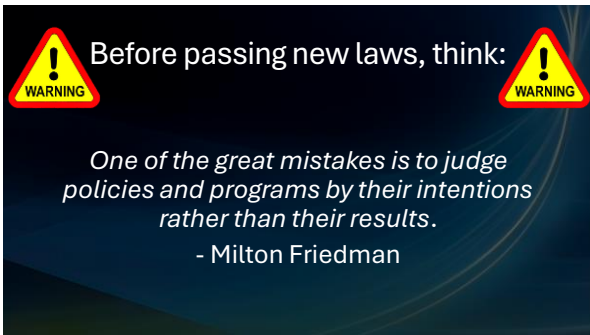




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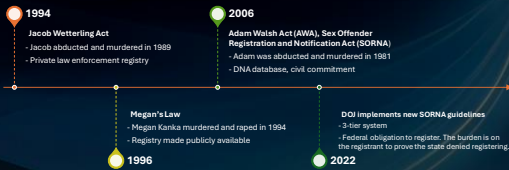
Where to Find PA's Sexual Offense Laws?

- Title 18 Crimes and Offenses
 - Chapter 29- Kidnapping
 - Chapter 30- Human Trafficking
 - Chapter 31- Sexual Offenses
 - § 4302(b) (relating to incest)
 - § 5902(b.1) (relating to prostitution and related offenses)
 - § 5903(a)(3)(ii), (4)(ii), (5)(ii) or (6) (relating to obscene and other sexual materials and other performances)
 - Chapter 63- Minors
- Title 42 Judiciary and Judicial Procedure
 - § 9799.10 – 9799.42 PA's SORNA (Subch. H)
 - § 9799.51 – 9799.75 PA's SORNA (Subch. I)
 - § 6358. Assessment of delinquent children by the State Sexual Offenders Assessment Board
 - Chapter 64 Court-Ordered Involuntary Treatment of Certain Sexually Violent Persons

4

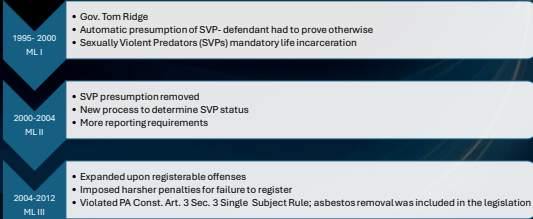
Federal Registry

Federal SORNA's the foundational blueprints for state/territory registries.



5

History of Pennsylvania's Registry Laws



6

History of Pennsylvania's Registry Laws

2012-2018
SORNA I

- PA's SORNA resulting from AWA
- Introduced a 3-tier system
- Ruled punitive in *Com. v. Muniz*- violated Ex Post Facto Clause

2018
SORNA II

- Addition of Subchapter I- offense occurred prior to 12/20/12
- Less reporting requirements
- New alt. reporting procedure for those who qualify
- Removal mechanism after 25 years to Subchapter H and I for those who qualify

7

Applicability

Residents of PA who have been convicted of a registerable offense.

A location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year. (includes visitors)

Individuals employed in PA who have been convicted of a registerable offense.

Students in PA who have been convicted of a registerable offense.

Transients in PA who have been convicted of a registerable offense.

Incarcerated individuals who were previously required to register under Megan's Law from another state.

8

Subchapter H

Offense occurred on or after 12/20/2012

Not an exhaustive list, full offense list in 42 Pa.C.S. § 9799.14

Tier 1- 15 years Annual Registration	Tier 2- 25 years Semi-annual Registration	Tier 3- Lifetime Quarterly Registration
<ul style="list-style-type: none"> • Unlawful Restraint • False Imprisonment • Interference w/custody of children • Luring a child • Institutional Sexual Assault • Corruption of Minors • Invasion of Privacy • Video Voyeurism • Possession of Child Sexual Abuse Materials 	<ul style="list-style-type: none"> • Statutory Sexual Assault • Prostitution • Unlawful Contact with Minor • Sexual Exploitation of Children • Creation & Distribution of Child Sexual Abuse Materials 	<ul style="list-style-type: none"> • Kidnapping • Involuntary Deviate Sexual Intercourse • Statutory Sexual Assault • Incest • Two or more convictions of offenses listed as Tier I or Tier II sexual offenses.

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Subchapter I Offense occurred prior to 12/20/2012 Not an exhaustive list, full offense list in 42 Pa.C.S. § 9799.55

10 Years Annual Registration	Lifetime Annual Registration
<ul style="list-style-type: none"> • Kidnapping • Indecent Assault- M1 or Higher • Incest- Between ages 12 & 18 • Prostitution of a minor • Child Sexual Abuse Materials • Unlawful Contact with a Minor 	<ul style="list-style-type: none"> • Rape • Involuntary Deviate Sexual Intercourse • Sexual Assault • Aggravated Indecent Assault

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Subchapters H & I

Sexually Violent Predator (SVP)- Lifetime Quarterly Registration	Sexually Violent Delinquent Child (SVDC)- Lifetime Quarterly Registration	Transient/Homeless Monthly Registration
<ul style="list-style-type: none"> • Assessment to determine whether an individual has a mental abnormality or personality disorder that predisposes them to re-offend. • Mandatory lifetime monthly counseling • Written notice is given to neighbors of SVP. 	<ul style="list-style-type: none"> • Assessment to determine whether an individual has a mental abnormality or personality disorder that predisposes them to re-offend. • Mandatory lifetime monthly counseling • Written notice is given to neighbors of SVDC. • Civil Commitment- yearly evaluation 	<ul style="list-style-type: none"> • Applicable in all tiers

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Compliance and Enforcement

Tier 1 & 10-year	Tier 2, 3 & Lifetime	Failure to Attend Counseling
<ul style="list-style-type: none"> • Felony of 3rd degree, non-intentional • F2 for 2nd violation or if knowingly doesn't provide accurate info • See 18 Pa.C.S. § 4915.1(b) 	<ul style="list-style-type: none"> • F2, non-intentional • F1 for 2nd violation or if knowingly doesn't provide accurate info • See 18 Pa.C.S. § 4915.1(c) 	<ul style="list-style-type: none"> • M1 • See 18 Pa.C.S. § 4915.1(c.3)

State Police make home visits to verify home addresses

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Latest Key Cases

- *Com. v. Muniz*, (Pa. 2017)- SORNA I was found to be punitive and in violation of the U.S. and PA. *Ex Post Facto* Clauses to registrants whose offenses occurred prior to Dec. 20, 2012 (legislative enactment date).
- *Com. v. Butler*, (Pa. 2020) (Butler II)- SORNA's SVP Registration, Notification, and Counseling requirements do not constitute as punishment.
- *Com. v. Lacombe*, (Pa. 2020)- Subchapter I of SORNA II, 42 Pa.C.S. §9799.51 - §9799.75 does not constitute criminal punishment and does not violate the constitutional prohibition against *ex post facto* laws. SCOPA also declined to find the PCRA, or any other procedural mechanism, is the exclusive method for challenging registration statutes.

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Latest Key Cases Cont.

- *Com. v. Torsilieri*, (Pa. 2024)- Subchapter H of SORNA II does not violate due process or constitute criminal punishment. The presumption of high recidivism among individuals who commit a sexual offense, as stated in the legislative findings, do not violate PA's Art. 1, Sec. 1 Right to Reputation as Mr. Torsilieri did not meet his high burden of proof.

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Key Cases Cont.

- *Com. v. Santana*, (Pa. 2021) SORNA constituted a punitive regulatory scheme that, when imposed retroactively to individuals who committed their offenses prior to SORNA's enactment, amounted to an unconstitutional *ex post facto* law —applies with equal force to offenders whose triggering offenses occurred in another state.
- *Fross v. County of Allegheny*, (Pa. 2011)- Allegheny County residence restrictions upon Persons Forced to Register are preempted by State law under the doctrine of "conflict preemption."
- *Lake Naomi Club, Inc. v. Rosado*, (Pa. Cmmw. Ct. 2022)- Commonwealth court ruled a private, planned community cannot adopt a restrictive covenant that prohibits Persons Forced to Register from residing within that community.

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FAQ's

Q: Can individuals convicted of sexual offenses or other felonies in Pennsylvania vote?

A: Yes, you may vote as long as you lived in Pennsylvania for 30 days prior to the election and are not physically incarcerated.

Q: Are there restrictions around living near or visiting schools, libraries, public parks, etc.?

A: No, however, probation and parole may implement said restrictions.

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Resources

- Federal SORNA: <https://smart.ojp.gov/sorna>
- PA Megan's Law PSP Webpage: <https://www.meganslaw.psp.pa.gov/InformationalPages/Registration>
- Subchapter H see Title 42 § 9799.10 – 9799.42
- Subchapter I see Title 42 § 9799.51 – 9799.75
- Act 21 see Title 42 Ch. 64
 - DHS: <https://www.dhs.pa.gov/providers/Providers/Pages/Act-21.aspx>
- SOAB: <https://www.soab.pa.gov/Pages/default.aspx>
- <https://parsol.org/brochures-and-fact-cards/>

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QUESTIONS

The image shows a hand holding a white question mark icon on a blue background. Six white arrows point from the question mark to the words WHO, WHERE, WHAT, WHICH, WHEN, and HOW, arranged around it.

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