

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 42 Pa.C.S.A. Judiciary and Judicial Procedure

Part VIII. Criminal Proceedings

Chapter 97. Sentencing

Subchapter H. Registration of Sexual Offenders

T. 42 Pa.C.S.A., Pt. VIII, Ch. 97, Subch. H, Refs & Annos

Currentness

T. 42 Pa.C.S.A., Pt. VIII, Ch. 97, Subch. H, Refs & Annos, PA ST T. 42 Pa.C.S.A., Pt. VIII, Ch. 97, Subch. H, Refs & Annos
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42 Pa.C.S.A. § 9791

§§ 9791, 9792. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9791, PA ST 42 Pa.C.S.A. § 9791

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42 Pa.C.S.A. § 9792

§§ 9791, 9792. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9792, PA ST 42 Pa.C.S.A. § 9792

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42 Pa.C.S.A. § 9793

§§ 9793 to 9795. Deleted by 2000, May 10, P.L. 74, No. 18, § 3, effective in 60 days

Currentness

42 Pa.C.S.A. § 9793, PA ST 42 Pa.C.S.A. § 9793

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42 Pa.C.S.A. § 9794

§§ 9793 to 9795. Deleted by 2000, May 10, P.L. 74, No. 18, § 3, effective in 60 days

Currentness

42 Pa.C.S.A. § 9794, PA ST 42 Pa.C.S.A. § 9794

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42 Pa.C.S.A. § 9795

§§ 9793 to 9795. Deleted by 2000, May 10, P.L. 74, No. 18, § 3, effective in 60 days

Currentness

42 Pa.C.S.A. § 9795, PA ST 42 Pa.C.S.A. § 9795

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42 Pa.C.S.A. § 9795.1

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9795.1, PA ST 42 Pa.C.S.A. § 9795.1

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42 Pa.C.S.A. § 9795.2

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9795.2, PA ST 42 Pa.C.S.A. § 9795.2

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42 Pa.C.S.A. § 9795.3

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9795.3, PA ST 42 Pa.C.S.A. § 9795.3

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42 Pa.C.S.A. § 9795.4

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9795.4, PA ST 42 Pa.C.S.A. § 9795.4

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42 Pa.C.S.A. § 9795.5

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9795.5, PA ST 42 Pa.C.S.A. § 9795.5

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42 Pa.C.S.A. § 9796

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9796, PA ST 42 Pa.C.S.A. § 9796

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42 Pa.C.S.A. § 9797

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9797, PA ST 42 Pa.C.S.A. § 9797

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42 Pa.C.S.A. § 9798

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9798, PA ST 42 Pa.C.S.A. § 9798

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42 Pa.C.S.A. § 9798.1

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9798.1, PA ST 42 Pa.C.S.A. § 9798.1

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42 Pa.C.S.A. § 9798.2

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9798.2, PA ST 42 Pa.C.S.A. § 9798.2

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42 Pa.C.S.A. § 9798.3

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9798.3, PA ST 42 Pa.C.S.A. § 9798.3

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42 Pa.C.S.A. § 9799

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9799, PA ST 42 Pa.C.S.A. § 9799

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42 Pa.C.S.A. § 9799.1

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9799.1, PA ST 42 Pa.C.S.A. § 9799.1

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42 Pa.C.S.A. § 9799.2

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9799.2, PA ST 42 Pa.C.S.A. § 9799.2

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42 Pa.C.S.A. § 9799.3

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9799.3, PA ST 42 Pa.C.S.A. § 9799.3

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42 Pa.C.S.A. § 9799.4

§§ 9795.1 to 9799.4. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9799.4, PA ST 42 Pa.C.S.A. § 9799.4

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42 Pa.C.S.A. § 9799.5

§§ 9799.5, 9799.6. Deleted by 2000, May 10, P.L. 74, No. 18, § 3, effective in 60 days

Currentness

42 Pa.C.S.A. § 9799.5, PA ST 42 Pa.C.S.A. § 9799.5

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.6

§§ 9799.5, 9799.6. Deleted by 2000, May 10, P.L. 74, No. 18, § 3, effective in 60 days

Currentness

42 Pa.C.S.A. § 9799.6, PA ST 42 Pa.C.S.A. § 9799.6

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42 Pa.C.S.A. § 9799.7

§§ 9799.7 to 9799.9. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9799.7, PA ST 42 Pa.C.S.A. § 9799.7

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42 Pa.C.S.A. § 9799.8

§§ 9799.7 to 9799.9. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9799.8, PA ST 42 Pa.C.S.A. § 9799.8

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42 Pa.C.S.A. § 9799.9

§§ 9799.7 to 9799.9. Expired Dec. 20, 2012, pursuant to 42 Pa.C.S.A. § 9799.41

Currentness

42 Pa.C.S.A. § 9799.9, PA ST 42 Pa.C.S.A. § 9799.9

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42 Pa.C.S.A. § 9799.10

§ 9799.10. Purposes of subchapter

Currentness

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

- (1) To bring the Commonwealth into substantial compliance with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587).¹
- (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.
- (4) To require individuals who are subject to the criminal justice system of this Commonwealth as inmates, supervised with respect to probation or parole or registrants due to committing a sexually violent offense on or after December 20, 2012, for which the individual was convicted, to register with the Pennsylvania State Police and to otherwise comply with this subchapter. To the extent practicable and consistent with the requirements of the Adam Walsh Child Protection and Safety Act of 2006, this subchapter shall be construed to maintain existing procedures regarding registration of sexual offenders who are subject to the criminal justice system of this Commonwealth.
- (5) To provide a mechanism for members of the general public to obtain information about certain sexual offenders from a public Internet website and to include on that Internet website a feature which will allow a member of the public to enter a zip code or a geographic radius and determine whether a sexual offender resides within that zip code or radius.
- (6) To provide a mechanism for law enforcement entities within this Commonwealth to obtain information about certain sexual offenders and to allow law enforcement entities outside this Commonwealth, including those within the Federal Government, to obtain current information about certain sexual offenders.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 3, effective Dec. 20, 2012; 2018, Feb. 21, P.L. 27, No. 10, § 5.2, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 4, imd. effective.

Footnotes

1 See 34 U.S.C.A. § 20901 et seq.

42 Pa.C.S.A. § 9799.10, PA ST 42 Pa.C.S.A. § 9799.10

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.11
Formerly cited as PA ST 42 Pa.C.S.A. § 9791

§ 9799.11. Legislative findings, declaration of policy and scope

Currentness

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

- (1) In 1995 the General Assembly enacted the act of October 24, 1995 (1st Sp.Sess. P.L. 1079, No. 24),¹ commonly referred to as Megan's Law. Through this enactment, the General Assembly intended to comply with legislation enacted by Congress requiring that states provide for the registration of sexual offenders. The Federal statute, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Public Law 103-322, 42 U.S.C. 14071 et seq.), has been superseded by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587).²
- (2) This Commonwealth's laws regarding registration of sexual offenders need to be strengthened. The Adam Walsh Child Protection and Safety Act of 2006 provides a mechanism for the Commonwealth to increase its regulation of sexual offenders in a manner which is nonpunitive but offers an increased measure of protection to the citizens of this Commonwealth.
- (3) If the public is provided adequate notice and information about sexual offenders, the community can develop constructive plans to prepare for the presence of sexual offenders in the community. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to residents, particularly children.
- (4) Sexual offenders pose a high risk of committing additional sexual offenses and protection of the public from this type of offender is a paramount governmental interest.
- (5) Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.
- (6) Release of information about sexual offenders to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.
- (7) Knowledge of whether a person is a sexual offender could be a significant factor in protecting oneself and one's family members, or those in care of a group or community organization, from recidivist acts by such offenders.

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

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

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

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

(3) It is the intention of the General Assembly to address the Pennsylvania Supreme Court's decision in *Commonwealth v. Neiman*, No. 74 MAP 2011 (Pa. 2013), by amending this subchapter in the act of March 14, 2014 (P.L. 41, No. 19).

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

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2014, March 14, P.L. 41, No. 19, § 1, imd. effective; 2018, Feb. 21, P.L. 27, No. 10, § 6, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 4, imd. effective.

Footnotes

1 42 Pa.C.S.A. § 9791 et seq. (expired).

2 See 34 U.S.C.A. § 20901 et seq.

42 Pa.C.S.A. § 9799.11, PA ST 42 Pa.C.S.A. § 9799.11

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.12

Formerly cited as PA ST 42 Pa.C.S.A. § 9792

§ 9799.12. Definitions

Currentness

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 at which individuals subject to this subchapter may comply with this subchapter.

“Board.” The State Sexual Offenders Assessment Board.

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

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

“Employed.” Includes a vocation or employment that is full time or part time for a period of time exceeding four days during a seven-day period or for an aggregate period of time exceeding 14 days during any calendar year, whether self-employed, volunteered, financially compensated, pursuant to a contract or for the purpose of governmental or educational benefit.

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

“IAFIS.” The Integrated Automated Fingerprint Identification System.

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

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

“Juvenile offender.” One of the following:

- (1) An individual who was 14 years of age or older at the time the individual committed an offense which, if committed by an adult, would be classified as an offense under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault) or an attempt, solicitation or conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123 or 3125 and either:
 - (i) is adjudicated delinquent for such offense on or after the effective date of this section; or
 - (ii) has been adjudicated delinquent for such offense and on the effective date of this section is subject to the jurisdiction of the court on the basis of that adjudication of delinquency, including commitment to an institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child).
- (2) An individual who, on or after the effective date of this paragraph,¹ 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; or who was previously adjudicated delinquent for such an offense and, on the effective date of this paragraph, is subject to the jurisdiction of the court on the basis of that adjudication of delinquency.
- (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.

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

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

“Minor.” Any individual under 18 years of age.

“Municipality.” A city, borough, incorporated town or township.

“NCIC.” The National Crime Information Center.

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

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

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

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

“Sexual offender.” An individual who has committed a sexually violent offense. The term includes a sexually violent predator.

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

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

“Sexually violent predator.” An individual who committed a sexually violent offense under the laws of this Commonwealth or an attempt, conspiracy or solicitation to commit a sexually violent offense under the laws of this Commonwealth on or after December 20, 2012, who is determined to be a sexually violent predator under section 9799.24 (relating to assessments) due to a mental abnormality or personality disorder that makes the individual likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator 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 where the determination or designation is based on the commitment of a sexually violent offense on or after December 20, 2012, for which the individual was convicted.

“Student.” An individual who is enrolled in or attends a public or private educational institution within this Commonwealth on a full-time or part-time basis, including a secondary school, trade or professional institution or institution of higher education. The term does not include an individual enrolled in an educational institution exclusively through the Internet or via correspondence courses.

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

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

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

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

“Transient.” A sexual offender who does not have a residence but nevertheless resides in this Commonwealth in a temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 4, effective Dec. 20, 2012; 2014, March 14, P.L. 41, No. 19, § 2, retroactive effective Dec. 20, 2012; 2014, Sept. 27, P.L. 2482, No. 138, § 3; 2018, Feb. 21, P.L. 27, No. 10, § 7, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 5, imd. effective. Amended 2024, May 8, P.L. 360, No. 16, § 1, imd. effective.

Footnotes

1 Definition of “juvenile offender”, par. (2), was amended by 2014, Sept. 27, P.L. 2482, No. 138, § 3, effective in 60 days [Nov. 26, 2014].

42 Pa.C.S.A. § 9799.12, PA ST 42 Pa.C.S.A. § 9799.12

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Chapter 97. Sentencing (Refs & Annos)

Subchapter H. Registration of Sexual Offenders (Refs & Annos)

42 Pa.C.S.A. § 9799.13

Formerly cited as PA ST 42 Pa.C.S.A. § 9795.2

§ 9799.13. Applicability

Currentness

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) A sexual offender who has a residence within this Commonwealth or is a transient.

(1.1) A sexual offender who is convicted in this Commonwealth and who does not have a residence in this Commonwealth and:

(i) is employed in this Commonwealth; or

(ii) is a student in this Commonwealth.

(1.2) A sexual offender who does not have a residence within this Commonwealth or is not a transient in this Commonwealth and:

(i) is employed in this Commonwealth; or

(ii) is a student in this Commonwealth.

(2) A sexual offender who is an inmate in a State or county correctional institution of this Commonwealth, including a community corrections center or a community contract facility, is being supervised by the Department of Corrections or county probation or parole, is subject to a sentence of intermediate punishment or restrictive conditions of probation or has supervision transferred pursuant to the Interstate Compact for Adult Supervision in accordance with section 9799.19(g).

(2.1) A sexual offender who is an inmate in a Federal correctional institution or is supervised by Federal probation authorities and who:

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

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

(3) to (3.2) Deleted by 2018, Feb. 21, P.L. 27, No. 10, § 8, imd. effective.

(4) to (6) Deleted by 2012, July 5, P.L. 880, No. 91, § 5, effective Dec. 20, 2012.

(7) A sexual offender required to register in a sexual offender registry in another jurisdiction or in a foreign country based upon a conviction for a sexually violent offense or under a sexual offender statute in the jurisdiction where the individual is convicted and:

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

(ii) is employed within this Commonwealth; or

(iii) is a student within this Commonwealth.

(7.1) An individual who, as a result of committing an offense set forth in section 9799.14(b)(23) (relating to sexual offenses and tier system) on or after December 20, 2012, for which the individual was convicted, is required to register in a sexual offender registry in another jurisdiction or foreign country 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) A sexual offender who is convicted in another jurisdiction or foreign country, or is incarcerated or under supervision as a result of a conviction 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 December 20, 2012, 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 December 20, 2012, but who does not have a residence within this Commonwealth, is not a transient, is not employed in this Commonwealth or is not a student within this Commonwealth must register with the Pennsylvania State Police in accordance with section 9799.19 prior to leaving this Commonwealth.

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

(9) An individual who is a sexually violent delinquent child.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 5, effective Dec. 20, 2012; 2014, March 14, P.L. 41, No. 19, § 3, retroactive effective Dec. 20, 2012; 2018, Feb. 21, P.L. 27, No. 10, § 8, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 6, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

42 Pa.C.S.A. § 9799.13, PA ST 42 Pa.C.S.A. § 9799.13

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42 Pa.C.S.A. § 9799.14
Formerly cited as PA ST 42 Pa.C.S.A. § 9795.1

§ 9799.14. Sexual offenses and tier system

Currentness

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

(b) Tier I sexual offenses.--The following offenses, or an attempt, conspiracy or solicitation to commit any of the following offenses, shall be classified as Tier I sexual offenses:

- (1) 18 Pa.C.S. § 2902(b) (relating to unlawful restraint).
- (2) 18 Pa.C.S. § 2903(b) (relating to false imprisonment).
- (3) 18 Pa.C.S. § 2904 (relating to interference with custody of children), except in cases where the defendant is the child's parent, guardian or other lawful custodian.
- (4) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
 - (4.1) 18 Pa.C.S. § 3011(a)(1) and (2) (relating to trafficking in individuals).
 - (4.2) 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude).
- (5) 18 Pa.C.S. § 3124.2(a) and (a.4)(1) (relating to institutional sexual assault).
- (6) 18 Pa.C.S. § 3126(a)(1) (relating to indecent assault).
- (7) (Reserved).
- (8) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors).

- (9) 18 Pa.C.S. § 6312(d) (relating to sexual abuse of children).
 - (10) 18 Pa.C.S. § 7507.1. (relating to invasion of privacy).
 - (11) 18 U.S.C. § 1801 (relating to video voyeurism).
 - (12) 18 U.S.C. § 2252(a)(4) (relating to certain activities relating to material involving the sexual exploitation of minors).
 - (13) 18 U.S.C. § 2252A (relating to certain activities relating to material constituting or containing child pornography).
 - (14) 18 U.S.C. § 2252B (relating to misleading domain names on the Internet).
 - (15) 18 U.S.C. § 2252C (relating to misleading words or digital images on the Internet).
 - (16) 18 U.S.C. § 2422(a) (relating to coercion and enticement).
 - (17) 18 U.S.C. § 2423(b) (relating to transportation of minors).
 - (18) 18 U.S.C. § 2423(c).
 - (19) 18 U.S.C. § 2424 (relating to filing factual statement about alien individual).
 - (20) 18 U.S.C. § 2425 (relating to use of interstate facilities to transmit information about a minor).
 - (21) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country or under a former law of this Commonwealth.
- (22) Deleted by 2024, May 8, P.L. 360, No. 16, § 2, imd. effective.
- (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, or an attempt, conspiracy or solicitation to commit any of the following offenses, shall be classified as Tier II sexual offenses:

- (1) 18 Pa.C.S. § 3011(b).

- (1.1) 18 Pa.C.S. § 3122.1(a)(2) (relating to statutory sexual assault).
 - (1.2) 18 Pa.C.S. § 3124.2(a.2) and (a.3).
 - (1.3) 18 Pa.C.S. § 3126(a)(2), (3), (4), (5), (6) or (8).
 - (1.4) 18 Pa.C.S. § 3012 (relating to involuntary servitude) as it relates to sexual servitude.
 - (1.5) 18 Pa.C.S. § 3124.3 (relating to sexual assault by sports official, volunteer or employee of nonprofit association).
- (2) 18 Pa.C.S. § 5902(b.1) (relating to prostitution and related offenses).
 - (3) 18 Pa.C.S. § 5903(a)(3)(ii), (4)(ii), (5)(ii) or (6) (relating to obscene and other sexual materials and performances).
 - (4) 18 Pa.C.S. § 6312(b) and (c).
 - (5) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
 - (6) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).
 - (7) 18 U.S.C. § 1591 (relating to sex trafficking of children by force, fraud, or coercion).
 - (8) 18 U.S.C. § 2243 (relating to sexual abuse of a minor or ward).
 - (9) 18 U.S.C. § 2244 (relating to abusive sexual contact) where the victim is 13 years of age or older but under 18 years of age.
 - (10) 18 U.S.C. § 2251 (relating to sexual exploitation of children).
 - (11) 18 U.S.C. § 2251A (relating to selling or buying of children).
 - (12) 18 U.S.C. § 2252(a)(1), (2) or (3).
 - (13) 18 U.S.C. § 2260 (relating to production of sexually explicit depictions of a minor for importation into the United States).
 - (14) 18 U.S.C. § 2421 (relating to transportation generally).

(15) 18 U.S.C. § 2422(b).

(16) 18 U.S.C. § 2423(a).

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

(18) Deleted by 2024, May 8, P.L. 360, No. 16, § 2, imd. effective.

(d) Tier III sexual offenses.--The following offenses, or an attempt, conspiracy or solicitation to commit any of the following offenses, shall be classified as Tier III sexual offenses:

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

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

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

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

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

(6) 18 Pa.C.S. § 3124.2(a.1) and (a.4)(2).

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

(8) 18 Pa.C.S. § 3126(a)(7).

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

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

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

(12) 18 U.S.C. § 2244 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.

(14) Deleted by 2024, May 8, P.L. 360, No. 16, § 2, imd. effective.

(15) (Reserved).

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

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 6, effective Dec. 20, 2012; 2014, March 14, P.L. 41, No. 19, § 4, retroactive effective Dec. 20, 2012; 2014, July 2, P.L. 945, No. 105, § 8, effective in 60 days [Sept. 2, 2014]; 2018, Feb. 21, P.L. 27, No. 10, § 9, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 7, imd. effective. Amended 2020, July 23, P.L. 641, No. 63, § 3, effective in 60 days [Sept. 21, 2020]; 2022, Nov. 3, P.L. 2066, No. 144, § 1, effective in 60 days [Jan. 3, 2023]; 2024, May 8, P.L. 360, No. 16, § 2, imd. effective; 2025, June 30, P.L. ___, No. 22, § 1, imd. effective.

42 Pa.C.S.A. § 9799.14, PA ST 42 Pa.C.S.A. § 9799.14

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42 Pa.C.S.A. § 9799.15
Formerly cited as PA ST 42 Pa.C.S.A. § 9795.1

§ 9799.15. Period of registration

Currentness

(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.

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

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

(4) A juvenile offender 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.

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

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

(7) An individual subject to registration under section 9799.13(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.

(a.1) Deleted by 2018, Feb. 21, P.L. 27, No. 10, § 10, imd. effective.

(a.2) Assessment by court after 25 years.--An individual required to register under subsection (a)(3), (5), (6) and (7) may be exempt from the requirement to register, the requirement to verify residence, employment and enrollment in an educational institution, the requirement to appear on the publicly accessible Internet website maintained by the Pennsylvania State Police and all other requirements of this subchapter if:

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

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

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

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

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

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

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

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

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

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

(b) Commencement of registration.--The following apply:

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

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

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

(B) parole or a sentence of probation; or

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

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

(A) release from an institution or facility set forth in section 6352(a)(3) (relating to disposition of delinquent child), if the juvenile offender is, on or after December 20, 2012, subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is under court-ordered placement in an institution or facility set forth in section 6352(a)(3); or

(B) disposition, if the juvenile offender is, on or after December 20, 2012, subject to the jurisdiction of a court pursuant to a disposition entered under section 6352 and is placed on probation or is otherwise subject to jurisdiction of a court pursuant to a disposition under section 6352 that did not involve out-of-home placement.

(iii) For a sexually violent delinquent child, the period of registration shall commence upon transfer to involuntary outpatient treatment pursuant to section 6404.1 (relating to transfer to involuntary outpatient treatment).

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

convicted of a sexually violent offense in another jurisdiction or foreign country or comparable military offense and who is a transient.

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

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

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

(i) incarcerated in a 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;

(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 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.

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

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

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

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

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

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

(f) Sexually violent predators.--A sexually violent predator shall appear in person at an approved registration site to:

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

(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 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) 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.

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

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

(2) Destinations.

(3) Temporary lodging.

(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.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 7, effective Dec. 20, 2012; 2014, March 14, P.L. 41, No. 19, § 5, retroactive effective Dec. 20, 2012; 2018, Feb. 21, P.L. 27, No. 10, § 10, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 8, imd. effective.

42 Pa.C.S.A. § 9799.15, PA ST 42 Pa.C.S.A. § 9799.15

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.16

Formerly cited as PA ST 42 Pa.C.S.A. § 9795.2

§ 9799.16. Registry

Currentness

(a) Establishment.--There is established a Statewide registry of sexual offenders in order to carry out the provisions of this subchapter. The Pennsylvania State Police shall create and maintain the registry. The registry shall maintain a complete and systematic index of all records required regarding sexual offenders in order to comply with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587).¹ The registry shall:

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

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

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

(4) Contain information about individuals required to register with the Pennsylvania State Police under Subchapter I (relating to continued registration of sexual offenders).²

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

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

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

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

- (4) Valid Social Security number issued to the individual by the Federal Government and purported Social Security number.
- (5) Address of each residence or intended residence, 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 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 monthly period, the transient shall list these when registering as a transient during the next 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.
- (7) Temporary lodging. In order to fulfill the requirements of this paragraph, the individual must provide the specific length of time and the dates during which the individual will be temporarily lodged.
- (8) A passport and documents establishing immigration status, which shall be copied in a digitized format for inclusion in the registry.
- (9) Name and address where the individual is employed or will be employed. In order to fulfill the requirements of this paragraph, if the individual is not employed in a fixed workplace, the individual shall provide information regarding general travel routes and general areas where the individual works.
- (10) Information relating to occupational and professional licensing, including type of license held and the license number.
- (11) Name and address where the individual is a student or will be a student.
- (12) Information relating to motor vehicles owned or operated by the individual, including watercraft and aircraft. In order to fulfill the requirements of this paragraph, the individual shall provide a description of each motor vehicle, watercraft or aircraft. The individual shall provide a license plate number, registration number or other identification number and the address of the place where a vehicle is stored. In addition, the individual shall provide the individual's license to operate a motor vehicle or other identification card issued by the Commonwealth, another jurisdiction or a foreign country so that the Pennsylvania State Police can fulfill its responsibilities under subsection (c)(7).
- (13) Actual date of birth and purported date of birth.

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

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

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

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

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

(i) Dates of arrests and convictions.

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

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

(iv) Existence of any outstanding warrants.

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

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

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

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

(iv) any other form of supervised release.

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

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

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

(d) Cooperation.--There shall be cooperation between the Pennsylvania State Police, State and county correctional institutions, the Pennsylvania Parole Board, 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 Human Services to ensure that the information set forth in subsections (b) and (c) is provided and placed in the registry.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 8, effective Dec. 20, 2012; 2018, Feb. 21, P.L. 27, No. 10, § 11, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 9, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

Footnotes

1 See 34 U.S.C.A. § 20901 et seq.

2 42 Pa.C.S.A. § 9799.51 et seq.

42 Pa.C.S.A. § 9799.16, PA ST 42 Pa.C.S.A. § 9799.16

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42 Pa.C.S.A. § 9799.17

§ 9799.17. Termination of period of registration for juvenile offenders

Currentness

(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.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 8, effective Dec. 20, 2012.

42 Pa.C.S.A. § 9799.17, PA ST 42 Pa.C.S.A. § 9799.17

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.18
Formerly cited as PA ST 42 Pa.C.S.A. § 9795.2

§ 9799.18. Information sharing

Currentness

(a) General rule.--The Pennsylvania State Police shall, within three business days, 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:

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

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

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

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

(i) establishes a residence or terminates a residence, 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.

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

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

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

(2) The United States Marshals Service.

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

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

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

(2) The United States Marshals Service.

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

(e) National Child Protection Act agencies.--The Pennsylvania State Police shall, within three business days, transfer such criminal history record information about a sexual offender in the registry necessary to enable an agency responsible for

conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (Public Law 103-209, 42 U.S.C. 5119a) to conduct the background checks.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 8, effective Dec. 20, 2012.

42 Pa.C.S.A. § 9799.18, PA ST 42 Pa.C.S.A. § 9799.18

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.19
Formerly cited as PA ST 42 Pa.C.S.A. § 9795.2

§ 9799.19. Initial registration

Currentness

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

(b) Deleted by 2018, Feb. 21, P.L. 27, No. 10, § 12, imd. effective.

(b.1) Deleted by 2018, Feb. 21, P.L. 27, No. 10, § 12, imd. effective.

(c) to (e.2) Deleted by 2018, Feb. 21, P.L. 27, No. 10, § 12, imd. effective.

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

(1) If the individual is being supervised under the compact for committing a sexually violent offense which requires registration in another jurisdiction or foreign country whether or not the sexual offense is designated as a sexually violent offense, the individual shall provide the information set forth in section 9799.16(b) (relating to registry) to the appropriate official of the Department of Corrections or the county office of probation and parole for inclusion in the registry. The appropriate official shall collect the information set forth in section 9799.16(b) and forward the information to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information set forth in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. If the individual fails to provide the information in section 9799.16(b), the appropriate official of the Department of Corrections or county office of probation and parole shall notify the Pennsylvania State Police.

(2) Deleted by 2018, Feb. 21, P.L. 27, No. 10, § 12, imd. effective.

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

(h) Initial registration of juvenile offender or sexually violent delinquent child.--

(1) If the individual is a juvenile offender who is adjudicated delinquent by a court on or after December 20, 2012, 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 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, on December 20, 2012, 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 December 20, 2012. 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 December 20, 2012, 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 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 December 20, 2012, 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 December 20, 2012, 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 December 20, 2012, 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.--

(1) 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 December 20, 2012, 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 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) Deleted by 2018, Feb. 21, P.L. 27, No. 10, § 12, imd. effective.

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

(1) If the individual is incarcerated in a Federal, State or county correctional facility, the individual shall provide the information specified in section 9799.16(b) to the appropriate official of the Federal, State or county correctional facility or the Department of Corrections for inclusion in the registry before being released due to:

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

(ii) parole;

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

(iv) special probation supervised by the Department of Corrections.

(2) For individuals described in paragraph (1), the appropriate official of the Federal, State or county correctional facility or the Department of Corrections shall collect and forward the information specified in section 9799.16(b) to the Pennsylvania State Police. The appropriate official shall, in addition, ensure that the information specified in section 9799.16(c) is collected and forwarded to the Pennsylvania State Police. The information specified in section 9799.16(b) and (c) shall be included in

the registry. With respect to individuals released under paragraph (1)(ii), (iii) or (iv), the State or county correctional facility shall not release the individual until the State or county correctional facility receives verification from the Pennsylvania State Police that the Pennsylvania State Police has received the information specified in section 9799.16(b) and (c). Verification may take place by electronic means. With respect to individuals released under paragraph (1)(i), if the individual refuses to provide the information specified in section 9799.16(b), the State or county correctional facility shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

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

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

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

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

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

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

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

(v) If the individual is scheduled to be released from a State or county correctional facility due to the expiration of sentence and the individual refuses to provide the information specified in section 9799.16(b), the State or county correctional

facility shall notify the Pennsylvania State Police or the municipal police department with jurisdiction over the facility of the failure to provide the information and of the expected date, time and location of the release of the individual.

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

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

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

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

(o) Registration if sentenced to county probation.--If the individual committed a sexually violent offense and is sentenced to county probation, the individual shall provide the information specified in section 9799.16(b) by appearing at an approved registration site within 48 hours of being sentenced. The appropriate official of the county office of probation and parole shall ensure that the individual has appeared at an approved registration site as described in this subsection. If the individual fails to appear, the appropriate official of the county office of probation and parole shall notify the Pennsylvania State Police. The Pennsylvania State Police shall ensure the information specified in section 9799.16(c) with respect to the individual is collected and entered in the registry.

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

(1) If the individual is serving a sentence of county probation, the appropriate office of probation and parole serving the county shall register the individual within 48 hours. The appropriate official of that office shall collect the information specified in section 9799.16(b) and forward that information to the Pennsylvania State Police. The Pennsylvania State Police shall

ensure that the information specified in section 9799.16(c) is collected. The information specified in section 9799.16(b) and (c) shall be included in the registry. If the individual fails to comply, the appropriate official of that office shall notify the Pennsylvania State Police.

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

(q) Registration for State or county parolees.--

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

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 9, effective Dec. 20, 2012; 2018, Feb. 21, P.L. 27, No. 10, § 12, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 10, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

42 Pa.C.S.A. § 9799.19, PA ST 42 Pa.C.S.A. § 9799.19

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

Purdon's Pennsylvania Statutes and Consolidated Statutes
Title 42 Pa.C.S.A. Judiciary and Judicial Procedure (Refs & Annos)
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Chapter 97. Sentencing (Refs & Annos)
Subchapter H. Registration of Sexual Offenders (Refs & Annos)

42 Pa.C.S.A. § 9799.20

§ 9799.20. Duty to inform

Currentness

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 Department of Corrections, county office of probation and parole, the Department of Human Services or a State or county correctional institution shall:

- (1) Inform the individual required to register of the individual's duties under this subchapter.
- (2) Require the individual to read and sign a form stating that the duty to register has been explained and that the individual understands the registration requirement.
- (3) Collect the information required under section 9799.16 (b) and (c) (relating to registry) and forward the information to the Pennsylvania State Police for inclusion in the registry as set forth in this subchapter.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 10, effective Dec. 20, 2012; 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

42 Pa.C.S.A. § 9799.20, PA ST 42 Pa.C.S.A. § 9799.20

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42 Pa.C.S.A. § 9799.21

Formerly cited as PA ST 42 Pa.C.S.A. § 9795.2

§ 9799.21. Penalty

Currentness

(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).

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 10, effective Dec. 20, 2012.

42 Pa.C.S.A. § 9799.21, PA ST 42 Pa.C.S.A. § 9799.21

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.22

§ 9799.22. Enforcement

Currentness

(a) Failure to comply.--When an individual set forth in section 9799.13 (relating to applicability) fails to comply with section 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.

(2) 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 following apply:

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

(3) The Pennsylvania State Police shall notify the United States Marshals Service.

(4) If a warrant is issued pursuant to this subsection, the 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 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 this subchapter, the court with jurisdiction over the sexual offender, the chief juvenile probation officer of the court and the appropriate official of the Department of Corrections responsible for State parole supervision, the county office of probation and parole, the Department of Human Services or a State or county correctional institution shall inform the Pennsylvania State Police if the individual refuses to provide the information required by this subchapter so that the Pennsylvania State Police may comply with this section.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 10, effective Dec. 20, 2012; 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

42 Pa.C.S.A. § 9799.22, PA ST 42 Pa.C.S.A. § 9799.22

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.23
Formerly cited as PA ST 42 Pa.C.S.A. § 9795.3

§ 9799.23. Court notification and classification requirements

Currentness

(a) Notice to sexual offenders.--At the time of sentencing, of disposition under section 6352 (relating to disposition of delinquent child) in the case of a juvenile offender, of adjudication of delinquency under section 6341 (relating to adjudication) in the case of a juvenile offender if the individual was adjudicated delinquent in any county other than the individual's county of residence and section 9799.19(h)(1)(i)(B) (relating to initial registration) applies, or of commitment under section 6403 (relating to court-ordered involuntary treatment) 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:

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

(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 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.

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

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

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

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

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

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

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

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

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

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

(iv) A sexually violent predator.

(v) A juvenile offender.

(vi) A sexually violent delinquent child.

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

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

(2) Except as provided in sections 9799.15(a.2) and 9799.17 (relating to termination of period of registration for juvenile offenders), the court shall have no authority to relieve a sexual offender from the duty to register under this subchapter or to modify the requirements of this subchapter as they relate to the sexual offender.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 10, effective Dec. 20, 2012; 2014, Sept. 27, P.L. 2482, No. 138, § 4, effective in 60 days [Nov. 26, 2014]; 2018, Feb. 21, P.L. 27, No. 10, § 13, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 11, imd. effective.

42 Pa.C.S.A. § 9799.23, PA ST 42 Pa.C.S.A. § 9799.23

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42 Pa.C.S.A. § 9799.24

Formerly cited as PA ST 42 Pa.C.S.A. § 9795.4

§ 9799.24. Assessments

Currentness

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

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

(1) Facts of the current offense, including:

(i) Whether the offense involved multiple victims.

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

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

(iv) Relationship of the individual to the victim.

(v) Age of the victim.

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

(vii) The mental capacity of the victim.

(2) Prior offense history, including:

- (i) The individual's prior criminal record.
- (ii) Whether the individual completed any prior sentences.
- (iii) Whether the individual participated in available programs for sexual offenders.

(3) Characteristics of the individual, including:

- (i) Age.
- (ii) Use of illegal drugs.
- (iii) Any mental illness, mental disability or mental abnormality.
- (iv) Behavioral characteristics that contribute to the individual's conduct.

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

(c) Release of information.--All State, county and local agencies, offices and entities in this Commonwealth, including juvenile probation officers, shall cooperate by providing copies of records and information as requested by the board in connection with the court-ordered assessment and the assessment requested by the Pennsylvania Parole Board or the assessment of a delinquent child under section 6358 (relating to assessment of delinquent children by the State Sexual Offenders Assessment Board). For assessments of delinquent children conducted by the board pursuant to section 6358 from January 23, 2005, to December 19, 2012, all State, county and local agencies, offices and entities, including juvenile probation officers, are subject to the release of information requirements set forth in this subsection.

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

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

- (1) A concise narrative of the individual's conduct.
- (2) Whether the victim was a minor.
- (3) The manner of weapon or physical force used or threatened.

- (4) If the offense involved unauthorized entry into a room or vehicle occupied by the victim.
- (5) If the offense was part of a course or pattern of conduct involving multiple incidents or victims.
- (6) Previous instances in which the individual was determined guilty of an offense subject to this subchapter or of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses).

(e) Hearing.--

- (1) A hearing to determine whether the individual is a sexually violent predator shall be scheduled upon the praecipe filed by the district attorney. The district attorney upon filing a praecipe shall serve a copy of the praecipe upon defense counsel together with a copy of the report of the board.
- (2) The individual and district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. In addition, the individual shall have the right to counsel and to have an attorney appointed to represent the individual if the individual cannot afford one. If the individual requests another expert assessment, the individual shall provide a copy of the expert assessment to the district attorney prior to the hearing.
- (3) At the hearing prior to sentencing, the court shall determine whether the Commonwealth has proved by clear and convincing evidence that the individual is a sexually violent predator.
- (4) A copy of the order containing the determination of the court shall be immediately submitted to the individual, the district attorney, the Pennsylvania Parole Board, the Department of Corrections, the board and the Pennsylvania State Police.

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

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

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

probation officer shall assist the board in obtaining access to the child and any records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2014, March 14, P.L. 41, No. 19, § 6, retroactive effective Dec. 20, 2012; 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

42 Pa.C.S.A. § 9799.24, PA ST 42 Pa.C.S.A. § 9799.24

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42 Pa.C.S.A. § 9799.25
Formerly cited as PA ST 42 Pa.C.S.A. § 9796

§ 9799.25. Verification by sexual offenders and Pennsylvania State Police

Currentness

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

- (1) An individual convicted of a Tier I sexual offense shall appear in person at an approved registration site annually.
- (2) An individual convicted of a Tier II sexual offense shall appear in person at an approved registration site semiannually.
- (3) An individual convicted of a Tier III sexual offense shall appear in person at an approved registration site quarterly.
- (4) An individual designated as a sexually violent predator shall appear in person at an approved registration site quarterly.
- (5) A juvenile offender shall appear in person at an approved registration site quarterly.
- (6) A sexually violent delinquent child shall appear in person at an approved registration site quarterly.
- (7) A transient shall appear in person at an approved registration site monthly.
- (8) An individual required to register under section 9799.13(7.1) (relating to applicability) shall annually appear in person at an approved registration site.

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

- (1) If the individual has been in compliance with the requirements of this subchapter for the first three years of the individual's period of registration and, during the same three-year period, the individual has not been convicted in this Commonwealth or any other jurisdiction or foreign country of an offense punishable by imprisonment of more than one year, the individual

shall appear at an approved registration site annually. The individual shall appear within 10 days before the date designated by the Pennsylvania State Police to verify information in section 9799.16(b) and be photographed.

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

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

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

(b) Deadline.--The following apply:

(1) A sexual offender shall appear as required under subsection (a) within ten days 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).

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

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

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

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

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

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

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

(f) Residents in group-based homes.--

(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals in total who are required to register under this subchapter and Subchapter I (relating to continued registration of sexual offenders)¹ as sexually violent predators.

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

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

(4) As used in this subsection, the term "**group-based home**" has the meaning given to it in 61 Pa.C.S. § 5007(c) (relating to certain offenders residing in group-based homes).

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 10, effective Dec. 20, 2012; 2018, Feb. 21, P.L. 27, No. 10, § 14, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 11, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

Footnotes

1 42 Pa.C.S.A. § 9799.51 et seq.

42 Pa.C.S.A. § 9799.25, PA ST 42 Pa.C.S.A. § 9799.25

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter H. Registration of Sexual Offenders (Refs & Annos)

42 Pa.C.S.A. § 9799.26

Formerly cited as PA ST 42 Pa.C.S.A. § 9797

§ 9799.26. Victim notification

Currentness

(a) Duty to inform victim.--

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

(i) Name.

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

(iii) The address of employment.

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

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

(b) Individual not determined to be sexually violent predator or sexually violent delinquent child.--If an individual is not determined to be a sexually violent predator or a sexually violent delinquent child, the victim shall be notified in accordance with section 201 of the act of November 24, 1998 (P.L. 882, No. 111),¹ known as the Crime Victims Act.

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

(d) Alternate means of notifying victims.--

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

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 10, effective Dec. 20, 2012; 2018, Feb. 21, P.L. 27, No. 10, § 14, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 11, imd. effective.

Footnotes

1 18 P.S. § 11.201.

2 18 P.S. § 11.301.

42 Pa.C.S.A. § 9799.26, PA ST 42 Pa.C.S.A. § 9799.26

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter H. Registration of Sexual Offenders (Refs & Annos)

42 Pa.C.S.A. § 9799.27

Formerly cited as PA ST 42 Pa.C.S.A. § 9798

§ 9799.27. Other notification

Currentness

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

- (1) The name of the individual.
- (2) The address of the residence of the individual. If the individual is a transient, written notice under this paragraph shall consist of information about the transient's temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park, and a list of the places the transient eats, frequents and engages in leisure activities.
- (3) The offense for which the individual was convicted, sentenced by a court, adjudicated delinquent or court martialed.
- (4) A statement that the individual has been determined to be a sexually violent predator or sexually violent delinquent child, which determination has or has not been terminated as of a date certain.
- (5) A photograph of the sexually violent predator or sexually violent delinquent child.

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

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

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

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

(c) Notification time frames.--The municipal police department's chief law enforcement officer shall provide notice within the following time frames:

- (1) To neighbors, notice shall be provided within five days after information of the sexually violent predator's or sexually violent delinquent child's release date and residence has been received by the chief law enforcement officer. Notwithstanding the provisions of subsections (a) and (b), verbal notification may be used if written notification would delay meeting the requirement of this paragraph.
- (2) To the persons specified in subsection (b)(2), (3), (4), (5) and (6), notice shall be provided within seven days after the chief law enforcement officer receives information regarding the sexually violent predator's or sexually violent delinquent child's release date and residence.

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 10, effective Dec. 20, 2012.

42 Pa.C.S.A. § 9799.27, PA ST 42 Pa.C.S.A. § 9799.27

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42 Pa.C.S.A. § 9799.28
Formerly cited as PA ST 42 Pa.C.S.A. § 9798.1

§ 9799.28. Public Internet website

Currentness

(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 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). 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.

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

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

(2) Include on the Internet website the following:

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

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

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

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

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

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

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

(5) Provide on the Internet website general information designed to inform and educate the public about sexual offenders and the operation of this subchapter as well as pertinent and appropriate information concerning crime prevention and personal safety, with appropriate links to other relevant Internet websites operated by the Commonwealth.

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

(1) Name and aliases.

(2) Year of birth.

(3) Street address, 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, 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, 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 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.

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

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

(9) 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.

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

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

(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.

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

(1) The identity of any victim.

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

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

(4) Travel and immigration document numbers.

(d) (Reserved).

(e) Duration of posting.--The information listed in subsection (b) shall be made available on the Internet website unless an individual convicted of a sexually violent offense, a sexually violent predator or a sexually violent delinquent child is deceased or is no longer required to register under this subchapter.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 11, effective Dec. 20, 2012.

42 Pa.C.S.A. § 9799.28, PA ST 42 Pa.C.S.A. § 9799.28

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42 Pa.C.S.A. § 9799.29
Formerly cited as PA ST 42 Pa.C.S.A. § 9798.2

§ 9799.29. Administration

Currentness

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

42 Pa.C.S.A. § 9799.29, PA ST 42 Pa.C.S.A. § 9799.29

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42 Pa.C.S.A. § 9799.30

Formerly cited as PA ST 42 Pa.C.S.A. § 9798.3

§ 9799.30. Global positioning system technology

Currentness

The Pennsylvania Parole Board, the Department of Corrections, the agents of the Department of Corrections and county probation authorities may impose supervision conditions that include tracking through global positioning system technology.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

42 Pa.C.S.A. § 9799.30, PA ST 42 Pa.C.S.A. § 9799.30

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42 Pa.C.S.A. § 9799.31

Formerly cited as PA ST 42 Pa.C.S.A. § 9799

§ 9799.31. Immunity for good faith conduct

Currentness

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

- (1) Agents and employees of the Pennsylvania State Police and local law enforcement agencies.
- (2) District attorneys and their agents and employees.
- (3) Superintendents, administrators, teachers, employees and volunteers engaged in the supervision of children of any public, private or parochial school.
- (4) Directors and employees of county children and youth agencies.
- (5) Presidents or similar officers of universities and colleges, including community colleges.
- (6) The Pennsylvania Parole Board and its agents and employees.
- (7) County probation and parole offices and their agents and employees.
- (8) Licensees of certified day-care centers and directors of licensed preschool programs and owners and operators of registered family day-care homes and their agents and employees.
- (9) The Department of Corrections and its agents and employees.
- (10) County correctional facilities and their agents and employees.
- (11) The board and its members, agents and employees.

- (12) Juvenile probation offices and their agents and employees.
- (13) The Department of Human Services and its agents and employees.
- (14) Institutions or facilities set forth in section 6352(a)(3) (relating to disposition of delinquent child) and their agents and employees.
- (15) The unit owners' association of a common interest community and its agents and employees as it relates to distributing information regarding section 9799.27(b)(1) (relating to other notification).

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2018, Feb. 21, P.L. 27, No. 10, § 15, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 11, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 4, imd. effective.

42 Pa.C.S.A. § 9799.31, PA ST 42 Pa.C.S.A. § 9799.31

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42 Pa.C.S.A. § 9799.32

Formerly cited as PA ST 42 Pa.C.S.A. § 9799.1

§ 9799.32. Pennsylvania State Police and Department of Corrections

Currentness

The Pennsylvania State Police have the following duties:

- (1) To create and maintain the Statewide registry of sexual offenders in conformity with the provisions of this subchapter.
- (2) In consultation with the Department of Corrections, the Office of Attorney General, the Juvenile Court Judges' Commission, the Administrative Office of Pennsylvania Courts and the chairman and minority chairman of the Judiciary Committee of the Senate and the chairman and minority chairman of the Judiciary Committee of the House of Representatives, to promulgate guidelines necessary for the general administration of this subchapter. These guidelines shall establish procedures to allow an individual subject to the requirements of this subchapter, including a transient, to fulfill these requirements at approved registration sites throughout this Commonwealth. The Pennsylvania State Police shall publish a list of approved registration sites in the Pennsylvania Bulletin and provide a list of approved registration sites in any notice sent to individuals required to register under this subchapter. An approved registration site shall be capable of submitting fingerprints, palm prints, DNA samples and any other information required electronically to the Pennsylvania State Police. The Pennsylvania State Police shall require that approved registration sites submit fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in such form as the Pennsylvania State Police shall require. Approved registration sites shall not be limited to sites managed by the Pennsylvania State Police and shall include sites managed by local law enforcement agencies that meet the criteria for approved registration sites set forth in this paragraph.
- (3) To write guidelines regarding neighbor notification under section 9799.27(b)(1) (relating to other notification).
- (4) Within three business days, to transfer information as set forth in section 9799.18 (relating to information sharing).
- (5) To enforce the provisions of this subchapter as set forth in section 9799.22 (relating to enforcement).
- (6) To facilitate verification of information from individuals under section 9799.13 (relating to applicability) as provided in section 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

(7) In consultation with the Department of Education and the Department of Corrections, to promulgate guidelines directing licensed day-care centers, licensed preschool programs, schools, universities and colleges, including community colleges, on the proper use and administration of information received under section 9799.27.

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

(9) In consultation with the Administrative Office of Pennsylvania Courts, the Department of Human Services and the Juvenile Court Judges' Commission, to promulgate guidelines regarding the completion of information required by juvenile offenders and sexually violent delinquent children under this subchapter.

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 12, imd. effective; 2018, Feb. 21, P.L. 27, No. 10, § 16, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 11, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 5, imd. effective.

42 Pa.C.S.A. § 9799.32, PA ST 42 Pa.C.S.A. § 9799.32

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42 Pa.C.S.A. § 9799.33
Formerly cited as PA ST 42 Pa.C.S.A. § 9799.2

§ 9799.33. Duties of Department of Corrections and probation and parole officials

Currentness

(a) Duties.--The Department of Corrections, the county office of probation and parole and the chief juvenile probation officer of the court shall:

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

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

(b) Notification form.--The Department of Corrections shall create a notification form which will inform county prison and probation and parole personnel how to inform sexual offenders of their duties under this subchapter. In addition, the Department of Corrections shall apply for Federal funding as provided in the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587)¹ to support and enhance programming using global satellite positioning system technology.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

Footnotes

1 See 34 U.S.C.A. § 20981.

42 Pa.C.S.A. § 9799.33, PA ST 42 Pa.C.S.A. § 9799.33

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42 Pa.C.S.A. § 9799.34

§ 9799.34. Duties of facilities housing sexual offenders

Currentness

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

- (1) To perform their respective duties in accordance with section 9799.19 (relating to initial registration). This paragraph includes taking a current photograph of the individual specified in section 9799.13 (relating to applicability) before the individual is released from confinement or commitment or is discharged.
- (2) On a form prescribed by the Pennsylvania State Police, to notify the Pennsylvania State Police each time a sexual offender is incarcerated, committed or released, including supervised release. 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.
- (3) To assist sexual offenders registering under this subchapter.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 12, effective Dec. 20, 2012; 2018, Feb. 21, P.L. 27, No. 10, § 17, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 11, imd. effective.

42 Pa.C.S.A. § 9799.34, PA ST 42 Pa.C.S.A. § 9799.34

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.35

Formerly cited as PA ST 42 Pa.C.S.A. § 9799.3

§ 9799.35. Board

Currentness

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

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

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

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

(e) Staff.--The board shall employ an executive director and other staff as necessary to carry out the board's duties under this chapter. The executive director shall direct the operations, management and administration of the board and organize and oversee the work of the staff. Legal counsel for the board shall be provided in accordance with the act of October 15, 1980 (P.L. 950, No. 164),¹ known as the Commonwealth Attorneys Act. Upon request by the board, the Department of Corrections shall make available facilities, administrative support and other assistance to the board.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

Footnotes

1 71 P.S. § 732-101 et seq.

42 Pa.C.S.A. § 9799.35, PA ST 42 Pa.C.S.A. § 9799.35

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.36
Formerly cited as PA ST 42 Pa.C.S.A. § 9799.4

§ 9799.36. Counseling of sexually violent predators

Currentness

(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.

(b) Designation in another jurisdiction.--If an individual specified in section 9799.13 (relating to applicability) has been designated as a sexually violent predator in another jurisdiction and was required to undergo counseling, the individual shall be subject to the provisions of this section.

(c) Penalty.--A sexually violent predator who knowingly fails to attend counseling sessions as provided in this section may be subject to prosecution under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements).

(d) Notification.--A provider of counseling services under subsection (a) shall notify the district attorney of the county and the chief law enforcement officer, as defined in section 8951 (relating to definitions), of the municipality in the county and municipality where the provider is located that the provider is counseling sexually violent predators. Notifications under this subsection must be submitted in writing by January 15 of each year and shall include the address of the provider.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2012, July 5, P.L. 880, No. 91, § 12, effective Dec. 20, 2012; 2015, July 10, P.L. 122, No. 20, § 1, effective in 60 days [Sept. 8, 2015]; 2018, Feb. 21, P.L. 27, No. 10, § 17, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 11, imd. effective.

42 Pa.C.S.A. § 9799.36, PA ST 42 Pa.C.S.A. § 9799.36

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42 Pa.C.S.A. § 9799.37

Formerly cited as PA ST 42 Pa.C.S.A. § 9799.7

§ 9799.37. Exemption from notification for certain licensees and their employees

Currentness

Nothing in this subchapter shall be construed as imposing a duty upon a person licensed under the act of February 19, 1980 (P.L. 15, No. 9),¹ known as the Real Estate Licensing and Registration Act, or an employee of the person, to disclose any information regarding an individual required to be included in the registry pursuant to this subchapter.

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012].

Footnotes

1 63 P.S. § 455.101 et seq.

42 Pa.C.S.A. § 9799.37, PA ST 42 Pa.C.S.A. § 9799.37

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.38
Formerly cited as PA ST 42 Pa.C.S.A. § 9799.8

§ 9799.38. Annual performance audit

Currentness

(a) Duties of the Attorney General.--The Attorney General has the following duties:

- (1) To conduct a performance audit annually to determine compliance with the requirements of this subchapter and Subchapter I (relating to continued registration of sexual offenders)¹ and any guidelines promulgated under this subchapter and Subchapter I. The audit shall, at a minimum, include a review of the practices, procedures and records of the Pennsylvania State Police, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts and any other State or local agency the Attorney General deems necessary in order to conduct a thorough and accurate performance audit.
- (2) To prepare an annual report of its findings and any action that it recommends be taken by the Pennsylvania State Police, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, other State or local agencies and the General Assembly to ensure compliance with this subchapter and Subchapter I. The first report shall be released to the general public no fewer than 18 months after December 20, 2012.
- (3) To provide a copy of its report to the Pennsylvania State Police, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, State or local agencies referenced in the report, the chairman and the minority chairman of the Judiciary Committee of the Senate and the chairman and the minority chairman of the Judiciary Committee of the House of Representatives no fewer than 30 days prior to its release to the general public.

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2018, Feb. 21, P.L. 27, No. 10, § 17, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 12, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

Footnotes

1 42 Pa.C.S.A. § 9799.51 et seq.

42 Pa.C.S.A. § 9799.38, PA ST 42 Pa.C.S.A. § 9799.38

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42 Pa.C.S.A. § 9799.39
Formerly cited as PA ST 42 Pa.C.S.A. § 9799.9

§ 9799.39. Photographs and fingerprinting

Currentness

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

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. Amended 2018, Feb. 21, P.L. 27, No. 10, § 17, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 13, imd. effective.

42 Pa.C.S.A. § 9799.39, PA ST 42 Pa.C.S.A. § 9799.39

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42 Pa.C.S.A. § 9799.40

§ 9799.40. Duties of Pennsylvania Commission on Sentencing

Currentness

The Pennsylvania Commission on Sentencing shall establish procedures to enable courts to classify sexual offenders as provided in section 9799.23 (relating to court notification and classification requirements).

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012].

42 Pa.C.S.A. § 9799.40, PA ST 42 Pa.C.S.A. § 9799.40

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42 Pa.C.S.A. § 9799.41

§ 9799.41. Expiration

Currentness

The following provisions shall expire 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).

Credits

2011, Dec. 20, P.L. 446, No. 111, § 12, imd. effective. Amended 2012, July 5, P.L. 880, No. 91, § 12, imd. effective.

42 Pa.C.S.A. § 9799.41, PA ST 42 Pa.C.S.A. § 9799.41

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42 Pa.C.S.A. § 9799.42

§ 9799.42. Standing for Pennsylvania State Police

Currentness

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 18, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 13, imd. effective.

42 Pa.C.S.A. § 9799.42, PA ST 42 Pa.C.S.A. § 9799.42

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T. 42 Pa.C.S.A., Pt. VIII, Ch. 97, Subch. I, Refs & Annos

Currentness

T. 42 Pa.C.S.A., Pt. VIII, Ch. 97, Subch. I, Refs & Annos, PA ST T. 42 Pa.C.S.A., Pt. VIII, Ch. 97, Subch. I, Refs & Annos

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42 Pa.C.S.A. § 9799.51

§ 9799.51. Legislative findings and declaration of policy

Currentness

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

- (1) If the public is provided adequate notice and information about sexually violent predators and offenders as well as those sexually violent predators and offenders who do not have a fixed place of habitation or abode, the community can develop constructive plans to prepare itself for the release of sexually violent predators and offenders. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to their children.
- (2) These sexually violent predators and offenders pose a high risk of engaging in further offenses even after being released from incarceration or commitments, and protection of the public from this type of offender is a paramount governmental interest.
- (3) The penal and mental health components of our justice system are largely hidden from public view, and lack of information from either may result in failure of both systems to meet this paramount concern of public safety.
- (4) Overly restrictive confidentiality and liability laws governing the release of information about sexually violent predators and offenders have reduced the willingness to release information that could be appropriately released under the public disclosure laws and have increased risks to public safety.
- (5) Persons found to have committed a sexual offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.
- (6) Release of information about sexually violent predators and offenders to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

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

- (1) Protect the safety and general welfare of the people of this Commonwealth by providing for registration, community notification and access to information regarding sexually violent predators and offenders who are about to be released from custody and will live in or near their neighborhood.
- (2) Require the exchange of relevant information about sexually violent predators and offenders among public agencies and officials and to authorize the release of necessary and relevant information about sexually violent predators and offenders to members of the general public, including information available through the publicly accessible Internet website of the Pennsylvania State Police, as a means of assuring public protection and shall not be construed as punitive.
- (3) Address the Superior Court's opinion in the case of Commonwealth v. Wilgus, 975 A.2d 1183 (2009), by requiring sexually violent predators and offenders without a fixed place of habitation or abode to register under this subchapter.
- (4) Address the Pennsylvania Supreme Court's decision in Commonwealth v. Muniz, No. 47 MAP 2016 (Pa. 2016),¹ and the Pennsylvania Superior Court's decision in Commonwealth v. Butler, 173 A.3d 1212 (Pa. Super. 2017).

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 14, imd. effective.

Footnotes

1 See Commonwealth v. Muniz, 164 A.3d 1189 (Pa. 2017).

42 Pa.C.S.A. § 9799.51, PA ST 42 Pa.C.S.A. § 9799.51

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.52

§ 9799.52. Scope

Currentness

This subchapter shall apply to individuals who were:

- (1) convicted of a sexually violent offense committed on or after April 22, 1996, but before December 20, 2012, whose period of registration with the Pennsylvania State Police, as described in section 9799.55 (relating to registration), has not expired; or
- (2) required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 14, imd. effective.

42 Pa.C.S.A. § 9799.52, PA ST 42 Pa.C.S.A. § 9799.52

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42 Pa.C.S.A. § 9799.53

§ 9799.53. Definitions

Currentness

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

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

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

- (1) at which individuals subject to this subchapter may register, verify information or be fingerprinted or photographed as required by this subchapter;
- (2) which is capable of submitting fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in the form as the Pennsylvania State Police shall require; and
- (3) which is capable of submitting photographs utilizing the Commonwealth Photo Imaging Network or in another manner and in the form as the Pennsylvania State Police shall require.

“Board.” The State Sexual Offenders Assessment Board.

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

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

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

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

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

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

“Municipality.” A city, borough, incorporated town or township.

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

“Passive notification.” Notification in accordance with section 9799.63 (relating to information made available on Internet and electronic notification) or a process whereby persons, under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, are able to access information pertaining to an individual as a result of the individual having been convicted or sentenced by a court for an offense similar to an offense listed in section 9799.55 (relating to registration).

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

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

“Residence.” With respect to an individual required to register under this subchapter, any of the following:

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

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

“Sexually violent offense.” The following criminal offenses:

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

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

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

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

- (i) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
- (ii) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

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

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 15, imd. effective.

42 Pa.C.S.A. § 9799.53, PA ST 42 Pa.C.S.A. § 9799.53

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42 Pa.C.S.A. § 9799.54

§ 9799.54. Applicability

Currentness

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

- (1) An individual who committed a sexually violent offense within this Commonwealth and whose period of registration with the Pennsylvania State Police, as specified in section 9799.55 (relating to registration), as of February 21, 2018, has not expired. The individual shall register for the period of time under section 9799.55 less any credit for time spent registered with the Pennsylvania State Police prior to February 21, 2018.
- (2) An individual who committed a sexually violent offense within this Commonwealth and who has failed to register with the Pennsylvania State Police. In such a case, the individual shall register for the period of time under section 9799.55.
- (3) An individual who committed a sexually violent offense within this Commonwealth and is an inmate in a State or county correctional facility of this Commonwealth, including a community corrections center or a community contract facility, is being supervised by the Department of Corrections or county probation or parole, is subject to a sentence of intermediate punishment or has supervision transferred under the Interstate Compact for Adult Supervision in accordance with section 9799.62(e) (relating to other notification). The individual shall register for the period of time under section 9799.55, except that the period required in section 9799.55 shall be tolled for any period of time the individual is recommitted for a parole violation or sentenced to a term of imprisonment.
- (4) An individual who was convicted of an offense similar to an offense set forth in section 9799.55 under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or under a former law of this Commonwealth or who was court martialed for a similar offense and who, as of February 21, 2018, has not completed registration requirements. The period of registration shall be as set forth in section 9799.56(b)(4) (relating to registration procedures and applicability) less any credit for time spent on a sexual offender registry of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or with the Pennsylvania State Police prior to February 21, 2018.

(b) Initial registration.--Individuals required to register under this section shall have 90 days from February 21, 2018, to initially register with the Pennsylvania State Police. The individual shall appear at an approved registration site to be photographed, fingerprinted and to verify information. The Pennsylvania State Police shall send a notice by first class United States mail to the individual's last reported residence in order to inform the individual of the requirements of this subchapter. The notice shall specifically inform the individual of the duties specified in section 9799.57 (relating to sentencing court information). The notice shall be sent no later than 30 days from February 21, 2018. The notice shall also provide a list of

approved registration sites. Neither failure on the part of the Pennsylvania State Police to send nor failure of an individual to receive notice or information under this paragraph shall relieve the individual of the requirements of this subchapter.

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 15, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

42 Pa.C.S.A. § 9799.54, PA ST 42 Pa.C.S.A. § 9799.54

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42 Pa.C.S.A. § 9799.55

§ 9799.55. Registration

Currentness

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Individuals who currently have a residence in this Commonwealth who have been convicted of offenses similar to the crimes cited in paragraphs (1)(i) or (ii) and (2) under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation or under a former law of this Commonwealth.

(a.1) Exception to 10-year registration.--Except as provided under subsection (b), an individual considered to be an offender under section 9799.56(b) (relating to registration procedures and applicability) shall be required to register with the Pennsylvania State Police for a period less than life, the duration of which is to be determined under sections 9799.54 (relating to applicability) and 9799.56(b).

(b) Lifetime registration.--The following individuals shall be subject to lifetime registration:

(1) An individual with two or more convictions of any of the offenses set forth in subsection (a).

(2) Individuals convicted:

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

18 Pa.C.S. § 3121 (relating to rape);

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

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

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

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

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

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

(3) Sexually violent predators.

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

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

(d) Residents in group-based homes.--

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

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

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

(4) As used in this subsection, the term “**group-based home**” has the meaning given to it in 61 Pa.C.S. § 5007(c) (relating to certain offenders residing in group-based homes).

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 16, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

Footnotes

1 42 Pa.C.S.A. § 9799.10 et seq.

42 Pa.C.S.A. § 9799.55, PA ST 42 Pa.C.S.A. § 9799.55

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Purdon's Pennsylvania Statutes and Consolidated Statutes
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Part VIII. Criminal Proceedings
Chapter 97. Sentencing (Refs & Annos)
Subchapter I. Continued Registration of Sexual Offenders (Refs & Annos)

42 Pa.C.S.A. § 9799.56

§ 9799.56. Registration procedures and applicability

Currentness

(a) Registration.--

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

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

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

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

(i) A change of residence or establishment of an additional residence or residences. In the case of an individual who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53 (relating to definitions), the individual shall inform the Pennsylvania State Police of the following:

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

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

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

The duty to provide the information specified in this subparagraph shall apply until the individual establishes a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53. If the individual who has a residence as

defined in paragraph (2) of the definition of “residence” in section 9799.53 changes or adds to the places listed in this subparagraph during a 30-day period, the individual shall list these when reregistering during the next 30-day period.

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

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

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

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

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

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

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

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

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

(1) (Reserved).

(2) (Reserved).

(3) (Reserved).

(4) An individual who has a residence, is employed or is a student in this Commonwealth and who has been convicted of or sentenced by a court or court martialed for a sexually violent offense or a similar offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or who was required to register under a sexual offender statute in the jurisdiction where convicted, sentenced or court martialed, shall register at an approved registration site within three business days of the individual's arrival in this Commonwealth. The provisions of this subchapter shall apply to the individual as follows:

(i) If the individual has been classified as a sexually violent predator as defined in section 9799.53 or determined under the laws of the other jurisdiction or by reason of court martial to be subject to active notification and lifetime registration on the basis of a statutorily authorized administrative or judicial decision or on the basis of a statute or administrative rule requiring active notification and lifetime registration based solely on the offense for which the individual was convicted, sentenced or court martialed, the individual shall, notwithstanding section 9799.53, be considered a sexually violent predator and subject to lifetime registration under section 9799.55(b). The individual shall also be subject to the provisions of this section and sections 9799.60 (relating to verification of residence), 9799.62 (relating to other notification) and 9799.63(c)(1) (relating to information made available on Internet and electronic notification), except that the individual shall not be required to receive counseling unless required to do so by the other jurisdiction or by reason of court martial.

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

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

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

a result of prior compliance with registration requirements. Otherwise, the individual shall be subject to this subchapter for a period of time equal to the time for which the individual was required to register in the other jurisdiction or required to register by reason of court martial, less any credit due to the individual as a result of prior compliance with registration requirements.

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

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

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

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

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

(c) Registration information to local police.--

(1) The Pennsylvania State Police shall provide the information obtained under this section and sections 9799.57 (relating to sentencing court information) and 9799.60 to the chief law enforcement officers of the police departments of the

municipalities in which the individual will establish a residence or be employed or enrolled as a student. In addition, the Pennsylvania State Police shall provide this officer with the address at which the individual will establish a residence or be employed or enrolled as a student following the individual's release from incarceration, parole or probation.

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

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

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

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 16, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

42 Pa.C.S.A. § 9799.56, PA ST 42 Pa.C.S.A. § 9799.56

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter I. Continued Registration of Sexual Offenders (Refs & Annos)

42 Pa.C.S.A. § 9799.57

§ 9799.57. Sentencing court information

Currentness

The sentencing court shall inform offenders and sexually violent predators convicted on or after February 21, 2018, at the time of sentencing of the provisions of this subchapter. The court shall:

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

(2) Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within three business days if the offender or sexually violent predator changes residence or establishes an additional residence or residences, changes employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during a calendar year or terminates employment or changes institution or location at which the person is enrolled as a student or terminates enrollment. In order to fulfill the requirements of this paragraph, the sentencing court shall specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police of:

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

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

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

if the individual fails to establish a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53 (relating to definitions).

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

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

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

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

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 17, imd. effective.

42 Pa.C.S.A. § 9799.57, PA ST 42 Pa.C.S.A. § 9799.57

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42 Pa.C.S.A. § 9799.58

§ 9799.58. Assessments

Currentness

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

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

(1) Facts of the current offense, including:

(i) Whether the offense involved multiple victims.

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

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

(iv) Relationship of the individual to the victim.

(v) Age of the victim.

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

(vii) The mental capacity of the victim.

(2) Prior offense history, including:

- (i) The individual's prior criminal record.
- (ii) Whether the individual completed any prior sentences.
- (iii) Whether the individual participated in available programs for sexual offenders.

(3) Characteristics of the individual, including:

- (i) Age of the individual.
- (ii) Use of illegal drugs by the individual.
- (iii) A mental illness, mental disability or mental abnormality.
- (iv) Behavioral characteristics that contribute to the individual's conduct.

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

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

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

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

- (1) A concise narrative of the offender's conduct.
- (2) Whether the victim was a minor.
- (3) The manner of weapon or physical force used or threatened.
- (4) If the offense involved unauthorized entry into a room or vehicle occupied by the victim.

- (5) If the offense was part of a course or pattern of conduct involving multiple incidents or victims.
- (6) Previous instances in which the offender was determined guilty of an offense subject to this subchapter or of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses).

(e) Hearing.--

- (1) A hearing to determine whether the individual is a sexually violent predator shall be scheduled upon the praecipe filed by the district attorney. The district attorney upon filing a praecipe shall serve a copy of the same upon defense counsel together with a copy of the report of the board.
- (2) The individual and district attorney shall be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. In addition, the individual shall have the right to counsel and to have a lawyer appointed to represent the individual if he or she cannot afford one. If the individual requests another expert assessment, the individual shall provide a copy of the expert assessment to the district attorney prior to the hearing.
- (3) At the hearing prior to sentencing, the court shall determine whether the Commonwealth has proved by clear and convincing evidence that the individual is a sexually violent predator.
- (4) A copy of the order containing the determination of the court shall be immediately submitted to the individual, the district attorney, the Pennsylvania Parole Board, the Department of Corrections, the board and the Pennsylvania State Police.

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

(g) Parole assessment.--The Pennsylvania Parole Board may request of the board an assessment of an offender or sexually violent predator be conducted and provide a report to the Pennsylvania Parole Board prior to considering an offender or sexually violent predator for parole.

(h) Delinquent children.--Except where section 6358(b.1) is applicable, the probation officer shall notify the board 90 days prior to the 20th birthday of the child of the status of the delinquent child who is committed to an institution or other facility under section 6352 (relating to disposition of delinquent child) after having been found delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest), together with the location of the facility where the child is committed. The board shall conduct an assessment of the child, which shall include the board's determination of whether or not the child is in need of commitment due to a mental abnormality as defined in section 6402 (relating to definitions) or a personality disorder, either of which results in serious difficulty in controlling sexually violent behavior, and provide a report to the court within the time frames under section 6358(c). The probation officer shall assist the board in obtaining access to the child and records or information as requested by the board in connection with the assessment. The assessment shall be conducted under subsection (b).

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

42 Pa.C.S.A. § 9799.58, PA ST 42 Pa.C.S.A. § 9799.58

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Subchapter I. Continued Registration of Sexual Offenders (Refs & Annos)

42 Pa.C.S.A. § 9799.59

§ 9799.59. Exemption from certain notifications

Currentness

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

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

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

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

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

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

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

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

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

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

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective.

42 Pa.C.S.A. § 9799.59, PA ST 42 Pa.C.S.A. § 9799.59

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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Subchapter I. Continued Registration of Sexual Offenders (Refs & Annos)

42 Pa.C.S.A. § 9799.60

§ 9799.60. Verification of residence

Currentness

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Failure to provide verification.--Where an offender or sexually violent predator fails to provide verification of residence defined in paragraph (1) of the definition of "residence" in section 9799.53 within the 10-day period or three business days in the case of an offender or sexually violent predator who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53, as specified in this section, the Pennsylvania State Police shall immediately notify the municipal police department of the offender's or the sexually violent predator's last verified residence. The local municipal police shall locate the offender or sexually violent predator and arrest the individual for violating this section. The Pennsylvania State Police shall assume responsibility for locating and arresting the offender or sexually violent predator in jurisdictions where no municipal police jurisdiction exists. The Pennsylvania State Police shall assist a municipal police department requesting assistance with locating and arresting an offender or sexually violent predator who fails to verify the offender's or sexually violent predator's residence.

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

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective.

42 Pa.C.S.A. § 9799.60, PA ST 42 Pa.C.S.A. § 9799.60

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42 Pa.C.S.A. § 9799.61

§ 9799.61. Victim notification

Currentness

(a) Duty to inform victim.--

(1) Where the individual is determined to be a sexually violent predator by a court under section 9799.58 (relating to assessments), the local municipal police department or the Pennsylvania State Police where no municipal police jurisdiction exists shall give written notice to the sexually violent predator's victim when the sexually violent predator registers initially and when the sexually violent predator notifies the Pennsylvania State Police of a change of residence. In the case of a sexually violent predator who has a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53 (relating to definitions), notice shall be given within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of address. The notice shall contain the sexually violent predator's name and the address or addresses where the individual has a residence. In the case of a sexually violent predator who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53, the notice shall contain the sexually violent predator's name and the information specified in section 9799.56(a)(2)(i)(A) and (B) (relating to registration procedures and applicability). The notice shall be given to the victim within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of residence.

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

(b) Where an individual is not determined to be a sexually violent predator.--Where an individual is not determined to be a sexually violent predator by a court under section 9799.58, the victim shall be notified in accordance with section 201 of the act of November 24, 1998 (P.L. 882, No. 111),¹ known as the Crime Victims Act. This subsection includes the circumstance of an offender having a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53.

(c) Alternate means of notifying victims.--

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

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

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective.

Footnotes

1 18 P.S. § 11.201.

2 18 P.S. § 11.301.

42 Pa.C.S.A. § 9799.61, PA ST 42 Pa.C.S.A. § 9799.61

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42 Pa.C.S.A. § 9799.62

§ 9799.62. Other notification

Currentness

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

(1) The notice shall contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Interstate transfers.--The duties of police departments under this section shall also apply to individuals who are transferred to this Commonwealth under the Interstate Compact for the Supervision of Adult Offenders¹ or the Interstate Compact for Juveniles.²

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective.

Footnotes

1 61 Pa.C.S.A. § 7111 et seq.

2 11 P.S. § 890.1 et seq.

42 Pa.C.S.A. § 9799.62, PA ST 42 Pa.C.S.A. § 9799.62

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42 Pa.C.S.A. § 9799.63

§ 9799.63. Information made available on Internet and electronic notification

Currentness

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

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

(1) Develop and maintain a system for making the information described in subsection (c) publicly available by electronic means so that the public may, without limitation, obtain access to the information via an Internet website to view an individual record or the records of all sexually violent predators, lifetime registrants and other offenders who are registered with the Pennsylvania State Police. The publicly accessible Internet website created under this subchapter and the information required to be posted under this subchapter shall be included on the publicly accessible Internet website created and maintained by the Pennsylvania State Police under Subchapter H (relating to registration of sexual offenders).¹

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

(3) Ensure that the Internet website contains:

(i) An explanation of its limitations, including statements advising that a positive identification of a sexually violent predator, lifetime registrant or other offender whose record has been made available may be confirmed only by fingerprints.

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

(iii) A statement that the Internet website is not a comprehensive listing of every person who has ever committed a sex offense in Pennsylvania.

(4) Strive to ensure that:

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

(ii) the data on the Internet website is revised and updated as appropriate in a timely and efficient manner; and

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

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

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

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

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

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

(i) name and all known aliases;

(ii) year of birth;

(iii) in the case of an individual who has a residence as defined in paragraph (1) of the definition of "residence" in section 9799.53 (relating to definitions), the street address, municipality, county and zip code of all residences, including, where applicable, the name of the prison or other place of confinement;

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

- (v) the municipality, county and zip code of an employment location;
- (vi) a photograph of the individual, which shall be updated not less than annually;
- (vii) a physical description of the offender, including sex, height, weight, eye color, hair color and race;
- (viii) identifying marks, including scars, birthmarks and tattoos;
- (ix) the license plate number and description of a vehicle owned or registered to the offender;
- (x) whether the offender is currently compliant with registration requirements;
- (xi) whether the victim is a minor;
- (xii) a description of the offense or offenses which triggered the application of this subchapter;
- (xiii) the date of the offense and conviction, if available; and
- (xiv) in the case of an individual who has a residence as defined in paragraph (2) of the definition of “residence” in section 9799.53, the information listed in section 9799.56(a)(2)(i)(C) (relating to registration procedures and applicability), including, where applicable, the name of the prison or other place of confinement.

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

(d) Duration of Internet posting.--

- (1) The information listed in subsection (c) about a sexually violent predator shall be made available on the Internet for the lifetime of the sexually violent predator.
- (2) The information listed in subsection (c) about an offender who is subject to lifetime registration shall be made available on the Internet for the lifetime of the offender unless the offender is granted relief under section 9799.59 (relating to exemption from certain notifications).
- (3) The information listed in subsection (c) about any other offender subject to registration shall be made available on the Internet for the entire period during which the offender is required to register, including an extension of this period under section 9799.56(a)(3).

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective.

Footnotes

1 42 Pa.C.S.A. § 9799.10 et seq.

42 Pa.C.S.A. § 9799.63, PA ST 42 Pa.C.S.A. § 9799.63

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42 Pa.C.S.A. § 9799.64

§ 9799.64. Administration

Currentness

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

42 Pa.C.S.A. § 9799.64, PA ST 42 Pa.C.S.A. § 9799.64

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42 Pa.C.S.A. § 9799.65

§ 9799.65. Global positioning system technology

Currentness

The Pennsylvania Parole Board, the Department of Corrections and county probation authorities may impose supervision conditions that include offender tracking through global positioning system technology.

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

42 Pa.C.S.A. § 9799.65, PA ST 42 Pa.C.S.A. § 9799.65

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42 Pa.C.S.A. § 9799.66

§ 9799.66. Immunity for good faith conduct

Currentness

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

- (1) The Pennsylvania State Police and local law enforcement agencies and employees of law enforcement agencies.
- (2) District attorneys and their agents and employees.
- (3) Superintendents, administrators, teachers, employees and volunteers engaged in the supervision of children of a public, private or parochial school.
- (4) Directors and employees of county children and youth agencies.
- (5) Presidents or similar officers of universities and colleges, including community colleges.
- (6) The Pennsylvania Parole Board and its agents and employees.
- (7) County probation and parole offices and their agents and employees.
- (8) Licensees of certified day-care centers and directors of licensed preschool programs and owners/operators of registered family day-care homes, and their agents and employees.
- (9) The Pennsylvania Department of Corrections and its agents and employees.
- (10) County correctional facilities and their agents and employees.
- (11) Members of the Sexual Offenders Assessment Board and its agents and employees.

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

42 Pa.C.S.A. § 9799.66, PA ST 42 Pa.C.S.A. § 9799.66

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42 Pa.C.S.A. § 9799.67

§ 9799.67. Duties of Pennsylvania State Police

Currentness

The Pennsylvania State Police shall:

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

(2) In consultation with the Department of Corrections, the Office of Attorney General and the chairperson and the minority chairperson of the Judiciary Committee of the Senate and the chairperson and the minority chairperson of the Judiciary Committee of the House of Representatives, promulgate guidelines necessary for the general administration of this subchapter. These guidelines shall establish procedures to allow an individual subject to the requirements of sections 9799.55 (relating to registration) and 9799.60 (relating to verification of residence) to fulfill these requirements at approved registration sites throughout this Commonwealth. This paragraph includes the duty to establish procedures to allow an individual who has a residence as defined in paragraph (2) of the definition of "residence" in section 9799.53 (relating to definitions) to fulfill the requirements regarding registration at approved registration sites throughout this Commonwealth. The Pennsylvania State Police shall publish a list of approved registration sites in the Pennsylvania Bulletin and provide a list of approved registration sites in any notices sent to individuals required to register under section 9799.55. An approved registration site shall be capable of submitting fingerprints, photographs and other information required electronically to the Pennsylvania State Police. The Pennsylvania State Police shall require that approved registration sites submit fingerprints utilizing the Integrated Automated Fingerprint Identification System or in another manner and in the form as the Pennsylvania State Police shall require. The Pennsylvania State Police shall require that approved registration sites submit photographs utilizing the Commonwealth Photo Imaging Network or in another manner and in the form as the Pennsylvania State Police shall require. Approved registration sites shall not be limited to sites managed by the Pennsylvania State Police and shall include sites managed by local law enforcement agencies that meet the criteria for approved registration sites specified in this paragraph.

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

(4) Notify, within five business days of receiving the offender's or the sexually violent predator's registration, the chief law enforcement officers of the police departments having primary jurisdiction of the municipalities in which an offender or sexually violent predator has a residence, is employed or enrolled as a student of the fact that the offender or sexually violent predator has been registered with the Pennsylvania State Police under sections 9799.56 (relating to registration procedures and applicability) and 9799.60.

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

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

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

Footnotes

1 42 Pa.C.S.A. § 9799.10 et seq.

42 Pa.C.S.A. § 9799.67, PA ST 42 Pa.C.S.A. § 9799.67

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.68

§ 9799.68. Duties of Department of Corrections

Currentness

The Department of Corrections shall:

- (1) Create a notification form which will inform State and county prison and probation and parole personnel how to inform offenders and sexually violent predators required to register under this subchapter of their duty under the law.
- (2) In cooperation with other Commonwealth agencies, obtain the following information regarding offenders and sexually violent predators:
 - (i) Name, including aliases.
 - (ii) Identifying factors.
 - (iii) Anticipated future residence.
 - (iv) Offense history.
 - (v) Documentation of treatment received for the mental abnormality or personality disorder.
 - (vi) Photograph of the offender or sexually violent predator.
- (3) Immediately transmit the information in paragraph (2) to the Pennsylvania State Police for immediate entry into the State registry of offenders and sexually violent predators and the criminal history record of the individual as provided in 18 Pa.C.S. Ch. 91 (relating to criminal history record information).
- (4) Apply for Federal funding as provided in the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248, 120 Stat. 587)¹ to support and enhance programming using satellite global positioning system technology.

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

Footnotes

1 34 U.S.C.A. § 20981 et seq.

42 Pa.C.S.A. § 9799.68, PA ST 42 Pa.C.S.A. § 9799.68

Current through Act 38 of the 2025 Regular Session. Some statute sections may be more current, see credits for details.

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42 Pa.C.S.A. § 9799.69

§ 9799.69. Board

Currentness

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

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

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

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

(e) Staff.-- The board shall employ an executive director and other staff as necessary to carry out the board's duties under this chapter. The executive director shall direct the operations, management and administration of the board and organize and oversee the work of the staff. Legal counsel for the board shall be provided in accordance with the act of October 15, 1980 (P.L. 950, No. 164),¹ known as the Commonwealth Attorneys Act. Upon request by the board, the Department of Corrections shall make available facilities, administrative support and other assistance to the board.

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 18, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

Footnotes

1 71 P.S. § 732-101 et seq.

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42 Pa.C.S.A. § 9799.70

§ 9799.70. Counseling of sexually violent predators

Currentness

(a) Counseling required.--For the period of registration required by section 9799.55(b) (relating to registration), a sexually violent predator shall be required to attend at least monthly counseling sessions in a program approved by the board and be financially responsible for all fees assessed from the counseling sessions. The board shall monitor the compliance of the sexually violent predator. If the sexually violent predator can prove to the satisfaction of the court that the person cannot afford to pay for the counseling sessions, that person shall still attend the counseling sessions and the parole office shall pay the requisite fees.

(b) Notice.--A provider of counseling sessions under subsection (a) shall notify the district attorney of the county and the chief law enforcement officer as defined in section 8951 (relating to definitions) of the municipality where the provider is located that the provider is counseling sexually violent predators. Notice under this subsection must be submitted in writing no later than January 15 of each year and shall include the address of the provider.

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 18.1, imd. effective.

42 Pa.C.S.A. § 9799.70, PA ST 42 Pa.C.S.A. § 9799.70

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42 Pa.C.S.A. § 9799.71

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

Currentness

Nothing in this subchapter shall be construed as imposing a duty upon a person or an employee of a person licensed under the act of February 19, 1980 (P.L. 15, No. 9),¹ known as the Real Estate Licensing and Registration Act, to disclose information regarding:

- (1) a sexually violent predator; or
- (2) an individual who is transferred to this Commonwealth under the Interstate Compact for the Supervision of Adult Offenders² or the Interstate Compact for Juveniles.³

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 19, imd. effective.

Footnotes

1 63 P.S. § 455.101 et seq.

2 61 Pa.C.S.A. § 7111 et seq.

3 11 P.S. § 890.1 et seq.

42 Pa.C.S.A. § 9799.71, PA ST 42 Pa.C.S.A. § 9799.71

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42 Pa.C.S.A. § 9799.72

§ 9799.72. Annual performance audit

Currentness

(a) Duties of Attorney General.--The Attorney General shall:

(1) Conduct a performance audit annually to determine compliance with the requirements of this subchapter and guidelines promulgated under this subchapter. The audit shall, at a minimum, include a review of the practices, procedures and records of the Pennsylvania State Police, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts and any other State or local agency the Attorney General deems necessary in order to conduct a thorough and accurate performance audit.

(2) Prepare an annual report of its findings and actions it recommends be taken by the Pennsylvania State Police, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, other State or local agencies and the General Assembly to ensure compliance with this subchapter. The first report shall be released to the general public electronically on the Attorney General's publicly accessible Internet website not less than 18 months after February 21, 2018.

(3) Provide a copy of its report to the Pennsylvania State Police, the Department of Corrections, the board, the Administrative Office of Pennsylvania Courts, State or local agencies referenced therein, the chairperson and the minority chairperson of the Judiciary Committee of the Senate and the chairperson and the minority chairperson of the Judiciary Committee of the House of Representatives no less than 30 days prior to the report's release to the general public.

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 19.1, imd. effective. Amended 2021, June 30, P.L. 260, No. 59, § 6, imd. effective.

42 Pa.C.S.A. § 9799.72, PA ST 42 Pa.C.S.A. § 9799.72

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42 Pa.C.S.A. § 9799.73

§ 9799.73. Photographs and fingerprinting

Currentness

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 20, imd. effective.

42 Pa.C.S.A. § 9799.73, PA ST 42 Pa.C.S.A. § 9799.73

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42 Pa.C.S.A. § 9799.74

§ 9799.74. Standing for Pennsylvania State Police

Currentness

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted 2018, June 12, P.L. 140, No. 29, § 20, imd. effective.

42 Pa.C.S.A. § 9799.74, PA ST 42 Pa.C.S.A. § 9799.74

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42 Pa.C.S.A. § 9799.75

§ 9799.75. Construction of subchapter

Currentness

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

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

(2) was required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth that was enacted before December 20, 2012, or would have been required to register with the Pennsylvania State Police under the act of November 24, 2004 (P.L. 1243, No. 152),¹ entitled "An act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two year limitation; providing for limitation and application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting," but for the decision by the Pennsylvania Supreme Court in Commonwealth v. Neiman, 84 A.3d 603 (Pa. 2013).

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

Credits

2018, Feb. 21, P.L. 27, No. 10, § 19, imd. effective. Reenacted and amended 2018, June 12, P.L. 140, No. 29, § 20.1, imd. effective.

Footnotes

1 18 Pa.C.S.A. § 4915 (expired); see now, 18 Pa.C.S.A. § 4915.1.

42 Pa.C.S.A. § 9799.75, PA ST 42 Pa.C.S.A. § 9799.75

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