

**CHAPTER 56. GUIDELINES FOR ADMINISTRATION OF MEGAN'S
LAW—STATEMENT OF POLICY**

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Source

The provisions of this Chapter 56 adopted December 29, 1995, effective December 30, 1995, 25 Pa.B. 6105, unless otherwise noted.

Cross References

This chapter cited in 37 Pa. Code § 55.5 (relating to notification).

§ 56.1. Policy.

(a) The General Assembly of the Commonwealth has declared its intention to protect the safety and general welfare of the people of this Commonwealth by providing for registration and community notification regarding sexually violent predators who are about to be released from custody and will live in or near their neighborhood.

(b) The General Assembly further declared it to be the policy of the Commonwealth to require the exchange of relevant information about sexually violent predators among public agencies and officials and to authorize the release of necessary and relevant information about sexually violent predators to members of the general public as a means of assuring public protection and that the same is not to be construed as punitive.

(c) The General Assembly has determined and declared as a matter of legislative finding that the release of information about sexually violent predators to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information is rationally related to the furtherance of those goals.

(d) Information gathered for 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders) will not be disclosed outside the established criminal justice system, except as allowed by law.

Cross References

This section cited in 37 Pa. Code § 56.2 (relating to scope).

§ 56.2. Scope.

This chapter has been promulgated by the State Police, in consultation with the Office of Attorney General, the Board of Probation and Parole, the Department of Corrections, the Department of Education and the Department of Public Welfare to facilitate the policy in § 56.1 (relating to policy).

§ 56.3. Responsibilities.

(a) The Board of Probation and Parole, in cooperation with the Department of Corrections and county officials, shall:

(1) Create procedures to guide and instruct State and county prison and probation and parole personnel how to inform sexual offenders of their duties under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), known as Megan's Law. These procedures shall include, at a minimum:

(i) Completion of a sexual offender registration form provided by the State Police prior to release from incarceration, upon parole from a State or county correctional institution or commencement of a sentence of intermediate punishment or probation.

(ii) Prior to release from incarceration, and at the time of registration, a photograph of the sexual offender and the information specified in paragraph (4) shall be obtained for immediate transmittal to State Police.

(2) Require, as a condition of being permitted to reside in this Commonwealth under the Interstate Compact, sexual offenders from other states to register and abide by the requirements of 42 Pa.C.S. Chapter 97, Subchapter H.

(3) Provide the following information to the State Police, Bureau of Records and Information Services, Attention: Director, Records and Identification Division (Act 24 of 1995), 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110, or facsimile at (717) 772-3681. In the case of a State sentence, this information will be provided prior to release on parole from a State sentence. In the case of a county sentence, the information will be provided immediately upon its receipt from county authorities.

(i) The complete name of the sexual offender, including maiden name and known aliases, and whether the offender has been designated by a court order as a sexually violent predator.

(ii) SID: The sexual offender's State Identification Number.

(iii) OTN: The sexual offender's Offense Tracking Number assigned to the applicable offenses.

(iv) Offenses necessitating the sexual offender registration—for example, Rape, cc3121.

(v) DOB: The sexual offender's date of birth in an eight-digit format, such as 10/24/1964.

(vi) POB: The sexual offender's place of birth, two-letter state abbreviation or country.

(vii) SSN: The sexual offender's Social Security number.

(viii) Race: The sexual offender's race, that is, W—White, B—Black, I—Indian or A—Asian.

(ix) Sex: The sexual offender's sex, that is, M—Male, or F—Female.

- (x) Height: The sexual offender's height in a three-digit format—for example, 510 is equal to 5 feet 10 inches.
- (xi) Weight: The sexual offender's weight in a three-digit format—for example, 097 is equal to 97 pounds.
- (xii) Eye color: The sexual offender's eye color, that is, BLK—Black, BLU—Blue, BRO—Brown, GRY—Grey, GRN—Green, HAZ—Hazel, MAR—Maroon, PNK—Pink or XXX—Unknown.
- (xiii) Hair color: The sexual offender's hair color, that is, BAL—Bald, BLK—Black, BLN—Blonde, BRO—Brown, GRY—Grey, RED—Red, SNY—Sandy, WHI—White or XXX—Unknown.
- (xiv) Any scars, marks or tattoos the sexual offender may have.
- (xv) Photograph: A recent photograph of the sexual offender.
- (xvi) Anticipated or earliest date of release—that is, minimum sentence date.
- (xvii) Future address of the sexual offender, to include:
 - (A) Residence number and mailing address. For example if the address is RD 1, Box 345, then an actual street name will also be required, for example, RD 1 (Old Jonestown Road), Box 345, Harrisburg.
 - (B) City, township or borough where the residence is located.
 - (C) County where the residence is located.
 - (D) State where the residence is located.
 - (E) Zip code of the residence.
 - (F) If available, the telephone number of the residence.
- (xviii) If available, the name and address of the police department or State Police Station serving the area of the sexual offender's residence.
- (xix) If available, the name/type of treatment program completed while incarcerated, and the date of its successful completion.
- (xx) If available, employer information of the sexual offender, to include:
 - (A) The complete name of the employer/company.
 - (B) The name of the supervisor and direct telephone number.
 - (C) The complete mailing address of the employer, to include street name and number, city/township/borough, county, state and zip code.
 - (D) The telephone number of the employer/company.
- (xxi) If available, information on the victim of the sexually violent predator, to include:
 - (A) The complete name of victim, including maiden name.
 - (B) DOB. The date of birth.
 - (C) SSN. Social Security number.
 - (D) The full name of the victim's legal guardian.
 - (E) The complete mailing address, to include street name and number, city, county, state and zip code.
 - (F) The telephone number of the guardian or victim, or both, if available.

(b) The Department of Education shall transmit the following information quarterly to the State Police, Bureau of Records and Information Services, Attention: Director, Records and Identification Division (Act 24 of 1995), 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110, or by facsimile at (717) 772-3681:

- (1) The name, address and telephone number of each school district, by municipality.
- (2) The name, address and telephone number of each private and parochial school enrolling students through grade 12, by county.
- (3) The name, address and telephone number of each licensed preschool program, by county.
- (4) The name, address and telephone number of each university, college and community college, by county.

(c) The Department of Public Welfare shall transmit the following information quarterly to the State Police, Bureau of Records and Information Services, Attention: Director, Records and Identification Division (Act 24 of 1995), 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110, or by facsimile at (717) 772-3681:

- (1) The name, address and telephone number of each licensed day care center, by municipality or county, or both.
- (2) The name, address and telephone number of each licensed preschool program, by municipality or county, or both.
- (3) The name, address and telephone number of each of the county children and youth service agencies.

(d) The State Police will:

- (1) Create and maintain a State registry of offenders.
- (2) Initially notify the local police department or State Police Station via Commonwealth Law Enforcement Assistance Network (CLEAN) Message whenever an offender will reside in its jurisdiction.
- (3) Notify the appropriate law enforcement agency of another state if an offender changes residence to its jurisdiction.
- (4) Immediately transfer offender information and fingerprints to the Federal Bureau of Investigation.
- (5) Be responsible for producing written notices which contain the information in this paragraph. The written notices may not contain information which might reveal the name, identity or residence of the victim.
 - (i) The name of the convicted sexually violent predator.
 - (ii) The address at which the sexually violent predator resides.
 - (iii) The offense for which the sexually violent predator was convicted.
 - (iv) A statement that the sexually violent predator has been designated as such by court order.

- (v) In compliance with Megan's Law, other information deemed appropriate. Pending clarification by the Legislature, it is the intention of the State Police to provide a photograph of the sexually violent predator.
- (6) Provide written notice to the chief law enforcement officer of the police department of the municipality where a sexually violent predator will reside.
- (7) Verify the residences of offenders through the use of a nonforwardable residence verification form, which is to be returned by the offender within 10-calendar days.
- (8) Immediately notify the municipal police department, or appropriate State Police Station, when any offender has failed to provide verification of residence within the 10-day period.
- (9) Assist any municipal police department requesting assistance with locating and arresting offenders failing to verify their addresses.
- (10) Automatically remove offenders not determined to be sexually violent predators from the State registry after 10 years.
- (e) Chief law enforcement officers, or the State Police if no municipal police jurisdiction exists, shall:
 - (1) Upon receipt of the initial CLEAN Message from the State Police, immediately provide acknowledgment to the State Police, via CLEAN Message, to include confirmation that the offender's registered residence is within its jurisdiction.
 - (2) Upon receipt of the written notice, immediately provide the State Police, via CLEAN Message, with an acknowledgment that the written notice has been received and a confirmation that the offender's residence is within its jurisdiction.
 - (3) Provide written notices to the following persons within the specified time frames:
 - (i) Victims of the sexually violent predator, within 72 hours of receipt. If the offender is not determined to be a sexually violent predator by a court, the offender's victims shall be notified in accordance with section 479.3 of The Administrative Code of 1929 (71 P. S. § 180-9.3).
 - (ii) Neighbors of the sexually violent predator, within 72 hours of receipt. Notwithstanding other provisions, verbal notification may be used if written notification would delay meeting this time requirement.
 - (iii) Directors of county children and youth service agencies in counties where sexually violent predators reside, within 7 days of receipt.
 - (iv) Superintendents of each school district, and the equivalent official for private and parochial schools enrolling students through grade 12, in the municipality where the sexually violent predator resides, within 7 days of receipt.
 - (v) Directors of each licensed day care center and licensed preschool program in the municipality where the sexually violent predator resides, within 7 days of receipt.

(vi) Presidents of each college, university and community college located within 1,000 feet of a sexually violent predator's residence, within 7 days of receipt.

(4) Not disseminate information received from State Police on offenders not determined to be sexually violent predators. This information is intended to be utilized strictly as an investigative tool.

(5) Upon notification from State Police that an offender has failed to verify his address, locate and arrest the offender for violating 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders).

(f) Consideration may be given to establishing a log of individuals not specifically mentioned in subsection (e)(3) to whom sexually violent predator information is provided. Consideration may also be given to providing copies of written notices to the law enforcement agencies of surrounding communities.

Source

The provisions of this § 56.3 amended March 8, 1996, effective March 9, 1996, 26 Pa.B. 1057. Immediately preceding text appears at serial pages (205628) to (205632).

§ 56.4. Guidelines for schools and children and youth services.

This section is intended to assist in the dissemination of information regarding sexually violent predators. The name, address, offense and the individual's designation as a sexually violent predator shall be available, upon request, to the general public. Once the Legislature has clarified the statute and authorized release of the sexually violent predator's photograph, one will be made available to the general public.

(1) The directors of county children and youth services, licensed day care centers and licensed preschool programs shall disseminate the information regarding the sexually violent predator to individuals supervising children. Individuals whose duties include supervision of or responsibility for children shall be instructed to promptly notify the director or other designated official of the agency, center or program if the sexually violent predator is observed in the vicinity. The director or supervisor shall notify the local law enforcement agency if, in his judgment, the presence of the sexually violent predator appears to be without a legitimate purpose or otherwise creates concern for the safety of the children. The law enforcement agency shall promptly evaluate the situation and take whatever additional steps are deemed necessary. The law enforcement agency shall inform the director or other designated official of steps taken and provide advice regarding any additional steps which the director or other designated official should consider taking.

(2) The presidents of each college, university and community college located within 1,000 feet of a sexually violent predator's address, and the superintendent of each school district and the equivalent official for private and parochial schools enrolling students through grade 12, shall disseminate the

information regarding the sexually violent predator to individuals whose duties include supervision of or responsibility for students. Those individuals so notified shall include administrators, teachers, teachers aids, security officials, crossing guards, groundskeepers, bus drivers and the like. Individuals whose duties include supervision of or responsibility for students shall be instructed to promptly notify the principal or other designated official if the sexually violent predator is observed in the vicinity. The principal or other designated official shall promptly notify the local law enforcement agency if the presence of the sexually violent predator appears to be without a legitimate purpose or otherwise creates concern for the safety of the students. The law enforcement agency shall promptly evaluate the situation and take whatever additional steps are deemed necessary. The law enforcement agency shall inform the principal or other designated official of steps taken and provide advice regarding any additional steps which the principal or other designated official should consider taking.

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