TO PERMIT INDIVIDUALS TO  
13 UTILIZE THE TELEPHONIC VERIFICATION SYSTEM ESTABLISHED IN THIS  
14 SECTION. NO INDIVIDUAL MAY UTILIZE THE TELEPHONIC VERIFICATION  
15 SYSTEM UNTIL THE PENNSYLVANIA STATE POLICE PUBLISHES NOTICE IN  
16 THE PENNSYLVANIA BULLETIN THAT THE SYSTEM IS OPERATIONAL.

17 (B) DEADLINE.--THE FOLLOWING APPLY:

18 \* \* \*

19 (2) IN THE CASE OF A SEXUAL OFFENDER WHO FAILS TO APPEAR  
20 IN PERSON OR TELEPHONICALLY AS REQUIRED UNDER THIS SECTION,  
21 THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE MUNICIPAL  
22 POLICE DEPARTMENT WHERE THE SEXUAL OFFENDER HAS A RESIDENCE,  
23 IS EMPLOYED OR IS ENROLLED AS A STUDENT. THE MUNICIPAL POLICE  
24 SHALL LOCATE THE SEXUAL OFFENDER AND ARREST THE SEXUAL  
25 OFFENDER FOR VIOLATING THIS SECTION. A MUNICIPAL POLICE  
26 DEPARTMENT MAY REQUEST ASSISTANCE LOCATING OR ARRESTING A  
27 SEXUAL OFFENDER FROM THE PENNSYLVANIA STATE POLICE. IN  
28 MUNICIPALITIES WHERE NO MUNICIPAL POLICE DEPARTMENT EXISTS,  
29 THE PENNSYLVANIA STATE POLICE SHALL LOCATE THE OFFENDER AND  
30 ARREST THE SEXUAL OFFENDER FOR VIOLATING THIS SECTION.

1           (3) IN THE CASE OF A SEXUAL OFFENDER WHO FAILS TO APPEAR  
2 IN PERSON OR TELEPHONICALLY AS REQUIRED UNDER THIS SECTION,  
3 THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE UNITED STATES  
4 MARSHALS SERVICE IN ACCORDANCE WITH SECTION 9799.22 (B) (3)  
5 (RELATING TO ENFORCEMENT) .

6           (C) FACILITATION OF VERIFICATION.--THE PENNSYLVANIA STATE  
7 POLICE SHALL ADMINISTER AND FACILITATE THE PROCESS OF  
8 VERIFICATION OF INFORMATION, INCLUDING COMPLIANCE WITH  
9 COUNSELING IN THE CASE OF SEXUALLY VIOLENT PREDATORS AND  
10 SEXUALLY VIOLENT DELINQUENT CHILDREN, AND PHOTOGRAPHING THE  
11 SEXUAL OFFENDER BY:

12           (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL  
13 TO EACH SEXUAL OFFENDER AT THE LAST REPORTED LOCATION WHERE  
14 THE OFFENDER RECEIVES MAIL. THE NOTICE SHALL BE SENT NOT MORE  
15 THAN 30 DAYS NOR LESS THAN 15 DAYS PRIOR TO THE DATE A SEXUAL  
16 OFFENDER IS REQUIRED TO APPEAR PURSUANT TO SUBSECTION (A) OR  
17 (A.1). THE NOTICE SHALL REMIND THE SEXUAL OFFENDER OF THE  
18 SEXUAL OFFENDER'S RESPONSIBILITIES UNDER THIS SUBCHAPTER,  
19 INCLUDING COUNSELING IN THE CASE OF SEXUALLY VIOLENT  
20 PREDATORS AND SEXUALLY VIOLENT DELINQUENT CHILDREN, AND  
21 PROVIDE A LIST OF APPROVED REGISTRATION SITES AND THE  
22 TELEPHONE NUMBER TO CONTACT THE PENNSYLVANIA STATE POLICE  
23 UNDER SUBSECTION (A.1) .

24           \* \* \*

25           (F) RESIDENTS IN GROUP-BASED HOMES.--

26           (1) A GROUP-BASED HOME MAY NOT PROVIDE CONCURRENT  
27 RESIDENCE IN THE GROUP-BASED HOME TO MORE THAN FIVE  
28 INDIVIDUALS IN TOTAL WHO ARE REQUIRED TO REGISTER UNDER THIS  
29 SUBCHAPTER AND SUBCHAPTER I (RELATING TO CONTINUED  
30 REGISTRATION OF SEXUAL OFFENDERS) AS SEXUALLY VIOLENT

1 PREDATORS.

2 \* \* \*

3 § 9799.26. VICTIM NOTIFICATION.

4 (A) DUTY TO INFORM VICTIM.--

5 (1) IF AN INDIVIDUAL IS DETERMINED TO BE A SEXUALLY  
6 VIOLENT PREDATOR OR A SEXUALLY VIOLENT DELINQUENT CHILD, THE  
7 MUNICIPAL POLICE DEPARTMENT OR THE PENNSYLVANIA STATE POLICE,  
8 IF NO MUNICIPAL POLICE JURISDICTION EXISTS, SHALL GIVE  
9 WRITTEN NOTICE TO THE VICTIM WHEN THE SEXUALLY VIOLENT  
10 PREDATOR OR THE SEXUALLY VIOLENT DELINQUENT CHILD REGISTERS  
11 INITIALLY UNDER SECTION 9799.19 (RELATING TO INITIAL  
12 REGISTRATION) OR UNDER SECTION 9799.15(G) (2), (3) OR (4)  
13 (RELATING TO PERIOD OF REGISTRATION). THE NOTICE SHALL BE  
14 GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT PREDATOR OR  
15 THE SEXUALLY VIOLENT DELINQUENT CHILD REGISTERS OR NOTIFIES  
16 THE PENNSYLVANIA STATE POLICE OF CURRENT INFORMATION UNDER  
17 SECTION 9799.15(G). THE NOTICE SHALL CONTAIN THE FOLLOWING  
18 INFORMATION ABOUT THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY  
19 VIOLENT DELINQUENT CHILD:

20 (I) NAME.

21 (II) RESIDENCE. THIS SUBPARAGRAPH INCLUDES WHETHER  
22 THE SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT  
23 DELINQUENT CHILD IS A TRANSIENT, IN WHICH CASE THE NOTICE  
24 SHALL CONTAIN INFORMATION ABOUT THE TRANSIENT'S TEMPORARY  
25 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,  
26 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR  
27 PARK. IN ADDITION, THE NOTICE SHALL CONTAIN A LIST OF  
28 PLACES THE TRANSIENT EATS, FREQUENTS AND ENGAGES IN  
29 LEISURE ACTIVITIES.

30 (III) THE ADDRESS OF EMPLOYMENT.

1 (IV) THE ADDRESS WHERE THE SEXUALLY VIOLENT PREDATOR  
2 OR SEXUALLY VIOLENT DELINQUENT CHILD IS ENROLLED AS A  
3 STUDENT.

4 \* \* \*

5 (D) ALTERNATE MEANS OF NOTIFYING VICTIMS.--

6 (1) THE PENNSYLVANIA STATE POLICE MAY ENTER INTO A  
7 MEMORANDUM OF UNDERSTANDING WITH THE OFFICE OF VICTIM  
8 ADVOCATE TO ASSIST THE PENNSYLVANIA STATE POLICE IN NOTIFYING  
9 VICTIMS AND PROVIDING THE INFORMATION UNDER SUBSECTION (A).  
10 IN ADDITION, THE MEMORANDUM OF UNDERSTANDING MAY ALSO INCLUDE  
11 THE OFFICE OF VICTIM ADVOCATE'S NOTIFYING A VICTIM OF RELIEF  
12 GRANTED TO A PETITIONER UNDER SECTION 9799.15(A.2). THE  
13 MEMORANDUM OF UNDERSTANDING MUST STATE THE MANNER AND METHOD  
14 OF NOTIFYING VICTIMS AND THE DUTIES OF THE PENNSYLVANIA STATE  
15 POLICE AND THE OFFICE OF VICTIM ADVOCATE UNDER THIS SECTION  
16 AND SECTION 9799.15(A.2). A MEMORANDUM OF UNDERSTANDING  
17 ENTERED INTO UNDER THIS SUBSECTION SHALL BE VALID FOR NO MORE  
18 THAN 10 YEARS. THERE SHALL BE NO LIMIT TO THE NUMBER OF  
19 MEMORANDA OF UNDERSTANDING WHICH MAY BE EXECUTED BY THE  
20 PENNSYLVANIA STATE POLICE AND THE OFFICE OF VICTIM ADVOCATE  
21 UNDER THIS SUBSECTION.

22 (2) AS USED IN THIS SUBSECTION, THE TERM "OFFICE OF  
23 VICTIM ADVOCATE" SHALL MEAN THE OFFICE ESTABLISHED UNDER  
24 SECTION 301 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882,  
25 NO.111), KNOWN AS THE CRIME VICTIMS ACT.

26 § 9799.31. IMMUNITY FOR GOOD FAITH CONDUCT.

27 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR  
28 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

29 \* \* \*

30 (13) THE DEPARTMENT OF HUMAN SERVICES AND ITS AGENTS AND

1 EMPLOYEES.

2 \* \* \*

3 § 9799.32. PENNSYLVANIA STATE POLICE.

4 THE PENNSYLVANIA STATE POLICE HAVE THE FOLLOWING DUTIES:

5 \* \* \*

6 (6) TO FACILITATE VERIFICATION OF INFORMATION FROM  
7 INDIVIDUALS UNDER SECTION 9799.13 (RELATING TO APPLICABILITY)  
8 AS PROVIDED IN SECTION 9799.25 (RELATING TO VERIFICATION BY  
9 SEXUAL OFFENDERS AND PENNSYLVANIA STATE POLICE).

10 \* \* \*

11 (10) TO DEVELOP THE TELEPHONIC VERIFICATION SYSTEM  
12 ESTABLISHED UNDER SECTION 9799.25.

13 § 9799.34. DUTIES OF FACILITIES HOUSING SEXUAL OFFENDERS.

14 THE DEPARTMENT OF CORRECTIONS, A COUNTY CORRECTIONAL  
15 FACILITY, AN INSTITUTION OR FACILITY SET FORTH IN SECTION  
16 6352(A)(3) (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND THE  
17 SEPARATE, STATE-OWNED FACILITY OR UNIT ESTABLISHED UNDER CHAPTER  
18 64 (RELATING TO COURT-ORDERED INVOLUNTARY TREATMENT OF CERTAIN  
19 SEXUALLY VIOLENT PERSONS) SHALL HAVE THE FOLLOWING DUTIES:

20 (1) TO PERFORM THEIR RESPECTIVE DUTIES IN ACCORDANCE  
21 WITH SECTION 9799.19 (RELATING TO INITIAL REGISTRATION). THIS  
22 PARAGRAPH INCLUDES TAKING A CURRENT PHOTOGRAPH OF THE  
23 INDIVIDUAL SPECIFIED IN SECTION 9799.13 (RELATING TO  
24 APPLICABILITY) BEFORE THE INDIVIDUAL IS RELEASED FROM  
25 CONFINEMENT OR COMMITMENT OR IS DISCHARGED.

26 \* \* \*

27 § 9799.36. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

28 \* \* \*

29 (B) DESIGNATION IN ANOTHER JURISDICTION.--IF AN INDIVIDUAL  
30 SPECIFIED IN SECTION 9799.13 (RELATING TO APPLICABILITY) HAS

1 BEEN DESIGNATED AS A SEXUALLY VIOLENT PREDATOR IN ANOTHER  
2 JURISDICTION AND WAS REQUIRED TO UNDERGO COUNSELING, THE  
3 INDIVIDUAL SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

4 \* \* \*

5 SECTION 12. SECTION 9799.38(A) (1) AND (2) OF TITLE 42,  
6 AMENDED FEBRUARY 21, 2018 (P.L.27, NO.10), ARE REENACTED AND  
7 AMENDED TO READ:

8 § 9799.38. ANNUAL PERFORMANCE AUDIT.

9 (A) DUTIES OF THE ATTORNEY GENERAL.--THE ATTORNEY GENERAL  
10 HAS THE FOLLOWING DUTIES:

11 (1) TO CONDUCT A PERFORMANCE AUDIT ANNUALLY TO DETERMINE  
12 COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBCHAPTER AND  
13 SUBCHAPTER I (RELATING TO CONTINUED REGISTRATION OF SEXUAL  
14 OFFENDERS) AND ANY GUIDELINES PROMULGATED UNDER THIS  
15 SUBCHAPTER AND SUBCHAPTER I. THE AUDIT SHALL, AT A MINIMUM,  
16 INCLUDE A REVIEW OF THE PRACTICES, PROCEDURES AND RECORDS OF  
17 THE PENNSYLVANIA STATE POLICE, THE PENNSYLVANIA BOARD OF  
18 PROBATION AND PAROLE, THE DEPARTMENT OF CORRECTIONS, THE  
19 BOARD, THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS AND  
20 ANY OTHER STATE OR LOCAL AGENCY THE ATTORNEY GENERAL DEEMS  
21 NECESSARY IN ORDER TO CONDUCT A THOROUGH AND ACCURATE  
22 PERFORMANCE AUDIT.

23 (2) TO PREPARE AN ANNUAL REPORT OF ITS FINDINGS AND ANY  
24 ACTION THAT IT RECOMMENDS BE TAKEN BY THE PENNSYLVANIA STATE  
25 POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE  
26 DEPARTMENT OF CORRECTIONS, THE BOARD, THE ADMINISTRATIVE  
27 OFFICE OF PENNSYLVANIA COURTS, OTHER STATE OR LOCAL AGENCIES  
28 AND THE GENERAL ASSEMBLY TO ENSURE COMPLIANCE WITH THIS  
29 SUBCHAPTER AND SUBCHAPTER I. THE FIRST REPORT SHALL BE  
30 RELEASED TO THE GENERAL PUBLIC NO FEWER THAN 18 MONTHS

1 [FOLLOWING THE EFFECTIVE DATE OF THIS SECTION] AFTER DECEMBER  
2 20, 2012.

3 \* \* \*

4 SECTION 13. SECTIONS 9799.39 AND 9799.42 OF TITLE 42,  
5 AMENDED OR ADDED FEBRUARY 21, 2018 (P.L.27, NO.10), ARE  
6 REENACTED TO READ:

7 § 9799.39. PHOTOGRAPHS AND FINGERPRINTING.

8 AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER SECTION 9799.13  
9 (RELATING TO APPLICABILITY) SHALL SUBMIT TO FINGERPRINTING AND  
10 PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER. FINGERPRINTING AS  
11 REQUIRED BY THIS SUBCHAPTER SHALL, AT A MINIMUM, REQUIRE  
12 SUBMISSION OF A FULL SET OF FINGERPRINTS AND PALM PRINTS.  
13 PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A  
14 MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE FACE AND ANY  
15 SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF THE  
16 INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS  
17 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND  
18 FOR GENERAL LAW ENFORCEMENT PURPOSES.

19 § 9799.42. STANDING FOR PENNSYLVANIA STATE POLICE.

20 EXCEPT FOR PETITIONS FILED UNDER SECTION 9799.15(A.2)  
21 (RELATING TO PERIOD OF REGISTRATION), THE PENNSYLVANIA STATE  
22 POLICE SHALL HAVE STANDING TO APPEAR AND CONTEST A FILING IN A  
23 COURT OF THIS COMMONWEALTH WHICH SEEKS TO CHALLENGE IN ANY WAY  
24 THE OBLIGATION OF AN INDIVIDUAL REQUIRED TO REGISTER WITH THE  
25 PENNSYLVANIA STATE POLICE UNDER THIS SUBCHAPTER.

26 SECTION 14. SUBCHAPTER I HEADING OF CHAPTER 97 AND SECTIONS  
27 9799.51 AND 9799.52 OF TITLE 42, ADDED FEBRUARY 21, 2018  
28 (P.L.27, NO.10), ARE REENACTED TO READ:

29 SUBCHAPTER I

30 CONTINUED REGISTRATION OF SEXUAL OFFENDERS

1 § 9799.51. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY.

2 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DETERMINED AND  
3 DECLARED AS A MATTER OF LEGISLATIVE FINDING:

4 (1) IF THE PUBLIC IS PROVIDED ADEQUATE NOTICE AND  
5 INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS AND OFFENDERS AS  
6 WELL AS THOSE SEXUALLY VIOLENT PREDATORS AND OFFENDERS WHO DO  
7 NOT HAVE A FIXED PLACE OF HABITATION OR ABODE, THE COMMUNITY  
8 CAN DEVELOP CONSTRUCTIVE PLANS TO PREPARE ITSELF FOR THE  
9 RELEASE OF SEXUALLY VIOLENT PREDATORS AND OFFENDERS. THIS  
10 ALLOWS COMMUNITIES TO MEET WITH LAW ENFORCEMENT TO PREPARE  
11 AND OBTAIN INFORMATION ABOUT THE RIGHTS AND RESPONSIBILITIES  
12 OF THE COMMUNITY AND TO PROVIDE EDUCATION AND COUNSELING TO  
13 THEIR CHILDREN.

14 (2) THESE SEXUALLY VIOLENT PREDATORS AND OFFENDERS POSE  
15 A HIGH RISK OF ENGAGING IN FURTHER OFFENSES EVEN AFTER BEING  
16 RELEASED FROM INCARCERATION OR COMMITMENTS, AND PROTECTION OF  
17 THE PUBLIC FROM THIS TYPE OF OFFENDER IS A PARAMOUNT  
18 GOVERNMENTAL INTEREST.

19 (3) THE PENAL AND MENTAL HEALTH COMPONENTS OF OUR  
20 JUSTICE SYSTEM ARE LARGELY HIDDEN FROM PUBLIC VIEW, AND LACK  
21 OF INFORMATION FROM EITHER MAY RESULT IN FAILURE OF BOTH  
22 SYSTEMS TO MEET THIS PARAMOUNT CONCERN OF PUBLIC SAFETY.

23 (4) OVERLY RESTRICTIVE CONFIDENTIALITY AND LIABILITY  
24 LAWS GOVERNING THE RELEASE OF INFORMATION ABOUT SEXUALLY  
25 VIOLENT PREDATORS AND OFFENDERS HAVE REDUCED THE WILLINGNESS  
26 TO RELEASE INFORMATION THAT COULD BE APPROPRIATELY RELEASED  
27 UNDER THE PUBLIC DISCLOSURE LAWS AND HAVE INCREASED RISKS TO  
28 PUBLIC SAFETY.

29 (5) PERSONS FOUND TO HAVE COMMITTED A SEXUAL OFFENSE  
30 HAVE A REDUCED EXPECTATION OF PRIVACY BECAUSE OF THE PUBLIC'S

1 INTEREST IN PUBLIC SAFETY AND IN THE EFFECTIVE OPERATION OF  
2 GOVERNMENT.

3 (6) RELEASE OF INFORMATION ABOUT SEXUALLY VIOLENT  
4 PREDATORS AND OFFENDERS TO PUBLIC AGENCIES AND THE GENERAL  
5 PUBLIC WILL FURTHER THE GOVERNMENTAL INTERESTS OF PUBLIC  
6 SAFETY AND PUBLIC SCRUTINY OF THE CRIMINAL AND MENTAL HEALTH  
7 SYSTEMS SO LONG AS THE INFORMATION RELEASED IS RATIONALLY  
8 RELATED TO THE FURTHERANCE OF THOSE GOALS.

9 (B) DECLARATION OF POLICY.--IT IS HEREBY DECLARED TO BE THE  
10 INTENTION OF THE GENERAL ASSEMBLY TO:

11 (1) PROTECT THE SAFETY AND GENERAL WELFARE OF THE PEOPLE  
12 OF THIS COMMONWEALTH BY PROVIDING FOR REGISTRATION, COMMUNITY  
13 NOTIFICATION AND ACCESS TO INFORMATION REGARDING SEXUALLY  
14 VIOLENT PREDATORS AND OFFENDERS WHO ARE ABOUT TO BE RELEASED  
15 FROM CUSTODY AND WILL LIVE IN OR NEAR THEIR NEIGHBORHOOD.

16 (2) REQUIRE THE EXCHANGE OF RELEVANT INFORMATION ABOUT  
17 SEXUALLY VIOLENT PREDATORS AND OFFENDERS AMONG PUBLIC  
18 AGENCIES AND OFFICIALS AND TO AUTHORIZE THE RELEASE OF  
19 NECESSARY AND RELEVANT INFORMATION ABOUT SEXUALLY VIOLENT  
20 PREDATORS AND OFFENDERS TO MEMBERS OF THE GENERAL PUBLIC,  
21 INCLUDING INFORMATION AVAILABLE THROUGH THE PUBLICLY  
22 ACCESSIBLE INTERNET WEBSITE OF THE PENNSYLVANIA STATE POLICE,  
23 AS A MEANS OF ASSURING PUBLIC PROTECTION AND SHALL NOT BE  
24 CONSTRUED AS PUNITIVE.

25 (3) ADDRESS THE SUPERIOR COURT'S OPINION IN THE CASE OF  
26 COMMONWEALTH V. WILGUS, 975 A.2D 1183 (2009), BY REQUIRING  
27 SEXUALLY VIOLENT PREDATORS AND OFFENDERS WITHOUT A FIXED  
28 PLACE OF HABITATION OR ABODE TO REGISTER UNDER THIS  
29 SUBCHAPTER.

30 (4) ADDRESS THE PENNSYLVANIA SUPREME COURT'S DECISION IN

1 COMMONWEALTH V. MUNIZ, NO. 47 MAP 2016 (PA. 2016), AND THE  
2 PENNSYLVANIA SUPERIOR COURT'S DECISION IN COMMONWEALTH V.  
3 BUTLER (2017 WL 3882445).

4 § 9799.52. SCOPE.

5 THIS SUBCHAPTER SHALL APPLY TO INDIVIDUALS WHO WERE:

6 (1) CONVICTED OF A SEXUALLY VIOLENT OFFENSE COMMITTED ON  
7 OR AFTER APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE  
8 PERIOD OF REGISTRATION WITH THE PENNSYLVANIA STATE POLICE, AS  
9 DESCRIBED IN SECTION 9799.55 (RELATING TO REGISTRATION), HAS  
10 NOT EXPIRED; OR

11 (2) REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE  
12 POLICE UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW OF  
13 THIS COMMONWEALTH ON OR AFTER APRIL 22, 1996, BUT BEFORE  
14 DECEMBER 20, 2012, WHOSE PERIOD OF REGISTRATION HAS NOT  
15 EXPIRED.

16 SECTION 15. SECTIONS 9799.53 AND 9799.54 OF TITLE 42, ADDED  
17 FEBRUARY 21, 2018 (P.L.27, NO.10), ARE REENACTED AND AMENDED TO  
18 READ:

19 § 9799.53. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "ACTIVE NOTIFICATION." NOTIFICATION IN ACCORDANCE WITH  
24 SECTION 9799.62 (RELATING TO OTHER NOTIFICATION) OR A PROCESS  
25 WHEREBY LAW ENFORCEMENT, PURSUANT TO THE LAWS OF THE UNITED  
26 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE,  
27 THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A  
28 FOREIGN NATION, NOTIFIES PERSONS IN THE COMMUNITY IN WHICH THE  
29 INDIVIDUAL RESIDES, INCLUDING A PERSON IDENTIFIED IN SECTION  
30 9799.62(B), OF THE RESIDENCE, EMPLOYMENT OR SCHOOL LOCATION OF

1 THE INDIVIDUAL.

2 "APPROVED REGISTRATION SITE." A SITE IN THIS COMMONWEALTH  
3 APPROVED BY THE PENNSYLVANIA STATE POLICE AS REQUIRED BY SECTION  
4 9799.67(2) (RELATING TO DUTIES OF PENNSYLVANIA STATE POLICE):

5 (1) AT WHICH INDIVIDUALS SUBJECT TO THIS SUBCHAPTER MAY  
6 REGISTER, VERIFY INFORMATION OR BE FINGERPRINTED OR  
7 PHOTOGRAPHED AS REQUIRED BY THIS SUBCHAPTER;

8 (2) WHICH IS CAPABLE OF SUBMITTING FINGERPRINTS  
9 UTILIZING THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION  
10 SYSTEM OR IN ANOTHER MANNER AND IN THE FORM AS THE  
11 PENNSYLVANIA STATE POLICE SHALL REQUIRE; AND

12 (3) WHICH IS CAPABLE OF SUBMITTING PHOTOGRAPHS UTILIZING  
13 THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN ANOTHER MANNER  
14 AND IN THE FORM AS THE PENNSYLVANIA STATE POLICE SHALL  
15 REQUIRE.

16 "BOARD." THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD.

17 "COMMON INTEREST COMMUNITY." INCLUDES A COOPERATIVE, A  
18 CONDOMINIUM AND A PLANNED COMMUNITY WHERE AN INDIVIDUAL BY  
19 VIRTUE OF AN OWNERSHIP INTEREST IN A PORTION OF REAL ESTATE IS  
20 OR MAY BECOME OBLIGATED BY COVENANT, EASEMENT OR AGREEMENT  
21 IMPOSED UPON THE OWNER'S INTEREST TO PAY AN AMOUNT FOR REAL  
22 PROPERTY TAXES, INSURANCE, MAINTENANCE, REPAIR, IMPROVEMENT,  
23 MANAGEMENT, ADMINISTRATION OR REGULATION OF ANY PART OF THE REAL  
24 ESTATE OTHER THAN THE PORTION OR INTEREST OWNED SOLELY BY THE  
25 INDIVIDUAL.

26 "COMMONWEALTH PHOTO IMAGING NETWORK." THE COMPUTER NETWORK  
27 ADMINISTERED BY THE COMMONWEALTH AND USED TO RECORD AND STORE  
28 DIGITAL PHOTOGRAPHS OF AN INDIVIDUAL'S FACE AND SCARS, MARKS,  
29 TATTOOS OR OTHER UNIQUE FEATURES OF THE INDIVIDUAL.

30 "EMPLOYED." INCLUDES A VOCATION OR EMPLOYMENT THAT IS FULL

1 TIME OR PART TIME FOR A PERIOD OF TIME EXCEEDING 14 DAYS OR FOR  
2 AN AGGREGATE PERIOD OF TIME EXCEEDING 30 DAYS DURING A CALENDAR  
3 YEAR, WHETHER FINANCIALLY COMPENSATED, VOLUNTEERED, UNDER A  
4 CONTRACT OR FOR THE PURPOSE OF GOVERNMENT OR EDUCATIONAL  
5 BENEFIT.

6 "INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM."  
7 THE NATIONAL FINGERPRINT AND CRIMINAL HISTORY SYSTEM MAINTAINED  
8 BY THE FEDERAL BUREAU OF INVESTIGATION PROVIDING AUTOMATED  
9 FINGERPRINT SEARCH CAPABILITIES, LATENT SEARCHING CAPABILITY,  
10 ELECTRONIC IMAGE STORAGE AND ELECTRONIC EXCHANGE OF FINGERPRINTS  
11 AND RESPONSES.

12 "MENTAL ABNORMALITY." A CONGENITAL OR ACQUIRED CONDITION OF  
13 A PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF  
14 THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE  
15 COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE  
16 PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

17 "MINOR." AS USED IN SECTION 9799.55 (RELATING TO  
18 REGISTRATION), AN INDIVIDUAL UNDER 18 YEARS OF AGE UNLESS THE  
19 AGE OF THE VICTIM WHO IS CONSIDERED A MINOR IS OTHERWISE DEFINED  
20 IN SECTION 9799.55.

21 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN OR  
22 TOWNSHIP.

23 "OFFENDER." SUBJECT TO SECTION 9799.75 (RELATING TO  
24 CONSTRUCTION OF SUBCHAPTER), AN INDIVIDUAL REQUIRED TO REGISTER  
25 UNDER SECTION 9799.55 (A), (B) (1) OR (2) (RELATING TO  
26 REGISTRATION).

27 "PASSIVE NOTIFICATION." NOTIFICATION IN ACCORDANCE WITH  
28 SECTION 9799.63 (RELATING TO INFORMATION MADE AVAILABLE ON  
29 INTERNET AND ELECTRONIC NOTIFICATION) OR A PROCESS WHEREBY  
30 PERSONS, UNDER THE LAWS OF THE UNITED STATES OR ONE OF ITS

1 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF  
2 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION,  
3 ARE ABLE TO ACCESS INFORMATION PERTAINING TO AN INDIVIDUAL AS A  
4 RESULT OF THE INDIVIDUAL HAVING BEEN CONVICTED OR SENTENCED BY A  
5 COURT FOR AN OFFENSE SIMILAR TO AN OFFENSE LISTED IN SECTION  
6 9799.55 (RELATING TO REGISTRATION).

7 "PENETRATION." INCLUDES ANY PENETRATION, HOWEVER SLIGHT, OF  
8 THE GENITALS, ANUS OR MOUTH OF ANOTHER PERSON WITH A PART OF THE  
9 PERSON'S BODY OR A FOREIGN OBJECT FOR A PURPOSE OTHER THAN GOOD  
10 FAITH MEDICAL, HYGIENIC OR LAW ENFORCEMENT PROCEDURES.

11 "PREDATORY." AN ACT DIRECTED AT A STRANGER OR AT A PERSON  
12 WITH WHOM A RELATIONSHIP HAS BEEN INITIATED, ESTABLISHED,  
13 MAINTAINED OR PROMOTED, IN WHOLE OR IN PART, IN ORDER TO  
14 FACILITATE OR SUPPORT VICTIMIZATION.

15 "RESIDENCE." WITH RESPECT TO AN INDIVIDUAL REQUIRED TO  
16 REGISTER UNDER THIS SUBCHAPTER, ANY OF THE FOLLOWING:

17 (1) A LOCATION WHERE AN INDIVIDUAL RESIDES OR IS  
18 DOMICILED OR INTENDS TO BE DOMICILED FOR 30 CONSECUTIVE DAYS  
19 OR MORE DURING A CALENDAR YEAR.

20 (2) IN THE CASE OF AN INDIVIDUAL WHO FAILS TO ESTABLISH  
21 A RESIDENCE AS SPECIFIED IN PARAGRAPH (1), A TEMPORARY  
22 HABITAT OR OTHER TEMPORARY PLACE OF ABODE OR DWELLING,  
23 INCLUDING, BUT NOT LIMITED TO, A HOMELESS SHELTER OR PARK,  
24 WHERE THE INDIVIDUAL IS LODGED.

25 "SEXUALLY VIOLENT OFFENSE." THE FOLLOWING CRIMINAL OFFENSES:

26 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2):

27 (I) A CRIMINAL OFFENSE SPECIFIED IN SECTION 9799.55  
28 (RELATING TO REGISTRATION) COMMITTED ON OR AFTER APRIL  
29 22, 1996, BUT BEFORE DECEMBER 20, 2012, FOR WHICH THE  
30 INDIVIDUAL WAS CONVICTED; OR

1 (II) A CRIMINAL OFFENSE FOR WHICH AN INDIVIDUAL WAS  
2 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE  
3 UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW OF THIS  
4 COMMONWEALTH ON OR AFTER APRIL 22, 1996, BUT BEFORE  
5 DECEMBER 20, 2012, WHOSE PERIOD OF REGISTRATION HAS NOT  
6 EXPIRED.

7 (2) THE FOLLOWING CRIMINAL OFFENSES COMMITTED ON OR  
8 AFTER JANUARY 26, 2005, BUT BEFORE DECEMBER 20, 2012, FOR  
9 WHICH THE INDIVIDUAL WAS CONVICTED:

10 (I) 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD  
11 INTO A MOTOR VEHICLE OR STRUCTURE).

12 (II) 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL  
13 SEXUAL ASSAULT).

14 "SEXUALLY VIOLENT PREDATOR." SUBJECT TO SECTION 9799.75  
15 (RELATING TO CONSTRUCTION OF SUBCHAPTER), A PERSON WHO HAS BEEN  
16 CONVICTED OF A SEXUALLY VIOLENT OFFENSE AND WHO IS DETERMINED TO  
17 BE A SEXUALLY VIOLENT PREDATOR UNDER SECTION 9799.58 (RELATING  
18 TO ASSESSMENTS) DUE TO A MENTAL ABNORMALITY OR PERSONALITY  
19 DISORDER THAT MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY  
20 SEXUALLY VIOLENT OFFENSES[.] OR WHO HAS EVER BEEN DETERMINED BY  
21 A COURT TO HAVE A MENTAL ABNORMALITY OR PERSONALITY DISORDER  
22 THAT MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY SEXUALLY  
23 VIOLENT OFFENSES UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW  
24 OF THIS COMMONWEALTH. THE TERM INCLUDES AN INDIVIDUAL DETERMINED  
25 TO BE A SEXUALLY VIOLENT PREDATOR WHERE THE DETERMINATION  
26 OCCURRED IN THE UNITED STATES OR ONE OF ITS TERRITORIES OR  
27 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE  
28 COMMONWEALTH OF PUERTO RICO, A FOREIGN NATION OR BY COURT  
29 MARTIAL.

30 "STUDENT." A PERSON WHO IS ENROLLED ON A FULL-TIME OR PART-

1 TIME BASIS IN A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION,  
2 INCLUDING A SECONDARY SCHOOL, TRADE OR PROFESSIONAL INSTITUTION  
3 OR INSTITUTION OF HIGHER EDUCATION.

4 § 9799.54. APPLICABILITY.

5 (A) REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL REGISTER  
6 WITH THE PENNSYLVANIA STATE POLICE AS PROVIDED IN THIS  
7 SUBCHAPTER:

8 (1) AN INDIVIDUAL WHO COMMITTED A SEXUALLY VIOLENT  
9 OFFENSE WITHIN THIS COMMONWEALTH AND WHOSE PERIOD OF  
10 REGISTRATION WITH THE PENNSYLVANIA STATE POLICE, AS SPECIFIED  
11 IN SECTION 9799.55 (RELATING TO REGISTRATION), AS OF [THE  
12 EFFECTIVE DATE OF THIS SECTION] FEBRUARY 21, 2018, HAS NOT  
13 EXPIRED. THE INDIVIDUAL SHALL REGISTER FOR THE PERIOD OF TIME  
14 UNDER SECTION 9799.55 LESS ANY CREDIT FOR TIME SPENT  
15 REGISTERED WITH THE PENNSYLVANIA STATE POLICE PRIOR TO [THE  
16 EFFECTIVE DATE OF THIS SECTION] FEBRUARY 21, 2018.

17 (2) AN INDIVIDUAL WHO COMMITTED A SEXUALLY VIOLENT  
18 OFFENSE WITHIN THIS COMMONWEALTH AND WHO HAS FAILED TO  
19 REGISTER WITH THE PENNSYLVANIA STATE POLICE. IN SUCH A CASE,  
20 THE INDIVIDUAL SHALL REGISTER FOR THE PERIOD OF TIME UNDER  
21 SECTION 9799.55.

22 (3) AN INDIVIDUAL WHO COMMITTED A SEXUALLY VIOLENT  
23 OFFENSE WITHIN THIS COMMONWEALTH AND IS AN INMATE IN A STATE  
24 OR COUNTY CORRECTIONAL FACILITY OF THIS COMMONWEALTH,  
25 INCLUDING A COMMUNITY CORRECTIONS CENTER OR A COMMUNITY  
26 CONTRACT FACILITY, IS BEING SUPERVISED BY THE PENNSYLVANIA  
27 BOARD OF PROBATION AND PAROLE OR COUNTY PROBATION OR PAROLE,  
28 IS SUBJECT TO A SENTENCE OF INTERMEDIATE PUNISHMENT OR HAS  
29 SUPERVISION TRANSFERRED UNDER THE INTERSTATE COMPACT FOR  
30 ADULT SUPERVISION IN ACCORDANCE WITH SECTION 9799.62 (E)

1 (RELATING TO OTHER NOTIFICATION). THE INDIVIDUAL SHALL  
2 REGISTER FOR THE PERIOD OF TIME UNDER SECTION 9799.55, EXCEPT  
3 THAT THE PERIOD REQUIRED IN SECTION 9799.55 SHALL BE TOLLED  
4 FOR ANY PERIOD OF TIME THE INDIVIDUAL IS RECOMMITTED FOR A  
5 PAROLE VIOLATION OR SENTENCED TO A TERM OF IMPRISONMENT.

6 (4) AN INDIVIDUAL WHO WAS CONVICTED OF AN OFFENSE  
7 SIMILAR TO AN OFFENSE SET FORTH IN SECTION 9799.55 UNDER THE  
8 LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR  
9 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE  
10 COMMONWEALTH OF PUERTO RICO, A FOREIGN NATION OR UNDER A  
11 FORMER LAW OF THIS COMMONWEALTH OR WHO WAS COURT MARTIALED  
12 FOR A SIMILAR OFFENSE AND WHO, AS OF [THE EFFECTIVE DATE OF  
13 THIS SECTION] FEBRUARY 21, 2018, HAS NOT COMPLETED  
14 REGISTRATION REQUIREMENTS. THE PERIOD OF REGISTRATION SHALL  
15 BE AS SET FORTH IN SECTION 9799.56(B) (4) (RELATING TO  
16 REGISTRATION PROCEDURES AND APPLICABILITY) LESS ANY CREDIT  
17 FOR TIME SPENT ON A SEXUAL OFFENDER REGISTRY OF THE UNITED  
18 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER  
19 STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO  
20 RICO, A FOREIGN NATION OR WITH THE PENNSYLVANIA STATE POLICE  
21 PRIOR TO [THE EFFECTIVE DATE OF THIS SECTION] FEBRUARY 21,  
22 2018.

23 (B) INITIAL REGISTRATION.--INDIVIDUALS REQUIRED TO REGISTER  
24 UNDER THIS SECTION SHALL HAVE 90 DAYS FROM [THE EFFECTIVE DATE  
25 OF THIS SECTION] FEBRUARY 21, 2018 TO INITIALLY REGISTER WITH  
26 THE PENNSYLVANIA STATE POLICE. THE INDIVIDUAL SHALL APPEAR AT AN  
27 APPROVED REGISTRATION SITE TO BE PHOTOGRAPHED, FINGERPRINTED AND  
28 TO VERIFY INFORMATION. THE PENNSYLVANIA STATE POLICE SHALL SEND  
29 A NOTICE BY FIRST CLASS UNITED STATES MAIL TO THE INDIVIDUAL'S  
30 LAST REPORTED RESIDENCE IN ORDER TO INFORM THE INDIVIDUAL OF THE

1 REQUIREMENTS OF THIS SUBCHAPTER. THE NOTICE SHALL SPECIFICALLY  
2 INFORM THE INDIVIDUAL OF THE DUTIES SPECIFIED IN SECTION 9799.57  
3 (RELATING TO SENTENCING COURT INFORMATION). THE NOTICE SHALL BE  
4 SENT NO LATER THAN 30 DAYS FROM [THE EFFECTIVE DATE OF THIS  
5 SECTION] FEBRUARY 21, 2018. THE NOTICE SHALL ALSO PROVIDE A LIST  
6 OF APPROVED REGISTRATION SITES. NEITHER FAILURE ON THE PART OF  
7 THE PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF AN  
8 INDIVIDUAL TO RECEIVE NOTICE OR INFORMATION UNDER THIS PARAGRAPH  
9 SHALL RELIEVE THE INDIVIDUAL OF THE REQUIREMENTS OF THIS  
10 SUBCHAPTER.

11 SECTION 16. SECTIONS 9799.55 AND 9799.56, ADDED FEBRUARY 21,  
12 2018 (P.L.27, NO.10), ARE REENACTED TO READ:

13 § 9799.55. REGISTRATION.

14 (A) TEN-YEAR REGISTRATION.--EXCEPT AS PROVIDED UNDER  
15 SUBSECTION (A.1) OR (B), THE FOLLOWING INDIVIDUALS SHALL BE  
16 REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE POLICE FOR A  
17 PERIOD OF 10 YEARS:

18 (1) (I) (A) INDIVIDUALS CONVICTED WITHIN THIS  
19 COMMONWEALTH OF ANY OF THE FOLLOWING OFFENSES  
20 COMMITTED ON OR AFTER APRIL 22, 1996, BUT BEFORE  
21 DECEMBER 20, 2012:

22 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING) WHERE  
23 THE VICTIM IS A MINOR.

24 18 PA.C.S. § 3126 (RELATING TO INDECENT ASSAULT)  
25 WHERE THE OFFENSE IS GRADED AS A MISDEMEANOR OF THE  
26 FIRST DEGREE OR HIGHER.

27 18 PA.C.S. § 4302 (RELATING TO INCEST) WHERE THE  
28 VICTIM IS 12 YEARS OF AGE OR OLDER BUT UNDER 18 YEARS  
29 OF AGE.

30 18 PA.C.S. § 5902(B) OR (B.1) (RELATING TO

1 PROSTITUTION AND RELATED OFFENSES) WHERE THE ACTOR  
2 PROMOTES THE PROSTITUTION OF A MINOR.

3 18 PA.C.S. § 5903(A) (3), (4), (5) OR (6)  
4 (RELATING TO OBSCENE AND OTHER SEXUAL MATERIALS AND  
5 PERFORMANCES) WHERE THE VICTIM IS A MINOR.

6 18 PA.C.S. § 6312 (RELATING TO SEXUAL ABUSE OF  
7 CHILDREN).

8 18 PA.C.S. § 6318 (RELATING TO UNLAWFUL CONTACT  
9 WITH MINOR).

10 18 PA.C.S. § 6320 (RELATING TO SEXUAL  
11 EXPLOITATION OF CHILDREN).

12 (B) INDIVIDUALS CONVICTED WITHIN THIS  
13 COMMONWEALTH OF AN OFFENSE SET FORTH IN CLAUSE (A)  
14 WHO WERE REQUIRED TO REGISTER WITH THE PENNSYLVANIA  
15 STATE POLICE UNDER A FORMER SEXUAL OFFENDER  
16 REGISTRATION LAW OF THIS COMMONWEALTH ON OR AFTER  
17 APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012, WHOSE  
18 PERIOD OF REGISTRATION HAS NOT EXPIRED.

19 (II) INDIVIDUALS CONVICTED WITHIN THIS COMMONWEALTH  
20 OF ANY OF THE FOLLOWING OFFENSES COMMITTED ON OR AFTER  
21 JANUARY 26, 2005, BUT BEFORE DECEMBER 20, 2012:

22 18 PA.C.S. § 2910 (RELATING TO LURING A CHILD  
23 INTO A MOTOR VEHICLE OR STRUCTURE).

24 18 PA.C.S. § 3124.2 (RELATING TO INSTITUTIONAL  
25 SEXUAL ASSAULT).

26 (2) INDIVIDUALS CONVICTED OF AN ATTEMPT, CONSPIRACY OR  
27 SOLICITATION TO COMMIT ANY OF THE OFFENSES UNDER PARAGRAPH  
28 (1) (I) OR (II) OR SUBSECTION (B) (2).

29 (3) INDIVIDUALS WHO CURRENTLY HAVE A RESIDENCE IN THIS  
30 COMMONWEALTH WHO HAVE BEEN CONVICTED OF OFFENSES SIMILAR TO

1 THE CRIMES CITED IN PARAGRAPHS (1) (I) OR (II) AND (2) UNDER  
2 THE LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR  
3 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE  
4 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION OR UNDER A  
5 FORMER LAW OF THIS COMMONWEALTH.

6 (A.1) EXCEPTION TO 10-YEAR REGISTRATION.--EXCEPT AS PROVIDED  
7 UNDER SUBSECTION (B), AN INDIVIDUAL CONSIDERED TO BE AN OFFENDER  
8 UNDER SECTION 9799.56(B) (RELATING TO REGISTRATION PROCEDURES  
9 AND APPLICABILITY) SHALL BE REQUIRED TO REGISTER WITH THE  
10 PENNSYLVANIA STATE POLICE FOR A PERIOD LESS THAN LIFE, THE  
11 DURATION OF WHICH IS TO BE DETERMINED UNDER SECTIONS 9799.54  
12 (RELATING TO APPLICABILITY) AND 9799.56(B).

13 (B) LIFETIME REGISTRATION.--THE FOLLOWING INDIVIDUALS SHALL  
14 BE SUBJECT TO LIFETIME REGISTRATION:

15 (1) AN INDIVIDUAL WITH TWO OR MORE CONVICTIONS OF ANY OF  
16 THE OFFENSES SET FORTH IN SUBSECTION (A).

17 (2) INDIVIDUALS CONVICTED:

18 (I) (A) IN THIS COMMONWEALTH OF THE FOLLOWING  
19 OFFENSES, IF COMMITTED ON OR AFTER APRIL 22, 1996,  
20 BUT BEFORE DECEMBER 20, 2012:

21 18 PA.C.S. § 3121 (RELATING TO RAPE);

22 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY  
23 DEVIATE SEXUAL INTERCOURSE);

24 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL ASSAULT);

25 18 PA.C.S. § 3125 (RELATING TO AGGRAVATED  
26 INDECENT ASSAULT); OR

27 18 PA.C.S. § 4302 WHEN THE VICTIM IS UNDER 12  
28 YEARS OF AGE; OR

29 (B) IN THIS COMMONWEALTH OF OFFENSES SET FORTH  
30 IN CLAUSE (A) WHO WERE REQUIRED TO REGISTER WITH THE

1 PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL  
2 OFFENDER REGISTRATION LAW OF THIS COMMONWEALTH ON OR  
3 AFTER APRIL 22, 1996, BUT BEFORE DECEMBER 20, 2012,  
4 WHOSE PERIOD OF REGISTRATION HAS NOT EXPIRED; OR

5 (II) OF OFFENSES SIMILAR TO THE CRIMES CITED IN  
6 SUBPARAGRAPH (I) UNDER THE LAWS OF THE UNITED STATES OR  
7 ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE  
8 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR  
9 A FOREIGN NATION OR UNDER A FORMER LAW OF THIS  
10 COMMONWEALTH, IF COMMITTED, OR FOR WHICH REGISTRATION  
11 WITH THE PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL  
12 OFFENDER REGISTRATION LAW OF THIS COMMONWEALTH WAS  
13 REQUIRED, ON OR AFTER APRIL 22, 1996, BUT BEFORE DECEMBER  
14 20, 2012, WHO CURRENTLY RESIDE IN THIS COMMONWEALTH.

15 (3) SEXUALLY VIOLENT PREDATORS.

16 (4) AN INDIVIDUAL WHO IS CONSIDERED TO BE A SEXUALLY  
17 VIOLENT PREDATOR UNDER SECTION 9799.56(B) OR WHO IS OTHERWISE  
18 REQUIRED TO REGISTER FOR LIFE UNDER SECTION 9799.56(B), IF  
19 THE SEXUAL OFFENSE WHICH IS THE BASIS FOR THE CONSIDERATION  
20 OR REQUIREMENT FOR WHICH THE INDIVIDUAL WAS CONVICTED WAS  
21 COMMITTED, OR FOR WHICH REGISTRATION WITH THE PENNSYLVANIA  
22 STATE POLICE UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW  
23 OF THIS COMMONWEALTH WAS REQUIRED, ON OR AFTER APRIL 22,  
24 1996, BUT BEFORE DECEMBER 20, 2012.

25 (C) NATURAL DISASTER.--THE OCCURRENCE OF A NATURAL DISASTER  
26 OR OTHER EVENT REQUIRING EVACUATION OF RESIDENCES SHALL NOT  
27 RELIEVE AN INDIVIDUAL OF THE DUTY TO REGISTER OR ANY OTHER DUTY  
28 IMPOSED BY THIS SUBCHAPTER.

29 (D) RESIDENTS IN GROUP-BASED HOMES.--

30 (1) A GROUP-BASED HOME MAY NOT PROVIDE CONCURRENT

1 RESIDENCE IN THE GROUP-BASED HOME TO MORE THAN FIVE  
2 INDIVIDUALS IN TOTAL WHO ARE REQUIRED TO REGISTER UNDER  
3 SUBCHAPTER H (RELATING TO REGISTRATION OF SEXUAL OFFENDERS)  
4 AND THIS SUBCHAPTER AS SEXUALLY VIOLENT PREDATORS.

5 (2) A GROUP-BASED HOME THAT VIOLATES PARAGRAPH (1) SHALL  
6 BE SUBJECT TO A CIVIL PENALTY IN THE AMOUNT OF \$2,500 FOR A  
7 FIRST VIOLATION AND IN THE AMOUNT OF \$5,000 FOR A SECOND OR  
8 SUBSEQUENT VIOLATION.

9 (3) THE PENNSYLVANIA STATE POLICE OR LOCAL LAW  
10 ENFORCEMENT AGENCY OF JURISDICTION SHALL INVESTIGATE  
11 COMPLIANCE WITH THIS SUBSECTION, AND THE ATTORNEY GENERAL OR  
12 DISTRICT ATTORNEY MAY COMMENCE A CIVIL ACTION IN THE COURT OF  
13 COMMON PLEAS OF THE COUNTY IN WHICH A GROUP-BASED HOME IS  
14 LOCATED TO IMPOSE AND COLLECT FROM THE GROUP-BASED HOME THE  
15 PENALTY UNDER PARAGRAPH (2).

16 (4) AS USED IN THIS SUBSECTION, THE TERM "GROUP-BASED  
17 HOME" HAS THE MEANING GIVEN TO IT IN 61 PA.C.S. § 6124(C)  
18 (RELATING TO CERTAIN OFFENDERS RESIDING IN GROUP-BASED  
19 HOMES).

20 § 9799.56. REGISTRATION PROCEDURES AND APPLICABILITY.

21 (A) REGISTRATION.--

22 (1) (I) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL  
23 BE REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE  
24 POLICE AS SPECIFIED IN SECTION 9799.54 (RELATING TO  
25 APPLICABILITY).

26 (II) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL  
27 BE REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE  
28 POLICE UPON RELEASE FROM INCARCERATION, UPON PAROLE FROM  
29 A STATE OR COUNTY CORRECTIONAL FACILITY OR UPON THE  
30 COMMENCEMENT OF A SENTENCE OF INTERMEDIATE PUNISHMENT OR

1 PROBATION.

2 (III) FOR PURPOSES OF REGISTRATION, OFFENDERS AND  
3 SEXUALLY VIOLENT PREDATORS SHALL PROVIDE THE PENNSYLVANIA  
4 STATE POLICE WITH ALL CURRENT OR INTENDED RESIDENCES, ALL  
5 INFORMATION CONCERNING CURRENT OR INTENDED EMPLOYMENT AND  
6 ALL INFORMATION CONCERNING CURRENT OR INTENDED ENROLLMENT  
7 AS A STUDENT.

8 (2) OFFENDERS AND SEXUALLY VIOLENT PREDATORS SHALL  
9 INFORM THE PENNSYLVANIA STATE POLICE WITHIN THREE BUSINESS  
10 DAYS OF:

11 (I) A CHANGE OF RESIDENCE OR ESTABLISHMENT OF AN  
12 ADDITIONAL RESIDENCE OR RESIDENCES. IN THE CASE OF AN  
13 INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH  
14 (2) OF THE DEFINITION OF "RESIDENCE" IN SECTION 9799.53  
15 (RELATING TO DEFINITIONS), THE INDIVIDUAL SHALL INFORM  
16 THE PENNSYLVANIA STATE POLICE OF THE FOLLOWING:

17 (A) THE LOCATION OF A TEMPORARY HABITAT OR OTHER  
18 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A  
19 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS  
20 LODGED;

21 (B) A LIST OF PLACES THE INDIVIDUAL EATS,  
22 FREQUENTS AND ENGAGES IN LEISURE ACTIVITIES AND ANY  
23 PLANNED DESTINATIONS, INCLUDING THOSE OUTSIDE THIS  
24 COMMONWEALTH; AND

25 (C) THE PLACE THE INDIVIDUAL RECEIVES MAIL,  
26 INCLUDING A POST OFFICE BOX.

27 THE DUTY TO PROVIDE THE INFORMATION SPECIFIED IN THIS  
28 SUBPARAGRAPH SHALL APPLY UNTIL THE INDIVIDUAL ESTABLISHES  
29 A RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION  
30 OF "RESIDENCE" IN SECTION 9799.53. IF THE INDIVIDUAL WHO

1 HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE  
2 DEFINITION OF "RESIDENCE" IN SECTION 9799.53 CHANGES OR  
3 ADDS TO THE PLACES LISTED IN THIS SUBPARAGRAPH DURING A  
4 30-DAY PERIOD, THE INDIVIDUAL SHALL LIST THESE WHEN  
5 REREGISTERING DURING THE NEXT 30-DAY PERIOD.

6 (II) A CHANGE OF EMPLOYER OR EMPLOYMENT LOCATION FOR  
7 A PERIOD OF TIME THAT WILL EXCEED 14 DAYS OR FOR AN  
8 AGGREGATE PERIOD OF TIME THAT WILL EXCEED 30 DAYS DURING  
9 A CALENDAR YEAR, OR TERMINATION OF EMPLOYMENT.

10 (III) A CHANGE OF INSTITUTION OR LOCATION AT WHICH  
11 THE PERSON IS ENROLLED AS A STUDENT, OR TERMINATION OF  
12 ENROLLMENT.

13 (IV) BECOMING EMPLOYED OR ENROLLED AS A STUDENT IF  
14 THE PERSON HAS NOT PREVIOUSLY PROVIDED THAT INFORMATION  
15 TO THE PENNSYLVANIA STATE POLICE.

16 (2.1) REGISTRATION WITH A NEW LAW ENFORCEMENT AGENCY  
17 SHALL OCCUR NO LATER THAN THREE BUSINESS DAYS AFTER  
18 ESTABLISHING RESIDENCE IN ANOTHER STATE.

19 (3) THE REGISTRATION PERIOD REQUIRED IN SECTION  
20 9799.55(A) AND (A.1) (RELATING TO REGISTRATION) SHALL BE  
21 TOLLED WHEN AN OFFENDER IS RECOMMITTED FOR A PAROLE VIOLATION  
22 OR SENTENCED TO AN ADDITIONAL TERM OF IMPRISONMENT. IN SUCH  
23 CASES, THE DEPARTMENT OF CORRECTIONS OR COUNTY CORRECTIONAL  
24 FACILITY SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OF THE  
25 ADMISSION OF THE OFFENDER.

26 (4) THIS PARAGRAPH SHALL APPLY TO ALL OFFENDERS AND  
27 SEXUALLY VIOLENT PREDATORS:

28 (I) WHERE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR  
29 WAS GRANTED PAROLE BY THE PENNSYLVANIA BOARD OF PROBATION  
30 AND PAROLE OR THE COURT OR IS SENTENCED TO PROBATION OR

1 INTERMEDIATE PUNISHMENT, THE BOARD OR COUNTY OFFICE OF  
2 PROBATION AND PAROLE SHALL COLLECT REGISTRATION  
3 INFORMATION FROM THE OFFENDER OR SEXUALLY VIOLENT  
4 PREDATOR AND FORWARD THAT REGISTRATION INFORMATION TO THE  
5 PENNSYLVANIA STATE POLICE. THE DEPARTMENT OF CORRECTIONS  
6 OR COUNTY CORRECTIONAL FACILITY SHALL NOT RELEASE THE  
7 OFFENDER OR SEXUALLY VIOLENT PREDATOR UNTIL IT RECEIVES  
8 VERIFICATION FROM THE PENNSYLVANIA STATE POLICE THAT THE  
9 PENNSYLVANIA STATE POLICE HAVE RECEIVED THE REGISTRATION  
10 INFORMATION. VERIFICATION BY THE PENNSYLVANIA STATE  
11 POLICE MAY OCCUR BY ELECTRONIC MEANS, INCLUDING E-MAIL OR  
12 FACSIMILE TRANSMISSION. WHERE THE OFFENDER OR SEXUALLY  
13 VIOLENT PREDATOR IS SCHEDULED TO BE RELEASED FROM A STATE  
14 OR COUNTY CORRECTIONAL FACILITY BECAUSE OF THE EXPIRATION  
15 OF THE MAXIMUM TERM OF INCARCERATION, THE DEPARTMENT OF  
16 CORRECTIONS OR COUNTY CORRECTIONAL FACILITY SHALL COLLECT  
17 THE INFORMATION FROM THE OFFENDER OR SEXUALLY VIOLENT  
18 PREDATOR NO LATER THAN 10 DAYS PRIOR TO THE MAXIMUM  
19 EXPIRATION DATE. THE REGISTRATION INFORMATION SHALL BE  
20 FORWARDED TO THE PENNSYLVANIA STATE POLICE.

21 (II) WHERE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR  
22 SCHEDULED TO BE RELEASED FROM A STATE OR COUNTY  
23 CORRECTIONAL FACILITY DUE TO THE MAXIMUM EXPIRATION DATE  
24 REFUSES TO PROVIDE THE REGISTRATION INFORMATION, THE  
25 DEPARTMENT OF CORRECTIONS OR COUNTY CORRECTIONAL FACILITY  
26 SHALL NOTIFY THE PENNSYLVANIA STATE POLICE OR POLICE  
27 DEPARTMENT WITH JURISDICTION OVER THE FACILITY OF THE  
28 FAILURE TO PROVIDE REGISTRATION INFORMATION AND OF THE  
29 EXPECTED DATE, TIME AND LOCATION OF THE RELEASE OF THE  
30 OFFENDER OR SEXUALLY VIOLENT PREDATOR.

1 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT OR  
2 ADJUDICATED DELINQUENT IN JURISDICTIONS OUTSIDE THIS  
3 COMMONWEALTH OR SENTENCED BY COURT MARTIAL.--

4 (1) (RESERVED) .

5 (2) (RESERVED) .

6 (3) (RESERVED) .

7 (4) AN INDIVIDUAL WHO HAS A RESIDENCE, IS EMPLOYED OR IS  
8 A STUDENT IN THIS COMMONWEALTH AND WHO HAS BEEN CONVICTED OF  
9 OR SENTENCED BY A COURT OR COURT MARTIALED FOR A SEXUALLY  
10 VIOLENT OFFENSE OR A SIMILAR OFFENSE UNDER THE LAWS OF THE  
11 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,  
12 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF  
13 PUERTO RICO OR A FOREIGN NATION, OR WHO WAS REQUIRED TO  
14 REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE JURISDICTION  
15 WHERE CONVICTED, SENTENCED OR COURT MARTIALED, SHALL REGISTER  
16 AT AN APPROVED REGISTRATION SITE WITHIN THREE BUSINESS DAYS  
17 OF THE INDIVIDUAL'S ARRIVAL IN THIS COMMONWEALTH. THE  
18 PROVISIONS OF THIS SUBCHAPTER SHALL APPLY TO THE INDIVIDUAL  
19 AS FOLLOWS:

20 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A  
21 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9799.53  
22 OR DETERMINED UNDER THE LAWS OF THE OTHER JURISDICTION OR  
23 BY REASON OF COURT MARTIAL TO BE SUBJECT TO ACTIVE  
24 NOTIFICATION AND LIFETIME REGISTRATION ON THE BASIS OF A  
25 STATUTORILY AUTHORIZED ADMINISTRATIVE OR JUDICIAL  
26 DECISION OR ON THE BASIS OF A STATUTE OR ADMINISTRATIVE  
27 RULE REQUIRING ACTIVE NOTIFICATION AND LIFETIME  
28 REGISTRATION BASED SOLELY ON THE OFFENSE FOR WHICH THE  
29 INDIVIDUAL WAS CONVICTED, SENTENCED OR COURT MARTIALED,  
30 THE INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9799.53, BE

1           CONSIDERED A SEXUALLY VIOLENT PREDATOR AND SUBJECT TO  
2           LIFETIME REGISTRATION UNDER SECTION 9799.55(B). THE  
3           INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF  
4           THIS SECTION AND SECTIONS 9799.60 (RELATING TO  
5           VERIFICATION OF RESIDENCE), 9799.62 (RELATING TO OTHER  
6           NOTIFICATION) AND 9799.63(C)(1) (RELATING TO INFORMATION  
7           MADE AVAILABLE ON INTERNET AND ELECTRONIC NOTIFICATION),  
8           EXCEPT THAT THE INDIVIDUAL SHALL NOT BE REQUIRED TO  
9           RECEIVE COUNSELING UNLESS REQUIRED TO DO SO BY THE OTHER  
10          JURISDICTION OR BY REASON OF COURT MARTIAL.

11           (II)   EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I) AND  
12           (IV), IF THE INDIVIDUAL HAS BEEN CONVICTED OR SENTENCED  
13           BY A COURT OR COURT MARTIALED FOR AN OFFENSE LISTED IN  
14           SECTION 9799.55(B) OR AN EQUIVALENT OFFENSE, THE  
15           INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9799.53, BE  
16           CONSIDERED AN OFFENDER AND BE SUBJECT TO LIFETIME  
17           REGISTRATION UNDER SECTION 9799.55(B). THE INDIVIDUAL  
18           SHALL ALSO BE SUBJECT TO THE PROVISIONS OF THIS SECTION  
19           AND SECTIONS 9799.60 AND 9799.63(C)(2).

20           (III)  EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I), (II),  
21           (IV) AND (V), IF THE INDIVIDUAL HAS BEEN CONVICTED OR  
22           SENTENCED BY A COURT OR COURT MARTIALED FOR AN OFFENSE  
23           LISTED IN SECTION 9799.55(A) OR AN EQUIVALENT OFFENSE,  
24           THE INDIVIDUAL SHALL BE, NOTWITHSTANDING SECTION 9799.53,  
25           CONSIDERED AN OFFENDER AND SUBJECT TO REGISTRATION UNDER  
26           THIS SUBCHAPTER. THE INDIVIDUAL SHALL ALSO BE SUBJECT TO  
27           THE PROVISIONS OF THIS SECTION AND SECTIONS 9799.60 AND  
28           9799.63(C)(2). THE INDIVIDUAL SHALL BE SUBJECT TO THIS  
29           SUBCHAPTER FOR A PERIOD OF 10 YEARS OR FOR A PERIOD OF  
30           TIME EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS

1           REQUIRED TO REGISTER IN THE OTHER JURISDICTION OR  
2           REQUIRED TO REGISTER BY REASON OF COURT MARTIAL,  
3           WHICHEVER IS GREATER, LESS ANY CREDIT DUE TO THE  
4           INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH  
5           REGISTRATION REQUIREMENTS.

6           (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I) AND  
7           NOTWITHSTANDING SUBPARAGRAPH (V), IF THE INDIVIDUAL IS  
8           SUBJECT TO ACTIVE NOTIFICATION IN THE OTHER JURISDICTION  
9           OR SUBJECT TO ACTIVE NOTIFICATION BY REASON OF COURT  
10          MARTIAL, THE INDIVIDUAL SHALL, NOTWITHSTANDING SECTION  
11          9799.53, BE CONSIDERED AN OFFENDER AND SUBJECT TO THIS  
12          SECTION AND SECTIONS 9799.60, 9799.62 AND 9799.63(C) (1) .  
13          IF THE INDIVIDUAL WAS CONVICTED OF OR SENTENCED IN THE  
14          OTHER JURISDICTION OR SENTENCED BY COURT MARTIAL FOR AN  
15          OFFENSE LISTED IN SECTION 9799.55(B) OR AN EQUIVALENT  
16          OFFENSE, THE INDIVIDUAL SHALL BE SUBJECT TO THIS  
17          SUBCHAPTER FOR THE INDIVIDUAL'S LIFETIME. IF THE  
18          INDIVIDUAL WAS CONVICTED OF OR SENTENCED IN THE OTHER  
19          JURISDICTION OR SENTENCED BY COURT MARTIAL FOR AN OFFENSE  
20          LISTED IN SECTION 9799.55(A) OR AN EQUIVALENT OFFENSE,  
21          THE INDIVIDUAL SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A  
22          PERIOD OF 10 YEARS OR FOR A PERIOD OF TIME EQUAL TO THE  
23          TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO REGISTER IN  
24          THE OTHER JURISDICTION OR REQUIRED TO REGISTER BY REASON  
25          OF COURT MARTIAL, WHICHEVER IS GREATER, LESS ANY CREDIT  
26          DUE TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE  
27          WITH REGISTRATION REQUIREMENTS. OTHERWISE, THE INDIVIDUAL  
28          SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME  
29          EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED  
30          TO REGISTER IN THE OTHER JURISDICTION OR REQUIRED TO

1 REGISTER BY REASON OF COURT MARTIAL, LESS ANY CREDIT DUE  
2 TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH  
3 REGISTRATION REQUIREMENTS.

4 (V) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I), (II),  
5 (III) AND (IV), IF THE INDIVIDUAL IS SUBJECT TO PASSIVE  
6 NOTIFICATION IN THE OTHER JURISDICTION OR SUBJECT TO  
7 PASSIVE NOTIFICATION BY REASON OF COURT MARTIAL, THE  
8 INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9799.53, BE  
9 CONSIDERED AN OFFENDER AND SUBJECT TO THIS SECTION AND  
10 SECTIONS 9799.60 AND 9799.63 (C) (2). THE INDIVIDUAL SHALL  
11 BE SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME EQUAL  
12 TO THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO  
13 REGISTER IN THE OTHER JURISDICTION OR REQUIRED TO  
14 REGISTER BY REASON OF COURT MARTIAL, LESS ANY CREDIT DUE  
15 TO THE INDIVIDUAL AS A RESULT OF PRIOR COMPLIANCE WITH  
16 REGISTRATION REQUIREMENTS.

17 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 63  
18 (RELATING TO JUVENILE MATTERS) AND EXCEPT AS PROVIDED IN  
19 PARAGRAPH (4), AN INDIVIDUAL WHO HAS A RESIDENCE, IS EMPLOYED  
20 OR IS A STUDENT IN THIS COMMONWEALTH AND WHO IS REQUIRED TO  
21 REGISTER AS A SEX OFFENDER UNDER THE LAWS OF THE UNITED  
22 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER  
23 STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO  
24 RICO OR A FOREIGN NATION AS A RESULT OF A JUVENILE  
25 ADJUDICATION SHALL REGISTER AT AN APPROVED REGISTRATION SITE  
26 WITHIN THREE BUSINESS DAYS OF THE INDIVIDUAL'S ARRIVAL IN  
27 THIS COMMONWEALTH. THE PROVISIONS OF THIS SUBCHAPTER SHALL  
28 APPLY TO THE INDIVIDUAL AS FOLLOWS:

29 (I) IF THE INDIVIDUAL HAS BEEN CLASSIFIED AS A  
30 SEXUALLY VIOLENT PREDATOR AS DEFINED IN SECTION 9799.53

1 OR DETERMINED UNDER THE LAWS OF THE OTHER JURISDICTION TO  
2 BE SUBJECT TO ACTIVE NOTIFICATION AND LIFETIME  
3 REGISTRATION ON THE BASIS OF A STATUTORILY AUTHORIZED  
4 ADMINISTRATIVE OR JUDICIAL DECISION OR ON THE BASIS OF A  
5 STATUTE OR ADMINISTRATIVE RULE REQUIRING ACTIVE  
6 NOTIFICATION AND LIFETIME REGISTRATION BASED SOLELY ON  
7 THE OFFENSE FOR WHICH THE INDIVIDUAL WAS ADJUDICATED, THE  
8 INDIVIDUAL SHALL, NOTWITHSTANDING SECTION 9799.53, BE  
9 CONSIDERED A SEXUALLY VIOLENT PREDATOR AND SUBJECT TO  
10 LIFETIME REGISTRATION UNDER SECTION 9799.55 (B) . THE  
11 INDIVIDUAL SHALL ALSO BE SUBJECT TO THE PROVISIONS OF  
12 THIS SECTION AND SECTIONS 9799.60 AND 9799.63 (C) (1) ,  
13 EXCEPT THAT THE INDIVIDUAL SHALL NOT BE REQUIRED TO  
14 RECEIVE COUNSELING UNLESS REQUIRED TO DO SO BY THE OTHER  
15 JURISDICTION.

16 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I) , IF THE  
17 INDIVIDUAL IS SUBJECT TO ACTIVE NOTIFICATION IN THE OTHER  
18 JURISDICTION, THE INDIVIDUAL SHALL, NOTWITHSTANDING  
19 SECTION 9799.53, BE CONSIDERED AN OFFENDER AND SUBJECT TO  
20 REGISTRATION UNDER THIS SUBCHAPTER. THE INDIVIDUAL SHALL  
21 ALSO BE SUBJECT TO THE PROVISIONS OF THIS SECTION AND  
22 SECTIONS 9799.60, 9799.62 AND 9799.63 (C) (1) . THE  
23 INDIVIDUAL SHALL BE SUBJECT TO THIS SUBCHAPTER FOR A  
24 PERIOD OF TIME EQUAL TO THE TIME FOR WHICH THE INDIVIDUAL  
25 WAS REQUIRED TO REGISTER IN THE OTHER JURISDICTION, LESS  
26 ANY CREDIT DUE TO THE INDIVIDUAL AS A RESULT OF PRIOR  
27 COMPLIANCE WITH REGISTRATION REQUIREMENTS.

28 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (I) AND  
29 (II) , IF THE INDIVIDUAL IS SUBJECT TO PASSIVE  
30 NOTIFICATION IN THE OTHER JURISDICTION, THE INDIVIDUAL

1 SHALL, NOTWITHSTANDING SECTION 9799.53, BE CONSIDERED AN  
2 OFFENDER AND BE SUBJECT TO THIS SECTION AND SECTIONS  
3 9799.60 AND 9799.63(C)(2). THE INDIVIDUAL SHALL BE  
4 SUBJECT TO THIS SUBCHAPTER FOR A PERIOD OF TIME EQUAL TO  
5 THE TIME FOR WHICH THE INDIVIDUAL WAS REQUIRED TO  
6 REGISTER IN THE OTHER JURISDICTION, LESS ANY CREDIT DUE  
7 TO THE INDIVIDUAL AS A RESULT OF PRIOR REGISTRATION  
8 COMPLIANCE.

9 (C) REGISTRATION INFORMATION TO LOCAL POLICE.--

10 (1) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THE  
11 INFORMATION OBTAINED UNDER THIS SECTION AND SECTIONS 9799.57  
12 (RELATING TO SENTENCING COURT INFORMATION) AND 9799.60 TO THE  
13 CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS OF  
14 THE MUNICIPALITIES IN WHICH THE INDIVIDUAL WILL ESTABLISH A  
15 RESIDENCE OR BE EMPLOYED OR ENROLLED AS A STUDENT. IN  
16 ADDITION, THE PENNSYLVANIA STATE POLICE SHALL PROVIDE THIS  
17 OFFICER WITH THE ADDRESS AT WHICH THE INDIVIDUAL WILL  
18 ESTABLISH A RESIDENCE OR BE EMPLOYED OR ENROLLED AS A STUDENT  
19 FOLLOWING THE INDIVIDUAL'S RELEASE FROM INCARCERATION, PAROLE  
20 OR PROBATION.

21 (2) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE  
22 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE  
23 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED UNDER PARAGRAPH  
24 (1) WHEN AN INDIVIDUAL FAILS TO COMPLY WITH THE REGISTRATION  
25 REQUIREMENTS OF THIS SECTION OR SECTION 9799.60 AND REQUEST,  
26 AS APPROPRIATE, THAT THESE POLICE DEPARTMENTS ASSIST IN  
27 LOCATING AND APPREHENDING THE INDIVIDUAL.

28 (3) THE PENNSYLVANIA STATE POLICE SHALL PROVIDE NOTICE  
29 TO THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE  
30 DEPARTMENTS OF THE MUNICIPALITIES NOTIFIED UNDER PARAGRAPH

1 (1) WHEN THEY ARE IN RECEIPT OF INFORMATION INDICATING THAT  
2 THE INDIVIDUAL WILL NO LONGER HAVE A RESIDENCE OR BE EMPLOYED  
3 OR BE ENROLLED AS A STUDENT IN THE MUNICIPALITY.

4 (D) PENALTY.--AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER  
5 THIS SUBCHAPTER WHO FAILS TO REGISTER WITH THE PENNSYLVANIA  
6 STATE POLICE AS REQUIRED BY THIS SECTION MAY BE SUBJECT TO  
7 PROSECUTION UNDER 18 PA.C.S. § 4915.2 (RELATING TO FAILURE TO  
8 COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I REGISTRATION  
9 REQUIREMENTS).

10 (E) REGISTRATION SITES.--AN INDIVIDUAL SUBJECT TO SECTION  
11 9799.55 SHALL REGISTER AND SUBMIT TO FINGERPRINTING AND  
12 PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER AT APPROVED  
13 REGISTRATION SITES.

14 SECTION 17. SECTION 9799.57 OF TITLE 42, ADDED FEBRUARY 21,  
15 2018 (P.L.27, NO.10), IS REENACTED AND AMENDED TO READ:

16 § 9799.57. SENTENCING COURT INFORMATION.

17 THE SENTENCING COURT SHALL INFORM OFFENDERS AND SEXUALLY  
18 VIOLENT PREDATORS CONVICTED ON OR AFTER [THE EFFECTIVE DATE OF  
19 THIS SECTION] FEBRUARY 21, 2018, AT THE TIME OF SENTENCING OF  
20 THE PROVISIONS OF THIS SUBCHAPTER. THE COURT SHALL:

21 (1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT  
22 PREDATOR OF THE DUTY TO REGISTER AND PROVIDE THE INFORMATION  
23 REQUIRED FOR EACH REGISTRATION, INCLUDING VERIFICATION AS  
24 REQUIRED IN SECTION 9799.60(A) (RELATING TO VERIFICATION OF  
25 RESIDENCE).

26 (2) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT  
27 PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE POLICE  
28 WITHIN THREE BUSINESS DAYS IF THE OFFENDER OR SEXUALLY  
29 VIOLENT PREDATOR CHANGES RESIDENCE OR ESTABLISHES AN  
30 ADDITIONAL RESIDENCE OR RESIDENCES, CHANGES EMPLOYER OR

1 EMPLOYMENT LOCATION FOR A PERIOD OF TIME THAT WILL EXCEED 14  
2 DAYS OR FOR AN AGGREGATE PERIOD OF TIME THAT WILL EXCEED 30  
3 DAYS DURING A CALENDAR YEAR OR TERMINATES EMPLOYMENT OR  
4 CHANGES INSTITUTION OR LOCATION AT WHICH THE PERSON IS  
5 ENROLLED AS A STUDENT OR TERMINATES ENROLLMENT. IN ORDER TO  
6 FULFILL THE REQUIREMENTS OF THIS PARAGRAPH, THE SENTENCING  
7 COURT SHALL SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY  
8 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE  
9 POLICE OF:

10 (I) THE LOCATION OF A TEMPORARY HABITAT OR OTHER  
11 TEMPORARY PLACE OF ABODE OR DWELLING, INCLUDING A  
12 HOMELESS SHELTER OR PARK, WHERE THE INDIVIDUAL IS LODGED;

13 (II) THE PLACES THE INDIVIDUAL EATS, FREQUENTS AND  
14 ENGAGES IN LEISURE ACTIVITIES AND ANY PLANNED  
15 DESTINATIONS, INCLUDING THOSE OUTSIDE THIS COMMONWEALTH;  
16 AND

17 (III) THE PLACE THE INDIVIDUAL RECEIVES MAIL,  
18 INCLUDING A POST OFFICE BOX,  
19 IF THE INDIVIDUAL FAILS TO ESTABLISH A RESIDENCE AS DEFINED  
20 IN PARAGRAPH (1) OF THE DEFINITION OF "RESIDENCE" IN SECTION  
21 9799.53 (RELATING TO DEFINITIONS).

22 (2.1) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY  
23 VIOLENT PREDATOR OF THE DUTY TO INFORM THE PENNSYLVANIA STATE  
24 POLICE WITHIN THREE BUSINESS DAYS OF BECOMING EMPLOYED OR  
25 ENROLLED AS A STUDENT IF THE PERSON HAS NOT PREVIOUSLY  
26 PROVIDED THAT INFORMATION TO THE PENNSYLVANIA STATE POLICE.

27 (3) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT  
28 PREDATOR OF THE DUTY TO REGISTER WITH A NEW LAW ENFORCEMENT  
29 AGENCY IF THE OFFENDER OR SEXUALLY VIOLENT PREDATOR MOVES TO  
30 ANOTHER STATE NO LATER THAN THREE BUSINESS DAYS AFTER

1 ESTABLISHING RESIDENCE IN ANOTHER STATE.

2 (4) ORDER THE FINGERPRINTS AND PHOTOGRAPH OF THE  
3 OFFENDER OR SEXUALLY VIOLENT PREDATOR TO BE PROVIDED TO THE  
4 PENNSYLVANIA STATE POLICE UPON SENTENCING.

5 (5) SPECIFICALLY INFORM THE OFFENDER OR SEXUALLY VIOLENT  
6 PREDATOR OF THE DUTY TO REGISTER WITH THE APPROPRIATE  
7 AUTHORITIES IN A STATE IN WHICH THE OFFENDER OR SEXUALLY  
8 VIOLENT PREDATOR IS EMPLOYED, CARRIES ON A VOCATION OR IS A  
9 STUDENT IF THE STATE REQUIRES THE REGISTRATION.

10 (6) REQUIRE THE OFFENDER OR SEXUALLY VIOLENT PREDATOR TO  
11 READ AND SIGN A FORM STATING THAT THE DUTY TO REGISTER UNDER  
12 THIS SUBCHAPTER HAS BEEN EXPLAINED. WHERE THE OFFENDER OR  
13 SEXUALLY VIOLENT PREDATOR IS INCAPABLE OF READING, THE COURT  
14 SHALL CERTIFY THE DUTY TO REGISTER WAS EXPLAINED TO THE  
15 OFFENDER OR SEXUALLY VIOLENT PREDATOR AND THE OFFENDER OR  
16 SEXUALLY VIOLENT PREDATOR INDICATED AN UNDERSTANDING OF THE  
17 DUTY.

18 SECTION 18. SECTIONS 9799.58, 9799.59, 9799.60, 9799.61,  
19 9799.62, 9799.63, 9799.64, 9799.65, 9799.66, 9799.67, 9799.68  
20 AND 9799.69 OF TITLE 42, ADDED FEBRUARY 21, 2018 (P.L.27,  
21 NO.10), ARE REENACTED TO READ:

22 § 9799.58. ASSESSMENTS.

23 (A) ORDER FOR ASSESSMENT.--AFTER CONVICTION BUT BEFORE  
24 SENTENCING, A COURT SHALL ORDER AN INDIVIDUAL CONVICTED OF AN  
25 OFFENSE SPECIFIED IN SECTION 9799.55 (RELATING TO REGISTRATION)  
26 TO BE ASSESSED BY THE BOARD. THE ORDER FOR AN ASSESSMENT SHALL  
27 BE SENT TO THE ADMINISTRATIVE OFFICER OF THE BOARD WITHIN 10  
28 DAYS OF THE DATE OF CONVICTION.

29 (B) ASSESSMENT.--UPON RECEIPT FROM THE COURT OF AN ORDER FOR  
30 AN ASSESSMENT, A MEMBER OF THE BOARD AS DESIGNATED BY THE

1 ADMINISTRATIVE OFFICER OF THE BOARD SHALL CONDUCT AN ASSESSMENT  
2 OF THE INDIVIDUAL TO DETERMINE IF THE INDIVIDUAL SHOULD BE  
3 CLASSIFIED AS A SEXUALLY VIOLENT PREDATOR. THE BOARD SHALL  
4 ESTABLISH STANDARDS FOR EVALUATIONS AND FOR EVALUATORS  
5 CONDUCTING THE ASSESSMENTS. AN ASSESSMENT SHALL INCLUDE, BUT NOT  
6 BE LIMITED TO, AN EXAMINATION OF THE FOLLOWING:

7 (1) FACTS OF THE CURRENT OFFENSE, INCLUDING:

8 (I) WHETHER THE OFFENSE INVOLVED MULTIPLE VICTIMS.

9 (II) WHETHER THE INDIVIDUAL EXCEEDED THE MEANS  
10 NECESSARY TO ACHIEVE THE OFFENSE.

11 (III) THE NATURE OF THE SEXUAL CONTACT WITH THE  
12 VICTIM.

13 (IV) RELATIONSHIP OF THE INDIVIDUAL TO THE VICTIM.

14 (V) AGE OF THE VICTIM.

15 (VI) WHETHER THE OFFENSE INCLUDED A DISPLAY OF  
16 UNUSUAL CRUELTY BY THE INDIVIDUAL DURING THE COMMISSION  
17 OF THE CRIME.

18 (VII) THE MENTAL CAPACITY OF THE VICTIM.

19 (2) PRIOR OFFENSE HISTORY, INCLUDING:

20 (I) THE INDIVIDUAL'S PRIOR CRIMINAL RECORD.

21 (II) WHETHER THE INDIVIDUAL COMPLETED ANY PRIOR  
22 SENTENCES.

23 (III) WHETHER THE INDIVIDUAL PARTICIPATED IN  
24 AVAILABLE PROGRAMS FOR SEXUAL OFFENDERS.

25 (3) CHARACTERISTICS OF THE INDIVIDUAL, INCLUDING:

26 (I) AGE OF THE INDIVIDUAL.

27 (II) USE OF ILLEGAL DRUGS BY THE INDIVIDUAL.

28 (III) A MENTAL ILLNESS, MENTAL DISABILITY OR MENTAL  
29 ABNORMALITY.

30 (IV) BEHAVIORAL CHARACTERISTICS THAT CONTRIBUTE TO

1 THE INDIVIDUAL'S CONDUCT.

2 (4) FACTORS THAT ARE SUPPORTED IN A SEXUAL OFFENDER  
3 ASSESSMENT FIELD AS CRITERIA REASONABLY RELATED TO THE RISK  
4 OF REOFFENSE.

5 (C) RELEASE OF INFORMATION.--ALL STATE, COUNTY AND LOCAL  
6 AGENCIES, OFFICES OR ENTITIES IN THIS COMMONWEALTH, INCLUDING  
7 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING ACCESS  
8 TO RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN  
9 CONNECTION WITH THE COURT-ORDERED ASSESSMENT AND THE ASSESSMENT  
10 REQUESTED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE OR  
11 THE ASSESSMENT OF A DELINQUENT CHILD UNDER SECTION 6358  
12 (RELATING TO ASSESSMENT OF DELINQUENT CHILDREN BY THE STATE  
13 SEXUAL OFFENDERS ASSESSMENT BOARD).

14 (D) SUBMISSION OF REPORT BY BOARD.--THE BOARD SHALL HAVE 90  
15 DAYS FROM THE DATE OF CONVICTION OF THE INDIVIDUAL TO SUBMIT A  
16 WRITTEN REPORT CONTAINING ITS ASSESSMENT TO THE DISTRICT  
17 ATTORNEY.

18 (D.1) SUMMARY OF OFFENSE.--THE BOARD SHALL PREPARE A  
19 DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH TRIGGER THE  
20 APPLICATION OF THIS SUBCHAPTER TO INCLUDE, BUT NOT BE LIMITED  
21 TO:

22 (1) A CONCISE NARRATIVE OF THE OFFENDER'S CONDUCT.

23 (2) WHETHER THE VICTIM WAS A MINOR.

24 (3) THE MANNER OF WEAPON OR PHYSICAL FORCE USED OR  
25 THREATENED.

26 (4) IF THE OFFENSE INVOLVED UNAUTHORIZED ENTRY INTO A  
27 ROOM OR VEHICLE OCCUPIED BY THE VICTIM.

28 (5) IF THE OFFENSE WAS PART OF A COURSE OR PATTERN OF  
29 CONDUCT INVOLVING MULTIPLE INCIDENTS OR VICTIMS.

30 (6) PREVIOUS INSTANCES IN WHICH THE OFFENDER WAS

1 DETERMINED GUILTY OF AN OFFENSE SUBJECT TO THIS SUBCHAPTER OR  
2 OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 9714(G)  
3 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

4 (E) HEARING.--

5 (1) A HEARING TO DETERMINE WHETHER THE INDIVIDUAL IS A  
6 SEXUALLY VIOLENT PREDATOR SHALL BE SCHEDULED UPON THE  
7 PRAECIPE FILED BY THE DISTRICT ATTORNEY. THE DISTRICT  
8 ATTORNEY UPON FILING A PRAECIPE SHALL SERVE A COPY OF THE  
9 SAME UPON DEFENSE COUNSEL TOGETHER WITH A COPY OF THE REPORT  
10 OF THE BOARD.

11 (2) THE INDIVIDUAL AND DISTRICT ATTORNEY SHALL BE GIVEN  
12 NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD, THE  
13 RIGHT TO CALL WITNESSES, THE RIGHT TO CALL EXPERT WITNESSES  
14 AND THE RIGHT TO CROSS-EXAMINE WITNESSES. IN ADDITION, THE  
15 INDIVIDUAL SHALL HAVE THE RIGHT TO COUNSEL AND TO HAVE A  
16 LAWYER APPOINTED TO REPRESENT THE INDIVIDUAL IF HE OR SHE  
17 CANNOT AFFORD ONE. IF THE INDIVIDUAL REQUESTS ANOTHER EXPERT  
18 ASSESSMENT, THE INDIVIDUAL SHALL PROVIDE A COPY OF THE EXPERT  
19 ASSESSMENT TO THE DISTRICT ATTORNEY PRIOR TO THE HEARING.

20 (3) AT THE HEARING PRIOR TO SENTENCING, THE COURT SHALL  
21 DETERMINE WHETHER THE COMMONWEALTH HAS PROVED BY CLEAR AND  
22 CONVINCING EVIDENCE THAT THE INDIVIDUAL IS A SEXUALLY VIOLENT  
23 PREDATOR.

24 (4) A COPY OF THE ORDER CONTAINING THE DETERMINATION OF  
25 THE COURT SHALL BE IMMEDIATELY SUBMITTED TO THE INDIVIDUAL,  
26 THE DISTRICT ATTORNEY, THE PENNSYLVANIA BOARD OF PROBATION  
27 AND PAROLE, THE DEPARTMENT OF CORRECTIONS, THE BOARD AND THE  
28 PENNSYLVANIA STATE POLICE.

29 (F) PRESENTENCE INVESTIGATION.--IN ALL CASES WHERE THE BOARD  
30 HAS PERFORMED AN ASSESSMENT UNDER THIS SECTION, COPIES OF THE

1 REPORT SHALL BE PROVIDED TO THE AGENCY PREPARING THE PRESENTENCE  
2 INVESTIGATION.

3 (G) PAROLE ASSESSMENT.--THE PENNSYLVANIA BOARD OF PROBATION  
4 AND PAROLE MAY REQUEST OF THE BOARD AN ASSESSMENT OF AN OFFENDER  
5 OR SEXUALLY VIOLENT PREDATOR BE CONDUCTED AND PROVIDE A REPORT  
6 TO THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE PRIOR TO  
7 CONSIDERING AN OFFENDER OR SEXUALLY VIOLENT PREDATOR FOR PAROLE.

8 (H) DELINQUENT CHILDREN.--EXCEPT WHERE SECTION 6358(B.1) IS  
9 APPLICABLE, THE PROBATION OFFICER SHALL NOTIFY THE BOARD 90 DAYS  
10 PRIOR TO THE 20TH BIRTHDAY OF THE CHILD OF THE STATUS OF THE  
11 DELINQUENT CHILD WHO IS COMMITTED TO AN INSTITUTION OR OTHER  
12 FACILITY UNDER SECTION 6352 (RELATING TO DISPOSITION OF  
13 DELINQUENT CHILD) AFTER HAVING BEEN FOUND DELINQUENT FOR AN ACT  
14 OF SEXUAL VIOLENCE WHICH IF COMMITTED BY AN ADULT WOULD BE A  
15 VIOLATION OF 18 PA.C.S. § 3121 (RELATING TO RAPE), 3123  
16 (RELATING TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE), 3124.1  
17 (RELATING TO SEXUAL ASSAULT), 3125 (RELATING TO AGGRAVATED  
18 INDECENT ASSAULT), 3126 (RELATING TO INDECENT ASSAULT) OR 4302  
19 (RELATING TO INCEST), TOGETHER WITH THE LOCATION OF THE FACILITY  
20 WHERE THE CHILD IS COMMITTED. THE BOARD SHALL CONDUCT AN  
21 ASSESSMENT OF THE CHILD, WHICH SHALL INCLUDE THE BOARD'S  
22 DETERMINATION OF WHETHER OR NOT THE CHILD IS IN NEED OF  
23 COMMITMENT DUE TO A MENTAL ABNORMALITY AS DEFINED IN SECTION  
24 6402 (RELATING TO DEFINITIONS) OR A PERSONALITY DISORDER, EITHER  
25 OF WHICH RESULTS IN SERIOUS DIFFICULTY IN CONTROLLING SEXUALLY  
26 VIOLENT BEHAVIOR, AND PROVIDE A REPORT TO THE COURT WITHIN THE  
27 TIME FRAMES UNDER SECTION 6358(C). THE PROBATION OFFICER SHALL  
28 ASSIST THE BOARD IN OBTAINING ACCESS TO THE CHILD AND RECORDS OR  
29 INFORMATION AS REQUESTED BY THE BOARD IN CONNECTION WITH THE  
30 ASSESSMENT. THE ASSESSMENT SHALL BE CONDUCTED UNDER SUBSECTION

1 (B) .

2 (I) OTHER ASSESSMENTS.--UPON RECEIPT FROM THE COURT OF AN  
3 ORDER FOR AN ASSESSMENT UNDER SECTION 9799.59 (RELATING TO  
4 EXEMPTION FROM CERTAIN NOTIFICATIONS), A MEMBER OF THE BOARD AS  
5 DESIGNATED BY THE ADMINISTRATIVE OFFICER OF THE BOARD SHALL  
6 CONDUCT AN ASSESSMENT OF THE INDIVIDUAL TO DETERMINE IF THE  
7 RELIEF SOUGHT, IF GRANTED, IS LIKELY TO POSE A THREAT TO THE  
8 SAFETY OF ANY OTHER PERSON. THE BOARD SHALL ESTABLISH STANDARDS  
9 FOR EVALUATIONS AND FOR EVALUATORS CONDUCTING THESE ASSESSMENTS.  
10 § 9799.59. EXEMPTION FROM CERTAIN NOTIFICATIONS.

11 (A) GENERAL RULE.--AN INDIVIDUAL REQUIRED TO REGISTER UNDER  
12 SECTION 9799.55 (A.1) AND (B) (RELATING TO REGISTRATION) MAY BE  
13 EXEMPT FROM THE REQUIREMENT TO REGISTER, THE REQUIREMENT TO  
14 VERIFY RESIDENCE, EMPLOYMENT AND ENROLLMENT IN AN EDUCATIONAL  
15 INSTITUTION, THE REQUIREMENT TO APPEAR ON THE PUBLICLY  
16 ACCESSIBLE INTERNET WEBSITE MAINTAINED BY THE PENNSYLVANIA STATE  
17 POLICE AND ALL OTHER REQUIREMENTS OF THIS SUBCHAPTER IF:

18 (1) AT LEAST 25 YEARS HAVE ELAPSED PRIOR TO FILING A  
19 PETITION WITH THE SENTENCING COURT TO BE EXEMPT FROM THE  
20 REQUIREMENTS OF THIS SUBCHAPTER, DURING WHICH TIME THE  
21 PETITIONER HAS NOT BEEN CONVICTED IN THIS COMMONWEALTH OR ANY  
22 OTHER JURISDICTION OR FOREIGN COUNTRY OF AN OFFENSE  
23 PUNISHABLE BY IMPRISONMENT OF MORE THAN ONE YEAR, OR THE  
24 PETITIONER'S RELEASE FROM CUSTODY FOLLOWING THE PETITIONER'S  
25 MOST RECENT CONVICTION FOR AN OFFENSE, WHICHEVER IS LATER.

26 (2) UPON RECEIPT OF A PETITION FILED UNDER PARAGRAPH  
27 (1), THE SENTENCING COURT SHALL ENTER AN ORDER DIRECTING THAT  
28 THE PETITIONER BE ASSESSED BY THE BOARD. UPON RECEIPT FROM  
29 THE COURT OF AN ORDER FOR AN ASSESSMENT UNDER THIS SECTION, A  
30 MEMBER OF THE BOARD DESIGNATED BY THE ADMINISTRATIVE OFFICER

1 OF THE BOARD SHALL CONDUCT AN ASSESSMENT OF THE PETITIONER TO  
2 DETERMINE IF THE RELIEF SOUGHT, IF GRANTED, IS LIKELY TO POSE  
3 A THREAT TO THE SAFETY OF ANY OTHER PERSONS. THE BOARD SHALL  
4 ESTABLISH STANDARDS FOR EVALUATIONS AND FOR EVALUATORS  
5 CONDUCTING ASSESSMENTS.

6 (3) THE ORDER FOR AN ASSESSMENT UNDER THIS SECTION SHALL  
7 BE SENT TO THE ADMINISTRATIVE OFFICER OF THE BOARD WITHIN 10  
8 DAYS OF THE ENTRY. NO LATER THAN 90 DAYS FOLLOWING RECEIPT OF  
9 THE ORDER, THE BOARD SHALL SUBMIT A WRITTEN REPORT CONTAINING  
10 THE BOARD'S ASSESSMENT TO THE SENTENCING COURT, THE DISTRICT  
11 ATTORNEY AND THE ATTORNEY FOR THE SEXUAL OFFENDER.

12 (4) WITHIN 120 DAYS OF FILING THE PETITION UNDER  
13 PARAGRAPH (1), THE SENTENCING COURT SHALL HOLD A HEARING TO  
14 DETERMINE WHETHER TO EXEMPT THE PETITIONER FROM THE  
15 APPLICATION OF ANY OR ALL OF THE REQUIREMENTS OF THIS  
16 SUBCHAPTER. THE PETITIONER AND THE DISTRICT ATTORNEY SHALL BE  
17 GIVEN NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD,  
18 THE RIGHT TO CALL WITNESSES AND THE RIGHT TO CROSS-EXAMINE  
19 WITNESSES. THE PETITIONER SHALL HAVE THE RIGHT TO COUNSEL AND  
20 TO HAVE A LAWYER APPOINTED TO REPRESENT THE PETITIONER IF THE  
21 PETITIONER CANNOT AFFORD ONE.

22 (5) THE SENTENCING COURT SHALL EXEMPT THE PETITIONER  
23 FROM APPLICATION OF ANY OR ALL OF THE REQUIREMENTS OF THIS  
24 SUBCHAPTER, AT THE DISCRETION OF THE COURT, ONLY UPON A  
25 FINDING OF CLEAR AND CONVINCING EVIDENCE THAT EXEMPTING THE  
26 PETITIONER FROM A PARTICULAR REQUIREMENT OR ALL OF THE  
27 REQUIREMENTS OF THIS SUBCHAPTER IS NOT LIKELY TO POSE A  
28 THREAT TO THE SAFETY OF ANY OTHER PERSON.

29 (6) A COURT GRANTING RELIEF UNDER THIS SECTION SHALL  
30 NOTIFY THE PENNSYLVANIA STATE POLICE IN WRITING WITHIN 10

1 DAYS FROM THE DATE RELIEF IS GRANTED.

2 (7) THE PETITIONER AND THE COMMONWEALTH SHALL HAVE THE  
3 RIGHT TO APPELLATE REVIEW OF THE ACTIONS OF THE SENTENCING  
4 COURT UNDER THIS SECTION. AN APPEAL BY THE COMMONWEALTH SHALL  
5 STAY THE ORDER OF THE SENTENCING COURT. A COURT GRANTING  
6 RELIEF UNDER THIS SECTION SHALL NOTIFY THE PENNSYLVANIA STATE  
7 POLICE IN WRITING WITHIN 10 DAYS FROM THE DATE THE RELIEF IS  
8 GRANTED. IF A MEMORANDUM OF UNDERSTANDING HAS BEEN ENTERED  
9 INTO UNDER SECTION 9799.61 (RELATING TO VICTIM NOTIFICATION)  
10 WITH RESPECT TO RELIEF GRANTED TO THE PETITIONER, THE  
11 PENNSYLVANIA STATE POLICE SHALL TRANSMIT THE INFORMATION  
12 ABOUT THE RELIEF TO THE OFFICE OF VICTIM ADVOCATE AS SOON AS  
13 IS PRACTICABLE. THE OFFICE OF VICTIM ADVOCATE SHALL NOTIFY  
14 THE VICTIM OF THE RELIEF, IN ACCORDANCE WITH THE MEMORANDUM  
15 OF UNDERSTANDING, AS SPECIFIED IN SECTION 9799.61.

16 (8) THE PETITIONER MAY FILE AN ADDITIONAL PETITION WITH  
17 THE SENTENCING COURT NO SOONER THAN FIVE YEARS FROM THE DATE  
18 OF THE FINAL DETERMINATION OF A COURT REGARDING THE PETITION  
19 AND EVERY FIVE YEARS THEREAFTER.

20 (9) IF A PETITIONER IS EXEMPT FROM ANY PROVISIONS OF  
21 THIS SUBCHAPTER AND THE PETITIONER IS SUBSEQUENTLY CONVICTED  
22 UNDER 18 PA.C.S. § 4915.2 (RELATING TO FAILURE TO COMPLY WITH  
23 42 PA.C.S. CH. 97 SUBCH. I REGISTRATION REQUIREMENTS), RELIEF  
24 GRANTED UNDER THIS SECTION SHALL BE VOID, AND THE PETITIONER  
25 SHALL AUTOMATICALLY AND IMMEDIATELY AGAIN BE SUBJECT TO THE  
26 PROVISIONS OF THIS SUBCHAPTER, AS PREVIOUSLY DETERMINED BY  
27 THIS SUBCHAPTER.

28 (B) AGENCY COOPERATION.--ALL STATE, COUNTY AND LOCAL  
29 AGENCIES, OFFICES AND ENTITIES IN THIS COMMONWEALTH, INCLUDING  
30 JUVENILE PROBATION OFFICERS, SHALL COOPERATE BY PROVIDING ACCESS

1 TO RECORDS AND INFORMATION AS REQUESTED BY THE BOARD IN  
2 CONNECTION WITH THE COURT-ORDERED ASSESSMENT UNDER SUBSECTION  
3 (A) .

4 § 9799.60. VERIFICATION OF RESIDENCE.

5 (A) QUARTERLY VERIFICATION BY SEXUALLY VIOLENT PREDATORS.--  
6 THE PENNSYLVANIA STATE POLICE SHALL VERIFY THE RESIDENCE AND  
7 COMPLIANCE WITH COUNSELING AS PROVIDED FOR IN SECTION 9799.70  
8 (RELATING TO COUNSELING OF SEXUALLY VIOLENT PREDATORS) OF  
9 SEXUALLY VIOLENT PREDATORS EVERY 90 DAYS THROUGH THE USE OF A  
10 NONFORWARDABLE VERIFICATION FORM TO THE LAST REPORTED RESIDENCE.  
11 FOR THE PERIOD OF REGISTRATION REQUIRED BY SECTION 9799.55  
12 (RELATING TO REGISTRATION), A SEXUALLY VIOLENT PREDATOR SHALL  
13 APPEAR QUARTERLY WITHIN 10 DAYS OF THE DATES DESIGNATED BY THE  
14 PENNSYLVANIA STATE POLICE EACH CALENDAR YEAR AT AN APPROVED  
15 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE  
16 PHOTOGRAPHED.

17 (A.1) FACILITATION OF QUARTERLY VERIFICATION.--THE  
18 PENNSYLVANIA STATE POLICE SHALL FACILITATE AND ADMINISTER THE  
19 VERIFICATION PROCESS REQUIRED BY SUBSECTION (A) BY:

20 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL  
21 TO ALL REGISTERED SEXUALLY VIOLENT PREDATORS AT THEIR LAST  
22 REPORTED RESIDENCE ADDRESSES. THIS NOTICE SHALL BE SENT NOT  
23 MORE THAN 30 DAYS NOR LESS THAN 15 DAYS PRIOR TO EACH OF THE  
24 QUARTERLY VERIFICATION PERIODS SPECIFIED IN SUBSECTION (A)  
25 AND SHALL REMIND SEXUALLY VIOLENT PREDATORS OF THEIR  
26 QUARTERLY VERIFICATION REQUIREMENT AND PROVIDE THEM WITH A  
27 LIST OF APPROVED REGISTRATION SITES; AND

28 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS  
29 NECESSARY TO EACH APPROVED REGISTRATION SITE NOT LESS THAN 10  
30 DAYS BEFORE EACH OF THE QUARTERLY VERIFICATION PERIODS.

1 (B) ANNUAL VERIFICATION BY OFFENDERS.--THE PENNSYLVANIA  
2 STATE POLICE SHALL VERIFY THE RESIDENCE OF OFFENDERS. FOR THE  
3 PERIOD OF REGISTRATION REQUIRED BY SECTION 9799.55, AN OFFENDER  
4 SHALL APPEAR WITHIN 10 DAYS BEFORE EACH ANNUAL ANNIVERSARY DATE  
5 OF THE OFFENDER'S INITIAL REGISTRATION UNDER SECTION 9799.55 AT  
6 AN APPROVED REGISTRATION SITE TO COMPLETE A VERIFICATION FORM  
7 AND TO BE PHOTOGRAPHED.

8 (B.1) FACILITATION OF ANNUAL VERIFICATION.--THE PENNSYLVANIA  
9 STATE POLICE SHALL FACILITATE AND ADMINISTER THE VERIFICATION  
10 PROCESS REQUIRED BY SUBSECTION (B) BY:

11 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL  
12 TO ALL REGISTERED OFFENDERS AT THEIR LAST REPORTED RESIDENCE  
13 ADDRESSES. THIS NOTICE SHALL BE SENT NOT MORE THAN 30 DAYS  
14 NOR LESS THAN 15 DAYS PRIOR TO EACH OFFENDER'S ANNUAL  
15 ANNIVERSARY DATE AND SHALL REMIND THE OFFENDER OF THE ANNUAL  
16 VERIFICATION REQUIREMENT AND PROVIDE THE OFFENDER WITH A LIST  
17 OF APPROVED REGISTRATION SITES; AND

18 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS  
19 NECESSARY TO EACH APPROVED REGISTRATION SITE.

20 (B.2) MONTHLY VERIFICATION BY INDIVIDUALS WITH TEMPORARY  
21 HABITATS LOCATED WITHIN THIS COMMONWEALTH.--THE PENNSYLVANIA  
22 STATE POLICE SHALL VERIFY THE RESIDENCE OF INDIVIDUALS REQUIRED  
23 TO REGISTER UNDER THIS SUBCHAPTER WHO HAVE A RESIDENCE AS  
24 DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" IN  
25 SECTION 9799.53 (RELATING TO DEFINITIONS) EVERY 30 DAYS THROUGH  
26 THE USE OF A NONFORWARDABLE VERIFICATION FORM TO THE LAST  
27 REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL. THE  
28 INDIVIDUAL SHALL APPEAR EVERY 30 DAYS AT AN APPROVED  
29 REGISTRATION SITE TO COMPLETE A VERIFICATION FORM AND TO BE  
30 PHOTOGRAPHED. THE INDIVIDUAL SHALL APPEAR WITHIN THREE BUSINESS

1 DAYS OF THE DATE DESIGNATED BY THE PENNSYLVANIA STATE POLICE.

2 (B.3) FACILITATION OF MONTHLY VERIFICATION.--THE  
3 PENNSYLVANIA STATE POLICE SHALL FACILITATE AND ADMINISTER THE  
4 VERIFICATION PROCESS REQUIRED BY SUBSECTION (B.2) BY:

5 (1) SENDING A NOTICE BY FIRST CLASS UNITED STATES MAIL  
6 TO AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS SUBCHAPTER  
7 WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE  
8 DEFINITION OF "RESIDENCE" IN SECTION 9799.53 AT THE LAST  
9 REPORTED LOCATION WHERE THE INDIVIDUAL RECEIVES MAIL. THIS  
10 NOTICE SHALL BE SENT NOT MORE THAN 10 DAYS NOR LESS THAN FIVE  
11 DAYS PRIOR TO EACH OF THE MONTHLY VERIFICATION PERIODS AND  
12 SHALL REMIND THE INDIVIDUAL OF THE MONTHLY VERIFICATION  
13 REQUIREMENT AND PROVIDE A LIST OF APPROVED REGISTRATION  
14 SITES; AND

15 (2) PROVIDING VERIFICATION AND COMPLIANCE FORMS AS  
16 NECESSARY TO EACH APPROVED REGISTRATION SITE.

17 (C) NOTIFICATION OF LAW ENFORCEMENT AGENCIES OF CHANGE OF  
18 RESIDENCE.--A CHANGE OF RESIDENCE OF AN OFFENDER OR SEXUALLY  
19 VIOLENT PREDATOR REQUIRED TO REGISTER UNDER THIS SUBCHAPTER  
20 REPORTED TO THE PENNSYLVANIA STATE POLICE SHALL BE IMMEDIATELY  
21 REPORTED BY THE PENNSYLVANIA STATE POLICE TO THE APPROPRIATE LAW  
22 ENFORCEMENT AGENCY HAVING JURISDICTION OF THE OFFENDER'S OR THE  
23 SEXUALLY VIOLENT PREDATOR'S NEW PLACE OF RESIDENCE. THE  
24 PENNSYLVANIA STATE POLICE SHALL, IF THE OFFENDER OR SEXUALLY  
25 VIOLENT PREDATOR CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE  
26 LAW ENFORCEMENT AGENCY WITH WHICH THE OFFENDER OR SEXUALLY  
27 VIOLENT PREDATOR MUST REGISTER IN THE NEW STATE.

28 (D) FAILURE TO PROVIDE VERIFICATION.--WHERE AN OFFENDER OR  
29 SEXUALLY VIOLENT PREDATOR FAILS TO PROVIDE VERIFICATION OF  
30 RESIDENCE DEFINED IN PARAGRAPH (1) OF THE DEFINITION OF

1 "RESIDENCE" IN SECTION 9799.53 WITHIN THE 10-DAY PERIOD OR THREE  
2 BUSINESS DAYS IN THE CASE OF AN OFFENDER OR SEXUALLY VIOLENT  
3 PREDATOR WHO HAS A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE  
4 DEFINITION OF "RESIDENCE" IN SECTION 9799.53, AS SPECIFIED IN  
5 THIS SECTION, THE PENNSYLVANIA STATE POLICE SHALL IMMEDIATELY  
6 NOTIFY THE MUNICIPAL POLICE DEPARTMENT OF THE OFFENDER'S OR THE  
7 SEXUALLY VIOLENT PREDATOR'S LAST VERIFIED RESIDENCE. THE LOCAL  
8 MUNICIPAL POLICE SHALL LOCATE THE OFFENDER OR SEXUALLY VIOLENT  
9 PREDATOR AND ARREST THE INDIVIDUAL FOR VIOLATING THIS SECTION.  
10 THE PENNSYLVANIA STATE POLICE SHALL ASSUME RESPONSIBILITY FOR  
11 LOCATING AND ARRESTING THE OFFENDER OR SEXUALLY VIOLENT PREDATOR  
12 IN JURISDICTIONS WHERE NO MUNICIPAL POLICE JURISDICTION EXISTS.  
13 THE PENNSYLVANIA STATE POLICE SHALL ASSIST A MUNICIPAL POLICE  
14 DEPARTMENT REQUESTING ASSISTANCE WITH LOCATING AND ARRESTING AN  
15 OFFENDER OR SEXUALLY VIOLENT PREDATOR WHO FAILS TO VERIFY THE  
16 OFFENDER'S OR SEXUALLY VIOLENT PREDATOR'S RESIDENCE.

17 (E) PENALTY.--AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER  
18 SECTION 9799.55 (A) OR (B) WHO FAILS TO VERIFY THE INDIVIDUAL'S  
19 RESIDENCE OR TO BE PHOTOGRAPHED AS REQUIRED BY THIS SECTION MAY  
20 BE SUBJECT TO PROSECUTION UNDER 18 PA.C.S. § 4915.2 (RELATING TO  
21 FAILURE TO COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I REGISTRATION  
22 REQUIREMENTS).

23 (F) EFFECT OF NOTICE.--NEITHER FAILURE ON THE PART OF THE  
24 PENNSYLVANIA STATE POLICE TO SEND NOR FAILURE OF A SEXUALLY  
25 VIOLENT PREDATOR OR OFFENDER TO RECEIVE NOTICE OR INFORMATION  
26 UNDER SUBSECTION (A.1), (B.1) OR (B.3) SHALL RELIEVE THAT  
27 PREDATOR OR OFFENDER FROM THE REQUIREMENTS OF THIS SUBCHAPTER.  
28 § 9799.61. VICTIM NOTIFICATION.

29 (A) DUTY TO INFORM VICTIM.--

30 (1) WHERE THE INDIVIDUAL IS DETERMINED TO BE A SEXUALLY

1 VIOLENT PREDATOR BY A COURT UNDER SECTION 9799.58 (RELATING  
2 TO ASSESSMENTS), THE LOCAL MUNICIPAL POLICE DEPARTMENT OR THE  
3 PENNSYLVANIA STATE POLICE WHERE NO MUNICIPAL POLICE  
4 JURISDICTION EXISTS SHALL GIVE WRITTEN NOTICE TO THE SEXUALLY  
5 VIOLENT PREDATOR'S VICTIM WHEN THE SEXUALLY VIOLENT PREDATOR  
6 REGISTERS INITIALLY AND WHEN THE SEXUALLY VIOLENT PREDATOR  
7 NOTIFIES THE PENNSYLVANIA STATE POLICE OF A CHANGE OF  
8 RESIDENCE. IN THE CASE OF A SEXUALLY VIOLENT PREDATOR WHO HAS  
9 A RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION OF  
10 "RESIDENCE" IN SECTION 9799.53 (RELATING TO DEFINITIONS),  
11 NOTICE SHALL BE GIVEN WITHIN 72 HOURS AFTER THE SEXUALLY  
12 VIOLENT PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE  
13 POLICE OF A CHANGE OF ADDRESS. THE NOTICE SHALL CONTAIN THE  
14 SEXUALLY VIOLENT PREDATOR'S NAME AND THE ADDRESS OR ADDRESSES  
15 WHERE THE INDIVIDUAL HAS A RESIDENCE. IN THE CASE OF A  
16 SEXUALLY VIOLENT PREDATOR WHO HAS A RESIDENCE AS DEFINED IN  
17 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" IN SECTION  
18 9799.53, THE NOTICE SHALL CONTAIN THE SEXUALLY VIOLENT  
19 PREDATOR'S NAME AND THE INFORMATION SPECIFIED IN SECTION  
20 9799.56(A)(2)(I)(A) AND (B) (RELATING TO REGISTRATION  
21 PROCEDURES AND APPLICABILITY). THE NOTICE SHALL BE GIVEN TO  
22 THE VICTIM WITHIN 72 HOURS AFTER THE SEXUALLY VIOLENT  
23 PREDATOR REGISTERS OR NOTIFIES THE PENNSYLVANIA STATE POLICE  
24 OF A CHANGE OF RESIDENCE.

25 (2) A VICTIM MAY TERMINATE THE DUTY TO INFORM DESCRIBED  
26 IN PARAGRAPH (1) BY PROVIDING THE LOCAL MUNICIPAL POLICE  
27 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE WHERE NO LOCAL  
28 MUNICIPAL POLICE DEPARTMENT EXISTS WITH A WRITTEN STATEMENT  
29 RELEASING THAT AGENCY FROM THE DUTY TO COMPLY WITH THIS  
30 SECTION AS IT PERTAINS TO THAT VICTIM.

1 (B) WHERE AN INDIVIDUAL IS NOT DETERMINED TO BE A SEXUALLY  
2 VIOLENT PREDATOR.--WHERE AN INDIVIDUAL IS NOT DETERMINED TO BE A  
3 SEXUALLY VIOLENT PREDATOR BY A COURT UNDER SECTION 9799.58, THE  
4 VICTIM SHALL BE NOTIFIED IN ACCORDANCE WITH SECTION 201 OF THE  
5 ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME  
6 VICTIMS ACT. THIS SUBSECTION INCLUDES THE CIRCUMSTANCE OF AN  
7 OFFENDER HAVING A RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE  
8 DEFINITION OF "RESIDENCE" IN SECTION 9799.53.

9 (C) ALTERNATE MEANS OF NOTIFYING VICTIMS.--

10 (1) THE PENNSYLVANIA STATE POLICE MAY ENTER INTO A  
11 MEMORANDUM OF UNDERSTANDING WITH THE OFFICE OF VICTIM  
12 ADVOCATE TO ASSIST THE PENNSYLVANIA STATE POLICE IN NOTIFYING  
13 VICTIMS AND PROVIDING THE INFORMATION UNDER SUBSECTION (A).  
14 IN ADDITION, THE MEMORANDUM OF UNDERSTANDING MAY ALSO INCLUDE  
15 THE OFFICE OF VICTIM ADVOCATE'S NOTIFYING A VICTIM OF RELIEF  
16 GRANTED TO A PETITIONER UNDER SECTION 9799.59 (RELATING TO  
17 EXEMPTION FROM CERTAIN NOTIFICATIONS). THE MEMORANDUM OF  
18 UNDERSTANDING MUST SET FORTH THE MANNER AND METHOD OF  
19 NOTIFYING VICTIMS AND THE DUTIES OF THE PENNSYLVANIA STATE  
20 POLICE AND THE OFFICE OF VICTIM ADVOCATE UNDER THIS SECTION  
21 AND SECTION 9799.59(A). A MEMORANDUM OF UNDERSTANDING ENTERED  
22 INTO UNDER THIS SUBSECTION SHALL BE VALID FOR NO MORE THAN 10  
23 YEARS. THERE SHALL BE NO LIMIT TO THE NUMBER OF MEMORANDA OF  
24 UNDERSTANDING WHICH MAY BE EXECUTED BY THE PENNSYLVANIA STATE  
25 POLICE AND THE OFFICE OF VICTIM ADVOCATE UNDER THIS  
26 SUBSECTION.

27 (2) AS USED IN THIS SUBSECTION, THE TERM "OFFICE OF  
28 VICTIM ADVOCATE" SHALL MEAN THE OFFICE ESTABLISHED UNDER  
29 SECTION 301 OF THE CRIME VICTIMS ACT.

30 § 9799.62. OTHER NOTIFICATION.

1 (A) NOTICE BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT  
2 OFFICER.--NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S.  
3 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE  
4 CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME  
5 POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT  
6 PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE  
7 AS REQUIRED UNDER THIS SECTION.

8 (1) THE NOTICE SHALL CONTAIN:

9 (I) THE NAME OF THE CONVICTED SEXUALLY VIOLENT  
10 PREDATOR.

11 (II) THE ADDRESS OR ADDRESSES AT WHICH THE SEXUALLY  
12 VIOLENT PREDATOR HAS A RESIDENCE. IF, HOWEVER, THE  
13 SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE AS DEFINED IN  
14 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" IN SECTION  
15 9799.53 (RELATING TO DEFINITIONS), THE NOTICE SHALL BE  
16 LIMITED TO THAT PROVIDED FOR UNDER SECTION 9799.56(A)(2)  
17 (I)(C) (RELATING TO REGISTRATION PROCEDURES AND  
18 APPLICABILITY).

19 (III) THE OFFENSE FOR WHICH THE SEXUALLY VIOLENT  
20 PREDATOR WAS CONVICTED, SENTENCED BY A COURT, ADJUDICATED  
21 DELINQUENT OR COURT MARTIALED.

22 (IV) A STATEMENT THAT THE INDIVIDUAL HAS BEEN  
23 DETERMINED BY COURT ORDER TO BE A SEXUALLY VIOLENT  
24 PREDATOR, WHICH DETERMINATION HAS OR HAS NOT BEEN  
25 TERMINATED AS OF A DATE CERTAIN.

26 (V) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR,  
27 IF AVAILABLE.

28 (2) THE NOTICE SHALL NOT INCLUDE INFORMATION THAT MIGHT  
29 REVEAL THE VICTIM'S NAME, IDENTITY AND RESIDENCE.

30 (B) TO WHOM WRITTEN NOTICE IS PROVIDED.--THE CHIEF LAW

1 ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE, UNDER  
2 SUBSECTION (A), TO THE FOLLOWING PERSONS:

3 (1) NEIGHBORS OF THE SEXUALLY VIOLENT PREDATOR. AS USED  
4 IN THIS PARAGRAPH, WHERE THE SEXUALLY VIOLENT PREDATOR LIVES  
5 IN A COMMON INTEREST COMMUNITY, THE TERM "NEIGHBOR" INCLUDES  
6 THE UNIT OWNERS' ASSOCIATION AND RESIDENTS OF THE COMMON  
7 INTEREST COMMUNITY.

8 (2) THE DIRECTOR OF THE COUNTY CHILDREN AND YOUTH  
9 SERVICE AGENCY OF THE COUNTY WHERE THE SEXUALLY VIOLENT  
10 PREDATOR HAS A RESIDENCE.

11 (3) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE  
12 EQUIVALENT OFFICIAL FOR PRIVATE AND PAROCHIAL SCHOOLS  
13 ENROLLING STUDENTS UP THROUGH GRADE 12 IN THE MUNICIPALITY  
14 WHERE THE SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE.

15 (3.1) THE SUPERINTENDENT OF EACH SCHOOL DISTRICT AND THE  
16 EQUIVALENT OFFICIAL FOR EACH PRIVATE AND PAROCHIAL SCHOOL  
17 LOCATED WITHIN A ONE-MILE RADIUS OF WHERE THE SEXUALLY  
18 VIOLENT PREDATOR HAS A RESIDENCE.

19 (4) THE LICENSEE OF EACH CERTIFIED DAY-CARE CENTER AND  
20 LICENSED PRESCHOOL PROGRAM AND OWNER/OPERATOR OF EACH  
21 REGISTERED FAMILY DAY-CARE HOME IN THE MUNICIPALITY WHERE THE  
22 SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE.

23 (5) THE PRESIDENT OF EACH COLLEGE, UNIVERSITY AND  
24 COMMUNITY COLLEGE LOCATED WITHIN 1,000 FEET OF A SEXUALLY  
25 VIOLENT PREDATOR'S RESIDENCE.

26 (C) URGENCY OF NOTIFICATION.--THE MUNICIPAL POLICE  
27 DEPARTMENT'S CHIEF LAW ENFORCEMENT OFFICER SHALL PROVIDE NOTICE  
28 WITHIN THE FOLLOWING TIME FRAMES:

29 (1) TO NEIGHBORS, NOTICE SHALL BE PROVIDED WITHIN FIVE  
30 DAYS AFTER INFORMATION OF THE SEXUALLY VIOLENT PREDATOR'S

1 RELEASE DATE AND RESIDENCE HAS BEEN RECEIVED BY THE CHIEF LAW  
2 ENFORCEMENT OFFICER. NOTWITHSTANDING THE PROVISIONS OF  
3 SUBSECTIONS (A) AND (B), VERBAL NOTIFICATION MAY BE USED IF  
4 WRITTEN NOTIFICATION WOULD DELAY MEETING THIS TIME  
5 REQUIREMENT.

6 (2) TO THE PERSONS SPECIFIED IN SUBSECTION (B) (2), (3),  
7 (4) AND (5), NOTICE SHALL BE PROVIDED WITHIN SEVEN DAYS AFTER  
8 THE CHIEF LAW ENFORCEMENT OFFICER RECEIVES INFORMATION  
9 REGARDING THE SEXUALLY VIOLENT PREDATOR'S RELEASE DATE AND  
10 RESIDENCE.

11 (D) PUBLIC NOTICE.--ALL INFORMATION PROVIDED IN ACCORDANCE  
12 WITH SUBSECTION (A) SHALL BE AVAILABLE, UPON REQUEST, TO THE  
13 GENERAL PUBLIC. THE INFORMATION MAY BE PROVIDED BY ELECTRONIC  
14 MEANS.

15 (E) INTERSTATE TRANSFERS.--THE DUTIES OF POLICE DEPARTMENTS  
16 UNDER THIS SECTION SHALL ALSO APPLY TO INDIVIDUALS WHO ARE  
17 TRANSFERRED TO THIS COMMONWEALTH UNDER THE INTERSTATE COMPACT  
18 FOR THE SUPERVISION OF ADULT OFFENDERS OR THE INTERSTATE COMPACT  
19 FOR JUVENILES.

20 § 9799.63. INFORMATION MADE AVAILABLE ON INTERNET AND  
21 ELECTRONIC NOTIFICATION.

22 (A) LEGISLATIVE FINDINGS.--IT IS HEREBY DECLARED TO BE THE  
23 FINDING OF THE GENERAL ASSEMBLY THAT PUBLIC SAFETY WILL BE  
24 ENHANCED BY MAKING INFORMATION ABOUT SEXUALLY VIOLENT PREDATORS,  
25 LIFETIME REGISTRANTS AND OTHER SEX OFFENDERS AVAILABLE TO THE  
26 PUBLIC THROUGH THE INTERNET AND ELECTRONIC NOTIFICATION.  
27 KNOWLEDGE OF WHETHER A PERSON IS A SEXUALLY VIOLENT PREDATOR,  
28 LIFETIME REGISTRANT OR OTHER SEX OFFENDER COULD BE A SIGNIFICANT  
29 FACTOR IN PROTECTING ONESELF AND ONE'S FAMILY MEMBERS, OR THOSE  
30 IN CARE OF A GROUP OR COMMUNITY ORGANIZATION, FROM RECIDIVIST

1 ACTS BY SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND  
2 OTHER SEX OFFENDERS. THE TECHNOLOGY AFFORDED BY THE INTERNET AND  
3 ELECTRONIC NOTIFICATION WOULD MAKE THIS INFORMATION READILY  
4 ACCESSIBLE TO PARENTS AND PRIVATE ENTITIES, ENABLING THEM TO  
5 UNDERTAKE APPROPRIATE REMEDIAL PRECAUTIONS TO PREVENT OR AVOID  
6 PLACING POTENTIAL VICTIMS AT RISK. PUBLIC ACCESS TO INFORMATION  
7 ABOUT SEXUALLY VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER  
8 SEX OFFENDERS IS INTENDED SOLELY AS A MEANS OF PUBLIC PROTECTION  
9 AND SHALL NOT BE CONSTRUED AS PUNITIVE.

10 (B) INTERNET POSTING OF SEXUALLY VIOLENT PREDATORS, LIFETIME  
11 REGISTRANTS, OTHER OFFENDERS AND ELECTRONIC NOTIFICATION.--THE  
12 COMMISSIONER OF THE PENNSYLVANIA STATE POLICE SHALL, IN THE  
13 MANNER AND FORM DIRECTED BY THE GOVERNOR:

14 (1) DEVELOP AND MAINTAIN A SYSTEM FOR MAKING THE  
15 INFORMATION DESCRIBED IN SUBSECTION (C) PUBLICLY AVAILABLE BY  
16 ELECTRONIC MEANS SO THAT THE PUBLIC MAY, WITHOUT LIMITATION,  
17 OBTAIN ACCESS TO THE INFORMATION VIA AN INTERNET WEBSITE TO  
18 VIEW AN INDIVIDUAL RECORD OR THE RECORDS OF ALL SEXUALLY  
19 VIOLENT PREDATORS, LIFETIME REGISTRANTS AND OTHER OFFENDERS  
20 WHO ARE REGISTERED WITH THE PENNSYLVANIA STATE POLICE. THE  
21 PUBLICLY ACCESSIBLE INTERNET WEBSITE CREATED UNDER THIS  
22 SUBCHAPTER AND THE INFORMATION REQUIRED TO BE POSTED UNDER  
23 THIS SUBCHAPTER SHALL BE INCLUDED ON THE PUBLICLY ACCESSIBLE  
24 INTERNET WEBSITE CREATED AND MAINTAINED BY THE PENNSYLVANIA  
25 STATE POLICE UNDER SUBCHAPTER H (RELATING TO REGISTRATION OF  
26 SEXUAL OFFENDERS).

27 (2) ENSURE THAT THE INTERNET WEBSITE CONTAINS WARNINGS  
28 THAT A PERSON WHO USES THE INFORMATION CONTAINED ON THE  
29 INTERNET WEBSITE TO THREATEN, INTIMIDATE OR HARASS ANOTHER OR  
30 WHO OTHERWISE MISUSES THAT INFORMATION MAY BE CRIMINALLY

1 PROSECUTED.

2 (3) ENSURE THAT THE INTERNET WEBSITE CONTAINS:

3 (I) AN EXPLANATION OF ITS LIMITATIONS, INCLUDING  
4 STATEMENTS ADVISING THAT A POSITIVE IDENTIFICATION OF A  
5 SEXUALLY VIOLENT PREDATOR, LIFETIME REGISTRANT OR OTHER  
6 OFFENDER WHOSE RECORD HAS BEEN MADE AVAILABLE MAY BE  
7 CONFIRMED ONLY BY FINGERPRINTS.

8 (II) A STATEMENT THAT SOME INFORMATION CONTAINED ON  
9 THE INTERNET WEBSITE MAY BE OUTDATED OR INACCURATE.

10 (III) A STATEMENT THAT THE INTERNET WEBSITE IS NOT A  
11 COMPREHENSIVE LISTING OF EVERY PERSON WHO HAS EVER  
12 COMMITTED A SEX OFFENSE IN PENNSYLVANIA.

13 (4) STRIVE TO ENSURE THAT:

14 (I) THE INFORMATION CONTAINED ON THE INTERNET  
15 WEBSITE IS ACCURATE;

16 (II) THE DATA ON THE INTERNET WEBSITE IS REVISED AND  
17 UPDATED AS APPROPRIATE IN A TIMELY AND EFFICIENT MANNER;  
18 AND

19 (III) INSTRUCTIONS ARE INCLUDED ON HOW TO SEEK  
20 CORRECTION OF INFORMATION WHICH A PERSON CONTENDS IS  
21 ERRONEOUS.

22 (5) PROVIDE ON THE INTERNET WEBSITE GENERAL INFORMATION  
23 DESIGNED TO INFORM AND EDUCATE THE PUBLIC ABOUT SEX OFFENDERS  
24 AND SEXUALLY VIOLENT PREDATORS AND THE OPERATION OF THIS  
25 SUBCHAPTER AS WELL AS PERTINENT AND APPROPRIATE INFORMATION  
26 CONCERNING CRIME PREVENTION AND PERSONAL SAFETY, WITH  
27 APPROPRIATE LINKS TO OTHER RELEVANT INTERNET WEBSITES  
28 OPERATED BY THE COMMONWEALTH.

29 (6) IDENTIFY WHEN THE VICTIM IS A MINOR WITH A SPECIAL  
30 DESIGNATION. THE IDENTITY OF A VICTIM OF A SEX OFFENSE SHALL

1 NOT BE PUBLISHED OR POSTED ON THE INTERNET WEBSITE.

2 (7) NOTWITHSTANDING 18 PA.C.S. CH. 91 (RELATING TO  
3 CRIMINAL HISTORY RECORD INFORMATION), DEVELOP, IMPLEMENT AND  
4 MAINTAIN A PROCESS WHICH ALLOWS MEMBERS OF THE PUBLIC TO  
5 RECEIVE ELECTRONIC NOTIFICATION WHEN AN INDIVIDUAL REQUIRED  
6 TO REGISTER UNDER THIS SUBCHAPTER MOVES INTO OR OUT OF A  
7 USER-DESIGNATED LOCATION.

8 (C) INFORMATION PERMITTED TO BE DISCLOSED REGARDING  
9 INDIVIDUALS.--NOTWITHSTANDING 18 PA.C.S. CH. 91, THE INTERNET  
10 WEBSITE SHALL CONTAIN THE FOLLOWING INFORMATION ON EACH  
11 INDIVIDUAL:

12 (1) FOR SEXUALLY VIOLENT PREDATORS, THE FOLLOWING  
13 INFORMATION SHALL BE POSTED ON THE INTERNET WEBSITE:

14 (I) NAME AND ALL KNOWN ALIASES;

15 (II) YEAR OF BIRTH;

16 (III) IN THE CASE OF AN INDIVIDUAL WHO HAS A  
17 RESIDENCE AS DEFINED IN PARAGRAPH (1) OF THE DEFINITION  
18 OF "RESIDENCE" IN SECTION 9799.53 (RELATING TO  
19 DEFINITIONS), THE STREET ADDRESS, MUNICIPALITY, COUNTY  
20 AND ZIP CODE OF ALL RESIDENCES, INCLUDING, WHERE  
21 APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF  
22 CONFINEMENT;

23 (IV) THE STREET ADDRESS, MUNICIPALITY, COUNTY, ZIP  
24 CODE AND NAME OF AN INSTITUTION OR LOCATION AT WHICH THE  
25 PERSON IS ENROLLED AS A STUDENT;

26 (V) THE MUNICIPALITY, COUNTY AND ZIP CODE OF AN  
27 EMPLOYMENT LOCATION;

28 (VI) A PHOTOGRAPH OF THE INDIVIDUAL, WHICH SHALL BE  
29 UPDATED NOT LESS THAN ANNUALLY;

30 (VII) A PHYSICAL DESCRIPTION OF THE OFFENDER,

1 INCLUDING SEX, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR AND  
2 RACE;

3 (VIII) IDENTIFYING MARKS, INCLUDING SCARS,  
4 BIRTHMARKS AND TATTOOS;

5 (IX) THE LICENSE PLATE NUMBER AND DESCRIPTION OF A  
6 VEHICLE OWNED OR REGISTERED TO THE OFFENDER;

7 (X) WHETHER THE OFFENDER IS CURRENTLY COMPLIANT WITH  
8 REGISTRATION REQUIREMENTS;

9 (XI) WHETHER THE VICTIM IS A MINOR;

10 (XII) A DESCRIPTION OF THE OFFENSE OR OFFENSES WHICH  
11 TRIGGERED THE APPLICATION OF THIS SUBCHAPTER;

12 (XIII) THE DATE OF THE OFFENSE AND CONVICTION, IF  
13 AVAILABLE; AND

14 (XIV) IN THE CASE OF AN INDIVIDUAL WHO HAS A  
15 RESIDENCE AS DEFINED IN PARAGRAPH (2) OF THE DEFINITION  
16 OF "RESIDENCE" IN SECTION 9799.53, THE INFORMATION LISTED  
17 IN SECTION 9799.56(A)(2)(I)(C) (RELATING TO REGISTRATION  
18 PROCEDURES AND APPLICABILITY), INCLUDING, WHERE  
19 APPLICABLE, THE NAME OF THE PRISON OR OTHER PLACE OF  
20 CONFINEMENT.

21 (2) FOR ALL OTHER LIFETIME REGISTRANTS AND OFFENDERS  
22 SUBJECT TO REGISTRATION, THE INFORMATION SPECIFIED IN  
23 PARAGRAPH (1) SHALL BE POSTED ON THE INTERNET WEBSITE.

24 (D) DURATION OF INTERNET POSTING.--

25 (1) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT A  
26 SEXUALLY VIOLENT PREDATOR SHALL BE MADE AVAILABLE ON THE  
27 INTERNET FOR THE LIFETIME OF THE SEXUALLY VIOLENT PREDATOR.

28 (2) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT AN  
29 OFFENDER WHO IS SUBJECT TO LIFETIME REGISTRATION SHALL BE  
30 MADE AVAILABLE ON THE INTERNET FOR THE LIFETIME OF THE

1 OFFENDER UNLESS THE OFFENDER IS GRANTED RELIEF UNDER SECTION  
2 9799.59 (RELATING TO EXEMPTION FROM CERTAIN NOTIFICATIONS).

3 (3) THE INFORMATION LISTED IN SUBSECTION (C) ABOUT ANY  
4 OTHER OFFENDER SUBJECT TO REGISTRATION SHALL BE MADE  
5 AVAILABLE ON THE INTERNET FOR THE ENTIRE PERIOD DURING WHICH  
6 THE OFFENDER IS REQUIRED TO REGISTER, INCLUDING AN EXTENSION  
7 OF THIS PERIOD UNDER SECTION 9799.56 (A) (3).

8 § 9799.64. ADMINISTRATION.

9 THE GOVERNOR SHALL DIRECT THE PENNSYLVANIA STATE POLICE, THE  
10 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE STATE SEXUAL  
11 OFFENDERS ASSESSMENT BOARD, THE DEPARTMENT OF CORRECTIONS, THE  
12 DEPARTMENT OF TRANSPORTATION AND ANY OTHER AGENCY OF THIS  
13 COMMONWEALTH THE GOVERNOR DEEMS NECESSARY TO COLLABORATIVELY  
14 DESIGN, DEVELOP AND IMPLEMENT AN INTEGRATED AND SECURE SYSTEM OF  
15 COMMUNICATION, STORAGE AND RETRIEVAL OF INFORMATION TO ASSURE  
16 THE TIMELY, ACCURATE AND EFFICIENT ADMINISTRATION OF THIS  
17 SUBCHAPTER.

18 § 9799.65. GLOBAL POSITIONING SYSTEM TECHNOLOGY.

19 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND COUNTY  
20 PROBATION AUTHORITIES MAY IMPOSE SUPERVISION CONDITIONS THAT  
21 INCLUDE OFFENDER TRACKING THROUGH GLOBAL POSITIONING SYSTEM  
22 TECHNOLOGY.

23 § 9799.66. IMMUNITY FOR GOOD FAITH CONDUCT.

24 THE FOLLOWING ENTITIES SHALL BE IMMUNE FROM LIABILITY FOR  
25 GOOD FAITH CONDUCT UNDER THIS SUBCHAPTER:

26 (1) THE PENNSYLVANIA STATE POLICE AND LOCAL LAW  
27 ENFORCEMENT AGENCIES AND EMPLOYEES OF LAW ENFORCEMENT  
28 AGENCIES.

29 (2) DISTRICT ATTORNEYS AND THEIR AGENTS AND EMPLOYEES.

30 (3) SUPERINTENDENTS, ADMINISTRATORS, TEACHERS, EMPLOYEES

1 AND VOLUNTEERS ENGAGED IN THE SUPERVISION OF CHILDREN OF A  
2 PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.

3 (4) DIRECTORS AND EMPLOYEES OF COUNTY CHILDREN AND YOUTH  
4 AGENCIES.

5 (5) PRESIDENTS OR SIMILAR OFFICERS OF UNIVERSITIES AND  
6 COLLEGES, INCLUDING COMMUNITY COLLEGES.

7 (6) THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND  
8 ITS AGENTS AND EMPLOYEES.

9 (7) COUNTY PROBATION AND PAROLE OFFICES AND THEIR AGENTS  
10 AND EMPLOYEES.

11 (8) LICENSEES OF CERTIFIED DAY-CARE CENTERS AND  
12 DIRECTORS OF LICENSED PRESCHOOL PROGRAMS AND OWNERS/OPERATORS  
13 OF REGISTERED FAMILY DAY-CARE HOMES, AND THEIR AGENTS AND  
14 EMPLOYEES.

15 (9) THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS AND ITS  
16 AGENTS AND EMPLOYEES.

17 (10) COUNTY CORRECTIONAL FACILITIES AND THEIR AGENTS AND  
18 EMPLOYEES.

19 (11) MEMBERS OF THE SEXUAL OFFENDERS ASSESSMENT BOARD  
20 AND ITS AGENTS AND EMPLOYEES.

21 (12) THE UNIT OWNERS' ASSOCIATION OF A COMMON INTEREST  
22 COMMUNITY AND ITS AGENTS AND EMPLOYEES AS IT RELATES TO  
23 DISTRIBUTING INFORMATION REGARDING SEXUALLY VIOLENT PREDATORS  
24 OBTAINED UNDER SECTION 9799.62(B)(1) (RELATING TO OTHER  
25 NOTIFICATION).

26 § 9799.67. DUTIES OF PENNSYLVANIA STATE POLICE.

27 THE PENNSYLVANIA STATE POLICE SHALL:

28 (1) CREATE AND MAINTAIN A STATE REGISTRY OF OFFENDERS  
29 AND SEXUALLY VIOLENT PREDATORS REQUIRED TO REGISTER UNDER  
30 THIS SUBCHAPTER. THE REGISTRY SHALL BE INCORPORATED AS PART

1 OF THE REGISTRY ESTABLISHED UNDER SUBCHAPTER H (RELATING TO  
2 REGISTRATION OF SEXUAL OFFENDERS) .

3 (2) IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS,  
4 THE OFFICE OF ATTORNEY GENERAL, THE PENNSYLVANIA BOARD OF  
5 PROBATION AND PAROLE AND THE CHAIRPERSON AND THE MINORITY  
6 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE  
7 CHAIRPERSON AND THE MINORITY CHAIRPERSON OF THE JUDICIARY  
8 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, PROMULGATE  
9 GUIDELINES NECESSARY FOR THE GENERAL ADMINISTRATION OF THIS  
10 SUBCHAPTER. THESE GUIDELINES SHALL ESTABLISH PROCEDURES TO  
11 ALLOW AN INDIVIDUAL SUBJECT TO THE REQUIREMENTS OF SECTIONS  
12 9799.55 (RELATING TO REGISTRATION) AND 9799.60 (RELATING TO  
13 VERIFICATION OF RESIDENCE) TO FULFILL THESE REQUIREMENTS AT  
14 APPROVED REGISTRATION SITES THROUGHOUT THIS COMMONWEALTH.  
15 THIS PARAGRAPH INCLUDES THE DUTY TO ESTABLISH PROCEDURES TO  
16 ALLOW AN INDIVIDUAL WHO HAS A RESIDENCE AS DEFINED IN  
17 PARAGRAPH (2) OF THE DEFINITION OF "RESIDENCE" IN SECTION  
18 9799.53 (RELATING TO DEFINITIONS) TO FULFILL THE REQUIREMENTS  
19 REGARDING REGISTRATION AT APPROVED REGISTRATION SITES  
20 THROUGHOUT THIS COMMONWEALTH. THE PENNSYLVANIA STATE POLICE  
21 SHALL PUBLISH A LIST OF APPROVED REGISTRATION SITES IN THE  
22 PENNSYLVANIA BULLETIN AND PROVIDE A LIST OF APPROVED  
23 REGISTRATION SITES IN ANY NOTICES SENT TO INDIVIDUALS  
24 REQUIRED TO REGISTER UNDER SECTION 9799.55. AN APPROVED  
25 REGISTRATION SITE SHALL BE CAPABLE OF SUBMITTING  
26 FINGERPRINTS, PHOTOGRAPHS AND OTHER INFORMATION REQUIRED  
27 ELECTRONICALLY TO THE PENNSYLVANIA STATE POLICE. THE  
28 PENNSYLVANIA STATE POLICE SHALL REQUIRE THAT APPROVED  
29 REGISTRATION SITES SUBMIT FINGERPRINTS UTILIZING THE  
30 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM OR IN

1 ANOTHER MANNER AND IN THE FORM AS THE PENNSYLVANIA STATE  
2 POLICE SHALL REQUIRE. THE PENNSYLVANIA STATE POLICE SHALL  
3 REQUIRE THAT APPROVED REGISTRATION SITES SUBMIT PHOTOGRAPHS  
4 UTILIZING THE COMMONWEALTH PHOTO IMAGING NETWORK OR IN  
5 ANOTHER MANNER AND IN THE FORM AS THE PENNSYLVANIA STATE  
6 POLICE SHALL REQUIRE. APPROVED REGISTRATION SITES SHALL NOT  
7 BE LIMITED TO SITES MANAGED BY THE PENNSYLVANIA STATE POLICE  
8 AND SHALL INCLUDE SITES MANAGED BY LOCAL LAW ENFORCEMENT  
9 AGENCIES THAT MEET THE CRITERIA FOR APPROVED REGISTRATION  
10 SITES SPECIFIED IN THIS PARAGRAPH.

11 (3) WRITE REGULATIONS REGARDING NEIGHBOR NOTIFICATION OF  
12 THE CURRENT RESIDENCE OF SEXUALLY VIOLENT PREDATORS.

13 (4) NOTIFY, WITHIN FIVE BUSINESS DAYS OF RECEIVING THE  
14 OFFENDER'S OR THE SEXUALLY VIOLENT PREDATOR'S REGISTRATION,  
15 THE CHIEF LAW ENFORCEMENT OFFICERS OF THE POLICE DEPARTMENTS  
16 HAVING PRIMARY JURISDICTION OF THE MUNICIPALITIES IN WHICH AN  
17 OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS A RESIDENCE, IS  
18 EMPLOYED OR ENROLLED AS A STUDENT OF THE FACT THAT THE  
19 OFFENDER OR SEXUALLY VIOLENT PREDATOR HAS BEEN REGISTERED  
20 WITH THE PENNSYLVANIA STATE POLICE UNDER SECTIONS 9799.56  
21 (RELATING TO REGISTRATION PROCEDURES AND APPLICABILITY) AND  
22 9799.60.

23 (5) IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION AND  
24 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, PROMULGATE  
25 GUIDELINES DIRECTING LICENSED DAY-CARE CENTERS, LICENSED  
26 PRESCHOOL PROGRAMS, SCHOOLS, UNIVERSITIES AND COLLEGES,  
27 INCLUDING COMMUNITY COLLEGES, ON THE PROPER USE AND  
28 ADMINISTRATION OF INFORMATION RECEIVED UNDER SECTION 9799.62  
29 (RELATING TO OTHER NOTIFICATION).

30 (6) IMMEDIATELY TRANSFER THE INFORMATION RECEIVED FROM

1 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE UNDER SECTION  
2 9799.68(2) AND (3) (RELATING TO DUTIES OF PENNSYLVANIA BOARD  
3 OF PROBATION AND PAROLE) AND THE FINGERPRINTS OF A SEXUALLY  
4 VIOLENT PREDATOR TO THE FEDERAL BUREAU OF INVESTIGATION.

5 (7) NOTIFY INDIVIDUALS OF THE REQUIREMENTS UNDER THIS  
6 SUBCHAPTER, AS SPECIFIED IN SECTION 9799.54 (RELATING TO  
7 APPLICABILITY).

8 § 9799.68. DUTIES OF PENNSYLVANIA BOARD OF PROBATION AND  
9 PAROLE.

10 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL:

11 (1) CREATE A NOTIFICATION FORM WHICH WILL INFORM STATE  
12 AND COUNTY PRISON AND PROBATION AND PAROLE PERSONNEL HOW TO  
13 INFORM OFFENDERS AND SEXUALLY VIOLENT PREDATORS REQUIRED TO  
14 REGISTER UNDER THIS SUBCHAPTER OF THEIR DUTY UNDER THE LAW.

15 (2) IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS  
16 AND OTHER COMMONWEALTH AGENCIES, OBTAIN THE FOLLOWING  
17 INFORMATION REGARDING OFFENDERS AND SEXUALLY VIOLENT  
18 PREDATORS:

19 (I) NAME, INCLUDING ALIASES.

20 (II) IDENTIFYING FACTORS.

21 (III) ANTICIPATED FUTURE RESIDENCE.

22 (IV) OFFENSE HISTORY.

23 (V) DOCUMENTATION OF TREATMENT RECEIVED FOR THE  
24 MENTAL ABNORMALITY OR PERSONALITY DISORDER.

25 (VI) PHOTOGRAPH OF THE OFFENDER OR SEXUALLY VIOLENT  
26 PREDATOR.

27 (3) IMMEDIATELY TRANSMIT THE INFORMATION IN PARAGRAPH  
28 (2) TO THE PENNSYLVANIA STATE POLICE FOR IMMEDIATE ENTRY INTO  
29 THE STATE REGISTRY OF OFFENDERS AND SEXUALLY VIOLENT  
30 PREDATORS AND THE CRIMINAL HISTORY RECORD OF THE INDIVIDUAL

1 AS PROVIDED IN 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL  
2 HISTORY RECORD INFORMATION).

3 (4) APPLY FOR FEDERAL FUNDING AS PROVIDED IN THE ADAM  
4 WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (PUBLIC LAW  
5 109-248, 120 STAT. 587) TO SUPPORT AND ENHANCE PROGRAMMING  
6 USING SATELLITE GLOBAL POSITIONING SYSTEM TECHNOLOGY.

7 § 9799.69. BOARD.

8 (A) COMPOSITION.--THE STATE SEXUAL OFFENDERS ASSESSMENT  
9 BOARD SHALL BE COMPOSED OF PSYCHIATRISTS, PSYCHOLOGISTS AND  
10 CRIMINAL JUSTICE EXPERTS, EACH OF WHOM IS AN EXPERT IN THE FIELD  
11 OF THE BEHAVIOR AND TREATMENT OF SEXUAL OFFENDERS.

12 (B) APPOINTMENT.--THE GOVERNOR SHALL APPOINT THE BOARD  
13 MEMBERS.

14 (C) TERM OF OFFICE.--MEMBERS OF THE BOARD SHALL SERVE FOUR-  
15 YEAR TERMS.

16 (D) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL BE  
17 COMPENSATED AT A RATE OF \$350 PER ASSESSMENT AND RECEIVE  
18 REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE  
19 PERFORMING THE BUSINESS OF THE BOARD. THE CHAIRMAN SHALL RECEIVE  
20 \$500 ADDITIONAL COMPENSATION PER ANNUM.

21 (E) STAFF.--SUPPORT STAFF FOR THE BOARD SHALL BE PROVIDED BY  
22 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

23 SECTION 18.1. SECTION 9799.70 OF TITLE 42, ADDED FEBRUARY  
24 21, 2018 (P.L.27, NO.10), IS REENACTED AND AMENDED TO READ:

25 § 9799.70. COUNSELING OF SEXUALLY VIOLENT PREDATORS.

26 (A) COUNSELING REQUIRED.--FOR THE PERIOD OF REGISTRATION  
27 REQUIRED BY SECTION 9799.55(B) (RELATING TO REGISTRATION), A  
28 SEXUALLY VIOLENT PREDATOR SHALL BE REQUIRED TO ATTEND AT LEAST  
29 MONTHLY COUNSELING SESSIONS IN A PROGRAM APPROVED BY THE BOARD  
30 AND BE FINANCIALLY RESPONSIBLE FOR ALL FEES ASSESSED FROM THE

1 COUNSELING SESSIONS. THE BOARD SHALL MONITOR THE COMPLIANCE OF  
2 THE SEXUALLY VIOLENT PREDATOR. IF THE SEXUALLY VIOLENT PREDATOR  
3 CAN PROVE TO THE SATISFACTION OF THE COURT THAT THE PERSON  
4 CANNOT AFFORD TO PAY FOR THE COUNSELING SESSIONS, THAT PERSON  
5 SHALL STILL ATTEND THE COUNSELING SESSIONS AND THE PAROLE OFFICE  
6 SHALL PAY THE REQUISITE FEES.

7 (B) NOTICE.--A PROVIDER OF COUNSELING SESSIONS UNDER  
8 SUBSECTION (A) SHALL NOTIFY THE DISTRICT ATTORNEY OF THE COUNTY  
9 AND THE CHIEF LAW ENFORCEMENT OFFICER AS DEFINED IN SECTION 8951  
10 (RELATING TO DEFINITIONS) OF THE MUNICIPALITY WHERE THE PROVIDER  
11 IS LOCATED THAT THE PROVIDER IS COUNSELING SEXUALLY VIOLENT  
12 PREDATORS. NOTICE UNDER THIS SUBSECTION MUST BE SUBMITTED IN  
13 WRITING NO LATER THAN JANUARY 15 OF EACH YEAR AND SHALL INCLUDE  
14 THE ADDRESS OF THE PROVIDER.

15 SECTION 19. SECTION 9799.71 OF TITLE 42, ADDED FEBRUARY 21,  
16 2018 (P.L.27, NO.10), IS REENACTED TO READ:

17 § 9799.71. EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES  
18 AND THEIR EMPLOYEES.

19 NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED AS IMPOSING A  
20 DUTY UPON A PERSON OR AN EMPLOYEE OF A PERSON LICENSED UNDER THE  
21 ACT OF FEBRUARY 19, 1980 (P.L.15, NO.9), KNOWN AS THE REAL  
22 ESTATE LICENSING AND REGISTRATION ACT, TO DISCLOSE INFORMATION  
23 REGARDING:

24 (1) A SEXUALLY VIOLENT PREDATOR; OR

25 (2) AN INDIVIDUAL WHO IS TRANSFERRED TO THIS  
26 COMMONWEALTH UNDER THE INTERSTATE COMPACT FOR THE SUPERVISION  
27 OF ADULT OFFENDERS OR THE INTERSTATE COMPACT FOR JUVENILES.

28 SECTION 19.1. SECTION 9799.72 OF TITLE 42, ADDED FEBRUARY  
29 21, 2018 (P.L.27, NO.10), IS REENACTED AND AMENDED TO READ:

30 § 9799.72. ANNUAL PERFORMANCE AUDIT.

1 (A) DUTIES OF ATTORNEY GENERAL.--THE ATTORNEY GENERAL SHALL:

2 (1) CONDUCT A PERFORMANCE AUDIT ANNUALLY TO DETERMINE  
3 COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBCHAPTER AND  
4 GUIDELINES PROMULGATED UNDER THIS SUBCHAPTER. THE AUDIT  
5 SHALL, AT A MINIMUM, INCLUDE A REVIEW OF THE PRACTICES,  
6 PROCEDURES AND RECORDS OF THE PENNSYLVANIA STATE POLICE, THE  
7 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT OF  
8 CORRECTIONS, THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD, THE  
9 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS AND ANY OTHER  
10 STATE OR LOCAL AGENCY THE ATTORNEY GENERAL DEEMS NECESSARY IN  
11 ORDER TO CONDUCT A THOROUGH AND ACCURATE PERFORMANCE AUDIT.

12 (2) PREPARE AN ANNUAL REPORT OF ITS FINDINGS AND ACTIONS  
13 IT RECOMMENDS BE TAKEN BY THE PENNSYLVANIA STATE POLICE, THE  
14 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT OF  
15 CORRECTIONS, THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD, THE  
16 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, OTHER STATE OR  
17 LOCAL AGENCIES AND THE GENERAL ASSEMBLY TO ENSURE COMPLIANCE  
18 WITH THIS SUBCHAPTER. THE FIRST REPORT SHALL BE RELEASED TO  
19 THE GENERAL PUBLIC NOT LESS THAN 18 MONTHS [FOLLOWING THE  
20 EFFECTIVE DATE OF THIS SECTION] AFTER FEBRUARY 21, 2018.

21 (3) PROVIDE A COPY OF ITS REPORT TO THE PENNSYLVANIA  
22 STATE POLICE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE,  
23 THE DEPARTMENT OF CORRECTIONS, THE STATE SEXUAL OFFENDERS  
24 ASSESSMENT BOARD, THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA  
25 COURTS, STATE OR LOCAL AGENCIES REFERENCED THEREIN, THE  
26 CHAIRPERSON AND THE MINORITY CHAIRPERSON OF THE JUDICIARY  
27 COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND THE MINORITY  
28 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE HOUSE OF  
29 REPRESENTATIVES NO LESS THAN 30 DAYS PRIOR TO THE REPORT'S  
30 RELEASE TO THE GENERAL PUBLIC.

1 (B) COOPERATION REQUIRED.--NOTWITHSTANDING ANY OTHER  
2 PROVISION OF LAW TO THE CONTRARY, THE PENNSYLVANIA STATE POLICE,  
3 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE DEPARTMENT  
4 OF CORRECTIONS, THE STATE SEXUAL OFFENDERS ASSESSMENT BOARD, THE  
5 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, THE PENNSYLVANIA  
6 COMMISSION ON SENTENCING AND ANY OTHER STATE OR LOCAL AGENCY  
7 REQUESTED TO DO SO SHALL FULLY COOPERATE WITH THE ATTORNEY  
8 GENERAL AND ASSIST THE OFFICE IN SATISFYING THE REQUIREMENTS OF  
9 THIS SECTION. FOR PURPOSES OF THIS SUBSECTION, FULL COOPERATION  
10 SHALL INCLUDE, AT A MINIMUM, COMPLETE ACCESS TO UNREDACTED  
11 RECORDS, FILES, REPORTS AND DATA SYSTEMS.

12 SECTION 20. SECTIONS 9799.73 AND 9799.74 OF TITLE 42, ADDED  
13 FEBRUARY 21, 2018 (P.L.27, NO.10), ARE REENACTED TO READ:

14 § 9799.73. PHOTOGRAPHS AND FINGERPRINTING.

15 AN INDIVIDUAL SUBJECT TO SECTION 9799.55 (RELATING TO  
16 REGISTRATION) SHALL SUBMIT TO FINGERPRINTING AND PHOTOGRAPHING  
17 AS REQUIRED BY THIS SUBCHAPTER AT APPROVED REGISTRATION SITES.  
18 FINGERPRINTING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A  
19 MINIMUM, REQUIRE SUBMISSION OF A FULL SET OF FINGERPRINTS.

20 PHOTOGRAPHING AS REQUIRED BY THIS SUBCHAPTER SHALL, AT A  
21 MINIMUM, REQUIRE SUBMISSION TO PHOTOGRAPHS OF THE FACE AND  
22 SCARS, MARKS, TATTOOS OR OTHER UNIQUE FEATURES OF THE  
23 INDIVIDUAL. FINGERPRINTS AND PHOTOGRAPHS OBTAINED UNDER THIS  
24 SUBCHAPTER MAY BE MAINTAINED FOR USE UNDER THIS SUBCHAPTER AND  
25 FOR GENERAL LAW ENFORCEMENT PURPOSES.

26 § 9799.74. STANDING FOR PENNSYLVANIA STATE POLICE.

27 EXCEPT FOR PETITIONS FILED UNDER SECTION 9799.59(A) (RELATING  
28 TO EXEMPTIONS FROM CERTAIN NOTIFICATIONS), THE PENNSYLVANIA  
29 STATE POLICE SHALL HAVE STANDING TO APPEAR AND CONTEST A FILING  
30 IN A COURT OF THIS COMMONWEALTH WHICH SEEKS TO CHALLENGE IN ANY

1 WAY THE OBLIGATION OF AN INDIVIDUAL REQUIRED TO REGISTER WITH  
2 THE PENNSYLVANIA STATE POLICE UNDER THIS SUBCHAPTER.

3 SECTION 20.1. SECTION 9799.75 OF TITLE 42, ADDED FEBRUARY  
4 21, 2018 (P.L.27, NO.10), IS REENACTED AND AMENDED TO READ:  
5 § 9799.75. CONSTRUCTION OF SUBCHAPTER.

6 (A) REGISTRATION.--NOTHING IN THIS SUBCHAPTER SHALL BE  
7 CONSTRUED TO RELIEVE AN INDIVIDUAL FROM THE OBLIGATION TO  
8 REGISTER WITH THE PENNSYLVANIA STATE POLICE UNDER THIS  
9 SUBCHAPTER IF THE INDIVIDUAL:

10 (1) COMMITTED A SEXUALLY VIOLENT OFFENSE WITHIN THIS  
11 COMMONWEALTH OR COMMITTED AN OFFENSE UNDER THE LAWS OF THE  
12 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,  
13 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF  
14 PUERTO RICO OR A FOREIGN NATION WHICH IS SIMILAR OR  
15 EQUIVALENT TO A SEXUALLY VIOLENT OFFENSE, OR WHO WAS COURT  
16 MARTIALED FOR A SIMILAR OR EQUIVALENT OFFENSE, WHETHER OR NOT  
17 THE OFFENSE IS DESIGNATED AS A SEXUALLY VIOLENT OFFENSE; AND

18 (2) WAS REQUIRED TO REGISTER WITH THE PENNSYLVANIA STATE  
19 POLICE UNDER A FORMER SEXUAL OFFENDER REGISTRATION LAW OF  
20 THIS COMMONWEALTH THAT WAS ENACTED BEFORE DECEMBER 20, 2012,  
21 OR WOULD HAVE BEEN REQUIRED TO REGISTER WITH THE PENNSYLVANIA  
22 STATE POLICE UNDER THE ACT OF NOVEMBER 24, 2004 (P.L.1243,  
23 NO.152), ENTITLED "AN ACT AMENDING TITLES 18 (CRIMES AND  
24 OFFENSES) AND 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE  
25 PENNSYLVANIA CONSOLIDATED STATUTES, DEFINING THE OFFENSE OF  
26 FAILURE TO COMPLY WITH REGISTRATION OF SEXUAL OFFENDERS  
27 REQUIREMENTS; IMPOSING PENALTIES; FURTHER PROVIDING FOR SIX  
28 MONTHS LIMITATION AND FOR TWO YEAR LIMITATION; PROVIDING FOR  
29 LIMITATION AND APPLICATION FOR ASBESTOS CLAIM; FURTHER  
30 PROVIDING FOR DEFICIENCY JUDGMENTS, FOR DEFINITIONS, FOR

1 REGISTRATION, FOR REGISTRATION PROCEDURES AND APPLICABILITY  
2 AND FOR ASSESSMENTS; PROVIDING FOR EXEMPTION FROM CERTAIN  
3 NOTIFICATIONS; FURTHER PROVIDING FOR VERIFICATION OF  
4 RESIDENCE AND FOR OTHER NOTIFICATION; PROVIDING FOR  
5 INFORMATION MADE AVAILABLE ON THE INTERNET AND FOR CERTAIN  
6 ADMINISTRATION; FURTHER PROVIDING FOR IMMUNITY FOR GOOD FAITH  
7 CONDUCT, FOR DUTIES OF PENNSYLVANIA STATE POLICE AND FOR  
8 EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES AND THEIR  
9 EMPLOYEES; AND PROVIDING FOR ANNUAL PERFORMANCE AUDIT AND FOR  
10 PHOTOGRAPHS AND FINGERPRINTING[."]," BUT FOR THE DECISION BY  
11 THE PENNSYLVANIA SUPREME COURT IN COMMONWEALTH V. NEIMAN, 84  
12 A.3D 603 (PA. 2013).

13 (B) REREGISTRATION.--NOTHING IN THIS SUBCHAPTER SHALL BE  
14 CONSTRUED TO REQUIRE AN INDIVIDUAL WHO HAD PREVIOUSLY REGISTERED  
15 WITH THE PENNSYLVANIA STATE POLICE FOR A SEXUALLY VIOLENT  
16 OFFENSE PRIOR TO JULY 9, 2000, TO REREGISTER UNDER THIS  
17 SUBCHAPTER IF THE INDIVIDUAL'S REGISTRATION REQUIREMENTS WERE  
18 SATISFIED.

19 SECTION 21. THIS ACT SHALL APPLY AS FOLLOWS:

20 (1) THE REENACTMENT OR AMENDMENT OF 18 PA.C.S. § 4915.1  
21 AND 42 PA.C.S. CH. 97 SUBCH. H SHALL APPLY TO AN INDIVIDUAL  
22 WHO COMMITS AN OFFENSE ON OR AFTER DECEMBER 20, 2012.

23 (2) THE REENACTMENT OR AMENDMENT OF 18 PA.C.S. § 4915.2  
24 AND 42 PA.C.S. CH. 97 SUBCH. I SHALL APPLY TO:

25 (I) AN INDIVIDUAL WHO COMMITTED AN OFFENSE SET FORTH  
26 IN 42 PA.C.S. § 9799.55 ON OR AFTER APRIL 22, 1996, BUT  
27 BEFORE DECEMBER 20, 2012, AND WHOSE PERIOD OF  
28 REGISTRATION AS SET FORTH IN 42 PA.C.S. § 9799.55 HAS NOT  
29 EXPIRED.

30 (II) AN INDIVIDUAL REQUIRED TO REGISTER WITH THE

1 PENNSYLVANIA STATE POLICE UNDER A FORMER SEXUAL OFFENDER  
2 REGISTRATION LAW OF THIS COMMONWEALTH AS SET FORTH IN 42  
3 PA.C.S. § 9799.55(A)(1)(I), (B)(2) AND (4).

4 (III) BEFORE OR AFTER FEBRUARY 21, 2018, AN  
5 INDIVIDUAL WHO:

6 (A) COMMITS AN OFFENSE SUBJECT TO 42 PA.C.S. CH.  
7 97 SUBCH. H; BUT

8 (B) BECAUSE OF A JUDICIAL DETERMINATION ON OR  
9 AFTER FEBRUARY 21, 2018 OF THE INVALIDITY OF 42  
10 PA.C.S. CH. 97 SUBCH. H, IS NOT SUBJECT TO  
11 REGISTRATION AS A SEXUAL OFFENDER.

12 SECTION 22. THE REENACTMENT OF 42 PA.C.S. §§ 9799.25(F) AND  
13 9799.55(D) SHALL APPLY TO ALL GROUP-BASED HOMES AND THEIR  
14 RESIDENTS, REGARDLESS OF WHEN THE GROUP-BASED HOMES BEGAN TO  
15 PROVIDE HOUSING OR THE RESIDENTS BEGAN THEIR RESIDENCY.

16 SECTION 23. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.