

Megan's Law FAQs

GENERAL INFORMATION

Q: What is Megan's Law?

A: Megan's Law exists solely for the purpose of providing a means of protecting the public, especially our children, from victimization by sexual offenders. This is accomplished by tracking the whereabouts of convicted sex offenders and providing notification to the public of the presence of a sex offender in their community. Utilizing the combination of tracking and notification, law enforcement and private citizens are able to develop constructive plans, safety programs, and victimization prevention strategies to prepare for the presence of sex offenders in their neighborhoods.

Q: What statute is it?

A: Pennsylvania Consolidated Statutes, Title 42, Chapter 97, Subchapter H. The statutory cite for Megan's Law is 42 Pa.C.S. § 9791 et seq.

Q: What state agency is responsible for maintaining the registry?

A: The Pennsylvania State Police, Megan's Law Section, is responsible for updating the information on every offender included within the website. Updates are posted within two business days from the date the change is made to the computerized registry. The legislation was very specific about what information may or may not be released. Currently all information legally permitted to be released is posted.

Q: How can I contact the Megan's Law Section?

A: Address:

Pennsylvania State Police
Attn.: Megan's Law Section
1800 Elmerton Avenue
Harrisburg, PA 17110
Phone No.: 1-866-771-3170 (toll free)

Q: How can I get information on registered persons living in my community?

A: Members of the public may search for registered Sex Offenders or Sexually Violent Predators living in their community through the Megan's Law website maintained by the Pennsylvania State Police, Megan's Law Section. Members of the public are only entitled to the information about registered persons provided on the website. No other information can be provided to the public.

Additional information on Sexually Violent Predators residing in your community may be obtained by contacting the chief law enforcement officer in your community. In communities where the Pennsylvania State Police is the primary law enforcement agency, members of the public may contact the local Pennsylvania State Police station for information on Sexually Violent Predators.

Megan's Law FAQs (continued)

Q: What information is available on the website for registered Sex Offenders and Sexually Violent Predators?

A: The following information is available on the website for both registered Sex Offenders and Sexually Violent Predators:

Name and all known aliases;

Year of birth;

The street address, city, municipality, county, and zip code of all residences, and where applicable the name of the prison or other place of confinement;

The street address, city, municipality, county, zip code and name of any institution or location at which the offender is enrolled as a student;

The city, municipality, county, and zip code of any employment location;

A photograph of the offender, which shall be updated not less than annually;

A physical description of the offender, including gender, height, weight, eye color, hair color and race;

Any identifying marks, including scars, birthmarks, and tattoos;

The license plate number and description of any vehicle owned or registered to the offender;

Whether the offender is currently compliant with registration requirements;

Whether the victim is a minor;

A description of the offense, which triggered registration; and

The date of conviction, if available.

Q: What if I know a sex offender or sexually violent predator is not complying with the registration requirements/law?

A: A person commits a felony of the third degree and can be prosecuted if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, or with their registration requirements under Megan's Law and intentionally assists the sex offender in eluding law enforcement seeking to find, question or arrest the sex offender for noncompliance with the requirements of the sex offender's probation or parole or the requirements of Megan's Law including:

Withholds information or does not notify the law enforcement agent or agency about the sex offender's noncompliance with the requirements of parole, the requirements of Megan's Law or, if known, the sex offender's whereabouts;

Harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;

Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or

Provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

Megan's Law FAQs (continued)

REGISTRATION

Q: What offenses require a person to register?

A: A person convicted of or pleading guilty to any of the below sexually violent offenses is required to register:

Rape, 18 Pa.C.S. § 3121

Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123

Sexual Assault, 18 Pa.C.S. § 3124.1

Institutional Sexual Assault, 18 Pa.C.S. § 3124.2

Aggravated Indecent Assault, 18 Pa.C.S. § 3125

Indecent Assault, where the offense is a misdemeanor of the first degree, 18 Pa.C.S. § 3126

Kidnapping, where the victim is a minor, 18 Pa.C.S. § 2901

Luring a Child into a Motor Vehicle, 18 Pa.C.S. § 2910

Incest, where the victim is a minor, 18 Pa.C.S. § 4302

Prostitution, where the offender promotes prostitution of a minor, 18 Pa.C.S. § 5902(b)

Obscene and Other Sexual Materials & Performances, where the victim is a minor, 18 Pa.C.S. § 5903(a)(3), (4), (5), and (6)

Sexual Abuse of Children, 18 Pa.C.S. § 6312

Unlawful Contact with a Minor, 18 Pa.C.S. § 6318

Sexual Exploitation of Children, 18 Pa.C.S. § 6320

Attempt to commit any of the offenses listed above

A conviction of, a plea of guilty to, or an adjudication of delinquency of, an offense in another jurisdiction equivalent to any of the offenses listed above; or if they are required to register under a sex offender statute in the jurisdiction where convicted, sentenced or court-martialed.

Q: Who is required to register?

A: Sexual Offenders and Sexually Violent Predators are subject to the registration requirements of Megan's Law. Also, certain out-of-state offenders are subject to the registration requirements of Megan's Law.

Q: Who is a "Sexual Offender" under Megan's Law?

A: A Sexual Offender is a person who has been convicted of one of the sexually violent offenses specified above. See Crimes Code link on the Megan's Law website on the left navigation bar for additional information about the Megan's Law offenses.

Q: Who is a "Sexually Violent Predator" under Megan's Law?

A: A Sexually Violent Predator is a Sexual Offender who has been determined by the Court, after evaluation by the Sexual Offenders Assessment Board (link on left navigation bar), to have a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a Sexually Violent Predator where the determination occurred in the United States or one of its territories or possessions, another state,

Megan's Law FAQs (continued)

the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or by court martial.

Not all Sexual Offenders are determined to be Sexually Violent Predators. A Sexually Violent Predator is subject to both the registration and community notification requirements of Megan's Law.

Q: Are juveniles required to register?

A: No. Unless they are convicted in adult court or they are required to register as a sex offender in another jurisdiction.

Q: What is "registration" under Megan's Law?

A: Sexual Offenders and Sexually Violent Predators are required to register all current and intended addresses, employment/vocation information, and student enrollment information with the Pennsylvania State Police. Sexual Offenders and Sexually Violent Predators must also report any changes in residence, employment, or student enrollment information. The Pennsylvania State Police maintains this information in a sexual offender registry.

Q: How long is a Sexual Offender required to register?

A: Sexual offenders are required to register for either 10-years or for their lifetime. The length of time a Sexual Offender is required to register depends on the offense he committed.

A Sexual Offender is required to be registered for a period of 10-years if he committed any of the following offenses

Kidnapping, where the victim is a minor;

Luring a Child Into a Motor Vehicle;

Institutional Sexual Assault;

Indecent Assault, where the victim is under 13 years of age;

Incest, where the victim is 12 years of age or older but under 18 years of age;

Prostitution and related offenses, where the actor promotes the prostitution of a minor;

Obscene and Other Sexual Materials & Performances, where the victim is a minor;

Sexual Abuse of Children;

Unlawful Contact with a Minor;

Sexual Exploitation of a Child; or

An attempt to commit any of the offenses under 10-year or lifetime registration.

A Sexual Offender is required to be registered for his lifetime if he committed any of the following offenses:

Rape;

Involuntary Deviate Sexual Intercourse;

Sexual Assault;

Aggravated Indecent Assault;

Incest, where the victim is under 12 years of age; or

Two or more convictions for any of the offenses under 10-year registration.

Megan's Law FAQs (continued)

Q: How long is a Sexually Violent Predator required to register?

A: A Sexually Violent Predator is required to be registered for their lifetime.

Q: When is a Sexual Offender or Sexually Violent Predator required to register?

A: Sexual Offenders and Sexually Violent Predators are required to register upon release from incarceration, upon parole from a state or county prison, or upon the commencement of a sentence of intermediate punishment or probation. For those offenders who are required to register in another state or who have been convicted of an equivalent sexually violent offense, they must report to an approved registration site and register within 48 hours of establishing a residence, becoming employed/carrying on a vocation, and/or attending school in this Commonwealth.

The occurrence of a natural disaster or other event requiring evacuation of residences shall not relieve an individual of the duty to register or any other duty imposed by this chapter.

COMMUNITY NOTIFICATION

Q: What is "community notification" under Megan's Law?

A: Community notification is the process by which the community's chief law enforcement officer notifies the community of the presence of a Sexually Violent Predator. The chief law enforcement officer notifies the community using a community notification flyer.

Q: Who is subject to community notification?

A: Sexually Violent Predators are subject to the community notification requirements of Megan's Law. Also, certain out-of-state offenders are subject to community notification under Megan's Law (please see "Out-of-State Offenders" FAQs on the Megan's Law website for additional information).

Q: What information is contained on the community notification flyers?

A: The community notification flyers contain the following information about Sexually Violent Predators or out-of-state offenders:

Name

Address or addresses at which they reside

Offense committed

Statement that they have been determined by a court order to be a Sexually Violent Predator or a statement that they are subject to community notification by another state

Photograph

Q: To whom is community notification provided under Megan's Law?

A: Notice of the Sexually Violent Predator's or out-of-state offender's presence in the community is provided to the neighbors of the Sexually Violent Predator or out-of-state offender. Those persons who live or work within 250 feet of the predator's or

Megan's Law FAQs (continued)

offender's residence or the 25 most immediate residences and places of employment in proximity to the predator's or offender's residence, whichever is greater. Notice is also provided to:

The director of the county children and youth service agency of the county where the predator or offender resides;

The 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 predator or offender resides;

The superintendent of each school district and the equivalent official for private and parochial schools located within a one-mile radius of where the predator or offender resides;

The licensee of each certified day care center and licensed preschool program and owner/operator of each registered family day care home in the municipality where the predator or offender resides; and

The president of each college, university and community college located within 1,000 feet of a predator's or offender's residence.

Notice concerning Sexually Violent Predators and out-of-state offenders subject to community notification is also available by request to the Pennsylvania State Police, Megan's Law Section at 1-866-771-3170.

VICTIM NOTIFICATION

Q: Is the victim of a sexually violent offense entitled to notification?

A: The victim of an offense committed by a Sexually Violent Predator is entitled to written notice when the Sexually Violent Predator completes their initial registration and when the Sexually Violent Predator notifies the Pennsylvania State Police of any change in residence. The notice will contain the Sexually Violent Predator's name and address or addresses where they reside. In order to receive this notification, the victim must register with the Pennsylvania State Police. The victim is also entitled to notice of the Sexually Violent Predator's release from incarceration under the Pennsylvania Crime Victims Act, 18 P.S. § 11.101 et seq.

The victim of an offense committed by a Sexual Offender who has not been determined to be a Sexually Violent Predator is entitled to that notice afforded under the Pennsylvania Crime Victims Act, 18 P.S. § 11.101, et seq.

More information on the rights of crime victims is available by contacting Pennsylvania's Office of Victim Advocate at 1-800-563-6399 or visiting their website (<http://www.pbpp.state.pa.us/ova>)

OUT-OF-STATE OFFENDERS

Q: Does Megan's Law apply to out-of-state offenders?

Megan's Law FAQs (continued)

A: Yes. Megan's Law applies to out-of-state Sexual Offenders and Sexually Violent Predators who reside, work/carry on a vocation, or attend school in Pennsylvania.

Q: What are the registration requirements for out-of-state offenders?

A: The registration requirements for out-of-state offenders are:

Any out-of-state offender who is required to register as a sex offender in the offender's home state is automatically required to register as sex offender in Pennsylvania if the offender intends to reside, work/carry on a vocation, or attend school in Pennsylvania.

Any out-of-state offender who has been designated as a sexually violent predator or an equivalent designation in the offender's home state is required to register and is subject to community notification if the offender intends to reside, work/carry on a vocation, or attend school in Pennsylvania.

Any out-of-state offender currently on probation or parole who comes to reside in Pennsylvania under the Interstate Compact for the Adult Offender Supervision is required to register and may be subject to community notification.

Q: When must the out-of-state offender register?

A: An out-of-state offender must report to an approved registration site to register within 48 hours of arriving, becoming employed or enrolling in school as a student in Pennsylvania.

Q: How long is the out-of-state offender required to be registered?

A: An out-of-state offender is subject to a period of registration, and possibly a period of community notification, equal to the registration period of their home state, or the period of registration required under Pennsylvania law, whichever is greater.

Q: How can I find out if an out-of-state offender is residing in my community?

A: Information on all registered out-of-state offenders residing, working or attending school in Pennsylvania will be available on this web site maintained by the Pennsylvania State Police, Megan's Law Section.

Q: What if a registered sex offender moves from Pennsylvania to another state and establishes a new residence?

A: Prior to leaving Pennsylvania, the registered sex offender must complete a change of address form and submit that form to the Pennsylvania State Police. The registered sex offender must register with the new law enforcement agency within 48 hours after establishing residence in another state.

The Pennsylvania State Police will then notify the state agency charged with maintaining the sex offender registry in the state that the registered sex offender now resides.

Megan's Law FAQs (continued)

VERIFICATION

Q: How does the Pennsylvania State Police determine if registered offenders are reporting their change of addresses?

A: For 10-year and lifetime registrants, the Pennsylvania State Police verifies the registrants' addresses through an address verification process which is done annually on the anniversary date of their initial registration. The registrant must appear at an approved registration site to complete a verification form and to be photographed.

For Sexually Violent Predators, the Pennsylvania State Police verifies the registrants' addresses through an address verification process which is done quarterly. Sexually Violent Predators are required to report to an approved registration site between January 5 and January 15; April 5 and April 15; July 5 and July 15; and October 5 and October 15 to complete a verification form and to be photographed.

PENALTIES

Q: What happens if a Sexual Offender or Sexually Violent Predator refuses to comply with Megan's Law?

A: Pennsylvania provides criminal penalties for Sexual Offenders and Sexually Violent Predators who refuse to comply with Megan's Law.

Sexual Offenders subject to the ten-year registration period who fail to comply with Megan's Law commit an offense graded as a felony of the third degree up to a felony of the second degree.

Sexually Violent Predators and Sexual Offenders subject to registration for their lifetime who fail to comply with Megan's Law commit an offense graded as a felony of the second degree up to a felony of the first degree.

The grade of offense increases with a subsequent conviction.

SAFETY

Q: Where can I get information on protecting myself or my children?

A: You may contact your local law enforcement office or your county children and youth agency. Additional links are provided on the Megan's Law website on the left navigation bar.

Source: Pennsylvania State Police. (2008). Megan's law website: Frequently asked questions. Retrieved from the World Wide Web on June 18, 2008 @ <http://www.pameganslaw.state.pa.us/FAQ.aspx?EntireMenu=true&dt=JCELCFDDL4EDNEENIE4Ua>