

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 1952

**PRINTER NO.** 2820

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

December 4, 2017

**PRIME SPONSOR**

Representative Marsico

**DESCRIPTION**

House Bill 1952 amends Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to address recent judicial decisions of the Pennsylvania Supreme Court and the Pennsylvania Superior Court regarding registration of sexual offenders in the Commonwealth.

Adam Walsh Act

- Applies to persons who committed a sexually violent offense on or after the effective date of the Adam Walsh Act (i.e., December 20, 2012)
- Removes from the registration and reporting requirements anyone convicted of the offense of "interference with custody of children" if the defendant is the child's parent, guardian, or other lawful custodian;
- Permits sexual offenders and sexually violent predators to petition the court for exemption from the registration and reporting requirements after 25 years if the offender has not been convicted of an offense punishable by imprisonment of more than one year;
- Provides that such an offender shall be assessed by the Sexual Offender Assessment Board ("SOAB") and a court proceeding in which the District Attorney and the offender may be heard and present evidence; and
- Permits a person convicted of a Tier II sexual offense (i.e., an offense requiring registration for 25 years and in-person reporting bi-annually) or a Tier III sexual offense (i.e., an offense requiring lifetime registration and in-person reporting quarterly) to report in person annually and verify information by telephone after being in compliance for the first three years and not being convicted of an offense punishable by more than one year.

Megan's Law

- Applies to persons who committed a sexual offense on or after April 22, 1996 (i.e., the effective date of the original Megan's Law) but before December 20, 2012 whose period of registration and reporting has not expired;

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

- Applies to offenses included in the version of Megan's Law that was in effect on the day before the effective date of the Adam Walsh Act. These offenses are rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, kidnapping, indecent assault, incest, promoting prostitution of a minor, sexual abuse of children, sexual exploitation of children, luring a child into a motor vehicle or structure, and institutional sexual assault; and
- Requires registration for ten years or for life, depending on the offense that the offender was convicted of.

Additionally, the legislation requires a provider of counseling services to notify the district attorney of the county and the chief law enforcement officer of the municipality where the provider is located that the provider is counseling sexually violent predators. Such notice shall be submitted in writing no later than January 15 of each year and shall include the address of the provider.

This act shall take effect immediately.

### **FISCAL IMPACT:**

This legislation conforms the Commonwealth's sex offender registration statutes to recent decisions of the Pennsylvania Supreme Court and the Pennsylvania Superior Court. This will ensure that sex offenders who have not yet finished their period of registration continue to register with the Pennsylvania State Police.

Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds because the conforming legislation does not materially alter the overall workload of Commonwealth agencies.