

*PA Constitutional
Challenges to SORNA*

The Legal 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).

Due Process Art.1 Sec.11:
"[a]ll courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay."



William Penn
Founder of Pennsylvania



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**Pennsylvania Association for
Rational Sexual Offense Laws**

Understanding SORNA II
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 Committees

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
1995-2000	Megan's Law I	-10 years registration -SVPs get life incarceration
2000-2004	Megan's Law II	-SVP life incarceration removed -SVPs get monthly counseling -New process for determining SVPs
2004-2012	Megan's Law III	-Asbestos removal included in legislation -Violated PA Const. Art.3 §3, Single Subject Rule
2012-2018	SORNA I	-Introduced a 3 Tier based system -Ruled punitive in Com. v. Muniz -Violated US & PA Const. ex post facto clauses in same case
February, 2018-Present	Act 10 of 2018/ SORNA II	-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	- Expanded definition of SVP - Added 25-year removal process for SVPs

SVP= Sexually Violent Predator
SVP status is determined by the court after an assessment.

Commonwealth v. Jose M. Muniz

On July 19, 2017, the Pennsylvania State Supreme Court (SCOPA) declared that Pennsylvania's Sex Offender Registration and Notification Act (SORNA) registration requirements were constituted as punishment making the retroactive application of SORNA in violation of the *Ex Post Facto* (after the fact) Clauses of the Federal and State Constitutions.

Commonwealth v. Claude Lacombe

On July 21, 2020, SCOPA ruled that Subchapter I of SORNA II is nonpunitive and does not violate the constitutional prohibition against *ex post facto* laws. Subchapter I can be retroactively applied. The Court also declined to find the Post Conviction Relief Act appeals, or any other procedural mechanism (e.g. direct appeal, Motion for Relief), is the exclusive method for challenging the registration statute.

PARSOL does not give legal advice