

June 5, 2012

TO: Senate Judiciary Committee

FROM: Stewart, J. Greenleaf, Chairman

SUBJECT: Amendment A11127 to House Bill 75

The amendment removes the current provisions of House Bill 75 that closed two court-identified loopholes relating to the registration of sex offenders under Megan's Law. The provisions are no longer necessary because the issues were addressed in 2011 Act 111 (Senate Bill 1183). The amendment makes a series of revisions to 2011 Act 111. The purpose of Act 111 was to close the loopholes in Megan's Law and put Pennsylvania in compliance with the federal Adam Walsh Child Protection and Safety Act. As State and local agencies prepare to implement Act 111 they have identified provisions of the act that need clarification. The revisions are predominantly technical in nature.

The amendment corrects drafting errors and adds language to ease the administration of the act. For example, language is added at the request of the Juvenile Court Judges' Commission to more effectively implement provisions regarding juvenile offenders and sexually violent delinquent children. Also, language is added making the act applicable to juvenile offenders who come to Pennsylvania from different jurisdictions. Consistent with Megan's Law, juvenile offenders coming to Pennsylvania from out-of-state who have to register in their home states will have to register with the State Police.

With respect to correcting a drafting oversight, the act did not address probationers and parolees who were on Megan's Law before the effective date of the act. The amendment adds language requiring these individuals to register with the State Police.

The amendment addresses one substantive issue. The act required those who were on a sex offender registry and served their term on the registry to go back on the sex offender registry if they committed a subsequent offense graded as a felony (the felony did not have to be a sex offense). The amendment removes this requirement. However, if the offender commits another sex offense, the offender will go back on the registry. We understand that this substantive change alone will not put Pennsylvania out of compliance with the federal Adam Walsh Act.

Otherwise, the amendment addresses several State Police administrative issues.