

No. 2012-91

AN ACT

HB 75

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making changes necessary for the administration and implementation of the act of December 20, 2011 (P.L.446, No.111), entitled "An act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to registration of sexual offenders pursuant to Federal mandate; and making editorial changes," in the areas of perjury and falsification in official matters, dissemination of criminal history record information, disposition of children generally, court-ordered involuntary treatment of certain sexually violent persons and registration of sexual offenders; and, in juvenile matters, further providing for definitions and for disposition of dependent child.

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

Section 1. Sections 4915(d) and (g) and 4915.1(b) and (c.1) of Title 18 of the Pennsylvania Consolidated Statutes, amended or added December 20, 2011 (P.L.446, No.111), are amended to read:

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

* * *

(d) Effect of notice.—Neither failure on the part of the Pennsylvania State Police to send nor failure of a sexually violent predator or offender to receive any notice or information pursuant to 42 Pa.C.S. § 9796(a.1) [or], (b.1) 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. § 9796(a.1) [and], (b.1) or (b.3) are not an element of an offense under this section.

* * *

(g) Expiration.—This section shall expire [one year after the effective date of this subsection] *December 20, 2012*.

§ 4915.1. Failure to comply with registration requirements.

* * *

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

* * *

Section 2. Section 9123(a) introductory paragraph of Title 18 is amended and the section is amended by adding a subsection to read:
§ 9123. Juvenile records.

(a) Expungement of juvenile records.—Notwithstanding the provisions of section 9105 (relating to other criminal justice information) and except [upon cause shown] *as provided under subsection (a.1)*, expungement of records of juvenile delinquency cases wherever kept or retained shall occur after 30 days' notice to the district attorney, whenever the court upon its motion or upon the motion of a child or the parents or guardian finds:

* * *

(a.1) *Exceptions.—Subsection (a) shall not apply if any of the following apply:*

(1) *The individual meets all of the following:*

(i) *Was 14 years of age or older at the time the individual committed an offense which, if committed by an adult, would be classified as:*

(A) *An offense under section 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault).*

(B) An attempt, solicitation or conspiracy to commit an offense under section 3121, 3123 or 3125.

(ii) Was adjudicated delinquent for the offense under subparagraph (i).

(2) Upon cause shown.

* * *

Section 2.1. Paragraph (3) of the definition of "child" in section 6302 of Title 42 is amended to read:
§ 6302. Definitions.

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

* * *

"Child." An individual who:

* * *

(3) is under the age of 21 years and was adjudicated dependent before reaching the age of 18 years [and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall a child remain in a course of instruction or treatment past the age of 21 years.], who has requested the court to retain jurisdiction and who remains under the jurisdiction of the court as a dependent child because the court has determined that the child is:

(i) completing secondary education or an equivalent credential;

(ii) enrolled in an institution which provides postsecondary or vocational education;

(iii) participating in a program actively designed to promote or remove barriers to employment;

(iv) employed for at least 80 hours per month; or

(v) incapable of doing any of the activities described in subparagraph (i), (ii), (iii) or (iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan of the child.

* * *

Section 2.2. Section 6351(e)(3) of Title 42 is amended by adding a subparagraph, subsection (f) is amended by adding paragraphs and the section is amended by adding a subsection to read:

§ 6351. Disposition of dependent child.

* * *

(e) Permanency hearings.—

* * *

(3) The court shall conduct permanency hearings as follows:

* * *

(iii) If the court resumes jurisdiction of the child pursuant to subsection (j), permanency hearings shall be scheduled in accordance with applicable law until court jurisdiction is terminated, but no later than when the child attains 21 years of age.

(f) Matters to be determined at permanency hearing.—At each permanency hearing, a court shall determine all of the following:

* * *

(8.1) Whether the child continues to meet the definition of "child" and has requested that the court continue jurisdiction pursuant to section 6302 if the child is between 18 and 21 years of age.

(8.2) That a transition plan has been presented in accordance with section 475 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 675(5)(H)).

* * *

(j) Resumption of jurisdiction.—At any time prior to a child reaching 21 years of age, a child may request the court to resume dependency jurisdiction if:

(1) the child continues to meet the definition of "child" pursuant to section 6302; and

(2) dependency jurisdiction was terminated:

(i) within 90 days prior to the child's 18th birthday; or

(ii) on or after the child's 18th birthday, but before the child turns 21 years of age.

Section 3. Sections 6358(a), 6403(a)(2), 6404.2(g) and 9799.10(2) and (3) of Title 42, amended or added December 20, 2011 (P.L.446, No.111), are amended to read:

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

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

* * *

§ 6403. Court-ordered involuntary treatment.

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

* * *

(2) Has been committed to an institution or other facility pursuant to section 6352 (relating to disposition of delinquent child) and remains in any such institution or facility upon attaining 20 years of age *as a result of having been adjudicated delinquent for the act of sexual violence.*

* * *

§ 6404.2. Duration of outpatient commitment and review.

* * *

(g) Counseling of sexually violent delinquent children.—For the time period under section 9799.15 (relating to period of registration), a sexually violent delinquent child shall attend at least monthly counseling sessions in a program approved by the board and shall be financially responsible for all

fees assessed from the counseling sessions. The board shall monitor compliance. If the sexually violent delinquent child can prove to the satisfaction of the court inability to afford to pay for the counseling sessions, the sexually violent delinquent child shall attend the counseling sessions; and the [parole office] *board* shall pay the requisite fees.

§ 9799.10. Purposes of subchapter.

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

* * *

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

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

* * *

Section 4. The definitions of "approved registration site," "convicted," "juvenile offender" and "sexually violent predator" in section 9799.12 of Title 42, added December 20, 2011 (P.L.446, No.111), are amended to read: § 9799.12. Definitions.

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

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

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

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

(3) which is capable of submitting photographs in the form as the Pennsylvania State Police shall require.] *A site in this Commonwealth approved by the Pennsylvania State Police at which individuals subject to this subchapter may comply with this subchapter.*

* * *

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

* * *

"Juvenile offender." One of the following:

(1) An individual who was 14 years of age or older at the time the individual committed an offense which, if committed by an adult, would be classified as an offense under 18 Pa.C.S. § 3121 (relating to rape),

3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault) or an attempt, solicitation or conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123 or 3125 and either:

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

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

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

(3) An individual who, on or after the effective date of this paragraph, was required to register in a sexual offender registry in another jurisdiction or foreign country based upon an adjudication of delinquency.

The term does not include a sexually violent delinquent child.

"Sexually violent predator." An *individual determined to be a sexually violent predator under section 9795.4 (relating to assessments) prior to the effective date of this subchapter or an individual convicted of an offense specified in:*

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

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

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

who, *on or after the effective date of this subchapter*, is determined to be a sexually violent predator under section 9799.24 (relating to assessments) due to a mental abnormality or personality disorder that makes the individual likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator *or similar designation* where the determination occurred in another jurisdiction, a foreign country or by court martial *following a judicial or administrative determination pursuant to a process similar to that under section 9799.24.*

Section 5. Section 9799.13 of Title 42, added December 20, 2011 (P.L.446, No.111), is amended to read:
§ 9799.13. Applicability.

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

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

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

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

[(1.1)] (1.2) An individual who, on or after the effective date of this section, **[has been]** is convicted of a sexually violent offense **[in this Commonwealth]** and does not have a residence *within this Commonwealth or is not a transient* in this Commonwealth and:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

(7.1) An individual who, on or after the effective date of this section, is required to register in a sexual offender registry in another jurisdiction or foreign country based upon a conviction of [a sexual offense which is not classified as a sexually violent offense] *an offense set forth in section 9799.14(b)(23) (relating to sexual offenses and tier system)* and:

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

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

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

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

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

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

(i) has a residence within this Commonwealth;

- (ii) is employed within this Commonwealth; or
- (iii) is a student within this Commonwealth.

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

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

Section 6. Section 9799.14(b)(12) and (21), (c)(9), (12) and (17) and (d)(12), (13) and (15) of Title 42, added December 20, 2011 (P.L.446, No.111), are amended and subsection (b) is amended by adding a paragraph to read:

§ 9799.14. Sexual offenses and tier system.

* * *

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

* * *

(12) 18 U.S.C. § [2252] 2252(a)(4) (relating to certain activities relating to material involving the sexual exploitation of minors).

* * *

(21) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country *or under a former law of this Commonwealth.*

* * *

(23) A conviction for a sexual offense in another jurisdiction or foreign country that is not set forth in this section, but nevertheless requires registration under a sexual offender statute in the jurisdiction or foreign country.

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

* * *

(9) 18 U.S.C. § 2244 (relating to abusive sexual contact) *where the victim is 13 years of age or older but under 18 years of age.*

* * *

(12) 18 U.S.C. § [2252] 2252(a)(1), (2) or (3).

* * *

(17) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country *or under a former law of this Commonwealth.*

* * *

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

* * *

(12) 18 U.S.C. § 2244 *where the victim is under 13 years of age.*

(13) A comparable military offense or similar offense under the laws of another jurisdiction or country *or under a former law of this Commonwealth.*

* * *

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

* * *

Section 7. Section 9799.15(a)(1), (4) and (7), (c), (f), (g) and (h) of Title 42, added December 20, 2011 (P.L.446, No.111), are amended, subsection (a) is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 9799.15. Period of registration.

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

(1) An individual convicted of a Tier I sexual offense, *except an offense set forth in section 9799.14(b)(23) (relating to sexual offenses and tier system),* shall register for a period of 15 years.

* * *

(4) A juvenile offender *who was adjudicated delinquent in this Commonwealth, or who was adjudicated delinquent in another jurisdiction or foreign country as a consequence of having committed an offense similar to an offense which would require the individual to register if the offense was committed in this Commonwealth,* shall register for the life of the individual.

(4.1) A juvenile offender who is required to register in a sexual offender registry in another jurisdiction or foreign country as a consequence of having been adjudicated delinquent for an offense similar to an offense which, if committed in this Commonwealth, would not require the individual to register shall register for a period of time equal to that required of the individual in the other jurisdiction or foreign country.

* * *

(7) An individual subject to registration under section [9799.13] 9799.13(7.1) shall register for the period of time equal to the time for which the individual was required to register in another jurisdiction or foreign country.

* * *

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

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

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

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

(iii) committed to an institution or facility set forth in section 6352(a)(3) *that provides the individual with 24-hour-per-day supervision and care*; **[or]**

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

(v) *incarcerated in a Federal correctional institution, excluding a community contract facility or community corrections center.*

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

* * *

(f) Sexually violent predators.—**[An individual convicted of a Tier I sexual offense, a Tier II sexual offense or a Tier III sexual offense who is determined to be a]** *A sexually violent predator [under section 9799.24] shall appear in person at an approved registration site to:*

(1) provide or verify the information set forth in section 9799.16(b);

[and]

(2) be photographed quarterly[.]; *and*

(3) *state whether he is in compliance with section 9799.36 (relating to counseling of sexually violent predators).*

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

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

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

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

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

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

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

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

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

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

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

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

(2) If the individual is a juvenile offender *who is not a transient*, the individual shall appear at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed quarterly.

(3) If the individual is a sexually violent delinquent child *who is not a transient*, the individual shall appear at an approved registration site to provide or verify the information set forth in section 9799.16(b) and to be photographed quarterly.

* * *

(j) In-person reporting by incarcerated or committed individuals.—The requirements of subsections (e), (f), (g) and (h) do not apply where the individual specified in section 9799.13 is:

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

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

(3) committed to an institution or facility set forth in section 6352(a)(3) which provides the individual with 24-hour-per-day supervision and care; or

(4) committed to and receiving involuntary inpatient treatment in the State-owned facility or unit set forth in Chapter 64.

Section 8. Sections 9799.16(b)(5) and (6), (c) introductory paragraph and (d), 9799.17 and 9799.18(a) introductory paragraph, (4), (5) and (6) and (d)(1) of Title 42, added December 20, 2011 (P.L.446, No.111), are amended to read:

§ 9799.16. Registry.

* * *

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

* * *

(5) Address of each residence or intended residence, *whether or not the residence or intended residence is located within this Commonwealth and the location at which the individual receives mail, including a post office box*. If the individual [enters this Commonwealth and] fails to maintain a residence and is therefore a transient, the individual shall provide information for the registry as set forth in paragraph (6).

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

* * *

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

* * *

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

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

(a) Juvenile offender.—An individual who is a juvenile offender, *with the exception of a juvenile offender whose period of registration is*

determined by section 9799.15(a)(4.1) (relating to period of registration), shall have the requirement to register terminated if all of the following apply:

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

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

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

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

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

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

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

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

(b) Procedure.—An individual **who was adjudicated delinquent in this Commonwealth and** who seeks to terminate the obligation to register pursuant to subsection (a) may petition the court of common pleas of the county in which the individual was adjudicated delinquent for termination. **An individual who was adjudicated delinquent in another jurisdiction or foreign country may petition the court of common pleas in the county in which the individual has established a residence in this Commonwealth.** The court shall:

(1) Within 120 days of the filing of the petition under this subsection, hold a hearing to determine whether to terminate the obligation to register. The petitioner and the district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. The petitioner shall have the right to counsel and to have a lawyer appointed if the petitioner cannot afford one.

(2) Terminate the obligation to register only upon a finding of clear and convincing evidence that the petitioner has satisfied the criteria in subsection (a) and that allowing the petitioner to terminate the obligation

to register is not likely to pose a threat to the safety of any other person. The burden of proof shall be on the petitioner.

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

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

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

- (1) Has been designated as a sexually violent predator.
- (2) Has been convicted of a sexually violent offense who is required to register for a period of 15 years or a period of 25 years.
- (3) Has been convicted of a sexually violent offense who is required to register for a period of life.
- (4) Is a sexually violent delinquent child.

§ 9799.18. Information sharing.

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

* * *

- (4) The district attorney of the county in which the individual:
 - (i) establishes a residence or terminates a residence, *or is transient*;
 - (ii) commences employment or terminates employment; or
 - (iii) enrolls as a student or terminates enrollment as a student.
- (5) The chief law enforcement officer of the police department of the municipality in which the individual:
 - (i) establishes a residence or terminates a residence, *or is transient*;
 - (ii) commences employment or terminates employment; or
 - (iii) enrolls as a student or terminates enrollment as a student.
- (6) The county office of probation and parole for the county in which the individual:
 - (i) establishes a residence or terminates a residence, *or is transient*;
 - (ii) commences employment or terminates employment; or
 - (iii) enrolls as a student or terminates enrollment as a student.

* * *

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

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

* * *

Section 9. Section 9799.19(b), (b.1) introductory paragraph (h), (i) and (j) of Title 42, added December 20, 2011 (P.L.446, No.111), are amended and the section is amended by adding subsections to read:

§ 9799.19. Initial registration.

* * *

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

(1) If the individual is, [on] *prior to* the effective date of this section, incarcerated in a *Federal*, State or county correctional facility, the individual shall provide the information set forth in section 9799.16(b) (relating to registry) to the appropriate official of the *Federal*, State or county correctional facility or the Pennsylvania Board of Probation and Parole for inclusion in the registry before being released due to:

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

(ii) parole;

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

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

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

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

* * *

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

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

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

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

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

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

** * **

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

(1) If the individual is a juvenile offender who is adjudicated delinquent by a court on or after the effective date of this section, the following apply:

(i) The court shall require the individual to provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court as follows:

(A) *Except as set forth in clause (B), at the time of disposition under section 6352 (relating to disposition of delinquent child).*

(B) *At the time the individual is adjudicated delinquent under section 6341 (relating to adjudication) if:*

(I) *the adjudication of delinquency occurs in any county other than the individual's county of residence; and*

(II) *the court intends to transfer the individual's case for disposition to the individual's county of residence under section 6321(c) (relating to commencement of proceedings).*

(ii) The chief juvenile probation officer shall collect the information in section 9799.16(b) and (c) and forward it to the Pennsylvania State Police for inclusion in the registry as directed by the Pennsylvania State Police. If the juvenile offender is, under *section 6352(a)(3), subject to court-ordered placement in an institution or facility [set forth in section 6352(a)(3)] which provides the juvenile with 24-hour-per-day supervision and care*, the institution or facility shall ensure the information provided by the juvenile offender pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The institution or facility may not release the juvenile offender until it receives verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered in the registry.

(2) If **[the individual is]**, on the effective date of this section, *the individual is a juvenile offender and is subject to the jurisdiction of the court pursuant to a disposition entered under section 6352 and is on probation or the individual is otherwise being supervised in the community, including placement in a foster family home or other residential setting which provides the individual with less than 24-hour-per-day supervision and care*, the individual shall provide the information set forth in section 9799.16(b) to the chief juvenile probation officer of the court within 30 days of the effective date of this section. The chief juvenile probation officer shall collect the information set forth in section 9799.16(b) and (c) and forward it to the Pennsylvania State Police for inclusion in the registry, as directed by the Pennsylvania State Police.

(3) If the individual is, on the effective date of this section, *already a juvenile offender and is subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is, under section 6352, subject to court-ordered placement in an institution or facility [set forth in section 6352] which provides the juvenile with 24-hour-per-day supervision and care*, the director of the institution or facility or a designee shall make the juvenile offender available for and facilitate the collection of the information set forth in section 9799.16(b) and (c) as directed by the Pennsylvania State Police for inclusion in the registry. The Pennsylvania State Police may require the institution or facility to transport the juvenile offender to and from an approved registration site in order to fulfill the requirement of this paragraph. In order to fulfill the requirements of this paragraph, the chief juvenile probation officer of the

court shall, within ten days of the effective date of this section, notify the director of the institution or facility and the Pennsylvania State Police that the juvenile offender is required to register under this subchapter. In addition, the institution or facility shall ensure that the information provided by the juvenile offender pursuant to section 9799.16(b) is updated to reflect accurate information prior to release. The juvenile offender may not be released until the institution or facility receives verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered into the registry.

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

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

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

(ii) The facility or unit shall ensure that the information provided by the sexually violent delinquent child pursuant to section 9799.16(b) is updated to reflect accurate information prior to transfer to involuntary outpatient treatment pursuant to section 6404.1 (relating to transfer to involuntary outpatient treatment) or discharge. The court may not transfer the sexually violent delinquent child to

outpatient treatment or discharge the child from the facility or unit until it has received verification from the Pennsylvania State Police that the information required under section 9799.16(b) and (c) has been entered in the registry.

(i) Initial registration if convicted *or adjudicated delinquent* outside Commonwealth.—[The following apply:]

(1) [If the individual is, on or after the effective date of this section, convicted of a sexually violent offense in another jurisdiction or a foreign country or of a comparable military offense, the] *An individual subject to registration under section 9799.13(7), (7.1) or (7.2) shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student within this Commonwealth. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15 (relating to period of registration). If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.*

(2) If the individual is, on or after the effective date of this section, a juvenile offender as defined in paragraph (2) *or (3)* of the definition of "juvenile offender" in section 9799.12 (relating to definitions), the individual shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student within this Commonwealth. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

(3) *If the individual is, on or after the effective date of this section, convicted of a sexually violent offense and incarcerated in a Federal correctional institution or being supervised by Federal probation authorities, the individual shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student in this Commonwealth. In addition, the individual shall comply with other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered into the registry.*

(j) Former law and [initial] registration.—[If the individual was required to register under this subchapter before the effective date of this section and has not fulfilled the period of registration, the] *An individual subject to registration under section 9799.13(3)* shall appear at an approved registration site *to update registration or, if necessary*, to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within 90 days of the effective date of this section. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15. If the individual fails to establish a residence, the individual shall register as a transient. The Pennsylvania State Police shall ensure that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

Section 10. Sections 9799.20 introductory paragraph, 9799.21, 9799.22, 9799.23(a) introductory paragraph and (2), 9799.25(b)(1) and (c) introductory paragraph and (1), 9799.26(a)(1)(i) and (ii) and 9799.27(a)(2) and last sentence and (b), added December 20, 2011 (P.L.446, No.111), are amended to read:

§ 9799.20. Duty to inform.

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

* * *

§ 9799.21. Penalty.

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

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

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

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

(b) Counseling.—*A sexually violent predator or sexually violent delinquent child may be subject to prosecution under 18 Pa.C.S. § 4915.1 if he fails to comply with section 9799.36 (relating to counseling of sexually violent predators).*

§ 9799.22. Enforcement.

(a) Failure to comply.—When an individual set forth in section 9799.13 (relating to applicability) fails to comply with section [9799.21(1), (2) or (3)] *9799.19 (relating to initial registration), 9799.21 (relating to penalty) or 9799.36 (relating to counseling of sexually violent predators)*, the Pennsylvania State Police shall *either*:

(1) *In cooperation with the district attorney, seek issuance of a warrant for the arrest of the individual and locate and arrest the individual for violating this section[; or].*

(2) [notify] *Notify* the municipal police department where the individual has a residence, *is transient*, is employed or is enrolled as a student. The municipal police shall, *in cooperation with the district attorney, seek issuance of a warrant for the arrest of the individual and locate and arrest the individual for violating this section.* In municipalities where no municipal police department exists, the Pennsylvania State Police shall proceed under paragraph (1).

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

(1) [Enter] *The Pennsylvania State Police shall enter* information on the Internet website of sexual offenders and in the registry indicating that the individual cannot be located.

(2) [Provide] *The Pennsylvania State Police shall provide* information to the National Sex Offender Registry and NCIC to reflect that the individual cannot be located.

(3) [Notify] *The Pennsylvania State Police shall notify* the United States Marshals Service.

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

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

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

¹"requirements) may" in enrolled bill.

§ 9799.23. Court notification and classification requirements.

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

* * *

(2) Specifically inform the sexual offender of:

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

(ii) *the duty to attend counseling in accordance with:*

(A) *section 9799.36 (relating to counseling of sexually violent predators) if applicable; or*

(B) *section 6404.2(g) (relating to duration of outpatient commitment and review) if applicable.*

* * *

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

* * *

(b) Deadline.—The following apply:

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

* * *

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

(1) Sending a notice by first class United States mail to each sexual offender at the **[offender's]** last reported **[residence or]** location~~],~~ **including a post office box** *where the offender receives mail*. The notice shall be sent not more than 30 days nor less than 15 days prior to the date a sexual offender is required to appear pursuant to subsection (a). The notice shall remind the sexual offender of the sexual offender's responsibilities under this subchapter, including counseling in the case of sexually violent predators *and sexually violent delinquent children*, and provide a list of approved registration sites.

* * *

§ 9799.26. Victim notification.

(a) Duty to inform victim.—

(1) If an offender is determined to be a sexually violent predator or a sexually violent delinquent child, the municipal police department or the Pennsylvania State Police, if no municipal police jurisdiction exists, shall give written notice to the victim when the sexually violent predator or the sexually violent delinquent child registers initially under section 9799.19 (relating to initial registration) or under section 9799.15(g)(2), (3) or (4)

(relating to period of registration). The notice shall be given within 72 hours after the sexually violent predator or the sexually violent delinquent child registers or notifies the Pennsylvania State Police of current information under section 9799.15(g). The notice shall contain the following information about the sexually violent predator or sexually violent delinquent child:

(i) Name.

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

* * *

§ 9799.27. Other notification.

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

* * *

(2) The address of the residence of the individual. If the individual is a transient, written notice under this paragraph shall consist of information about the transient's temporary habitat or other temporary place of abode or dwelling, including, **but not limited to**, a homeless shelter or park, and a list of the places the transient eats, frequents and engages in leisure activities.

* * *

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

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

(1) Neighbors of the sexually violent predator or sexually violent delinquent child. As used in this paragraph:

(i) In the case of a sexually violent predator or sexually violent delinquent child being a transient, "neighbor" includes residents in the area of the transient's last known temporary habitat or other temporary place of abode or dwelling, including, **but not limited to**, a homeless shelter or park.

(ii) Where the sexually violent predator lives in a common interest community, the term "neighbor" includes the unit owners' association and residents of the common interest community.

(2) The director of the county children and youth agency of the county where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the director of the county children and youth agency of the county of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including, *but not limited to*, a homeless shelter or park.

(3) The superintendent of each school district and the equivalent official for each private and parochial school enrolling students up through grade 12 in the municipality where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the superintendent of each school district and the equivalent official for private and parochial schools enrolling students up through grade 12 in the municipality of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including, *but not limited to*, a homeless shelter or park.

(4) The superintendent of each school district and the equivalent official for each private and parochial school located within a one-mile radius of where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the superintendent of each school district and the equivalent official for each private and parochial school within a one-mile radius of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including, *but not limited to*, a homeless shelter or park.

(5) The licensee of each certified day-care center and licensed preschool program and owner or operator of each registered family day-care home in the municipality where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the licensee of each certified day-care center and licensed preschool program and owner or operator of each registered family day-care home in the municipality of the sexually violent predator's or sexually violent delinquent child's last known temporary habitat or other temporary place of abode or dwelling, including, *but not limited to*, a homeless shelter or park.

(6) The president of each college, university and community college located within 1,000 feet of where the sexually violent predator or sexually violent delinquent child has a residence or, in the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, the president of each college, university and community college located within 1,000 feet of the sexually violent predator's or sexually violent delinquent child's last

known temporary habitat or other temporary place of abode or dwelling, including, **but not limited to**, a homeless shelter or park.

* * *

Section 11. Section 9799.28(a)(1)(i) and (ii), (b)(3), (4), (5), (6) and (9) and (e) of Title 42, added December 20, 2011 (P.L.446, No.111), are amended and subsection (b) is amended by adding paragraphs to read:
 § 9799.28. Public Internet website.

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

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

(i) Contains a feature to permit a member of the public to obtain relevant information for an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child by a [single] query *of the Internet website based on search criteria including searches* for any given zip code or geographic radius set by the user.

(ii) Contains a feature to allow a member of the public to receive electronic notification when an individual convicted of a sexually violent offense, sexually violent predator or sexually violent delinquent child provides information under section 9799.15(g)(2), (3) or (4) (relating to period of registration) [relating to]. *This feature shall also allow a member of the public to receive electronic notification when the individual convicted of a sexually violent offense, sexually violent predator or sexually violent delinquent child moves into or out of a geographic area chosen by the user.*

* * *

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

* * *

(3) Street address, [city,] *municipality*, county, *State* and zip code of residences and intended residences. In the case of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child who fails to establish a residence and is therefore a transient, the Internet website shall contain information about the transient's temporary habitat or other temporary place of abode or dwelling, including, **but not limited to**, a homeless shelter or park. In addition, the Internet website shall contain a list of places the transient eats, frequents and engages in leisure activities.

(4) Street address, [city,] *municipality*, county, *State* and zip code of any location at which an individual convicted of a sexually violent

offense, a sexually violent predator or a sexually violent delinquent child is enrolled as a student.

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

(6) Current *facial* photograph of an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child. *This paragraph requires, if available, the last eight facial photographs taken of the individual and the date each photograph was entered into the registry.*

* * *

(9) [The sexually violent offense] *Offense* for which an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is registered under this subchapter *and other sexually violent offenses for which the individual was convicted.*

* * *

(12) *Date on which the individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is made active within the registry and date when the individual most recently updated registration information.*

(13) *Indication as to whether the individual is a sexually violent predator, sexually violent delinquent child or convicted of a Tier I, Tier II or Tier III sexual offense.*

(14) *If applicable, indication that an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is incarcerated or committed or is a transient.*

* * *

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

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

(2) **An individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child has terminated residence, has terminated employment or has terminated enrollment as a student within this Commonwealth, in which case the Internet website shall contain a notice indicating such information] or is no longer required to register under this subchapter.**

Section 12. Sections 9799.32(3), 9799.34(2), 9799.36(a) and 9799.41 of Title 42, added December 20, 2011 (P.L.446, No.111), are amended to read: § 9799.32. Pennsylvania State Police.

The Pennsylvania State Police have the following duties:

* * *

(3) To write **[regulations]** *guidelines* regarding neighbor notification under section 9799.27(b)(1) (relating to other notification).

* * *

§ 9799.34. Duties of facilities housing sexual offenders.

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

* * *

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

* * *

§ 9799.36. Counseling of sexually violent predators.

(a) General rule.—A sexually violent predator *who is not incarcerated* shall be required to attend at least monthly counseling sessions in a program approved by the board and be financially responsible for all fees assessed from the counseling sessions. The board shall monitor the compliance of the sexually violent predator. If the sexually violent predator can prove to the satisfaction of the court that the sexually violent predator cannot afford to pay for the counseling sessions, the sexually violent predator shall nonetheless attend the counseling sessions, and the parole office shall pay the requisite fees.

* * *

§ 9799.41. Expiration.

The following provisions shall expire **[one year after the effective date of this section] December 20, 2012:**

Section 9718.3 (relating to sentence for failure to comply with registration of sexual offenders).

Section 9791 (relating to legislative findings and declaration of policy).

Section 9792 (relating to definitions).

Section 9795.1 (relating to registration).

Section 9795.2 (relating to registration procedures and applicability).

Section 9795.3 (relating to sentencing court information).

Section 9795.4 (relating to assessments).

Section 9795.5 (relating to exemption from certain notifications).

Section 9796 (relating to verification of residence).

Section 9797 (relating to victim notification).

Section 9798 (relating to other notification).

Section 9798.1 (relating to information made available on the Internet and electronic notification).

Section 9798.2 (relating to administration).

Section 9798.3 (relating to global positioning system technology).

Section 9799 (relating to immunity for good faith conduct).

Section 9799.1 (relating to duties of Pennsylvania State Police).

Section 9799.2 (relating to duties of Pennsylvania Board of Probation and Parole).

Section 9799.3 (relating to board).

Section 9799.4 (relating to counseling of sexually violent predators).

Section 9799.7 (relating to exemption from notification for certain licensees and their employees).

Section 9799.8 (relating to annual performance audit).

Section 9799.9 (relating to photographs and fingerprinting).

Section 13. The General Assembly finds and declares that, under principles of statutory construction, the effective date of section 18(2) of the act of December 20, 2011 (P.L.446, No.111), is December 20, 2012.

Section 14. This act shall take effect as follows:

(1) The amendment or addition of the following provisions of Title 18 shall take effect December 20, 2012:

(i) Section 4915.1(b) and (c.1).

(ii) Section 9123(a) introductory paragraph and (a.1).

(2) The amendment or addition of the following provisions of Title 42 shall take effect December 20, 2012:

(i) Section 6358(a).

(ii) Section 6403(a)(2).

(iii) Section 6404.2(g)

(iv) Section 9799.10(2) and (3).

(v) The definitions of "approved registration site," "convicted," "juvenile offender" and "sexually violent predator" in section 9799.12.

(vi) Section 9799.13.

(vii) Section 9799.14(b)(12), (21) and (23), (c)(9), (12) and (17) and (d)(12), (13) and (15).

(viii) Section 9799.15(a)(1), (4), (4.1) and (7), (c), (f), (g), (h) and (j).

(ix) Section 9799.16(b)(5) and (6), (c) introductory paragraph and (d).

(x) Section 9799.17.

(xi) Section 9799.18(a)(4), (5) and (6) and (d)(1).

(xii) Section 9799.19(b), (b.1) introductory paragraph, (e.1), (e.2), (h), (i) and (j).

(xiii) Section 9799.20 introductory paragraph.

(xiv) Section 9799.21.

(xv) Section 9799.22.

(xvi) Section 9799.23(a) introductory paragraph and (2).

(xvii) Section 9799.25(b)(1) and (c) introductory paragraph and (1).

(xviii) Section 9799.26(a)(1)(i) and (ii).

(xix) Section 9799.27(a)(2) and (b).

(xix.1) Section 9799.28 (a)(1)(i) and (ii), (b)(3), (4), (5), (6), (9), (12), (13) and (14) and (e).

(xx) Section 9799.34(2).

(xxi) Section 9799.36(a).

(2.1) The following provisions shall take effect July 1, 2012, or immediately, whichever is later:

(i) The amendment of paragraph (3) of the definition of "child" in 42 Pa.C.S. § 6302.

(ii) The addition of 42 Pa.C.S. § 6351(e)(3)(iii), (f)(8.1) and (8.2) and (j).

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

APPROVED—The 5th day of July, A.D. 2012

TOM CORBETT