

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1111 Session of 2024

INTRODUCED BY BAKER, YAW, K. WARD, LANGERHOLC, PENNYCUICK, VOGEL, BROWN, MARTIN, BREWSTER, SANTARSIERO, J. WARD AND DILLON, MARCH 12, 2024

SENATOR BAKER, JUDICIARY, AS AMENDED, MARCH 18, 2024

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, further
3 providing for definitions and for sexual offenses and tier
4 system.

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

7 Section 1. The definition of "sexually violent predator" in
8 section 9799.12 of Title 42 of the Pennsylvania Consolidated
9 Statutes is amended to read:

10 § 9799.12. Definitions.

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

14 * * *

15 "Sexually violent predator." An individual who committed a
16 sexually violent offense under the laws of this Commonwealth or
17 an attempt, conspiracy or solicitation to commit a sexually
18 violent offense under the laws of this Commonwealth on or after

1 December 20, 2012, [for which the individual was convicted,
2 specified in:

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

8 (2) section 9799.14(c) (1), (1.1), (1.2), (1.3), (2),
9 (3), (4), (5) or (6) or an attempt, conspiracy or
10 solicitation to commit an offense under section 9799.14(c)
11 (1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or

12 (3) section 9799.14(d) (1), (2), (3), (4), (5), (6), (7),
13 (8) or (9) or an attempt, conspiracy or solicitation to
14 commit an offense under section 9799.14(d) (1), (2), (3), (4),
15 (5), (6), (7), (8) or (9)]

16 who is determined to be a sexually violent predator under
17 section 9799.24 (relating to assessments) due to a mental
18 abnormality or personality disorder that makes the individual
19 likely to engage in predatory sexually violent offenses. The
20 term includes an individual determined to be a sexually violent
21 predator or similar designation where the determination occurred
22 in another jurisdiction, a foreign country or by court martial
23 following a judicial or administrative determination pursuant to
24 a process similar to that under section 9799.24 where the
25 determination or designation is based on the commitment of a
26 sexually violent offense on or after December 20, 2012, for
27 which the individual was convicted.

28 * * *

29 Section 2. Section 9799.14(b), (c) and (d) of Title 42 are
30 amended to read:

1 § 9799.14. Sexual offenses and tier system.

2 * * *

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

7 (1) 18 Pa.C.S. § 2902(b) (relating to unlawful
8 restraint).

9 (2) 18 Pa.C.S. § 2903(b) (relating to false
10 imprisonment).

11 (3) 18 Pa.C.S. § 2904 (relating to interference with
12 custody of children), except in cases where the defendant is
13 the child's parent, guardian or other lawful custodian.

14 (4) 18 Pa.C.S. § 2910 (relating to luring a child into a
15 motor vehicle or structure).

16 (4.1) 18 Pa.C.S. § 3011(a)(1) and (2) (relating to
17 trafficking in individuals).

18 (4.2) 18 Pa.C.S. § 3013 (relating to patronizing a
19 victim of sexual servitude).

20 (5) 18 Pa.C.S. § 3124.2(a) and (a.4)(1) (relating to
21 institutional sexual assault).

22 (6) 18 Pa.C.S. § 3126(a)(1) (relating to indecent
23 assault).

24 (7) (Reserved).

25 (8) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption
26 of minors).

27 (9) 18 Pa.C.S. § 6312(d) (relating to sexual abuse of
28 children).

29 (10) 18 Pa.C.S. § 7507.1. (relating to invasion of
30 privacy).

1 (11) 18 U.S.C. § 1801 (relating to video voyeurism).

2 (12) 18 U.S.C. § 2252(a)(4) (relating to certain
3 activities relating to material involving the sexual
4 exploitation of minors).

5 (13) 18 U.S.C. § 2252A (relating to certain activities
6 relating to material constituting or containing child
7 pornography).

8 (14) 18 U.S.C. § 2252B (relating to misleading domain
9 names on the Internet).

10 (15) 18 U.S.C. § 2252C (relating to misleading words or
11 digital images on the Internet).

12 (16) 18 U.S.C. § 2422(a) (relating to coercion and
13 enticement).

14 (17) 18 U.S.C. § 2423(b) (relating to transportation of
15 minors).

16 (18) 18 U.S.C. § 2423(c).

17 (19) 18 U.S.C. § 2424 (relating to filing factual
18 statement about alien individual).

19 (20) 18 U.S.C. § 2425 (relating to use of interstate
20 facilities to transmit information about a minor).

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

24 [(22) An attempt, conspiracy or solicitation to commit
25 an offense listed in paragraph (1), (2), (3), (4), (5), (6),
26 (7), (8), (9), (10), (11), (12), (13), (14), (15), (16),
27 (17), (18), (19), (20) or (21).]

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

1 sexual offender statute in the jurisdiction or foreign
2 country.

3 (c) Tier II sexual offenses.--The following offenses, or an
4 attempt, conspiracy or solicitation to commit any of the
5 following offenses, shall be classified as Tier II sexual
6 offenses:

7 (1) 18 Pa.C.S. § 3011(b).

8 (1.1) 18 Pa.C.S. § 3122.1(a)(2) (relating to statutory
9 sexual assault).

10 (1.2) 18 Pa.C.S. § 3124.2(a.2) and (a.3).

11 (1.3) 18 Pa.C.S. § 3126(a)(2), (3), (4), (5), (6) or
12 (8).

13 (1.4) 18 Pa.C.S. § 3012 (relating to involuntary
14 servitude) as it relates to sexual servitude.

15 (2) 18 Pa.C.S. § 5902(b.1) (relating to prostitution and
16 related offenses).

17 (3) 18 Pa.C.S. § 5903(a)(3)(ii), (4)(ii), (5)(ii) or (6)
18 (relating to obscene and other sexual materials and
19 performances).

20 (4) 18 Pa.C.S. § 6312(b) and (c).

21 (5) 18 Pa.C.S. § 6318 (relating to unlawful contact with
22 minor).

23 (6) 18 Pa.C.S. § 6320 (relating to sexual exploitation
24 of children).

25 (7) 18 U.S.C. § 1591 (relating to sex trafficking of
26 children by force, fraud, or coercion).

27 (8) 18 U.S.C. § 2243 (relating to sexual abuse of a
28 minor or ward).

29 (9) 18 U.S.C. § 2244 (relating to abusive sexual
30 contact) where the victim is 13 years of age or older but

1 under 18 years of age.

2 (10) 18 U.S.C. § 2251 (relating to sexual exploitation
3 of children).

4 (11) 18 U.S.C. § 2251A (relating to selling or buying of
5 children).

6 (12) 18 U.S.C. § 2252(a)(1), (2) or (3).

7 (13) 18 U.S.C. § 2260 (relating to production of
8 sexually explicit depictions of a minor for importation into
9 the United States).

10 (14) 18 U.S.C. § 2421 (relating to transportation
11 generally).

12 (15) 18 U.S.C. § 2422(b).

13 (16) 18 U.S.C. § 2423(a).

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

17 [(18) An attempt, conspiracy or solicitation to commit
18 an offense listed in paragraph (1), (1.1), (1.2), (1.3), (2),
19 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13),
20 (14), (15), (16) or (17).]

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

25 (1) 18 Pa.C.S. § 2901(a.1) (relating to kidnapping).

26 (2) 18 Pa.C.S. § 3121 (relating to rape).

27 (3) 18 Pa.C.S. § 3122.1(b) (relating to statutory sexual
28 assault).

29 (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate
30 sexual intercourse).

1 (5) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

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

3 (7) 18 Pa.C.S. § 3125 (relating to aggravated indecent
4 assault).

5 (8) 18 Pa.C.S. § 3126(a)(7).

6 (9) 18 Pa.C.S. § 4302(b) (relating to incest).

7 (10) 18 U.S.C. § 2241 (relating to aggravated sexual
8 abuse).

9 (11) 18 U.S.C. § 2242 (relating to sexual abuse).

10 (12) 18 U.S.C. § 2244 where the victim is under 13 years
11 of age.

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

15 [(14) An attempt, conspiracy or solicitation to commit
16 an offense listed in paragraph (1), (2), (3), (4), (5), (6),
17 (7), (8), (9), (10), (11), (12) or (13).]

18 (15) (Reserved).

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

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

24 Section 3. This act shall take effect ~~in 60 days~~

25 IMMEDIATELY.

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