

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 47 Session of 2023

INTRODUCED BY MERCURI, VENKAT, COOK, MIHALEK, ORTITAY AND STRUZZI, MARCH 7, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
 2 Judicial Procedure) of the Pennsylvania Consolidated
 3 Statutes, in falsification and intimidation, further
 4 providing for failure to comply with 42 Pa.C.S. Ch. 97 Subch.
 5 I registration requirements; and, in sentencing, further
 6 providing for registration.

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

9 Section 1. Section 4915.2(c) of Title 18 of the Pennsylvania
 10 Consolidated Statutes is amended by adding a paragraph and the
 11 section is amended by adding a subsection to read:

12 § 4915.2. Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I
 13 registration requirements.

14 * * *

15 (a.2) Additional offense defined.--An individual who is
 16 subject to registration under 42 Pa.C.S. § 9799.55(b)(3) commits
 17 an offense if the individual knowingly violates 42 Pa.C.S. §
 18 9799.55(e).

19 * * *

20 (c) Grading for sexually violent predators and others with

1 lifetime registration.--

2 * * *

3 (5) An individual subject to registration under 42
4 Pa.C.S. § 9799.55(b)(3) who violates subsection (a.2) commits
5 a felony of the second degree.

6 * * *

7 Section 2. Section 9799.55 of Title 42 is amended by adding
8 subsections to read:

9 § 9799.55. Registration.

10 * * *

11 (e) Residency.--A sexually violent predator may not reside
12 within 2,500 feet of a public school, private school, parochial
13 school or day-care center for the duration of the required
14 period of registration under subsection (b). The following
15 apply:

16 (1) A sexually violent predator who resides within 2,500
17 feet of a public school, private school, parochial school or
18 day-care center on the effective date of this paragraph
19 shall, within six months after the effective date of this
20 paragraph or upon the expiration of the lease, rental
21 agreement or similar contractual obligation regarding the
22 residence, whichever is later, relocate to another residence
23 that is situated at least 2,500 feet from a public school,
24 private school, parochial school or day-care center.

25 (2) If, on or after the effective date of this
26 paragraph, a public school, private school, parochial school
27 or day-care center opens at a location that is within 2,500
28 feet of the residence of a sexually violent predator, the
29 sexually violent predator shall, within six months after the
30 opening of the public school, private school, parochial

1 school or day-care center or upon the expiration of the
2 lease, rental agreement or similar contractual obligation
3 regarding the residence, whichever is later, relocate to
4 another residence that is situated at least 2,500 feet from a
5 public school, private school, parochial school or day-care
6 center.

7 (3) Nothing in this subsection shall be construed to
8 override or abrogate any law enforcement notification
9 requirements under this chapter.

10 (f) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Day-care center." Premises operated for profit in which
14 child care is provided simultaneously for five or more children
15 who are not relatives of the operator of the premises.

16 "Public school." As defined in 24 Pa.C.S. § 8102 (relating
17 to definitions).

18 Section 3. This act shall take effect immediately.