

PA Constitutional Challenges to SORNA

The Legal Committee is examining the following arguments:

- SVP assessment criteria are unconstitutionally vague and overly inclusive.
- The penalty for failure to register and attend SVP monthly counseling is punitive.
- The term "indefeasible" leaves no room for a PA constitutional right to be permanently removed even through procedural due process.



WE NEED YOUR HELP

Please consider becoming a supporter. Visit us at PARSOL.org. 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.

Sign up for our mailing list to stay up-to-date about legal developments, opportunities to comment on legislation, and current events.



*William Penn
Founder of
Pennsylvania*

*Pennsylvania Association for
Rational Sexual Offense Laws*



717-820-2237

P.O. Box 123, Lehman, PA 18627

www.PARSOL.org

[f](#) [y](#) [t](#) @PARSOLOfficial



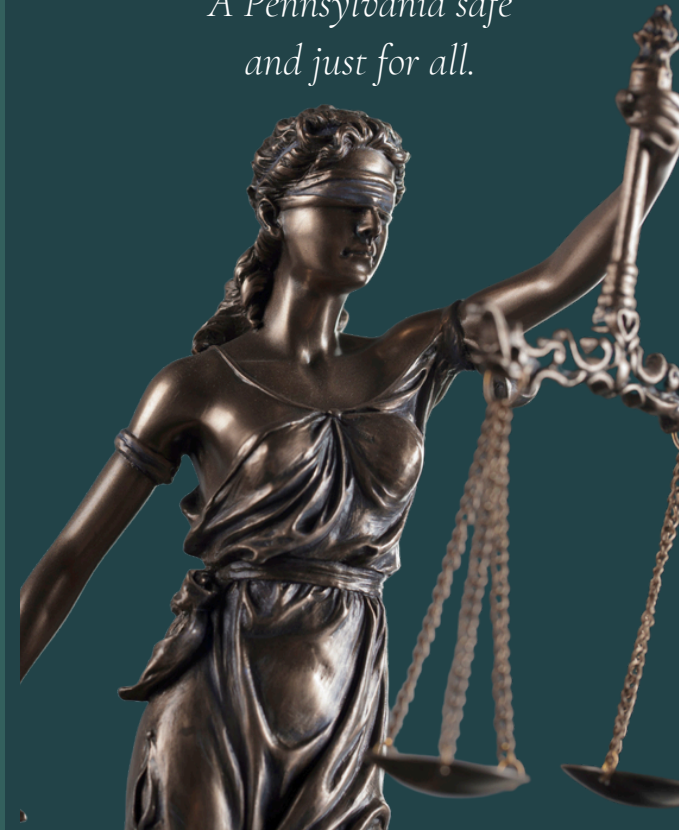
888-997-7765



*Pennsylvania Association
for Rational Sexual
Offense Laws*
PARSOL.org

*Understanding SORNA II
and
the PA Constitution*

*A Pennsylvania safe
and just for all.*



Our Mission

PARSOL advocates for sexual offense public safety measures and resources that work for all Pennsylvanians through prevention-based, trauma-informed, and healing-focused legislative and public policy initiatives that respect both our Constitution and the dignity of all people.



Legal & 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 Enforced	Version	Important Details
1995-2000	Megan's Law I	-10 years registration -SVPs got life incarceration
2000-2004	Megan's Law II	-SVP life incarceration removed -SVPs got monthly counseling -New process to determine SVP status
2004-2012	Megan's Law III	-Violated PA Const. Art. 3 Sec. 3 Single Subject Rule; asbestos removal was included in the legislation
2012-2018	SORNA I	-Introduced a 3 tier system -Ruled punitive in <i>Com. v. Muniz</i> -Violated U.S. & PA Const. <i>Ex Post Facto</i> clauses
February, 2018-Present	Act 10 of 2018/SORNA II	-Added Subchapter I capturing pre-Dec. 20 2012 registrants
June, 2018-Present	Act 29 of 2018/SORNA II	-Added 25-year removal process for lifetime registrants

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

PARSOL is not a lawfirm and employs no attorney. We cannot offer legal advice or counsel. For criminal legal representation we recommend NACDL & PACDL.

Commonwealth v. Jose M. Muniz

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

Commonwealth v. Claude Lacombe

On July 21, 2020, SCOPA ruled 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. SCOPA also declined to find that the Post Conviction Relief Act appeals, or any other procedural mechanism (e.g. direct appeal, Motion for Relief), was the exclusive method to challenge the registration statute.

Commonwealth v. George Torsilieri

The Commonwealth appealed the trial court's order deeming SORNA II unconstitutional under multiple legal theories of the registration and reporting requirements outlined in Subchapter H of the statute. The primary argument was SORNA violated PA's Const. Art. 1 Sec. 1 Right to Reputation. Mr. Torsilieri submitted expert affidavits citing scientific studies indicating that those who've sexually offended had low recidivism rates. On May 31, 2024, SCOPA determined that SORNA's legislative finding does not violate PA's Art. 1 Sec. 1 Right to Reputation and SORNA continues to be non-punitive.