

CHAPTER 55. ADMINISTRATION OF MEGAN'S LAW—NEIGHBOR NOTIFICATION

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Authority

The provisions of this Chapter 55 issued under 42 Pa.C.S. Chapter 97, Subchapter H, unless otherwise noted.

Source

The provisions of this Chapter 55 adopted October 10, 1997, effective October 11, 1997, 27 Pa.B. 5253, unless otherwise noted.

§ 55.1. Policy.

(a) The General Assembly 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 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 under 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.

§ 55.2. Legislative finding.

(a) The General Assembly has determined and declared that if the public is provided adequate notice and information about sexually violent predators and certain other offenders, the communities can develop constructive plans to prepare themselves and their children for the offender's release. This allows communities to meet with law enforcement agencies to prepare and obtain information

about the rights and responsibilities of the communities and to provide education and counseling to their children.

(b) Persons found to have committed sexually violent offenses have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

(c) 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 released is rationally related to the furtherance of those goals.

§ 55.3. Immunity for good faith conduct.

The General Assembly has also declared that the following entities shall be immune from liability for good faith conduct under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders):

- (1) The State Police and local law enforcement agencies and employes of law enforcement agencies.
- (2) District attorneys and their agents and employes.
- (3) Superintendents, administrators, teachers, employes and volunteers engaged in the supervision of children of any public, private or parochial school.
- (4) Directors and employes of county children and youth agencies.
- (5) Presidents or similar officers of universities and colleges, including community colleges.
- (6) The Board of Probation and Parole and its agents and employes.
- (7) Directors of licensed day care centers.
- (8) Directors of licensed preschool programs.

§ 55.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Neighbor—For the purposes of 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), those persons occupying both residences and places of employment located within a 250-foot radius of a sexually violent predator's residence, or the 25 most immediate residences and places of employment in proximity to the sexually violent predator's residence, whichever is greater.

Sexually violent predator—A person who has been convicted of a sexually violent offense as set forth in 42 Pa.C.S. § 9793(b) (relating to registration of certain offenders for ten years) and who is determined to be a sexually violent predator under 42 Pa.C.S. § 9794(e) (relating to designation of sexually violent predators) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

§ 55.5. Notification.

Chief law enforcement officers, or the State Police where no municipal police jurisdiction exists, shall provide written notices of the current address of sexually violent predators to neighbors within 72 hours of receipt. Notwithstanding other provisions, verbal notification may be used if written notification would delay meeting this time requirement. See Chapter 56 (relating to guidelines for administration of Megan's Law—statement of policy).

§ 55.6. Documentation of notification.

Chief law enforcement officers, or the State Police where no municipal police jurisdiction exists, shall establish written procedures and policies concerning community notification of sexually violent predators. The policy and procedures should include general parameters and basic requirements for documenting notifications. For example, records shall reflect the date and times, geographic areas, methods employed, whether verbal notification was necessary, and whether all notifications were provided to the identified area. The record shall also reflect if follow-up notification attempts were necessary. The record will not reflect great detail or the names and addresses of all individuals to whom notification was provided.

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