



MEGAN'S LAW PERFORMANCE AUDIT OF COMMONWEALTH AGENCIES

October 24, 1995 - December 31, 2005

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I. INTRODUCTION

The Pennsylvania General Assembly has mandated that the Office of Attorney General (OAG) annually audit the performance of criminal justice agencies with respect to the registration of sexual offenders pursuant to 42 Pa.C.S.A. § 9791 *et seq.*, commonly known as “Megan’s Law,” and has required the full cooperation of state and local agencies in this evaluation.¹ The Attorney General has tasked the Regulatory Compliance and Intelligence Section (RCIS) of the Criminal Law Division with conducting this audit. The RCIS has, in the past, reviewed the compliance of various criminal justice agencies with the requirements of state statutes including the Criminal History Record Information Action (CHRIA), 18 Pa.C.S.A. § 9101 *et seq.*, and the Child Protective Services Law’s CHILDLINE operations, 23 Pa.C.S.A. § 6301 *et seq.*

This first annual performance audit report is being issued in accordance with the timetable fixed by state law² and covers the period from the inception of Pennsylvania’s Megan’s Law in late-1995 through December 31, 2005.³ As background to the review of agency performance: Section II summarizes the history of Megan’s Law in Pennsylvania; Sections III and IV describe the different reporting and notification requirements that existed during the audit period; and Section V explains how this audit was conducted, identifying the agencies and other entities whose performance was reviewed and the gathering of information and methodology used by the RCIS audit team.

Section V also explains how the audit team’s findings are organized and identifies the other subjects that are addressed in the subsequent sections of this report.

II. AN OVERVIEW OF PENNSYLVANIA’S MEGAN’S LAW

In 1994, seven-year old Megan Nicole Kanka of Hamilton Township, NJ, was brutally raped and murdered by a neighbor who, unbeknownst to the Kanka family or the community, had been convicted twice previously of sex offenses against young girls. Spurred by the belief that dissemination of such information may prevent future tragedies, the federal government, the fifty states and the District of Columbia all acted swiftly to enact laws which require the registration of

¹ This audit is to “include a review of the practices, procedures and records of the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Department of Corrections, the State Sexual Offenders Assessment Board, [and] the Administrative Office of the Pennsylvania Courts” It may also review the activities of “any other State or local agency the Attorney General deems necessary in order to conduct a thorough and accurate performance audit.” 42 Pa.C.S.A. § 9799.8(a)(1). State and local agencies “shall fully cooperate” with the Attorney General in this effort, which means, “at a minimum, [providing] complete access to unredacted records, files, reports and data systems.” 42 Pa.C.S.A. § 9799.8(b).

² The General Assembly provided for a Megan’s Law-related performance audit for the first time on November 24, 2004, and specifically directed that the first audit report was not to be released to the general public any earlier than 18 months from that date. 42 Pa. C.S.A. § 9799.8(a)(2).

³ The audit period ends with this date to permit annual, calendar-year based audits in future years.

sex offenders and the communication of information about their whereabouts. The Pennsylvania General Assembly first enacted Megan’s Law requiring the registration of sexual offenders on October 24, 1995 as part of Special Session No. 1 on crime.⁴ The registration and notification requirements imposed by this statute—*Megan’s Law I*—became effective on April 24, 1996.

The implementation of Megan’s Law in the Commonwealth has represented an unprecedented undertaking that depends on the accurate and timely transmission of information between and among a large number of entities and individuals involved in the administration of criminal justice. Since its enactment, the General Assembly has made adjustments to Pennsylvania’s statute on an ongoing basis. A series of amendments to the original statute, *Megan’s Law I*, affected registration and notification requirements during the audit period. Most notably, midway in the audit period, on May 10, 2000, the legislature significantly revised the registration and notification provisions of Pennsylvania’s law. These changes, which instituted the current procedure for designating sexually violent predators (SVPs),⁵ became commonly known as *Megan’s Law II* and had an effective date of July 10, 2000.⁶ Several other amendments occurred during the balance of the audit period. The charts in *Appendices A* and *B*, which are referenced respectively in Sections III and IV, trace what was required in terms of offender registration and notification at different times over the course of the audit period.⁷

These successive changes to Megan’s Law have meant that at times during the almost ten-year period encompassed by this audit, different registration and notification requirements have applied. Throughout the entire audit period, the requirement of registering with the Pennsylvania State Police (PSP) remained the same as did the time frame for registering. Those convicted of a

⁴ P.L. 1079, No. 24, Act 1995-24.

⁵ An SVP is a person who has been convicted of a sexually violent offense as set forth in § 9795.1 (relating to registration) and who has been determined to be such under § 9795.4 (relating to assessments due to a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses). The term also includes any individual determined to be an SVP in the United States, any of its territories and possessions, any state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or by court martial. 42 Pa.C.S.A. § 9792.

⁶ P.L. 74, No. 18, Act 2000-18.

⁷ The subsequent changes to the registration requirements imposed by *Megan’s Law II*, which are shown on the charts in *Appendix A*, were made by: P.L. 811, No. 113, Act 2000-113 (effective Feb. 20, 2001); P.L. 1104, No. 134, Act 2002-134 (effective Jan. 20, 2003); and P.L. 1243, No. 152, Act 2004-152 (effective Jan. 24, 2005). The last of those statutes also made changes to the notification requirements as detailed in the chart in *Appendix B*. Earlier changes to the notification requirements were made by P.L. 300, No. 46, Act 1996-46 (amending *Megan’s Law I*, effective May 22, 1996); P.L. 880, No. 127, Act 2002-127 (effective Dec. 16, 2002); and P.L. 1243, No. 152, Act 2004-152 (parts effective Nov. 24, 2004 and Jan. 24, 2005).

Megan’s Law offense had to register at the time of release from incarceration or at the time a form of non-custodial supervision, such as probation or parole, commenced.⁸

III. REGISTRATION REQUIREMENTS AND MAINTENANCE OF OFFENDER INFORMATION

Offender registration requirements changed during the time period encompassed by this audit. The chart in *Appendix A* tracks the changes over the course of the audit period.

Under the Commonwealth’s Megan’s Law, the PSP has been given the duty to register offenders and to compile, maintain and disseminate offender-related information as defined by that statute. On a day-to-day basis, these responsibilities are carried out by the PSP’s Megan’s Law Section, a specialized administrative unit dedicated to the implementation of Megan’s Law.⁹ The Megan’s Law Section maintains two databases pertaining to sexual offenders. One is the internet-accessible “Megan’s Law Website” which contains information about individual sex offenders that, by law, must be posted and made available to the general public.¹⁰ The other is the Megan’s Law Registry, which contains information about all registered offenders listed on the Megan’s Law Website, as well as those who have been reclassified because they have moved out of Pennsylvania and those who are deceased.¹¹

Throughout the audit period, all out-of-state sex offenders transferred to the Commonwealth pursuant to interstate compacts concerning parole were required to register with the PSP prior to their arrival in Pennsylvania.¹² Those relocating who were subject to registration in their prior place of residence were also subject to registration in the Commonwealth and the provisions of Pennsylvania law governing the dissemination of offender-related information and notification.

⁸ See 42 Pa.C.S.A. § 9795.2 (a)(1). Offenders subject to registration also had to inform the PSP of changes in residence, employment and enrollment as a student within ten days and those relocating to another state must register with law enforcement in the other state within ten days of establishing residence. 42 Pa.C.S.A. §§ 9795.2 (a)(2) and (a)(2.1). For offenders not subject to lifetime registration, recommitment for a parole violation or imprisonment on a new offense would toll the time period for registration. 42 Pa.C.S.A. § 9795.2 (a)(3).

⁹ Within the PSP organizational structure, the Megan’s Law Section is part of the Operational Records Division of the Bureau of Records and Identification.

¹⁰ See 42 Pa.C.S.A. § 9798.1. The creation of this website and a description of its contents is discussed in more detail in Part IX.

¹¹ See 42 Pa.C.S.A. § 9799.1(1)(providing that the PSP “shall . . . create and maintain a State registry of offenders and sexually violent predators”).

¹² 42 Pa.C.S.A. §§ 9795.2(b)(4) and (5). For the first portion of the audit period, the Pennsylvania Interstate Compact Concerning Parole was in effect. See 61 P.S. § 321. It was subsequently repealed and replaced by the Interstate Compact for the Supervision of Adult Offenders on June 19, 2002. 61 P.S. § 324 *et seq.*

Failure to comply with these requirements constituted a violation of Megan's Law.¹³ Implementation of these requirements was carried out through the interstate compact structure, participation in which was overseen by the Pennsylvania Board of Probation and Parole (PBPP). In the case of a relocating out-of-state offender, the Office of Chief Counsel for the PBPP would make a preliminary determination about what was required by Megan's Law, following which a thorough review of his/her case would be completed, culminating in a conclusion as to the offender's status.¹⁴

IV. SVP NOTIFICATION REQUIREMENTS

In addition to general dissemination of information about registered sex offenders, Megan's Law also provided that specific individuals and members of the general public be provided with information about SVPs. As with the offender registration requirements, legislative amendments changed these requirements over the audit period. The notification requirements which applied at different times during the audit period are summarized in the chart in *Appendix B*.¹⁵

V. HOW THIS AUDIT WAS CONDUCTED

• Agencies and Departments Whose Policies & Practices Were Reviewed

As directed by statute, in evaluating the administration of Megan's Law, this review examined the policies and practices of:

- the Pennsylvania State Police (PSP);
- the Pennsylvania Board of Probation and Parole (PBPP);
- the Pennsylvania Department of Corrections (DOC);
- the State Sexual Offenders Assessment Board (SOAB); and
- the Administrative Office of the Pennsylvania Courts (AOPC).

Additionally, because they were identified as having a role in the Megan's Law-mandated registration process, the involvement of five other groups was also reviewed:

- the Clerks of Court of the 67 Pennsylvania counties;
- county probation and parole systems;
- county prison systems;
- the District Attorneys of the Commonwealth; and
- the police departments charged with maintaining supervisory contact with an offender.

¹³ See 42 Pa.C.S.A. § 9795.2(d).

¹⁴ Through interviews with PBPP staff and a review of agency policies that were requested, the audit team confirmed these procedures were utilized during the audit period.

¹⁵ The charts in *Appendices A* and *B* do not reflect post-audit period amendments to the registration and notification requirements.

Each group's role in the process was comprehensively reviewed.

● **Gathering of Information & Methodology**

In order to assess how Commonwealth agencies performed the duties assigned them by Megan's Law, it was necessary, as an initial step, to look generally at the issue of compliance during the audit period. Determining whether the mandates of Megan's Law were met, and to what extent, would provide a concrete basis for identifying what, if any, problems existed in implementing the statute and whether any problems that occurred were the product of the action/inaction of any of the agencies having duties or responsibilities in this area. As part of this review, it was important not only to gather information reflecting the satisfaction of offender registration/notification requirements during the audit period but also to identify whether there were instances of apparent non-compliance. Investigation of cases where there appeared to be a failure to register and ascertaining what had occurred would potentially provide valuable information for: gauging whether agency performance was effectual; determining if there are problems which require correction; and formulating recommendations for improvement, if appropriate.

To this end, the RCIS audit team accessed the PSP Central Repository's¹⁶ databases and from the same identified two groups of offenders as to whom there might potentially be a failure to register: 1) those who had been charged with Megan's Law offenses from the effective date of the statute's registration requirements but for whom no final disposition¹⁷ appeared in the Central Repository; and 2) those who had been convicted of Megan's Law offenses since the effective date of the registration requirements but for whom there was no corresponding entry on the Megan's Law Registry or Website.

The RCIS audit team then undertook to determine what had occurred in each case included in those two groups, engaging in in-depth scrutiny of such things as the conviction(s), sentencing, assessment, incarceration, supervision, release, registration and tracking of the individuals whose cases were listed.¹⁸ This time-consuming, labor-intensive process was made more difficult by the

¹⁶ Under CHRIA, the PSP has the responsibility for collecting, compiling, maintaining and disseminating criminal history record information. The centralized location of information obtained is known as the "Central Repository." 18 Pa.C.S.A. § 9102.

¹⁷ This is information reflecting that criminal proceedings have ended and includes the broad spectrum of possible outcomes, *e.g.*, a decision by police not to refer a matter for prosecution, conviction, acquittal, *nolle prosequi*, and guilty pleas, as well as sentencing. 18 Pa.C.S.A. § 9102.

¹⁸ Though the RCIS customarily uses a "random sampling" technique in auditing statutory compliance, it elected not to use that methodology, which is grounded in statistical probabilities, during this audit which undertook a detailed and multi-faceted review of the performance of criminal justice agencies over the course of cases governed by Megan's Law. It was determined that individual case reviews would be more productive for obtaining meaningful information.

absence of electronically available case disposition information.¹⁹ To ensure it had accurate and complete information, the audit team wrote to each of the Clerks of Court for the Commonwealth's 67 counties, identified for each the cases from his/her county that were included in the first group, and requested copies of the relevant case records reflecting the final disposition of each. All of the Clerks of Court conducted a detailed review of the cases in their respective counties and forwarded the appropriate information to the audit team. In examining the cases in the second group, the audit team checked the accuracy of each of the final dispositions recorded, focusing specifically on whether the individual was convicted of a crime or crimes giving rise to Megan's Law-based registration requirements. The results of this comprehensive review are discussed later in Section VI.

The audit team also conducted a similarly-detailed examination of compliance with the public notification requirements for which Megan's Law provides in the cases of SVPs. Part VII addresses both the manner in which the statute's procedures for designation of SVPs have been practically implemented and details how those charged with oversight of this most serious class of offenders have discharged their responsibilities.

To aid their review of the activities of the various agencies and groups previously identified, the audit team requested copies of organizational policies and practices as needed and, in each instance, was furnished with the same. Similarly, the audit team conducted numerous on-site interviews and meetings with these agencies and groups as part of their information gathering. Certain of these meetings are discussed later in this report. This audit was aided greatly by the cooperation of these agencies and groups and by insightful information they supplied about the practical considerations which figure into the administration of Megan's Law.

Because it is an essential part of the implementation of Megan's Law, the audit team also examined the structure and content of Pennsylvania's existing Megan's Law Website and compared it with websites maintained by other states. The results of that review are discussed in Section VIII.

Since it will affect the future implementation of Megan's Law, and necessarily impacts on any recommendations that might stem from this audit, the RCIS team also reviewed recently-

¹⁹ In order to determine if there were any failures to register in the first group of cases, the audit team needed to obtain the official disposition for each, since that information was not found in the Central Repository. Because disposition information must be forwarded by the county Clerks of Court to the AOPC, *see* 18 Pa.C.S.A. § 9113(b), the RCIS team met with AOPC representatives to discuss the team's access to relevant disposition information that had been forwarded to the AOPC from the Commonwealth's Clerks of Court. On learning that the AOPC was unable at the time to furnish disposition information electronically, the audit team contacted the Clerks directly to request the official disposition information needed. In 2005, the AOPC began implementing an electronic docketing and case management system, the Common Pleas Case Management System (CPCMS). CPCMS was fully functional in all Pennsylvania counties by mid-September 2006. Final case dispositions are now automatically filed and reported to the AOPC via CPCMS and are searchable through a website application.

enacted federal legislation, specifically, the Adam Walsh Act.²⁰ A summary of that statute and the changes to the registration of and dissemination of information about sex offenders it will make is contained in Section IX.

Finally, recommendations for improving the administration of Megan’s Law are set forth in Section X.

VI. FINDINGS CONCERNING IMPLEMENTATION OF REGISTRATION REQUIREMENTS

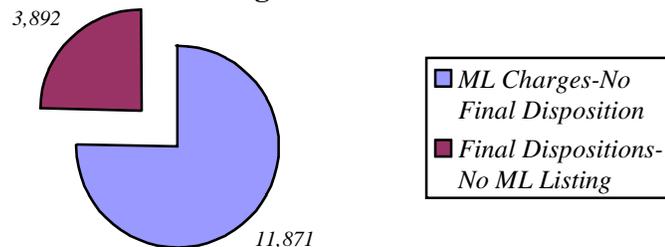
• *Summary*

The rate of compliance with offender registration requirements during the audit period was 95.9%. Failures to register resulted chiefly from inadvertence, and/or inadequacies in communications between and among criminal justice agencies. An amendment of the statute changing the time an offender must register would likely eliminate similar lapses in the future.

• *Discussion*

The RCIS review of the PSP Megan’s Law Registry determined that, during the time period covered by this audit, a total of 8,805 offenders were registered pursuant to the provisions of Megan’s Law.²¹ In order to learn what this number signified in terms of overall compliance with the statute during the period covered by the audit, the RCIS team sought to identify instances during this time frame where there was a failure to register. The audit team searched the PSP Central Repository and identified two groups of cases which signaled a potential problem of this sort: 11,871 cases where a defendant was charged with a Megan’s Law offense but there was no final disposition of the case listed; and 3,892 cases where a defendant was convicted of a Megan’s Law offense but there was no corresponding listing of that defendant in the Megan’s Law Registry. The results of this research are reflected in the chart below.

Cases Potentially Indicating A Failure To Register



Total Cases to be Reviewed: 15,763

²⁰ See Pub.L. 109-248, 120 Stat. 587 (effective Jul. 27, 2006).

²¹ As of December 31, 2005, 7,648 of those offenders were listed on the PSP Megan’s Law Website. The remaining 1,157 had inactive status.

The audit team proceeded to individually examine each of these 15,763 cases to identify which, if any, appeared to involve a failure to register. Investigation of these two groups of cases revealed the following:

- **Group 1: Megan’s Law Charges/No Final Disposition – 11,871 Cases**

Based upon the final disposition information received from the Clerks of Court, it was determined that, within this group, there were:

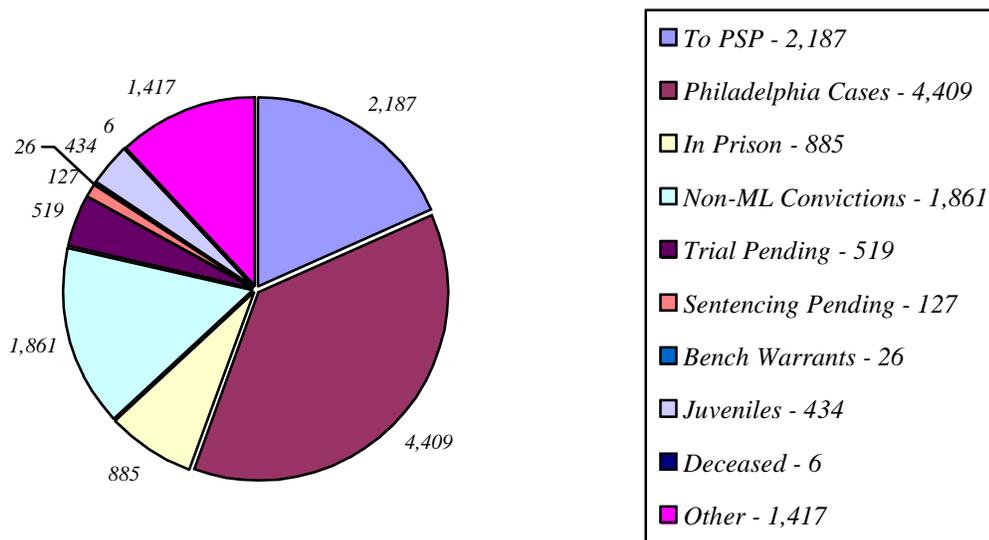
- **2,187** cases that appeared to warrant referral to the PSP for a determination as to whether the defendant should be registered;²²
- **4,409** offenders from Philadelphia whose cases were reviewed electronically and determined not to require further review;²³
- **1,861** cases in which the defendant did not have a Megan’s Law conviction;
- **885** cases in which the offender was incarcerated and was not yet obliged to register;
- **519** cases in which the defendant was awaiting trial;
- **434** juvenile cases;
- **127** cases in which the defendant was awaiting sentencing;
- **26** cases in which a bench warrant had been issued for the defendant;
- **6** cases in which the defendant was deceased; and
- **1,417** cases categorized as “other.”²⁴

²² Because Megan’s Law assigns the task of registration to the PSP, the audit team determined it was appropriate to refer all cases that needed further assessment after its review to that agency for a final determination. Within this group of cases were 1,716 in which the PSP was the prosecuting police department.

²³ As to this group of cases, the audit team’s review determined either that the defendants were properly registered or that they did not need to register pursuant to the provisions of Megan’s Law, *e.g.*, because the defendant was a juvenile or the age of the victim did not trigger the requirement to register.

²⁴ This group included cases which were: expunged; very old and records were no longer available; or duplicative.

Megan's Law Charges/No Final Disposition



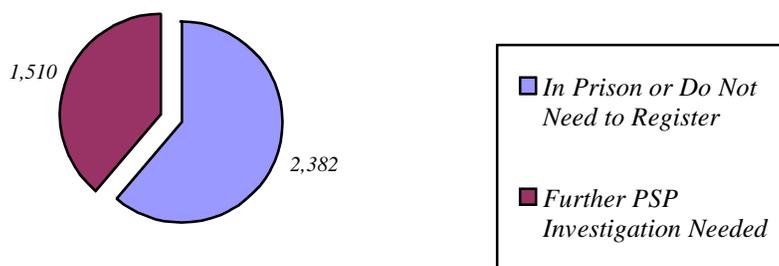
Total Cases: 11,871

• Group 2: Megan's Law Convictions/No Registry Entry – 3,892 Cases

Individual case review of the 3,892 cases in which a defendant had been convicted of a crime but there was no corresponding entry in either of the PSP's Megan's Law databases revealed:

- **2,382** cases in which the offender was either incarcerated or otherwise did not need to register; and
- **1,510** cases which required referral to the PSP for a final determination²⁵

Review of Convictions Found in Central Repository



Total Cases: 3,892

²⁵ Within this group, there were 988 cases in which the defendant had been incarcerated but was subsequently released and 522 cases in which the defendant had not been imprisoned.

- **Results of Investigation of Cases Referred to PSP From Groups 1 & 2**

Following the audit team’s review of these two groups of cases, a total of 3,697—2,187 from Group I and 1,510 from Group II—were forwarded to the PSP to determine whether registration was required. Megan’s Law Section personnel and the RCIS team met to formulate a plan for reviewing this large volume of cases and, if appropriate, to pursue registration of any offenders who were under an obligation to register. The PSP assembled a thirty-trooper task force to carry out these duties. It was decided that PSP personnel would immediately take the necessary steps to register an offender upon a determination that the offender had this obligation. Over the course of their review of the referred cases, PSP personnel implemented this plan. Based on a preliminary review of the cases the audit team forwarded, 166 offenders were registered. Ultimately, the total of offenders requiring registration was 293.

Review of the 3,697 cases referred to the PSP by the audit team produced the following results:

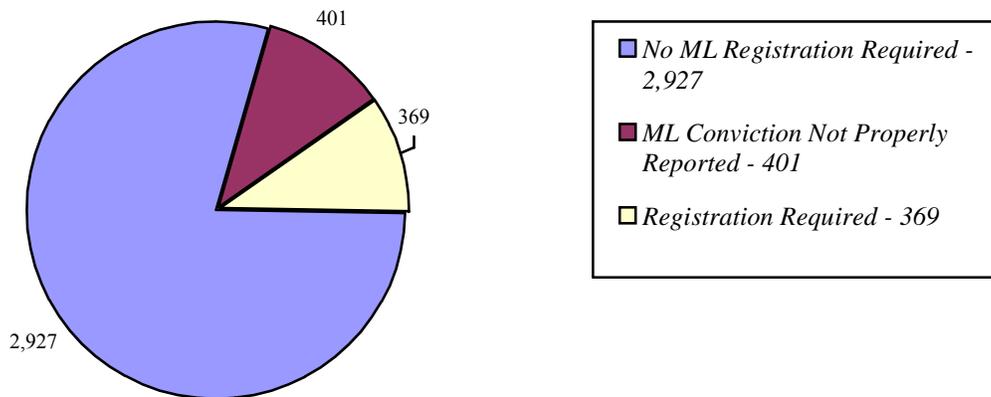
- **2,927** cases in which no registration was required;²⁶
- **401** cases in which an offender’s Megan’s Law conviction was not properly recorded;²⁷
- **369** cases in which an offender was obliged to register but had not,²⁸ and

²⁶ Following individual case reviews, it was determined that the offenders had no obligation to register under Megan’s Law. There was a variety of reasons for this including that the offender had moved out-of-state; that the offender was a juvenile; or that recorded conviction-related information incorrectly reflected that the offender had been convicted of a Megan’s Law offense.

²⁷ In 335 of these cases, the offender was incarcerated and the obligation to register had not yet arisen. In those cases, the individual’s record has been corrected to reflect a Megan’s Law conviction to prevent any oversight at the time of release from prison. In 59 cases, the defendant was found to have died while incarcerated, before any obligation to register had arisen. In 7 cases, incarcerated defendants were deported before they had an active obligation to register.

²⁸ The defendants in 293 of these cases were registered in the course of this audit and information as to each now appears on the PSP Megan’s Law Website. A listing of these individuals is included in Appendix C. In 47 cases, the defendant was found to be deceased. In 18 cases, there are outstanding warrants for defendants who have refused to register upon release and in 11 cases, the district attorney has declined to pursue the process to compel registration.

Results of Cases Referred to PSP From Groups 1 & 2



Total Cases: 3,697

• Why There Were Failures to Register

The RCIS audit team's review of the cases where there was non-compliance with the registration requirements identified no common cause. Non-compliance typically resulted from inadvertence and/or an inadequate system of communication between agencies. The chief problems noted by the audit team appeared to be caused by:

• The Time of Registration

At all times during the audit period, Megan's Law required an offender to register at the time of release from incarceration or at the start of any supervised release such as probation and parole.²⁹ The intention of requiring registration at those times is to ensure that the public will have access to information about the offender concurrent with the offender's resumption of contact with the general public. However, in practical application, this deferred obligation to register has proven problematic and registration has not always occurred, as it should have, at the time offenders have been released from incarceration.

²⁹ This is also the current requirement.

Though both the state and county prison systems are clearly aware of the obligations of Megan’s Law and confirmed for the audit team that operational policies dictate compliance with its provisions governing registrations,³⁰ there were failures which led to the non-registration of prisoners exiting the penal system. To the audit team it appeared that these lapses were chiefly attributable to the fact that registration is deferred until the time an offender is released from incarceration. In the many years that sometimes pass between sentencing and release from prison, the offender’s obligation to register might be inadvertently overlooked. The audit team identified no instance where the registration requirements were intentionally ignored by those responsible for ensuring registration.³¹ Rather, failures were typically the product of mistake or misapprehension or other human error. In some instances, there were problems with the timely or complete transmission of information between criminal justice agencies, something which is addressed further below. In other cases, an offender’s obligation to register may have been obscured by the fact that the sentence he/she was serving immediately prior to his/her release from prison (*i.e.*, at the time registration requirements were triggered) was for a non-Megan’s Law offense.³² For any one or more of these reasons an offender’s duty to register might not be detected in a timely manner or at all. Had there been registration at an earlier stage in the case, *e.g.*, at the time of sentencing, these lapses could have been avoided.

● **Inadequate Transmission/Access to Information**

A frequent obstacle to the efficient administration of Megan’s Law during the audit period was the lack of a coordinated communications

³⁰ In Pennsylvania there are 27 state and 63 county correctional facilities. As part of this audit, the Pennsylvania Department of Corrections (DOC) and each county institution was asked to furnish the audit team with a copy of policies and procedures it utilizes with respect to its compliance with Megan’s Law obligations. All complied, with the DOC furnishing the set of rules and regulations it employs in all of its facilities. These policies all conformed to the provisions of Megan’s Law.

³¹ As pointed out later, *see* n. 57, the audit team learned that, in an effort to enforce registration requirements, the DOC and some county prison systems had informal working agreements by which offender status information would be communicated to the PSP. Though the law did not require this, use of these informal policies grew out of practical concerns for ensuring offender compliance.

³² For example, an offender who completed the term of incarceration imposed for a Megan’s Law offense might have had to consecutively serve one or more terms of incarceration for other, non-offenses. Because the sentence at time of the offender’s release from prison was for a non-Megan’s Law offense, his obligation to register may not have been detected by prison personnel.

system for criminal justice agencies that have responsibilities impacting on the enforcement of Megan’s Law registration requirements. The various agencies that have a part in ensuring that an offender is properly registered at the appropriate time must gather and relay a large amount of information. For virtually all of the audit period, transmission of important information, including information about an offender’s conviction history, was accomplished via traditional, non-electronic means. Currently, the registration and tracking of offenders relies on standard forms of communication such as the telephone, mail, facsimile services, and traditional forms of identity documentation such as “rolling ink” fingerprinting and non-digital photography. Use of the same has hindered the timely receipt of accurate registration-required information. The lack of clarity in fingerprinting and photographic imaging compromises the accuracy of the important information that must be conveyed.

VII. FINDINGS CONCERNING COMPLIANCE WITH SVP NOTIFICATION REQUIREMENTS

• Summary

Individual review of all cases that required SVP-related notification showed 100% compliance.

• Discussion

At all times during the audit period, SVPs were the most serious offenders for whom registration was mandated under Megan’s Law. As to this category of sexual offenders, Megan’s Law required considerably more than listing information about these individuals on the Megan’s Law Website. The PSP and local law enforcement officials were specifically mandated to act affirmatively to ensure that certain individuals, institutions or groups were provided with prompt and detailed notice about the presence of SVPs in their communities.

As preface to the discussion of the audit team’s findings about the performance of criminal justice agencies with respect to the notification requirements of Megan’s Law, both the process specified by that statute for SVP designation and how it was carried out during the audit period are addressed.

During the audit period, Pennsylvania’s statute³³ has provided that following conviction, but before sentencing, “a court shall order” a defendant found guilty of any offense requiring registration to be assessed by the SOAB.³⁴ Upon receipt of the court’s order, a SOAB member is to be

³³ The original procedures for designating SVPs, which were part of *Megan’s Law I*, were declared unconstitutional in 1999. *See Commonwealth v. Williams*, 733 A.2d 593 (1999).

³⁴ 42 Pa.C.S.A. § 9795.4(a).

designated to conduct an assessment of the defendant to determine if he/she should be classified as an SVP.³⁵ This assessment is to be completed and a report of the assessment is to be submitted to the district attorney within 90 days of the date of conviction.³⁶ The district attorney may apply to the court for a hearing to determine whether the defendant is an SVP. Prior to sentencing, the court must determine whether the Commonwealth had proven by clear and convincing evidence that the defendant is an SVP and must issue an order containing its determination.³⁷

During the audit period, the SOAB conducted court-ordered evaluations of 3,831 defendants who were convicted of Megan's Law offenses.³⁸ The audit team confirmed that, in these cases, the SOAB conducted the required evaluation.³⁹

As of December 31, 2005, there were one hundred ten (110) SVPs listed on the PSP's Megan's Law Website. After confirming with the PSP that each individual so identified was correctly listed, the audit team examined a compilation of each offender's personal data and photograph as listed on the PSP Megan's Law Website. No errors were detected.

The audit team then determined the present whereabouts of each SVP. Sixty-nine (69) are incarcerated;⁴⁰ forty-one (41) have been released to the community and are living in the Commonwealth. All 41 who have been released were found to be under post-incarceration supervision by either state or county probation and parole authorities.

The RCIS team conducted in-depth reviews of whether the various notification requirements of Megan's Law had been met with respect to each of the 41 released SVPs. As part of this review, the audit team conducted on-site interviews with each police department having jurisdiction of an SVP. During these interviews, information was sought and obtained about compliance with the provisions of Megan's Law providing for transmittal of information from the PSP to local police authorities and about dissemination of information by local police to those individuals and organizations specified in the statute. The audit team determined that, as to all 41 of the released SVPs, the requirements of Megan's Law had been met. In each case, the appropriate documentation

³⁵ 42 Pa.C.S.A. § 9795.4(b).

³⁶ 42 Pa.C.S.A. § 9795.4(d).

³⁷ 42 Pa.C.S.A. § 9795.4(e).

³⁸ The statute directs the SOAB to conduct an assessment "[u]pon receipt from the court of an order" 42 Pa.C.S.A. § 9795.4(b).

³⁹ As discussed later in this report, the Adam Walsh Act does not utilize the procedures via which SVPs are presently assessed and designated under Pennsylvania law, but instead categorizes an offender based on convictions for specific types of offenses and his/her recidivism. In implementing the Adam Walsh Act, Pennsylvania will need to review what role, if any, SOAB will have.

⁴⁰ This was confirmed by the facilities in which they are imprisoned.

had been furnished by the PSP to the proper local police department and the local police department had thereafter carried out its notification duties in a timely fashion.

VIII. MEGAN'S LAW WEBSITE

The posting of information about sexual offenders on a publicly-accessible website is an extremely valuable means for achieving the important public safety purposes served by Megan's Law. Currently, all fifty states have Megan's Law websites, though the contents vary from state to state. Pennsylvania's website became active on October 30, 2002, more than two years before the General Assembly formalized its operation in the amendments to Megan's Law that became effective on January 24, 2005.⁴¹ The information to be posted about offenders was first specified by those amendments.

For SVPs, only the following information could be posted:

- (i) name and any aliases;
- (ii) year of birth;
- (iii) the street address, city, county and zip code of all residences;
- (iv) the street address, city, county and zip code of any institution or location at which the person is enrolled as a student;
- (v) the city, county and zip code of any employment location;
- (vi) a photograph of the offender, which shall be updated not less than annually;
- (vii) a description of the offense or offenses which triggered the application of the provisions of Megan's Law; and
- (viii) the date of the offense and conviction, if available.

For all other lifetime registrants and offenders subject to registration, the same information could be posted with two modifications: no street address(es) for the offender's residence(s), nor street address(es) for educational institution(s) were to be provided. 42 Pa.C.S.A. § 9798.1(c)(1) and (2).

The audit team's review of the PSP-maintained Megan's Law Website confirmed that its content complied with state law.

Because it is a vital component in the administration of Megan's Law, the audit team considered it important to view Pennsylvania's website comparatively to the sites maintained by other states. They surveyed all of the state websites focusing primarily on the categories of offender

⁴¹ See 42 Pa.C.S.A. § 9798(b)(directing the Commissioner of the PSP to develop and maintain an internet website on which sex offender information was to be posted and made available to the public). In its related legislative findings, the General Assembly expressly declared that public safety would be enhanced by the dissemination of information about sex offenders via an internet website and that through such ready access to information, parents and others would be better able "to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk." 42 Pa.C.S.A. § 9798 (a). On January 24, 2005, the PSP "went live" with a much-expanded Megan's Law Website.

information each site supplied. This review determined that the varying content of the other states' sites could be organized into the following seventeen categories of offender-related information:

- 1) Sex of Offender;
- 2) Date of Birth;
- 3) Employer Address;
- 4) Height of Offender;
- 5) Weight of Offender;
- 6) Address of Offender;
- 7) Colloquial Description of Offense(s);
- 8) Hair Color of Offender;
- 9) Eye Color of Offender;
- 10) Where Offense Occurred;
- 11) Aliases of Offender;
- 12) Map of State with Appropriate Ability to Drill Down to Local Community;
- 13) Print Flyer of Offender Containing all Data;
- 14) Name of Offender;
- 15) Community Notification;
- 16) Photo of Offender; and
- 17) Statutory Criminal Offense Violations.

Very few states had websites that contained all of the seventeen categories of information. Approximately 80% included the offender's address and information about an offender's physical description. During the audit period, Pennsylvania law did not authorize the posting of physical description information and only permitted the posting of address information with respect to SVPs.⁴²

The audit team's review of sister-state websites noted that over time, and with the availability of improved technology, the presentation of information—both in terms of content and sophistication—has increased, although there is still some debate about what specific information is of value to the general public and should be included. Some states have introduced a mapping function that allows the viewer to determine the actual street location of an offender's whereabouts as well as the location of any schools, day care facilities or colleges and churches. Overall, the trend throughout the country is to make as much information available on public Megan's Law-

⁴² Recent legislation, P.L. 1581, No. 179, Act 2006-179, which became effective on May 29, 2007, has changed this. For all offenders listed on Pennsylvania's website, addresses will be required as well as a physical description (sex, height, weight, eye color, hair color and race) and identifying marks. The changes to website content also include the addition of the license plate number and the description of any vehicle owned or registered to the offender, an indication if the offender is currently compliant with registration requirements, the names of any place of confinement that may be applicable, the name of any educational institution in which the offender is enrolled, and (as to persons convicted after November 30, 2006), an indication of whether the victim of the offense was a minor.

related websites as is permitted by law so that members of the public can become better informed of potential threats to the safety and well being of their communities.

Increasing the information available on Pennsylvania's website would be beneficial for the same reasons. Making changes in its content will require the amendment of state law and the commitment of financial resources to acquire the technology which will be needed to upgrade the current website. As discussed later, enactment of the Adam Walsh Act will require certain adjustments to Pennsylvania's website. Upgrading the PSP Megan's Law Website to include many standard features available to citizens in other states and any other information required by the Adam Walsh Act will therefore not only greatly enhance the public's ability to obtain offender-related information, but it will also be an important step toward meeting the requirements for making this ground-breaking legislation part of the law of the Commonwealth.

IX. ADAM WALSH ACT

On July 27, 2006, President George W. Bush signed the Adam Walsh Child Protection and Safety Act of 2006, into law.⁴³ This federal statute elevates sex offender classification, registration, notification, and apprehension to a national level. Congress enacted the Adam Walsh Act specifically "in response to vicious attacks by violent predators" that had been committed throughout the United States with the goal of establishing a comprehensive and uniform system for registration of sex offenders and for dissemination of offender-related information to the public. States must implement the provisions of this act within three years of the date it became law, *i.e.*, by July 27, 2009.⁴⁴

This new law establishes a national database—the National Sex Offender Registry—to be maintained by the Federal Bureau of Investigation (FBI), in which information will be contained about each sex offender and any other person required to be listed in the sex offender registries of every state.⁴⁵ It also establishes a national sex offender public website—the Dru Sjodin National Sex Offender Public Website—which will contain information for all sex offenders listed on the states' individual websites.⁴⁶

⁴³ Pub.L. 109-248, July 27, 2006, 120 Stat. 587 (portions referenced here now codified at 42 U.S.C. § 16901 *et seq.*).

⁴⁴ 42 U.S.C. § 16924 (a)(1). The Attorney General of the United States may grant up to two, one-year extensions of this deadline. Exception is also made for jurisdictions that lack the software necessary to meet the requirements for sex offender registries and websites. In those situations, a jurisdiction must implement the law within one year of the date the software is available. 42 U.S.C. §§ 16924 (a)(2) and (b).

⁴⁵ *See* 42 U.S.C. § 16919(a). The provisions of the Adam Walsh Act also specifically extend to the District of Columbia, the Commonwealth of Puerto Rico and various U.S. Territories. *See* 42 U.S.C. § 16911(10).

⁴⁶ This website is named in memory of Dru Sjodin, who was sexually assaulted and murdered in North Dakota in 2003. *See* 42 U.S.C. §§ 16901(5) and 16920.

The chief revisions to be effected by the Adam Walsh Act involve the classification of sex offenders and the registration requirements those classifications trigger, and community notification. Generally, an individual will be considered a sex offender if he/she has been convicted of: a criminal offense that has an element involving a sexual act or sexual contact with another; any of various specified offenses against a minor, including child pornography-related offenses; child prostitution, or using the internet to facilitate or attempt to commit criminal sexual conduct involving a minor; certain federal and military offenses; or attempting or conspiring to commit such crimes.⁴⁷ Under this new federal law, sex offenders will be classified, for purposes of registration requirements, according to three “tiers,” principally defined by the offender’s convictions or recidivism. Registration requirements, their duration, as well as an offender’s obligation to update and verify registration information will correspond to the respective tiers.

Tier I: All offenders who do not qualify for classification in Tiers II and III;⁴⁸ must register for 15 years (may be reduced to 10 years) and must appear for in-person verification annually;⁴⁹

Tier II: All offenders not classified in Tier III whose offense against a minor is punishable by imprisonment for more than one year and involves the use of a minor in a sexual performance, the solicitation of a minor to practice prostitution or the production of child pornography. Offenders convicted of an attempt or conspiring to commit such crimes are also included as are offenders who have a prior Tier I offense;⁵⁰ must register for 25 years (may be reduced to 10 years) and appear for in-person verification every 6 months;⁵¹

Tier III: All offenders convicted of a crime punishable by imprisonment for more than one year involving sex acts with victims of any age, children below the age of 13; kidnapping of minors (except by parent or guardian); or any attempt or conspiracy to commit such crimes and offenders with a prior Tier II offense;⁵² must register for the life of the offender (may be

⁴⁷ See 42 U.S.C. §§ 16911(1), (5)-(8) for a more detailed description of the qualifying criminal offenses.

⁴⁸ 42 U.S.C. § 16911(2).

⁴⁹ 42 U.S.C. §§ 16915(a)(1) and (b); 16916 (1).

⁵⁰ 42 U.S.C. § 16911(3).

⁵¹ 42 U.S.C. §§ 16915(a)(2) and (b); 16916 (2).

⁵² 42 U.S.C. § 16911(4).

reduced to 25 years) and appear for in-person verification every 3 months.⁵³

Initially, offenders must register before completing a sentence of imprisonment that gives rise to the obligation to register, or no later than three business days after being sentenced on a registrable offense if no incarceration was imposed.⁵⁴ An offender must register in each jurisdiction where he/she resides, works, or is a student and must keep his/her registration current in those jurisdictions.⁵⁵ Each state is also required to provide a criminal penalty that includes a maximum term of imprisonment greater than one year for failure to comply with these registration requirements.⁵⁶

The Adam Walsh Act also requires each state to maintain an internet-based website providing sex offender information, which must be accessible to all jurisdictions and to the public. Each state site must allow users to be able to access the Dru Sjodin National Sex Offender Public Website. It establishes the minimum content that must be included on a state's public website providing sex offender information and also requires that a state's website allow a user to obtain information for sex offenders by a single query for any zip code or geographical radius.

X. RECOMMENDATIONS

Based upon its review of the implementation of Megan's Law during the audit period, the RCIS team makes the following recommendations:

1. That the time for registration of convicted sexual offenders be changed to require registration at the time of sentencing. Replacing the current registration provisions in 42 Pa.C.S.A. § 9795.2 (a)(1), which generally defer registration until release from custody, with a requirement that registration occur immediately after sentencing, would effectively eliminate the problems which have resulted from the delayed registration scheme provided for in the present statute. The requirement that an offender register earlier, at the time of sentencing, would better serve the interest of protecting the public as it would work as a safeguard against oversights resulting from deferred compliance. Making registration concurrent with sentencing would automatically ensure that the offender is brought within the spotlight that Megan's Law focuses on sex offenders. It would be wise to ensure that an "immediate registration" requirement is carried out uniformly by assigning this responsibility to a specific court officer or personnel who may communicate with their counterparts in other counties. There should also be corresponding obligations on the corrections

⁵³ 42 U.S.C. §§ 16915(a)(3) and (3); 16916 (3).

⁵⁴ 42 U.S.C. § 16913(b). If the jurisdiction in which the offender was convicted is different from the jurisdiction of his/her residence, he/she must also register in the jurisdiction of conviction at the time of initial registration, 42 U.S.C. § 16913(a).

⁵⁵ 42 U.S.C. § 16913(a).

⁵⁶ 42 U.S.C. § 16913(e).

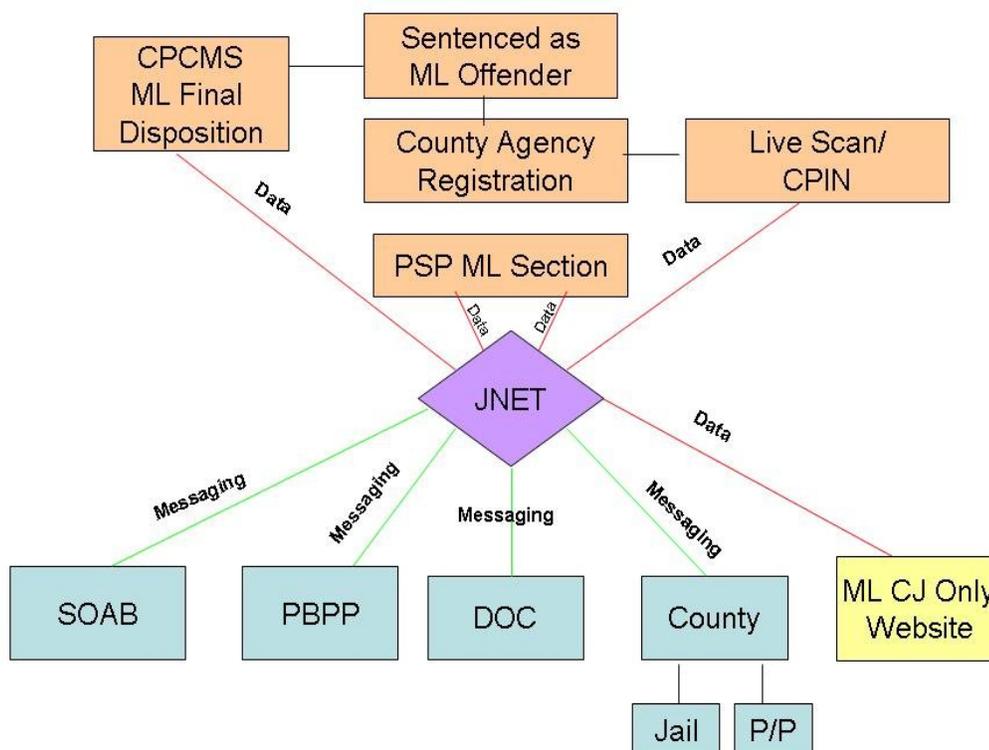
and probation/parole systems to periodically update registrations during the course of an offender's incarceration or period of supervision so information remains current.

2. That technology which is critical for proper enforcement of Megan's Law be improved. The prompt and accurate transmission of information between and among the various criminal justice agencies that have responsibilities for carrying out the registration and notification requirements of Megan's Law is essential. In the course of reviewing more than 15,000 individual cases for this audit, the RCIS team repeatedly observed that information necessary for determining an individual's requirement to register, or his registration status, was either missing or that there was a delay in receipt of the same. The single largest omission noted was the lack of final disposition information for cases involving Megan's Law charges. To the audit team it appeared that the chief problem in this respect was the lack of adequate technology which would allow this information to be communicated rapidly via electronic means. For virtually all of the audit period, transmittal of this information depended on time-consuming and manpower-dependent traditional forms of communication. The AOPC's automation of criminal case docketing, which now furnishes very detailed dispositional information, has been a tremendous step in the right direction.

While it and some other communications systems were found to be working well,⁵⁷ there is an overall need to upgrade the system technology to increase the access to more complete information for those who have the day-to-day obligation of implementing Megan's Law. All agencies that have these responsibilities should be able to access the record of any sexual offender at any time, regardless of where the offender may be in the system, and to be able to track a sexual offender's movements from the moment of conviction through posting on the Megan's Law Website. To achieve this, the audit team recommends the development of a web-based system with secure transmission capability to permit communication between all criminal justice agencies, on both an interstate as well as an intrastate basis. The following diagram illustrates a proposed system that would meet the needs of criminal justice agencies in this respect:

⁵⁷ The audit team found that the current process used by the PSP Megan's Law section for notifying local police departments through the PSP's Commonwealth Law Enforcement Assistance Network (CLEAN) is functioning well and identified no present need to make changes to, or otherwise update, the process. It also learned that even though there was no statutory requirement, the DOC and some county correctional systems had informal working agreements with the PSP to update offender registration information, especially in situations where the offender had initially registered upon release from prison but was subsequently incarcerated for another offense. This practice greatly helped to clarify the status of individuals whose registration obligations had been tolled. Even though they were not universal, informal practices of this sort undoubtedly aided the administration of Megan's Law.

Proposed ML Registration/JNET Communication



The audit team recognizes that, given the structure of existing technology, *e.g.*, networks such as JNET, CLEAN and RISSNet, this undertaking will likely present some technical issues, but recommends that every effort be made to resolve internal differences that might impede easy and secure access to information by those who need it. As part of this effort, updated technical equipment that will allow registration to be completed at the time of sentencing should be provided on a statewide basis. This should include the Automated Fingerprint Identification System (AFIS),⁵⁸ and the Commonwealth Photo Image Network (CPIN),⁵⁹ with the ability to automatically forward this data to personnel responsible for the PSP’s Megan’s Law Registry and Website.

3. That the PSP Megan’s Law Website Be Upgraded and Expanded in Content.

In line with the nationwide trend to supply greater and more current information about sexual offenders, there should be continued development of the PSP Megan’s Law Website to include such things as an improved mapping system, e-mail tip

⁵⁸ AFIS matches unknown fingerprints against a database of known prints.

⁵⁹ CPIN is a tool for identifying criminal suspects through photo imaging.

technology, secure victim notification (if desired), offender tracking and the inclusion of other categories of information as found on websites maintained by other states. Increased funding to permit these enhancements of the Megan's Law Website is recommended not only because the public will benefit greatly from the increased information and usability, but also because changes of this sort would satisfy the community notification requirements in the Adam Walsh Act and aid in its adoption by the Commonwealth.⁶⁰

4. That Adjustments to Pennsylvania Law Necessary to Implement the Adam Walsh Act be Made. Several changes to Pennsylvania law will be needed to meet the requirements of the Adam Walsh Act, but overall, amendment of state law to conform to those requirements will not involve extensive legislative revision of the Pennsylvania statute. From a substantive standpoint, the needed amendments will significantly further the purposes and intent of the present law. They are also consistent with, and will help put into effect, many of the recommendations for improvement made in this report.

The most notable change that must be implemented involves the categorization of offenders according to the three-tier system previously described in Section IX. Offenders will be classified based on the type of sexual offense(s) and/or number of convictions, effectively eliminating the current assessment process. The Adam Walsh Act will also require expanding the provisions of Megan's Law governing the information to be provided in connection with registration, and those governing web-based disclosure of information about an offender. These changes accord with the recommendation made in the preceding section about enhancing the PSP's Megan's Law Website. Enactment of the provisions mandated by the Adam Walsh Act can be expected to result in profound benefits to the citizens of Pennsylvania, including more intensive monitoring of sexual offenders and an increase in publicly-accessible information about them.

5. That Sufficient Resources Be Provided to Carry Out These Recommendations. The recommendations made here, particularly with respect to advancing the technology that supports enforcement of the requirements of Megan's Law, will require adequate personnel and funding. Given the more intensive registration requirements of the Adam Walsh Act, it will also be necessary to re-evaluate the personnel and budgetary needs of the PSP and other criminal justice agencies to ensure the appropriate tracking of, and dissemination of information about, sexual offenders. It is recommended that sufficient funds be appropriated for these important public purposes and for the monitoring of criminal justice agency compliance by the Office of Attorney General.

⁶⁰ Though the recent legislative changes increasing information on Pennsylvania's website, *see n.* 42, will satisfy most of the website content requirements of the Adam Walsh Act, additional adjustment, *e.g.*, ensuring access to the Dru Sjodin National Sex Offender Public Website, will be necessary.

Appendix A

HISTORY OF MEGAN'S LAW REGISTRATION REQUIREMENTS

(References are to Title 42 Pennsylvania Consolidated Statutes)

April 24, 1996 to July 9, 2000

10 YEAR REGISTRATION

Where Offense is a Felony, Victim is a Minor, and Person Convicted of:

- Kidnapping (*Except by Parent*) (§ 2901)
- Rape (§ 3121)
- Involuntary Deviate Sexual Intercourse (IDSI) (§ 3123)
- Aggravated Indecent Assault (§ 3135)
- Prostitution and (§ 5902(b))
- Obscene, Other Sexual Materials and Performances (§ 5903(a)(3-6))

Regardless of Age of Victim, Where Person is Convicted of:

- Rape (§ 3121)
- IDSI (§ 3123)
- Aggravated Indecent Assault (§ 3125)
- Spousal Sexual Assault (§ 3128(a), (b))
- Indecent Assault (*Misdemeanor of the First Degree*) (§ 3126)

LIFETIME REGISTRATION*

Offender Determined to be "Sexually Violent Predator" (SVP)

**Registration is "Indefinite" Rather Than "Lifetime" and Only Ends Upon a Court Determination that SVP Designation No Longer Applies*

July 10, 2000 to Present

10 YEAR REGISTRATION

Persons Convicted of any of the Following or Attempt to Commit any of the Following:

- Kidnapping (*Where Victim is Minor*) (§ 2901)
- Indecent Assault (*Misdemeanor of the First Degree*) (§ 3126)
- Incest (*Where Victim is 12-17 Years Old*) (§ 4302)
- Prostitution and Related Offenses (*Where Actor Promotes Prostitution of Minor*) (§ 5902(b))
- Obscene and Other Sexual Materials and Performances (*Where Victim is Minor*) (§ 5903(a)(3)(6))
- Sexual Abuse of Children (§ 6312)
- Unlawful Contact or Communication with Minor (§ 6318)

Persons Convicted of Attempt to Commit any of the Following:

- Rape (§ 3121)
- IDSI (§ 3123)
- Sexual Assault (§ 3124.1)
- Aggravated Indecent Assault (§ 3125)
- Incest (*Where Victim is Under Age 12*) (§ 4302)

LIFETIME REGISTRATION

Persons with Two or More Convictions for any of the Offenses Requiring 10-year Registration

Persons Convicted of:

- Rape (§ 3121)
- IDSI (§ 3123)
- Sexual Assault (§ 3124.1)
- Aggravated Indecent Assault (§ 3125)
- Incest (*Where Victim is Under Age 12*) (§ 4302)

Persons Determined to be SVPs

Continued

February 20, 2001 to Present

Added 10-year Registration Required for Conviction of Sexual Exploitation of Children (§ 6320)

January 20, 2003 to Present

Amended 10-year Registration Requirement for Unlawful Contact with Minor Offense by Deleting "or Communication" that Preceded Phrase "with Minor"

January 24, 2005 to Present

Added 10-year Registration Required for Luring Child into Motor Vehicle (§ 2910) and Institutional Sexual Assault (§ 3124.2)

Appendix B

HISTORY OF MEGAN'S LAW NOTIFICATION REQUIREMENTS

April 24, 1996

Established First Requirements for Notification of Local Police, Victims, and Community Regarding Registered Offenders.

LOCAL POLICE NOTIFICATION

Pennsylvania State Police (PSP) Must Notify the Police Department Having Primary Jurisdiction of the Municipality in Which a Registrant Resides of the Facts of Registration and Verification Within 72 Hours of Receipt of Registration.

VICTIM NOTIFICATION

Local Police Department or PSP Must Give Written Notice to the Victim of a Sexually Violent Predator (SVP) Within 72 Hours After the SVP Registers Initially and After He/She Notifies the Pennsylvania State Police of any Change of Residence. The Notice Must Contain the SVP's Name and the Address(es) Where He/She Resides. Victim May Terminate Duty to Give Notice.

COMMUNITY NOTIFICATION

Local Police Department of a Municipality Where an SVP Lives Must Provide Verbal or Written Notice to Neighbors of SVP Within 72 Hours of Receipt of Information.

Local Police Department of a Municipality Where an SVP Lives Must Provide Written Notice to the Following Within Seven Days of Receipt of Information:

- Director of the County Children and Youth Service Agency of the County Where the SVP Resides
- Superintendent of Each School District and the Equivalent Official for Private and Parochial Schools Enrolling Students up through Grade 12 in the Municipality Where the SVP Resides
- Director of Each Licensed Day Care Center and Preschool Program in the Municipality Where the SVP Resides
- President of Each College, University, and Community College Located Within 1,000 Feet of an SVP's Residence

The Notice Must Contain:

- Name of the Convicted SVP
- Address(es) at Which He/She Resides
- Offense for Which He/She was Convicted
- Statement that He/She has been Determined by Court Order to be a SVP, Which Determination has or has not been Terminated as of a Certain Date.

All Information Contained in Such Notice Must be Available, Upon Request, to the Public.

HISTORY OF MEGAN'S LAW NOTIFICATION REQUIREMENTS

(CONTINUED)

May 22, 1996

Added Requirement that Community Notification Include a Photograph of Registered Offenders

July 9, 2000

Expanded List of Those Entitled to Community Notification to Include: (1) Public and Private Schools Within One Mile Radius of SVP'S Residence; and (2) Licensed Day Care Centers, Licensed Preschool Programs, and Registered Family Day Care Homes

December 16, 2002

Expanded Duty of PSP to Notify Local Police Not Only in Connection with Municipalities Where Registered Offender Resides, But Also Municipalities Where Registered Offender is Employed and/or Enrolled as a Student

November 24, 2004

Gave PSP 5 Days to Notify Local Police of Registration Information, Rather Than the Previously-Required 72 Hours

Gave Local Police 5 Days to Notify Neighbors of SVP's Residence Rather Than the Previously-Required 72 Hours

January 24, 2005

Expanded the Information to be Relayed to Community to Include Information About Offenses for Which a Registered Offender was Sentenced, Adjudicated Delinquent, or Court Martialed

Established First Internet Posting Requirements

Appendix C

293 Offenders Now on Megan's Law Website

<u>Last Name</u>	<u>First Name</u>	<u>County</u>
Alloway	Joseph	York
Aluise	William	Bucks
Ammerman	Charles	Armstrong
Appling, Jr.	James	Bedford
Atchinson	Robert	Chester
Auman	Edward	Dauphin
Baehr	Michell	Philadelphia
Ball	Bobby	Mercer
Barnes	James	Allegheny
Barto	Ronald	Centre
Beatty	Nelda	Philadelphia
Becher	John	Cumberland
Bellegue, II	John	Montgomery
Best	Arnold	Mercer
Best	Terry	Clarion
Birt	William	Columbia
Blasko	Gerald	Clearfield
Bogdan	Daniel	Montgomery
Bohol	Engracio	York
Boone	Allen	Philadelphia
Booth	William	Delaware
Booth	Christopher	York
Boozer	Myron	Clarion
Bower	Shawn	Lycoming
Bowman	Andrew	Lancaster
Boyd	Eddie	Westmoreland
Boyd	David	Philadelphia
Breustedt	James	Bucks
Brooks	Richard	Perry
Brown	Darryl	Erie
Brown	Johnie	Chester
Brungart	Russell	Mifflin
Burket	Ryan	Cambria
Burroughs	Michael	Philadelphia
Caddy – Was Registered and Removed	Stuart	
Calloway	Stephen	Philadelphia
Carlisle	Stephen	Cumberland
Carlton	Owen	Philadelphia
Carroll	Jeffrey	Erie
Cassel	Randall	Cumberland
Catley, Jr.	Dale	Westmoreland
Cervice	Gregory	Allegheny
Chambers	Robert	Cambria
Chavous	Jamir	Delaware
Chiogna	Steven	Luzerne
Claypoole, Jr.	Joseph	Armstrong
Clouser	James	Cumberland
Confer	Christopher	Beaver

<u>Last Name</u>	<u>First Name</u>	<u>County</u>
Conway	Angelo	Philadelphia
Corner, Jr.	John	Erie
Costanzi	Robert	Lackawanna
Craig	Clinton	Venango
Cribbs	Ricky	Clearfield
Curren, II	Vincent	Indiana
Cuthbertson	Anthony	Dauphin
Cutman	Dennis	Dauphin
Dalton	Michael	Chester
Danhart	Henry	Washington
Daniels	Robert	Bucks
Daugherty	Leon	Clearfield
Davidson, Jr.	Irvin	Northampton
Deemer	Timothy	Clarion
Demarco	Wayde	Snyder
Dempsey	Jonathan	Dauphin
Detter	Shawn	Clearfield
Deutsch	Leo	Northampton
Diamond	Thomas	Montgomery
DiGiacomo	Anthony	Philadelphia
Distasio	Michael	Montgomery
Donahue	Rex	Jefferson
Dorsey	William	Allegheny
Doyle	Gerard	Fayette
Dunn	Charles	Chester
Early	John	Lehigh
Eichenlaub	Robert	Columbia
Eshleman	Justin	Westmoreland
Evanik	Anthony	Montgomery
Eweto	Ikoyo	Philadelphia
Fabian	Mark	Allegheny
Fisher	Thomas	Washington
Fisher	Robert	Adams
Fisher	Paul	Jefferson
Fisher, III	Ira	Lebanon
Flowers	Aaron	Mercer
Foessett	John	Erie
Foust, Jr.	Dewey	Westmoreland
Fox	Douglas	Armstrong
Freed	Billy	Perry
Gallagher	Sean	Lehigh
Gamble	Edgar	Armstrong
George, Jr.	Clarence	Dauphin
Gettings	Timothy	Philadelphia
Giancola	Gregory	Beaver
Gibbons	Sylvester	Philadelphia
Gilland	Jonathan	Chester
Govens	Micah	Delaware
Grace	Walter	Philadelphia

<u>Last Name</u>	<u>First Name</u>	<u>County</u>
Green – Inactive Moved Out of State	Randolph	
Hamberger	Charles	Clinton
Harbarger	Heidi	Greene
Harshman	Mendle	Fayette
Hawkins	Anthony	Allegheny
Hawkins	James	Allegheny
Haywood	Walter	Clearfield
Hazlett	David	Lackawanna
Heddings	Lee	Columbia
Heilman	Alan	Philadelphia
Henry	Arthur	Philadelphia
Herko	David	Lawrence
Herr	Timothy	Lycoming
Hicks	Danny	Bradford
Hill	Duane	Philadelphia
Hinckley	Brian	Beaver
Hollins	Raemone	Allegheny
Holmes	Shawn	Allegheny
Holmes	Dale	Allegheny
Hood	David	Union
Horner	Corrie	Centre
Houseknecht	Mikel	Lycoming
Howard	Antonio	Philadelphia
Howard	Daniel	McKean
Howe	Thomas	Blair
Jackson	Christopher	Erie
Jackson	Jermaine	Philadelphia
Jackson	Lamar	Philadelphia
James	Bryan	Berks
Jasinski	Edmund	Philadelphia
Jobs	Diane	Allegheny
John	Hubert	Armstrong
Johnson	Benjamin	Philadelphia
Johnson	Michael	Centre
Jones	Michael	Lehigh
Jones	Shannon	Philadelphia
Jones	Darron	Philadelphia
Jones	Christopher	Berks
Keeler	Harry	Union
Keister	Kenneth	Union
Kelly – Inactive Moved Out of State	Mark	
Kenyon, Jr.	Chauncey	Wayne
Kime	Robert	Delaware
Kindig	Bradley	York
King	Gregory	Philadelphia
Kirkland	Jeremiah	Philadelphia
Kokinda	James	Luzerne
Kostelansky, Jr.	Michael	Armstrong
Kovalefsky	Rudolph	Monroe

<u>Last Name</u>	<u>First Name</u>	<u>County</u>
Kuhn	James	Allegheny
Kuhn	John	Butler
Kurtz – Inactive Moved Out of State	Anthony	
Landis, Sr.	Bruce	Northampton
Lao	Alberto	Philadelphia
Laub	Scott	Lehigh
Lawrence	Nicole	Chester
Leonard	Daryl	Philadelphia
Lewis	David	Allegheny
Lewis	John	Clarion
Lewis, III	Robert	Allegheny
Lininger, II	Frederick	McKean
Lotz	Timothy	Westmoreland
Lukes	David	York
Lutz	Rodney	Lebanon
Mabie	Richard	Jefferson
Mack	Santee	Montgomery
Madeira	Jeff	Berks
Maimone	Matthew	Delaware
Marrero	Osvaldo	Lancaster
Martinez	Mario	Lebanon
Martinez	Angel	Philadelphia
Mayernik	Jonathan	Fayette
Mayhue	Paul	Erie
McClellan	Robert	Cambria
McCreary	Barry	Fayette
McCreary	Michael	Dauphin
McCurdy	Randy	Lebanon
McDermott	Edward	Dauphin
McGuire	Lon	Allegheny
McManus	Larry	Huntingdon
McMeans	Daniel	Bucks
McMullen	Pete	Berks
McNeil	Theodore	Philadelphia
Meixsell	Forrest	Luzerne
Meyers, Jr.	Lewis	Beaver
Miller	Louis	Dauphin
Miller	Leroy	Venango
Miller	Charles	Philadelphia
Mohr	Rex	Columbia
Morris	Raymond	Westmoreland
Morrison	Mark	Butler
Moulfair	Albert	Dauphin
Moyer	Jeffrey	Northumberland
Muchler	William	Luzerne
Murphy	Kevin	York
Naylor, Jr.	Lloyd	Philadelphia
Nieves	Henry	Philadelphia
Nixon	Andrew	Philadelphia

<u>Last Name</u>	<u>First Name</u>	<u>County</u>
Nolan	Donald	Dauphin
Norris	Tyrone	Philadelphia
O'Brien	Jeffrey	Somerset
Ortiz	Lloyd	Lehigh
Peoples	John	Blair
Perez, Jr.	Wilson	Allegheny
Pernsley	Dwayne	Chester
Phillips – Inactive Moved Out of State	David	
Pifer	Robert	Crawford
Pinci	Joseph	Cumberland
Pou	Jonathan	Northampton
Proppe, Sr.	Edward	Susquehanna
Pruden	Charles	Bucks
Putt	Troy	Lancaster
Quinn	Raymond	Westmoreland
Radlbeck	Kenneth	Bucks
Ramos	Nicanor	Berks
Reed	Christopher	Mercer
Reed	Lamar	Philadelphia
Reilly	Richard	Warren
Reiss	Michael	Northampton
Reynolds, Sr.	Lester	Northumberland
Rhoads	Scott	Elk
Rhodes	Mark	Philadelphia
Richardson	Roger	Juniata
Rios	Luis	Philadelphia
Rivera	Eric	Philadelphia
Roberts	David	Washington
Rodgers	Ray	Cumberland
Rodgers	Henry	Philadelphia
Rogers	Shawn	Warren
Rojas	Juan	Philadelphia
Roll	Margaret	Allegheny
Ross	Sean	Bucks
Roxberry	Jacob	Forest
Russell	Matthew	Erie
Russin	Keith	Lancaster
Sabo	Jonathan	Washington
Sallurday	Robert	Clearfield
Saunders	Charles	Montgomery
Schaffer	Ronald	Philadelphia
Schauer	Thomas	Lebanon
Schwab, Sr.	Lonnie	Crawford
Scott, Jr.	Ricky	Perry
Sechrist	Michael	Adams
Sedlacko, Jr.	Francis	Westmoreland
Senay	Robert	Berks
Senger	Joseph	Montgomery
Shadle	Gary	Luzerne

<u>Last Name</u>	<u>First Name</u>	<u>County</u>
Shank	Jack	Perry
Sheffer	Adam	Centre
Sheppard	Edward	Philadelphia
Shirk	John	Snyder
Shrawder	Robin	Northumberland
Smith	Daniel	Warren
Smith	Philip	Montgomery
Smith	John	Schuylkill
Smith	Richard	Westmoreland
Smith	Gerald	Lancaster
Spade	Stanley	Juniata
Stacks	Macdonald	Lancaster
Stallone, II	Jeffery	Clearfield
Steininger	Kenneth	Berks
Stermer	John	York
Swartz	Elizabeth	Union
Sweeper	Alonzo	Philadelphia
Tassey	James	Butler
Terrell	Aja	Delaware
Thomas	Shane	Lancaster
Thomas	William	Erie
Thompson	Eric	Westmoreland
Thrush	Robert	Cumberland
Tierney	Gerard	Lackawanna
Timko – Inactive Moved Out of State	Joseph	
Tinkey	Duane	Westmoreland
Trago	Harry	Blair
Turnbaugh	Jeffrey	Cambria
Ulrich	Jack	Allegheny
Vargo	Paul	Clearfield
Virden, Jr.	Glen	Jefferson
Vought	Mark	York
Walker	Edmund	Philadelphia
Walters	Jonathan	Dauphin
Warren	Chad	Erie
Welles, Jr.	Theodore	Bradford
Wentzel	Benjamin	Schuylkill
Werstler	Allen	Montgomery
West	Eddie	Philadelphia
Wettstein	David	Lehigh
Whittaker	Scott	Lackawanna
Williams – Inactive Moved Out of State	Lyle	
Wishard	Jeffrey	Huntingdon
Wood	Robert	Beaver
Wood	Wayne	McKean
Woodcock	James	Crawford
Young – Inactive Moved Out of State	George	
Zaleski	Ronald	Chester
Zimmerman	Ira	Lancaster

Deceased - 47 Cases

<u>Name</u>	<u>County</u>
Appleby, Eugene N.	Adams
Austin, Kenneth	Franklin
Ayala, Orlando S.	Unknown
Barnhart, Walter C.	Butler
Beliak, Jr., Charles William	Unknown
Blair, Ronald L.	Greene
Brooks, Bernard	Philadelphia
Brown, Robert B.	Adams
Clifford, Jesse Louis	Unknown
Crawford, Paul	Armstrong
Demaison, Glenn Edward	Unknown
Dixon, Brian	Blair/Clearfield
Dotts, Gregory	York
Earle, Richard E.	Potter
Franklin, Fred	Unknown
Gift, Eric	Unknown
Grasty, Steven M.	Philadelphia
Graver, Elwood	Berks
Hill, Lance	St. Louis, MO
Irwin, Allen	Lebanon
Juliana, Carmen	Chester
Kearney, Charles M.	Unknown
Keslar, Theodore	Westmoreland
Kowalsky, Robert E.	Westmoreland
Kubeja, Dennis A.	Crawford
Lassiter, Robert E.	Philadelphia
Matos, Jeol A.	Berks
McCullough, David	Jefferson
McDowell, Donna	Westmoreland
Muccio, Dominic	Unknown
Morey, Robert J.	Franklin
Nelson, Martin	Schuylkill
Nilson, Harry	Centre
Patrycia, Peter	Philadelphia
Reed, Lamar	Columbia
Reichenbach, Timothy	Indiana
Rivers, Raymond	Crawford
Sanchez, Orlando	Unknown
Scalise, Kenneth	Unknown
Smith, Walter	Philadelphia
Smith, Claude	Hurley, VA
Smith, Robert	Unknown
Stough, Leroy	York
Suffrin, Howard	Allegheny
Thomas, Martin	Schuylkill
Trayer, Randy Joe	York
Worth, Daniel	Montgomery

Prosecutions Initiated
18 Cases

<u>Name</u>	<u>County</u>
Cardona, Ernesto	Schuylkill
Costello, John	Philadelphia
Daniels, Michael	Philadelphia
Darby, Terrance	Philadelphia
Diaz-Mendez, Hector	Schuylkill
Dixon, Eric	Philadelphia
Georgiana, Kevin	Indiana
Hellyer, Earl	Philadelphia
Jennings, Kenneth	Philadelphia
Lobanov, Alexander	Philadelphia
Morales, Ceaser	Philadelphia
Olsen, Joseph D.	Philadelphia
Rodriguez, Alfredo	Philadelphia
Sanders, Donald	Philadelphia
Smith, Gerald	Philadelphia
Stern, Sr., Charles R.	Schuylkill
Taylor, Amin	Schuylkill
Turney, Ricky	Allegheny

Prosecutions Declined
11 Cases

<u>Name</u>	<u>County</u>
Cruz, William	Schuylkill
Greco, Joseph	Perry
Jones, James	Allegheny
Lowery, Dwayne	Allegheny
McCleaf, Thomas	Adams
Pletcher, Mark	Westmoreland
Reid, Thomas	Allegheny
Rolland, Richard	Allegheny
Scoccia, Vincent	Allegheny
Siters, Robert	Fayette
Speigle, Justin	Perry