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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 171 Session of  
2015

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INTRODUCED BY BOSCOLA, SCARNATI, WILLIAMS, FONTANA, FARNESE,  
BREWSTER, TARTAGLIONE, TEPLITZ AND VULAKOVICH,  
JANUARY 15, 2015

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REFERRED TO JUDICIARY, JANUARY 15, 2015

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

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

8 § 4307. Residency restrictions for certain offenders.

9 (a) General rule.--

10 (1) No person who is subject to registration under 42  
11 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual  
12 offenders) due to conviction for an offense wherein the  
13 victim was a minor shall establish a residence or maintain a  
14 residence or other living accommodation within 1,000 feet of  
15 the real property on which is located any of the following:

16 (i) A public, private or parochial school.

17 (ii) A licensed preschool program.

18 (iii) A certified day-care center.

1           (iv) A registered family day-care home.

2           (v) A public playground recreation center.

3           (vi) A playground.

4           (2) No such person shall establish a residence or  
5 maintain a residence or other living accommodation within 500  
6 feet of any point at which transportation is provided to  
7 students of any public, private or parochial school except  
8 that provided by a fixed-route public transportation service  
9 as defined in 74 Pa.C.S. § 1503 (relating to definitions).

10          (3) No such person who is subject to any order of  
11 parole, probation or supervision may be placed by any  
12 governmental authority in any residential setting that does  
13 not comply with the provisions of this section.

14          (b) Applicability.--Nothing in this section shall require  
15 any person subject to the provisions of this section or 42  
16 Pa.C.S. Ch. 97 Subch. H to sell or otherwise dispose of any real  
17 estate, home or other real property or to cancel any lease of  
18 real property that was acquired or entered prior to the  
19 effective date of this section. The provision of this section  
20 shall not prohibit such a person from maintaining a residence at  
21 a location as provided in this subsection. In order for a person  
22 to comply with the exemption provided in this subsection, the  
23 person is required to provide evidence of such to the court  
24 wherein sentencing occurred and to the Pennsylvania State Police  
25 at the time of registration and verification under 42 Pa.C.S.  
26 Ch. 97 Subch H:

27           (1) For real property, a copy of a deed, security  
28 interest or mortgage to which the person is a signatory.

29           (2) For purposes of a leasehold, a copy of the  
30 applicable lease agreement to which the person is a

1 signatory.

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

5 (1) A hospital licensed by the Commonwealth of  
6 Pennsylvania.

7 (2) A nursing home or similar entity licensed by the  
8 Commonwealth of Pennsylvania.

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

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

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

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

23 (e) Board of school directors.--Each year, for the  
24 forthcoming school year, the board of school directors of any  
25 school district that provides for the transportation of students  
26 under section 1361 of the act of March 10, 1949 (P.L.30, No.14),  
27 known as the Public School Code of 1949, shall determine if a  
28 person subject to the restrictions provided in this section  
29 resides within 500 feet of a point where students receiving  
30 transportation to and from school shall embark or disembark from

1 the conveyance. If it is determined that a person subject to the  
2 restrictions provided in this section resides within 500 feet of  
3 the point of embarking or disembarking a conveyance and it is  
4 impracticable for the school district or its agent to assign  
5 another point of embarking or disembarking, the board of school  
6 directors shall do all of the following:

7 (1) Notify each law enforcement agency with jurisdiction  
8 over the point of embarking or disembarking the conveyance.

9 (2) Notify each law enforcement agency with jurisdiction  
10 in the school district.

11 (3) Notify the parents of any student who will be  
12 required to use a point of embarking or disembarking that  
13 falls within 500 feet of the residence of a person subject to  
14 the restrictions of this section.

15 (f) Grading.--

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

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

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

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

26 (2) Agents of a school district who, pursuant to their  
27 contract with the school district, provide transportation for  
28 students to or from any public, private or parochial school.

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