



PA Assoc. for Rational Sexual Offense Laws

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## Thoughts From the Chair

PARSOL's Chairperson Theresa shares her thoughts

PARSOL's mission statement is to advocate for sexual offense public safety measures that work for all Pennsylvanians: policy based on prevention, and laws that respect both our Constitution and the dignity of all people. We know that current measures do not promote public safety. Nonetheless, lawmakers at both the State and Federal levels continue to proliferate increasingly harsh and ineffective laws in the name of public safety. It seems to me that if we, as a society, actually cared about protecting children and adults from sexual violence, we would be doing something much different – developing policy and law that deters sexual violence before it occurs (primary prevention) and beyond (secondary and tertiary prevention). The recent revisions to the American Law Institute (ALI) Model Penal Code speaks volumes to what works based on decades of evidence-based research that clearly indicates public registration and presenting life-long barriers to primary goods needed for all human beings to thrive don't work! Specific ALI recommendations include the elimination of a public registry and limits those who are required to be on a law enforcement only registry to those with sexual assault convictions.

In a recent Mitchell Hamline School of Law article (<https://mitchellhamline.edu/sex-offense-litigation-policy/2022/06/03/following-delays-american-law-institute>

-gives-final-approval-to-model-penal-code-revisions-regarding-sex-offense-registries/), Ira Ellman noted that the U.S. Department of Justice has “threatened to lobby state legislatures to urge them to not adopt these Model Penal Code revisions.” Dr. Ellman has urged that we all “do whatever work will be needed to bring these recommendations forward into codified law.”

So, now it's our turn! The ALI did the heavy lifting in terms of outlining law that will promote both public safety and adheres to the Constitution. What can we do? We can reach out to our State representatives and senators to encourage them to work toward adopting laws that will prevent sexual abuse as outlined in the ALI Model Penal Code; respond to published articles that continue to push the false narrative that our current laws are effective; share solid research findings about how to prevent sexual violence with those in our families, communities, institutions, other justice reform groups; and we can join together in state-wide and national efforts to shift our laws toward that which will promote public safety and honor the dignity of all human beings. No effort toward this end is too small. We all have a role to play and together we can make a difference!



## Legal Happenings

SCOPA decisions on *A.L. v. PSP*; *Commonwealth v. Thorne, Sr.*; and *T.P.B. v. PSP*

***A.L. v. PSP:*** In 2013, while in the Navy, Appellee A.L. had intercourse with the adult victim when her ability to consent was impaired by alcohol. He was charged





with sexual assault under the Uniform Code of Military Justice. Appellee was tried by general court-martial, with a panel of service members acting as fact-finders. The panel returned a verdict of guilty. Appellee was sentenced to sixty days' confinement, a reduction in rank, and a dishonorable discharge. He appealed to the United States Navy-Marine Corps Court of Criminal Appeals, which affirmed the conviction and sentence. After his discharge from the Navy, Appellee moved to Pennsylvania. He registered with the Pennsylvania State Police ("PSP") as a {Person Forced to Register [PFR]} subject to registration under Sexual Offender Registration and Notification Act ("SORNA"). The PSP determined Appellee's crime triggered a Tier III registration obligation. Appellee appealed that designation, arguing PSP's action was adjudicative and not merely ministerial. The Pennsylvania Supreme Court allowed appeal in this matter to determine whether sexual assault as defined under the Uniform Code of Military Justice was comparable to sexual assault as defined under the Pennsylvania Crimes Code so as to make Appellee a lifetime SORNA registrant. The Supreme Court concluded the military statute under which Appellee was convicted effectively defined two crimes, and PSP lacked a valid foundation to discern which of the two formed the basis for the military

panel's finding of guilt. Therefore, Appellee's court-martial conviction could not be the basis for his classification as a Tier III registrant. (*Justia US Law* May 18, 2022)

*Com. v. Shaune Thorne, Sr.*: SCOPA answered the following question: Did the Superior Court panel err, misapprehending

law/facts of record, or overlook controlling authority when it determined that [Appellant's] two SORNA challenges did not constitute challenges to the legality of the sentence and, as such, cannot be waived? SCOPA ruled the Superior Court did err in deciding they couldn't hear the appeal because appellant waived his constitutional challenges to Revised Subchapter H of SORNA because he raised them for the first time in his appellate brief. Justice Brobson wrote, " 'Stated succinctly, an appellate court can address an appellant's challenge to the legality of his sentence even if that issue was not preserved in the trial court; indeed, an appellate court may [even] raise and address such an issue sua sponte.' "

[*Commonwealth v. Hill*, 238 A.3d at 407. Both this Court and the Superior Court have previously held that Apprendi-based claims and claims invoking the constitutional prohibition against cruel and unusual punishment implicate the legality of a sentence."

**IMPORTANT NOTE:** The case was remanded back to the Superior Court so they could consider the merits of Appellant's constitutional challenges to Revised Subchapter H.

*T.P.B. v. PSP*: SCOPA affirmed the Commonwealth Court opinion. T.P.B. was convicted in Texas and placed as a lifetime registrant in 1999. He then relocated to PA in 2009 while Megan's Law III was in effect. The Commonwealth Court explained, "For offenders with out of-state convictions, Megan's Law III required an equivalency comparison to determine the offender's Pennsylvania registration period. In 2009, the arguably comparable crime of indecent assault was a 10-year registration-equivalent crime in Pennsylvania. However, Megan's Law III also required that individuals with out-of-state 10-year equivalent registration convictions register for the greater of either 10 years or 'a period of time equal to the time for which the individual was required to register in the other jurisdiction[.]' As such, Megan's Law III required individuals with lifetime sexual offender registration requirements in foreign jurisdictions to also register for life in Pennsylvania." SORNA II, Subchapter I did not violate the U.S. and

### FAQ Corner

**Q:** Will I remain on the PA registry if I move out of PA?

**A:** No, the PSP will remove you off the PA registry. Just be sure to notify them within 3 business day of your move and adhere to the laws in your new state.

You can find more answers to your questions on our FAQs page.





PA *Ex Post Facto*, [see *Commonwealth v. Lacombe*, 234 A.3d 602 (Pa. 2020)].

The Commonwealth Court also ruled T.P.B.'s PA Constitution Art. 1, § 1 claim, premised on the notion that Petitioner's reputation was harmed when he was subjected to an increased sexual offender registration requirement under SORNA II, fails as there was no increased penalty as he was already a lifetime registrant in Texas.

Our Legal Committee has created a handy resource that collects PA Supreme Court Cases concerning sexual offense challenges. This spreadsheet can be found on our website at <https://parsol.org/legal-cases/>.

While PARSOL **does not give legal advice**, you can send an email to [josiah@parsol.org](mailto:josiah@parsol.org) with questions about these and other cases working their way through the courts.

## Legislation Information

### Legislative Outreach Push



Our Legislative Director is looking forward to meeting with House and Senate Judiciary Committee Members to discuss the new American Law Institute (ALI) Article 213 of the Model Penal Code: Sexual Assault and Related Offenses recommendations and the need to rethink public

shaming registries. The ALI has for years meticulously reviewed the research and data of public registration as they have said, "Article 213 of the Model Penal Code, which was ahead of its time when approved by ALI in 1962, but is now outdated and no longer a reliable guide for legislatures and courts." The new Model Penal Code will narrow who will be

on the registry and who can view it. It will take many years for legislators to start acknowledging, adopting, and implement the new Penal Code. You can help in this legislative push by contacting your state legislators and asking them to implement the new ALI Model Penal Code.

We need more volunteers to assist us in our Legislative outreach and education. Please fill out the Volunteer Interest form on our website or send a message to [randall@parsol.org](mailto:randall@parsol.org) to find out how you can get involved. For more info on legislation, feel free to send an email to [randall@parsol.org](mailto:randall@parsol.org). We also have legislative resources on our website [www.parsol.org/](http://www.parsol.org/)

## Letter From the Editor

### Feeling Frustrated About SORNA?

It is the position of PARSOL that public registries are punitive in nature. They bear close resemblance to historical shaming practices and thereby violate the United States constitutional right to be free from cruel and unusual punishment. Importantly, Pennsylvania's public registry also infringes upon the Right to Reputation as guaranteed in the Pennsylvania Constitution. **Once an individual has completed their sentence, their debt to society should be considered paid, and no law, whether punitive or regulatory, should prolong or add to that sentence.** We see that we can chip away at the registry bit by bit to make it almost nothing. After the registry or part(s) of the registry has been ruled unconstitutional, the General Assembly will make amendments to "fix" the issue. At some point, the courts will rule it completely constitutional. This, however, will not stop us from continuing our work to try to abolish it. We will continue to share the research on the errors of SORNA with the legislators in hopes that they will understand that it does not work and should focus on funding other policies that do work.

We understand the frustration that so many of you have that some can get off the registry while others stay on. Unfortunately, there isn't a magic solution to







getting everyone off SORNA. The law is very complicated and applies to everyone in a unique way. It is highly irritating that it takes a long period of time for cases to go through the courts to only impact a select few. We have learned that wars are won by winning battles. Each case we win is another battle won in the war against SORNA. Lawyers are trying their hardest to make as much of a positive impact as possible. This is a game of chess that attorneys, prosecutors, and legislators play to achieve their desired outcomes. Again, our desired outcome is to see the registry abolished; **and we won't stop working until it is!**

## Volunteer and Organization Outreach

Volunteers help make it happen

We continue to be more aggressive in our outreach efforts as we have much planned for 2022. Several people have answered the call with our community support, legal research, letter writing, and outreach to prisoners. But we still have positions to fill. Please reach out to us today if you are interested in lending your talents to any of the following positions:

- Social media coordinator
- Grant writer
- Board member
- Legislative outreach team members

In our efforts to network with attorneys, volunteers have been mailing out letters. We are currently in talks with one attorney on his role with us, but are still actively seeking out a partner.

If you or someone you know would like to support PARSOL or get involved, please see our Volunteer page at <https://secure.parsol.org/volunteer/>. You can also give us a call at 717-820-2237 or send us a letter at P.O. Box 399, New Freedom, PA 17349.

## Highlighting Community Resources

Help is available if you put in the effort

In the last *PARSOL QUARTERLY* we highlighted CareerLink for employment help. This time we are highlighting Service Access and Management (SAM).

SAM "is to help people throughout our service area enhance the quality of their lives by effectively and efficiently managing and/or providing needed, accessible and individually satisfying human services." They have a Long Term Service and Supports (LTSS) Service Coordination. The LTSS Service Coordinator provides ongoing assistance in gaining access to needed services, including transportation services, employment or housing needs, as well as physical and mental health treatments.

To find your local office or for more information call toll free: 877-236-4600. Visit their website at: <http://www.sam-inc.org/pa/>. Write to them at: 19 N. Sixth Street, Reading, PA 19601.

## Fearless Group

Monthly support group for those affected by the registry

Join us on the second Saturday of every month from 4 – 5:30PM as PARSOL hosts a free video /

telephone meeting open to all residents of PA who are affected by the public registry. This includes registrants themselves, their family members, and their friends. We aim to create a safe environment free from the influence of law enforcement or treatment providers.





To take part in this one-of-a-kind meeting of people “who get it”, you can either send an email to [ashley@parsol.org](mailto:ashley@parsol.org) or call 717 820 2237 .

Tell a friend, or come to the meeting and make one!

## Re-entry Success Story

If you are a person forced to register and would like to tell your re-entry story please contact us at <https://parsol.org/contact-us/> or at P.O. Box 399, New Freedom, PA 17349. We would love to share your story in the next edition of the *PARSOL QUARTERLY*.

## I Love a Person Forced to Register

Share Your Story section has been updated

I stay strong for him. My husband of 8 years will be sentenced on August 11th after accepting a plea deal in hopes to avoid years in prison. He was involved with a sting that I believe took advantage of someone who has no prior issues with ANYTHING and was only looking to have friends. He's an introvert so of course an online app made it easier for him to talk to others. I believe without a doubt he had no intentions on doing anything sexual with anyone when he was arrested at gun point and had one sided articles published on PA news outlets.

During the time of his arrest, he ended up losing his job he worked hard at and loved as well as my family's respect. We both lost friends and of course I lost my family when I felt forced I had to choose them or him. When he was out on bail, he told me horrors he experienced in county prison, and for someone as innocent and kind as he was, that was too much of a dehumanizing experience for him. He barely had enough strength to walk a block at our home and ate nearly nothing for a time. In time I would get some of him back, but mentally he was never the same. He

occasionally has night terrors about prison and his arrest with the gun to his head.

Now as we await sentencing, I tell myself to stay strong for him. The biggest challenge was to get him to not want to kill himself. He was in a dark place for a time and I do fear he can get there again as we get closer to August. He has more support than before as he sees a therapist and his family and I are there for him. I admit, when he was arrested I had his things packed because of why I read online about his charges. Most were dropped immediately and now only one he has accepted as the plea deal. As I write this, he is asleep and I am in bed crying because tonight is just an emotional night. Every time I am strong for him, I'm not strong for myself. I put off my emotions because he's going through something that is way too harsh for someone like him to go through.

My thought is everyone could commit a crime, so why are there stings for this and not everything else that could be considered a crime? I hold a lot of anger inside between realizing that what I learned in grade schools about the justice system being fair is not the case in the US I live in. How is it a person's mental state not part of whether to make an arrest and charge someone? Intentions should be part of the severity of the offense. If law enforcement can't provide enough clear intentions of what the person will be doing, then it should not be enough for them to make an arrest.

I know what he did was wrong and he definitely does as well. This whole experience with what we've lost and have yet to lose still should be more than enough. He shouldn't have to register as a sex offender for wanting to meet what he thought would be a friend and he shouldn't be treated like a criminal for the rest of his life simply from his first and only issue with the law for this type of offense.

I feel like I will not be able to focus on my emotions with all of this until he is sentenced. So, we are both





left in the void of our thoughts until then. We both have anxiety, so you can only imagine how often we have panic attacks lately not knowing what will happen. I think the volume of people the Luzerne County Police department is arresting with the stings should raise concern of are they really catching criminals or are they arresting people otherwise innocent because they took advantage of their mental state in a world of technology that never existed in the 80s and 90s. I believe the mental state of an individual today is different than then as well, so again, are they catching criminals or people at their mentally worse moments that will scar them for the rest of their and their loved ones lives.

-MT

If you have a loved one who has been negatively impacted by PA's registry, please [visit our site and share your story](#). Your testimony will help us educate people of the collateral consequences of SORNA.

## Virtual Open House with a Board of Director

Join PARSOL Board Members the first Sunday of every month from 4-5 PM for a virtual Open House. Here, you can ask questions, find out more about our Committees, or give us feedback and suggestions on the work we've been doing. At least one Board Member will be available during Open House. If you'd like to attend, just register anytime up to or during this event to immediately receive the Zoom Login info. People without Zoom may also call in after registering. Register at <https://secure.parsol.org/virtual-open-house/>.

## Things to Remember

- PARSOL is a 501c3 organization. This will make donations easier for those who wish to have a tax write-off.

- Please consider securely donating either at <https://secure.parsol.org/donate/> or by mail to P.O. Box 399, New Freedom, PA 17349 .
- We've included the NARSOL [PA State Wiki](#) page under our Resource tab. Look for PA Laws Regarding Registration.
- Check out our [News page](#) for updates in Pennsylvania.

*\*\*\*If you know someone who is currently incarcerated, please send them a copy of this newsletter.\*\*\**

If you are incarcerated and there is content that you would like to see in these newsletters or online, please reach out and let us know. You are not forgotten.

**Be sure to follow PARSOL on social media and help us spread the word. You can find us at PARSOL on Facebook, @PARSOL7 on Twitter, and PA Association for Rational Sexual Offense Laws on YouTube**

Please consider becoming a member. Any amount, large or small, will allow us to broaden our efforts, contact more people, and bring awareness to these issues that affect you, your family, and your community. Donations are accepted at [www.secure.parsol.org/donate](http://www.secure.parsol.org/donate) and by mail.

Thank you for your support,

The PARSOL Board of Directors

PARSOL is a proud affiliate of the National Association for Rational Sexual Offense Laws (NARSOL).



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