

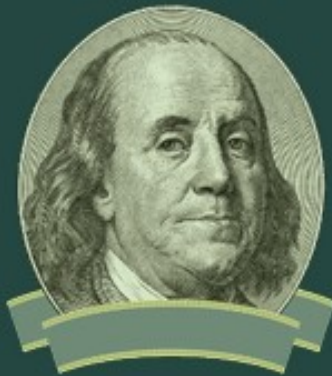
## PA Constitutional Challenges to SORNA

The Legal and Legislative Committee is examining the following arguments:

**Right to Reputation Art.1 Sec.1:** PA specifically protects one's reputation stating, "all men... have certain inherent and indefeasible rights, among which ... [is] acquiring, possessing, and protecting... reputation ..." (emphasis added).

**Ex post facto Art. 1 Sec. 17:** "No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed ."

**Double Jeopardy Art. 1 Sec. 10:** " no person shall, for the same offense, be twice put in jeopardy of life or limb."



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## Pennsylvania Association for Rational Sexual Offense Laws

Understanding SORNA III  
and the PA Constitution

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A Pennsylvania,  
safe and just for all.





## Our Mission

PARSOL supports individuals and their families who have been impacted by current Pennsylvania laws regarding sexual offenses. Guided by empirical research, we advocate for public safety measures that work for all Pennsylvanians.



## Legal and Legislative Committee

We are a dedicated group of volunteers who:

- Track and report case law
- Track and report legislation
- Study and research constitutional arguments
- Build relationships with attorneys and legislators
- Propose legislative and legal actions

Years in Force	Version	Important Details
1996-2000	Megan's Law I	-10 years registration -SVPs get life incarceration
2000-2005	Megan's Law II	-SVP life incarceration removed -SVPs get monthly counseling -New process for determining SVPs
2000-2012	Megan's Law III	-Asbestos removal included in legislation -Violated PA Const. Art.3 §3, Single Subject Rule
2012-2018	SORNA I/ Megan's Law IV	-Introduced Tier based system -Ruled punitive in Com. v. Muniz -Violated US & PA Const. ex post facto clauses
February, 2018-Present	Act 10 of 2018/ SORNA II/ Megan's Law V	-Added 3 years probation tail to Tier 3 and SVP registrants -Added Subchapter I reinstating pre-Dec. 20, 2012 registrants
June, 2018-Present	Act 29 of 2018/ SORNA II/ Megan's Law V	- Expanded definition of SVP - Added 25-year removal from registry process for SVPs

## Commonwealth Of Pennsylvania

v.

*Jose M. Muniz*

On July 19, 2017 the Pennsylvania State Supreme Court declared that the retroactive application of Pennsylvania's Sex Offender Registration and Notification Act ("SORNA") violated the *ex post facto* provisions of the Federal and State Constitutions, and made the Act illegal. Specifically, the PA Supreme Court held that SORNA's registration requirement constituted "punishment", and as such, could not be applied after the fact to a person serving a prior sentence.

The United States Supreme Court refused to hear the appeal of the Commonwealth in *Muniz*. For Defendants whose offenses were committed prior to December 20, 2012 (the date SORNA was enacted) or who were sentenced prior to December 20, 2012, any provision of SORNA which enhances the resulting registration requirement associated with a guilty plea is deemed unconstitutional.

The PA General Assembly passed Act 29 of 2018. It is an attempt to recapture those who were given relief under the *Muniz* Court ruling. Subchapter I is a new feature under Title 42 Judiciary Code for those who are pre-Dec. 20, 2012. Subchapter I closely resembles Megan's Law II.