



# The Judiciary Review

## Report from the Senate Judiciary Committee (D)

JAY COSTA JR., DEMOCRATIC CHAIRMAN

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August 2004

### Judiciary Committee Considers Revision of Megan's Law

On Tuesday, July 20, the Senate Judiciary Committee met to consider testimony regarding the revision of Pennsylvania's sex offender registration and notification law commonly known as "Megan's Law." The hearing featured testimony from Auditor General Robert P. Casey, Jr., Adrian King, Deputy Chief of Staff to Governor Rendell, the Pennsylvania State Police, the Sex Offenders Assessment Board, and the Honorable Matthew Mangino, Lawrence County District Attorney. Written testimony was submitted by Maureen Kanka, mother of Megan Kanka for whom the law is named.

The law has been challenged on several occasions since its first enactment in 1995 prompting revision by the General Assembly. The latest changes being considered are the result of a recent Pennsylvania Supreme Court decision that found the penalty provisions for non-registration violated a registrant's substantive due process rights. However, the Judiciary Committee and representatives of the Rendell Administration are also considering an expansion of the community notification provisions of Megan's Law.

At the hearing, Auditor General Casey noted that surrounding states have a far greater number of sex offenders listed on state maintained publicly accessible websites. For instance, the

following states list information on the following number of sex offenders:

New Jersey—1,341; New York—3,708; Maryland—3,680; Ohio—10,800; Illinois—17,780; Pennsylvania—27.

Prompted by their concerns about the limited number of offenders subject to the community notification in Pennsylvania, the House and Senate Judiciary Committees as well as representatives of the Rendell Administration have begun an extensive review of the law that may provide the public with information about a larger number of convicted sex offenders.

Governor Rendell has formed a special bipartisan working group charged with giving the public greater community notification on sexual offenders and addressing any other changes that the law may require to provide the greatest amount of public safety to the citizens of the Commonwealth. As Democratic Chairman of the Senate Judiciary Committee, Senator Costa will be serving on this working group.

Currently, there are 7,786 convicted sex offenders in Pennsylvania, but only about 30 of these individuals are classified as "sexually violent predators" subjecting them to community notification to neighbors, schools, colleges and child care institutions. By law, Pennsylvania's sex offenders are

required to register with local police upon their release from incarceration. However, state privacy rights prohibit police from informing residents about offenders unless they have been labeled as a sexually violent predator.

One of the proposals being considered would classify sex offenders into three tiers. The first would be sexually violent predators who would continue to be subject to quarterly registration requirements and full community notification by police as well as having information about them posted on the State Police website. The second tier would consist of sex offenders who are required to register for life but are not classified as sexually violent predators. Information about these offenders would be available on the State Police website as well as to local law enforcement agencies. The third tier would include sex offenders who are required to register for a period of ten years whose registration information would only be available to local law enforcement agencies.

Senator Costa will work closely with Rendell Administration officials, Sen. Stewart Greenleaf (R-Montgomery), who chairs the Judiciary Committee, as well as Auditor General Casey and members of the House to

expand Megan’s Law. Costa said he was confident that the bipartisan working group will recommend revisions to Megan’s Law that the legislature will act on when it reconvenes this Fall.

### Allegheny County slated for two additional judges

Legislation adopted by the Senate, would expand the complement of judges in Allegheny County by two and add judicial positions to several counties throughout the Commonwealth as follows:

- Blair County (24th Judicial District)—one judge
- Allegheny County (5th Judicial District)—two judges
- Berks County (23rd Judicial District)—one judge
- Lackawanna County (45th Judicial District)—one judge
- Luzerne County (11th Judicial District)—one judge
- Washington County (27th Judicial District)—one judge
- Pike County (60th Judicial District)—one judge
- Butler County (50th Judicial District)—one judge
- Chester County (15th Judicial District)—one judge

Except as otherwise provided, the new judgeships will be filled in the 2005 municipal election and the newly elected judges will take office in January 2006. In the case of Luzerne County and Pike County, the new judgeship will be filled in the 2007 election and the newly elected judge will take office in January 2008.

*Current status: House Judiciary Committee*

### Bills Previously Reported in the Judiciary Review.

#### ■ House Bill 1424 Printer’s No. 4145

The bill amends the Crimes Code adding a fee on offenders to pay for county criminal justice technology programs under the Juvenile and Criminal Justice Technology Enhancement Fund.

*Current status: Senate Appropriations Committee*

#### ■ House Bill 2046 Printer’s No. 4146

The bill amends the Crimes Code to further provide for the issuance of licenses to carry firearms and for reciprocity agreements with other states concerning licenses to carry firearms.

*Current status: Senate Appropriations Committee*

#### ■ House Bill 2224 Printer’s No. 3827

The bill amends the Crimes Code and the Judicial Code providing for criminal and civil protective orders, and statewide and county registries of the orders.

*Current status: Senate Appropriations Committee*

#### ■ Senate Bill 97 Printer’s No. 1623

The bill amends Title 42 prohibiting the execution of a person who is mentally retarded and establishing procedures for determining which defendants are mentally retarded.

*Current status: Senate Rules Committee*

#### ■ Senate Bill 217 Printer’s No. 1758

The bill amends Title 42 to add a section that requires the Pennsylvania Commission on Sentencing to establish guidelines for State Intermediate Punishment and adding a chapter entitled State Intermediate Punishment and further requires the Pennsylvania Department of Corrections to

establish a Drug Offender Treatment Program.

*Current status: House Calendar—Third Consideration*

#### ■ Senate Bill 1027 Printer’s No. 1412

The bill amends the Domestic Relations Code to ensure that late child support payments caused by an employer not forwarding attached wages to the county domestic relations office are not reported to consumer reporting agencies.

*Current status: Senate Rules Committee*

#### ■ Senate Bill 702 Printer’s No. 1660

The legislation amends the Crimes Victims Act of 1998 to expand the membership of the Victims’ Services Advisory Committee to include at least two members representing the interests of victims of identity theft.

*Current status: Senate Appropriations Committee*

**State Senator**  
**JAY COSTA JR.**  
*Serving the 43rd District*

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