
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1892 Session of
2017

INTRODUCED BY METCALFE, KNOWLES, MILLARD, SACCONI, MCGINNIS,
READSHAW, RYAN, IRVIN, D. COSTA, WHEELAND, DOWLING, ROAE,
DeLUCA, WARD, ORTITAY, NEILSON, GILLEN, BAKER, ROTHMAN, COOK
AND BERNSTINE, OCTOBER 26, 2017

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 26, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in offenses against the family,
3 providing for residency restrictions for certain offenders;
4 and prescribing a penalty.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 4307. Residency restrictions for certain offenders.

10 (a) General rule.--No person who is subject to registration
11 under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
12 sexual offenders) due to conviction for an offense in which the
13 victim was a minor may:

14 (1) establish a residence, maintain a residence or other
15 living accommodation within 1,000 feet of the real property
16 on which is located any public, private or parochial school,
17 licensed preschool program, certified day-care center,
18 registered family day-care home, public playground recreation

1 center or playground;

2 (2) establish a residence, maintain a residence or other
3 living accommodation within 1,000 feet of any point at which
4 transportation is provided to students of any public, private
5 or parochial school except that provided by a fixed-route
6 public transportation service as defined in 74 Pa.C.S. § 1503
7 (relating to definitions); or

8 (3) if the person is subject to an order of parole,
9 probation or supervision, be placed by any governmental
10 authority in any residential setting that does not comply
11 with the provisions of this section.

12 (b) Construction.--

13 (1) Nothing in this section shall be construed:

14 (i) To require any person subject to the provisions
15 of this section or 42 Pa.C.S. Ch. 97 Subch. H to sell or
16 otherwise dispose of any real estate, home or other real
17 property or to cancel any lease of real property that was
18 acquired or entered prior to the effective date of this
19 section.

20 (ii) To prohibit the person from maintaining a
21 residence at a location as provided in this subsection.

22 (2) In order for a person to comply with the exemption
23 provided in this subsection, the person must provide to the
24 court in which sentencing occurred and the Pennsylvania State
25 Police at the time of registration under 42 Pa.C.S. § 9799.19
26 (relating to initial registration) and verification under 42
27 Pa.C.S. § 9799.25 (relating to verification by sexual
28 offender and Pennsylvania State Police) evidence of the
29 following:

30 (i) For real property, a copy of a deed, security

1 interest or mortgage to which the person is a signatory.

2 (ii) For a leasehold, a copy of the applicable lease
3 agreement to which the person is a signatory.

4 (c) Exceptions.--This section shall not apply to a person
5 who resides in any of the following on a temporary or permanent
6 basis:

7 (1) A hospital licensed by the Commonwealth.

8 (2) A nursing home or similar entity licensed by the
9 Commonwealth.

10 (3) Except as provided in subsection (a), any place
11 where the person is incarcerated due to a criminal charge or
12 conviction.

13 (4) Any location where a person is voluntarily or
14 involuntarily committed for treatment under the act of July
15 9, 1976 (P.L.817, No.143), known as the Mental Health
16 Procedures Act.

17 (5) A temporary lodging for consideration for a term
18 that is less than 15 consecutive days.

19 (d) Notice.--A person subject to this section who lives
20 within 1,000 feet of the real property of any entity provided in
21 subsection (a) by operation of subsection (b) or (c) shall be
22 subject to the notification provisions under 42 Pa.C.S. §
23 9799.27 (relating to other notification).

24 (e) Duties of boards of school directors.--

25 (1) Each year, for the next school year, the board of
26 school directors of any school district that provides for the
27 transportation of students under section 1361 of the act of
28 March 10, 1949 (P.L.30, No.14), known as the Public School
29 Code of 1949, shall determine if a person subject to the
30 restrictions provided in this section resides within 1,000

1 feet of a point where students receiving transportation to
2 and from school shall embark or disembark from the
3 conveyance.

4 (2) If it is determined that a person subject to the
5 restrictions provided in this section resides within 1,000
6 feet of the point of embarking or disembarking a conveyance
7 and it is impracticable for the school district or its agent
8 to assign another point of embarking or disembarking, the
9 board of school directors shall:

10 (i) Notify each law enforcement agency with
11 jurisdiction over the point of embarking or disembarking
12 the conveyance.

13 (ii) Notify each law enforcement agency with
14 jurisdiction in the school district.

15 (iii) Notify the parents of any student who will be
16 required to use a point of embarking or disembarking that
17 falls within 1,000 feet of the residence of the person
18 subject to the restrictions of this section.

19 (f) Grading.--

20 (1) Except as provided in paragraph (2), an offense
21 under this section shall be graded as a misdemeanor of the
22 first degree.

23 (2) A second or subsequent offense under this section
24 shall be graded as a felony of the third degree.

25 (g) Immunity for good faith conduct.--The following shall be
26 immune from liability under this section for good faith conduct:

27 (1) A school district, including, but not limited to,
28 its board of school directors and employees.

29 (2) Agents of a school district who, pursuant to their
30 contract with the school district, provide transportation for

1 students to or from any public, private or parochial school.

2 Section 2. This act shall take effect in 60 days.