
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1130 Session of
2007

INTRODUCED BY ORIE, RAFFERTY, SCARNATI, MELLOW, FONTANA, LOGAN,
ERICKSON, STOUT, KITCHEN, MUSTO, TARTAGLIONE, BAKER, FOLMER,
BOSCOLA, COSTA, PIPPY, WASHINGTON, BROWNE, REGOLA AND
PICCOLA, NOVEMBER 2, 2007

REFERRED TO JUDICIARY, NOVEMBER 2, 2007

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for information relating to
4 prospective child-care personnel, for registration, for
5 registration procedures and applicability, for verification
6 of residence and for information made available on the
7 Internet.

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

10 Section 1. Section 6344(d)(1) and (2) of Title 23 of the
11 Pennsylvania Consolidated Statutes are amended to read:

12 § 6344. Information relating to prospective child-care
13 personnel.

14 * * *

15 (d) Prospective adoptive or foster parents.--With regard to
16 prospective adoptive or prospective foster parents, the
17 following shall apply:

18 (1) In the course of causing an investigation to be made
19 pursuant to section 2535(a) (relating to investigation), an

1 agency or person designated by the court to conduct the
2 investigation shall require prospective adoptive parents and
3 any individual over the age of 18 years residing in the home
4 to submit the information set forth in subsection (b)(1) and
5 (2) for review in accordance with this section. Effective on
6 and after July 1, 2009, no prospective adoptive parent may be
7 finally approved for placement of a child until a criminal
8 records check of national crime information databases
9 required by section 471 of the Social Security Act (49 Stat.
10 620, 42 U.S.C. § 671(a)) is conducted.

11 (2) In the course of approving a prospective foster
12 parent, a foster family care agency shall require prospective
13 foster parents and any individual over the age of 18 years
14 residing in the home to submit the information set forth in
15 subsection (b)(1) and (2) for review by the foster family
16 care agency in accordance with this section. On or before
17 July 1, 2009, the foster family care agency shall implement a
18 requirement that before a prospective foster parent may be
19 finally approved for placement of a child, a criminal records
20 check of national crime information databases required by
21 section 471 of the Social Security Act shall be conducted by
22 the foster family care agency. In addition, the foster family
23 care agency shall consider the following when assessing the
24 ability of applicants for approval as foster parents:

25 (i) The ability to provide care, nurturing and
26 supervision to children.

27 (ii) Mental and emotional well-being. If there is a
28 question regarding the mental or emotional stability of a
29 family member which might have a negative effect on a
30 foster child, the foster family care agency shall require

1 a psychological evaluation of that person before
2 approving the foster family home.

3 (iii) Supportive community ties with family, friends
4 and neighbors.

5 (iv) Existing family relationships, attitudes and
6 expectations regarding the applicant's own children and
7 parent/child relationships, especially as they might
8 affect a foster child.

9 (v) Ability of the applicant to accept a foster
10 child's relationship with his own parents.

11 (vi) The applicant's ability to care for children
12 with special needs.

13 (vii) Number and characteristics of foster children
14 best suited to the foster family.

15 (viii) Ability of the applicant to work in
16 partnership with a foster family care agency. This
17 subparagraph shall not be construed to preclude an
18 applicant from advocating on the part of a child.

19 * * *

20 Section 2. Section 9795.1(a) of Title 42 is amended and the
21 section is amended by adding a subsection to read:

22 § 9795.1. Registration.

23 (a) [Ten-year] Periods of registration.--The following
24 individuals shall be required to register with the Pennsylvania
25 State Police for a period [of ten years] as hereafter provided:

26 (1) Individuals convicted of any of the following
27 offenses:

28 18 Pa.C.S. § 2901 (relating to kidnapping) where the
29 victim is a minor, 25 years.

30 18 Pa.C.S. § 2910 (relating to luring a child into a

1 motor vehicle[]] or structure), 15 years.

2 18 Pa.C.S. § 3124.2 (relating to institutional sexual
3 assault), 15 years, or where victim is a minor, 25 years.

4 18 Pa.C.S. § 3126 (relating to indecent assault)
5 where the offense is graded as a misdemeanor of the first
6 degree or higher, 15 years.

7 18 Pa.C.S. § 4302 (relating to incest) where the
8 victim is 12 years of age or older but under 18 years of
9 age, 15 years.

10 18 Pa.C.S. § 5902(b) (relating to prostitution and
11 related offenses) where the actor promotes the
12 prostitution of a minor, 25 years.

13 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to
14 obscene and other sexual materials and performances)
15 where the victim is a minor, 25 years.

16 18 Pa.C.S. § 6312 (relating to sexual abuse of
17 children), 25 years.

18 18 Pa.C.S. § 6318 (relating to unlawful contact with
19 minor), 15 years.

20 18 Pa.C.S. § 6320 (relating to sexual exploitation of
21 children), 25 years.

22 (2) Individuals convicted of an attempt to commit any of
23 the offenses under paragraph (1) or subsection (b)(2), 15
24 years.

25 (3) Individuals currently residing in this Commonwealth
26 who have been convicted of offenses similar to the crimes
27 cited in paragraphs (1) and (2) under the laws of the United
28 States or one of its territories or possessions, another
29 state, the District of Columbia, the Commonwealth of Puerto
30 Rico or a foreign nation, 15 years.

1 * * *

2 (d) Information to be included in registry.--The following
3 information shall be included in the registry for each person
4 required to register under this section:

5 (1) A physical description of the person.

6 (2) Social Security number.

7 (3) The criminal offense.

8 (4) The criminal history of the offender, including
9 dates of arrests and convictions and correctional or release
10 status.

11 (5) A current photograph.

12 (6) Fingerprints and palm prints.

13 (7) A DNA sample.

14 (8) A photocopy of a valid driver's license or ID card.

15 (9) The address of each residence at which the person
16 does or will reside.

17 (10) The name and address of each place where the person
18 is employed or will be employed.

19 (11) The name and address of any place where the person
20 is or will be a student.

21 (12) The license plate number and description of any
22 vehicle owned or operated by the person.

23 (13) The name, telephone number and any aliases of the
24 person.

25 (14) Any other information required by Federal law.

26 Section 3. Sections 9795.2(a)(1) and (3) and (b)(4)(iii) and
27 (iv), 9796 and 9798.1 of Title 42 are amended to read:

28 § 9795.2. Registration procedures and applicability.

29 (a) Registration.--

30 (1) Offenders and sexually violent predators shall be

1 required to register with the Pennsylvania State Police
2 [upon] prior to release from incarceration, [upon] prior to
3 release on parole from a State or county correctional
4 institution or upon the commencement of a sentence of
5 intermediate punishment or probation. For purposes of
6 registration, offenders and sexually violent predators shall
7 provide the Pennsylvania State Police with [all current or
8 intended residences, all information concerning current or
9 intended employment and all information concerning current or
10 intended enrollment as a student.] all information required
11 under section 9795.1(d) (relating to registration).

12 * * *

13 (3) The [ten-year] registration period required in
14 section 9795.1(a) [(relating to registration)] shall be
15 tolled when an offender is recommitted for a parole violation
16 or sentenced to an additional term of imprisonment. In such
17 cases, the Department of Corrections or county correctional
18 facility shall notify the Pennsylvania State Police of the
19 admission of the offender.

20 * * *

21 (b) Individuals convicted or sentenced by a court or
22 adjudicated delinquent in jurisdictions outside this
23 Commonwealth or sentenced by court martial.--

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

1 register under a sexual offender statute in the jurisdiction
2 where convicted, sentenced or court martialled, shall register
3 at an approved registration site within 48 hours of the
4 individual's arrival in this Commonwealth. The provisions of
5 this subchapter shall apply to the individual as follows:

6 * * *

7 (iii) Except as provided in subparagraphs (i), (ii),
8 (iv) and (v), if the individual has been convicted or
9 sentenced by a court or court martialled for an offense
10 listed in section 9795.1(a) or an equivalent offense, the
11 individual shall be, notwithstanding section 9792,
12 considered an offender and subject to registration
13 pursuant to this subchapter. The individual shall also be
14 subject to the provisions of this section and sections
15 9796 and 9798.1(c)(2). The individual shall be subject to
16 this subchapter for a period of [ten] 15 years or for a
17 period of time equal to the time for which the individual
18 was required to register in the other jurisdiction or
19 required to register by reason of court martial,
20 whichever is greater, less any credit due to the
21 individual as a result of prior compliance with
22 registration requirements.

23 (iv) Except as provided in subparagraph (i) and
24 notwithstanding subparagraph (v), if the individual is
25 subject to active notification in the other jurisdiction
26 or subject to active notification by reason of court
27 martial, the individual shall, notwithstanding section
28 9792, be considered an offender and subject to this
29 section and sections 9796, 9798 and 9798.1(c)(1). If the
30 individual was convicted of or sentenced in the other

1 jurisdiction or sentenced by court martial for an offense
2 listed in section 9795.1(b) or an equivalent offense, the
3 individual shall be subject to this subchapter for the
4 individual's lifetime. If the individual was convicted of
5 or sentenced in the other jurisdiction or sentenced by
6 court martial for an offense listed in section 9795.1(a)
7 or an equivalent offense, the individual shall be subject
8 to this subchapter for a period of [ten] 15 years or for
9 a period of time equal to the time for which the
10 individual was required to register in the other
11 jurisdiction or required to register by reason of court
12 martial, whichever is greater, less any credit due to the
13 individual as a result of prior compliance with
14 registration requirements. Otherwise, the individual
15 shall be subject to this subchapter for a period of time
16 equal to the time for which the individual was required
17 to register in the other jurisdiction or required to
18 register by reason of court martial, less any credit due
19 to the individual as a result of prior compliance with
20 registration requirements.

21 * * *

22 § 9796. Verification of residence.

23 (a) [Quarterly] Monthly verification by sexually violent
24 predators.--The Pennsylvania State Police shall verify the
25 residence and compliance with counseling as provided for in
26 section 9799.4 (relating to counseling of sexually violent
27 predators) of sexually violent predators every [90] 30 days
28 through the use of a nonforwardable verification form to the
29 last reported residence. [For the period of registration
30 required by section 9795.1 (relating to registration), a

1 sexually violent predator shall appear quarterly between January
2 5 and January 15, April 5 and April 15, July 5 and July 15 and
3 October 5 and October 15 of each calendar year at an approved
4 registration site to complete a verification form and to be
5 photographed.]

6 (a.1) Facilitation of [quarterly] monthly verification.--The
7 Pennsylvania State Police shall facilitate and administer the
8 verification process required by subsection (a) by:

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

17 (2) providing verification and compliance forms as
18 necessary to each approved registration site not less than
19 ten days before each of the [quarterly] monthly verification
20 periods.

21 (a.2) Quarterly appearance and verification by sexually
22 violent predators.--Sexually violent predators shall appear in
23 person once each quarter between January 5 and January 15, April
24 5 and April 15, July 5 and July 15 and October 5 and October 15
25 of each calendar year at an approved registration site to
26 complete a verification form and to be photographed.

27 (b) [Annual] Semiannual verification by offenders.--[The
28 Pennsylvania State Police shall verify the residence of
29 offenders.] For the period of registration required by section
30 9795.1 (relating to registration), an offender shall appear

1 [within ten days before each annual anniversary] twice each
2 calendar year, at six-month intervals from the date of the
3 offender's initial registration under section 9795.1 at an
4 approved registration site to complete a verification form and
5 to be photographed.

6 (b.1) Facilitation of [annual] semiannual verification.--The
7 Pennsylvania State Police shall facilitate and administer the
8 verification process required by subsection (b) by:

9 (1) sending a notice by first class United States mail
10 to all registered offenders at their last reported residence
11 addresses. This notice shall be sent not more than 30 days
12 nor less than 15 days prior to each offender's annual
13 anniversary date and shall remind the offender of the

14 [annual] semiannual verification requirement and provide the
15 offender with a list of approved registration sites; and

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

18 (b.2) Quarterly verification of residence by offenders.--The
19 Pennsylvania State Police shall verify the residence of
20 offenders every 90 days through the use of a nonforwardable
21 verification form to the last reported residence.

22 (c) Notification of law enforcement agencies of change of
23 residence.--A change of residence of an offender or sexually
24 violent predator required to register under this subchapter
25 reported to the Pennsylvania State Police shall be immediately
26 reported by the Pennsylvania State Police to the appropriate law
27 enforcement agency having jurisdiction of the offender's or the
28 sexually violent predator's new place of residence. The
29 Pennsylvania State Police shall, if the offender or sexually
30 violent predator changes residence to another state, notify the

1 law enforcement agency with which the offender or sexually
2 violent predator must register in the new state.

3 (d) Failure to provide verification.--Where an offender or
4 sexually violent predator fails to provide verification of
5 residence within the ten-day period as set forth in this
6 section, the Pennsylvania State Police shall immediately notify
7 the municipal police department of the offender's or the
8 sexually violent predator's last verified residence. The local
9 municipal police shall locate the offender or sexually violent
10 predator and arrest him for violating this section. The
11 Pennsylvania State Police shall assume responsibility for
12 locating the offender or sexually violent predator and arresting
13 him in jurisdictions where no municipal police jurisdiction
14 exists. The Pennsylvania State Police shall assist any municipal
15 police department requesting assistance with locating and
16 arresting an offender or sexually violent predator who fails to
17 verify his residence.

18 (e) Penalty.--An individual subject to registration under
19 section 9795.1(a) or (b) who fails to verify his residence or to
20 be photographed as required by this section may be subject to
21 prosecution under 18 Pa.C.S. § 4915 (relating to failure to
22 comply with registration of sexual offenders 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 any notice or
26 information under subsection (a.1) or (b.1) shall relieve that
27 predator or offender from the requirements of this subchapter.
28 § 9798.1. Information made available on the Internet.

29 (a) Legislative findings.--It is hereby declared to be the
30 finding of the General Assembly that public safety will be

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

17 (b) Internet posting of sexually violent predators, lifetime
18 registrants and other offenders.--The Commissioner of the
19 Pennsylvania State Police shall, in the manner and form directed
20 by the Governor:

21 (1) Develop and maintain a system for making the
22 information described in subsection (c) publicly available by
23 electronic means so that the public may, without limitation,
24 obtain access to the information via an Internet website to
25 view an individual record or the records of all sexually
26 violent predators, lifetime registrants and other offenders
27 who are registered with the Pennsylvania State Police.

28 (2) Ensure that the Internet website contains warnings
29 that any person who uses the information contained therein to
30 threaten, intimidate or harass another or who otherwise

1 misuses that information may be criminally prosecuted.

2 (3) Ensure that the Internet website contains an
3 explanation of its limitations, including statements advising
4 that a positive identification of a sexually violent
5 predator, lifetime registrant or other offender whose record
6 has been made available may be confirmed only by
7 fingerprints; that some information contained on the Internet
8 website may be outdated or inaccurate; and that the Internet
9 website is not a comprehensive listing of every person who
10 has ever committed a sex offense in Pennsylvania.

11 (4) Strive to ensure that:

12 (i) the information contained on the Internet
13 website is accurate;

14 (ii) the data therein is revised and updated as
15 appropriate in a timely and efficient manner; and

16 (iii) instructions are included on how to seek
17 correction of information which a person contends is
18 erroneous.

19 (5) Provide on the Internet website general information
20 designed to inform and educate the public about sex offenders
21 and sexually violent predators and the operation of this
22 subchapter as well as pertinent and appropriate information
23 concerning crime prevention and personal safety, with
24 appropriate links to other relevant Internet websites
25 operated by the Commonwealth of Pennsylvania.

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

29 (c) Information [permitted] to be disclosed regarding
30 individuals.--Notwithstanding 18 Pa.C.S. Ch. 91 (relating to

1 criminal history record information), the Internet website shall
2 contain the following information on each individual:

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

5 (i) name and all known aliases;

6 (ii) year of birth;

7 (iii) the street address, municipality, county and
8 zip code of all residences, including, where applicable,
9 the name of the prison or other place of confinement;

10 (iv) the street address, municipality, county, zip
11 code and name of any institution or location at which the
12 person is enrolled as a student;

13 (v) the address, municipality, county and zip code
14 of any employment location;

15 (vi) a photograph of the offender, which shall be
16 updated [not less than annually;] in accordance with
17 section 9796(a.2) and (b) (relating to verification of
18 residence);

19 (vii) a physical description of the offender,
20 including sex, height, weight, eye color, hair color and
21 race;

22 (viii) any identifying marks, including scars,
23 birthmarks and tattoos;

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

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

28 (xi) whether the victim is a minor;

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

1 (xiii) the date of the offense and conviction, if
2 available[.]; and

3 (ix) any other information required by Federal law.

4 (2) For all other lifetime registrants and offenders
5 subject to registration, the information set forth in
6 paragraph (1) shall also be posted on the Internet website in
7 accordance with subsection (d).

8 (d) Duration of Internet posting.--

9 (1) The information listed in subsection (c) about a
10 sexually violent predator shall be made available on the
11 Internet for the lifetime of the sexually violent predator.

12 (2) The information listed in subsection (c) about an
13 offender who is subject to lifetime registration shall be
14 made available on the Internet for the lifetime of the
15 offender unless the offender is granted relief under section
16 9795.5 (relating to exemption from certain notifications).

17 (3) The information listed in subsection (c) about any
18 other offender subject to registration shall be made
19 available on the Internet for the entire period during which
20 the offender is required to register, including any extension
21 of this period pursuant to section 9795.2(a)(3) (relating to
22 registration procedures and applicability).

23 Section 4. This act shall take effect immediately.