

# **Pennsylvania State Police Megan's Law Section**

## **Annual Report**



# **2018**

I am pleased to present the Pennsylvania State Police (PSP) Megan's Law Section Annual Report. Megan's Law was first enacted in Pennsylvania with the signing of Act 24, by Governor Tom Ridge, on October 24, 1995. Since that time, the law has been amended several times; including the signing of Act 111 by Governor Tom Corbett on December 20, 2011. Act 111 expanded the number of offenses requiring registration and implemented a tier classification system in which length of registration and frequency of verification is predicated upon the determined tier. Act 111 also brought Pennsylvania into compliance with the Federal Sexual Offender Registration and Notification Act (SORNA).

The Megan's Law statute saw significant amendments again in 2018, when Governor Tom Wolf signed Act 10 of 2018 into law on February 21, 2018; and Act 29 of 2018 was signed on June 23, 2018. These amendments were crafted by the legislature as a result of a Pennsylvania Supreme Court decision that declared the prior statute unconstitutional when applied to certain offenders.

PSP has embraced the mandate to improve the efficacy of the registration process. The Pennsylvania Sexual Offender Registration Tool (PA SORT) was developed to allow those entities tasked with performing registrations an electronic conduit for submission, replacing a largely antiquated, labor intensive paper process. Through funding provided by the Pennsylvania Commission on Crime and Delinquency (PCCD), equipment to support sexual offender registrations was made available to county probation departments and other designated registration sites statewide (including each PSP field installation with the exception of our Turnpike stations).

Partnering with the Administrative Office of the Pennsylvania Courts (AOPC) and Pennsylvania Justice Network (JNET), PSP established a unique audit process to ensure every offender convicted of a predicate offense is appropriately registered. PSP receives a quarterly report of convictions and compares these with actual registrations, identifying omissions which heretofore would likely have gone undetected.

PSP continues to evaluate and improve every aspect of sexual offender management unabated. In 2014, a Compliance Unit was established within the Megan's Law Section, which is responsible for coordinating and conducting random compliance checks. This initiative is credited, in part, with a nearly steady non-compliance rate of approximately two percent.

Ensuring victims of sexual violence receive required notifications of offender status and have access to support services is, likewise, a priority for PSP. An inimitable collaboration engaged Office of Victims Advocate (OVA) in the notification process – a task they are best situated to perform.

We continue to work tirelessly to fulfill our public safety mission and believe sexual offender management is a vital aspect of our strategy to do so. Thank you for your interest in this topic of importance to the citizens of the Commonwealth we so proudly serve.

Sincerely,



Lieutenant Colonel Robert Evanchick  
Acting Commissioner

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## **INTRODUCTION**

Pennsylvania Megan's Law, 42 Pennsylvania Consolidated Statutes (Pa.C.S.) § 9799, requires that individuals convicted of certain legislatively enumerated offenses register with the Pennsylvania State Police (PSP). After initial registration, these individuals are required to appear at an approved registration site for periodic, scheduled updates. The individuals are required to notify PSP of any changes to their registration information that may occur between scheduled appearances. The information collected is placed into Pennsylvania's Sexual Offender Registry. The PSP Bureau of Records and Identification, Megan's Law Section (MLS), is tasked with administering the sexual offender registry. The MLS not only collects sexual offender information for inclusion in the sexual offender registry, but also disseminates certain sexual offender information to law enforcement agencies and the public. The MLS also monitors and ensures sexual offenders comply with their sexual offender registration requirements.

The following report is intended to provide a broad overview of the sexual offender registry, information on the activities of the PSP, MLS, as it relates to the administration of Pennsylvania's Megan's Law, and statistical information regarding sexual offenders in Pennsylvania.

## **MEGAN'S LAW HISTORY**

Pennsylvania's Megan's Law began under Governor Tom Ridge, when he signed Act 24 into law on October 24, 1995. Act 24 mandated the PSP to create a registry of individuals who were convicted of certain sexually violent offenses. PSP was required to then disseminate this information to the public and other law enforcement agencies. This information sharing was intended to inform law enforcement and the public of sexual offenders in their communities, so that proactive efforts could be taken to ensure the safety of all in the community.

The Pennsylvania General Assembly made several amendments to Megan's Law following its inception in 1995. Some of the changes to Megan's Law include an expansion of the information collected from sexual offenders, as well as more stringent penalties for those sexual offenders who fail to comply with their sexual offender registration requirements. Other significant changes involved the establishment and subsequent expansion of a public website, making sexual offender information readily available via the internet.

The Sexual Offender Registration and Notification Act (SORNA), was signed into law by President George W. Bush on July 27, 2006. SORNA was designed to unify sexual offender registry laws across all states, expand the list of sexual offenses requiring registration, and the inclusion of additional information from those sexual offenders required to register. SORNA also provided for a more standardized approach to sexual

offender registries by individual states, thereby making the sexual offender information more readily available to law enforcement and the public.

The requirements set forth in SORNA caused the Pennsylvania General Assembly to substantially amend Pennsylvania's Megan's Law. Governor Tom Corbett brought Pennsylvania into compliance with the federal requirements when he signed Act 111 into law on December 20, 2011, with an effective date of December 20, 2012.

The new SORNA requirements caused a marked increase in the number of sexual offenders registered in Pennsylvania and the number of visits to registration sites. As a result of this increase, PSP developed a web-based sexual offender registration application. The Pennsylvania Sexual Offender Registry Tool (PA SORT) is used by state, county and municipal agencies across Pennsylvania to enter and update sexual offender information directly into the sexual offender registry. The implementation of PA SORT not only streamlined the registration process, but also provided a more expedient means of processing the information collected and making it available to law enforcement and the public in a much timelier manner. A cost savings was also realized, as paper registration forms mailed to the MLS were nearly eliminated.

The Megan's Law statute saw another significant amendment in 2018, which was in response to a July 2017 Pennsylvania Supreme Court decision. The case of *Commonwealth v Muniz* (47 MAP 2016) found that the registration requirements under the SORNA provisions could not be applied to an individual whose offense was committed prior to the law's enactment. The decision and its effects are discussed in more detail throughout this report. In response to the court's decision, the Pennsylvania General Assembly passed legislation amending 42 Pa.C.S., Chapter 97. Act 10 of 2018 was signed into law by Governor Tom Wolf on February 21, 2018, and Act 29 of 2018 was signed by the Governor on June 23, 2018, making a clarification to Act 10.

The new statute added Subchapter I to 42 Pa.C.S. Chapter 97, and specifically addresses those offenders who committed an offense before December 20, 2012, the date SORNA laws became effective. Subchapter H remains applicable to those whose offense was committed on or after December 20, 2012.

The PA SORT has proven to be invaluable to the administration of Pennsylvania's Megan's Law. After sexual offender information is input, whether as an initial registration or a verification/update, PA SORT automatically transmits the information to the appropriate personnel within the MLS for review. Once the information is reviewed and approved, PA SORT is updated, and the new information is automatically updated to the public website. Various parameters are set within PA SORT, which are programmed to generate numerous types of correspondence and alerts to be generated automatically. This assists the MLS personnel in processing offender information and notifications in a timely manner, as well as providing near real-time monitoring for non-compliant sexual offenders.

## **STATUTE CHANGE HIGHLIGHTS**

As mentioned previously, 42 Pa.C.S., Chapter 97, Subchapter H, remains applicable to an offender whose offense occurred on or after December 20, 2012. Under Subchapter H, registered sexual offenders who are not incarcerated are required to appear at a registration site at pre-determined times throughout the year. The duration of the registration requirement and the frequency of these appearances is dependent upon the Tier level/classification of the offender. Tier I offenders are required to register for 15 years, reporting annually. Tier II offenders must register for 25 years, reporting semi-annually. Tier III offenders, and those determined by the courts to be a Sexually Violent Predator (SVP) or Sexually Violent Delinquent Child (SVDC), for crimes committed as a juvenile, are required to register for life, reporting quarterly.

Significant amendments to Subchapter H, as a result of Act 10, include a provision for those individuals who are required to register for life, the ability to petition the sentencing court for relief after having been registered for 25 years. In addition, Tier II and Tier III offenders who meet certain criteria will have the ability to appear for reporting annually, with the remaining pre-determined reporting dates completed via telephone. The MLS is actively working to establish the telephonic system required to allow this process to be implemented. Eligible offenders will be notified by the MLS when the telephonic system is operational.

Subchapter I was added to the statute and is applicable to those offenders whose offense was committed before December 20, 2012. Subchapter I more closely models the statute that would have been effective at the time these offenders committed their offense. The list of offenses requiring registration differs from Subchapter H, as it contains fewer enumerated offenses triggering registration. Depending on the offense committed, these offenders are required to register for 10 years or for life, rather than utilizing a Tier system. All offenders registering under Subchapter I are required to make in-person appearances at an approved registration site annually, except those designated as a SVP, who must report quarterly. The information required to be reported by the offender differs from those registering under Subchapter H, as does the information PSP is required to post to the public website.

Whether registering under Subchapter H or I, Transient Offenders must report monthly. All offenders are still required to notify the MLS of any change to previously reported information within three business days of the change. Additionally, all active offenders are included on the public website.

The following chart reflects the number of offenders in each category. Of the total 20,905 active registered offenders, 15,106, or 72 percent, are now registered under the provisions of the new Subchapter I of 42. Pa.C.S., Chapter 97. There were 5,799 offenders, or 28 percent, who remain registered under the provisions set forth in Subchapter H, also known as the SORNA provisions. Of all the active offenders, 10,619, or 50.79 percent, are required to register for life. Of those offenders requiring lifetime registration, 4,261, or 40.12 percent, are required to verify their information quarterly. There are a small number of Transient Offenders (those without fixed addresses) who are required to register monthly, regardless of Tier assignment or other classification. There are currently 195 active Transient Offenders in the registry. A registered offender who is incarcerated is considered an active offender and is designated as such on the public website. Updates are only required if the offender is transferred to a different correctional facility or upon the release of the offender from custody.

### Active Offenders by Classification

Classification Level	Active Offender Count	Percentage of Active Registry	Number of Required Verification Visits per Year
<b>Subchapter H Registrations--SORNA Offenses</b>			
Tier 1	1,882	9.00%	1
Tier 2	1,339	6.41%	2
Tier 3	2,041	9.76%	4
SVP	483	2.31%	4
SVDC	54	0.26%	4
<b>Subtotal</b>	<b>5,799</b>		
<b>Subchapter I Registrations--pre-SORNA Offenses</b>			
Ten-Year	3,793	18.14%	1
Lifetime	6,358	30.41%	1
Pre-SORNA SVP	1,683	8.05%	4
Out-of-State Offender	3,272	15.65%	Up to 4
<b>Subtotal</b>	<b>15,106</b>		
<b>Total</b>	<b>20,905</b>		

## **IMPLEMENTATION OF ACT 10 REGISTRATION REQUIREMENTS**

At the time Act 10 was enacted, there were just over 22,000 registered sex offenders in Pennsylvania. Of those offenders, over 17,000 were affected by the statute change. One of the provisions of Act 10 required the MLS to notify the affected offenders of their requirement to register under the new Subchapter I of 42 Pa.C.S., Chapter 97. Each affected individual had 90 days, from the date of notification, to comply with the registration requirement. The MLS was required to develop a process for reviewing the individual files of all those affected, to determine the proper registration requirement for each individual. The MLS began by identifying the affected offenders based on the offense date, and then further categorizing by the offense indicated in PA SORT as having been committed by the offender. This approach allowed a separation of those offenders who would likely be reclassified as a 10-year registrant, remain a lifetime registrant, or would no longer be required to register. Based on this categorization, the MLS staff then began the task of reviewing each individual offender file. As of the end of calendar year 2018, 6,293 offender files had been reviewed. Of those reviews, 1,363 offenders were relieved of their requirement to register because, under the new statute, the offense committed no longer requires registration. An additional 1,534 offenders were found to now have a 10-year registration requirement, which has been fulfilled, thereby relieving them of their registration requirement. The remaining offenders who have underwent review have been determined to have a continued requirement to register, were reclassified as appropriate, and one required to continue registration until the applicable term of registration is met. The MLS staff continues to review the files of the remaining registrants affected by the statute change.

As the individual files are reviewed, and the appropriate determination is made, regarding the registration requirement, correspondence is sent to each offender explaining any changes to their requirements.

The PA SORT application, although an invaluable tool, provided a unique set of challenges to the MLS. As mentioned previously, the PA SORT was developed at the time the SORNA law became effective. The system was designed for implementation of SORNA system-generated registration requirements, to include several automated features concerning system generated correspondence that is mailed to registered offenders and law enforcement. There were no options in the application to categorize offenders with a 10-year registration requirement, nor was there an option to implement the annual appearance requirement for offenders, as specified by Subchapter I. This proved to be an immediate hurdle, as automated correspondence concerning pre-determined appearance dates to all registered offenders affected by Act 10, and automated correspondence mailed to law enforcement concerning non-compliant offenders, had to be stopped. Beginning July 20, 2017, the MLS worked with staff from the Bureau of Information and Technology, now known as the Public Safety Information



Technology Delivery Center (PSITDC), to implement numerous temporary changes to the application. The MLS and PSITDC staff then began the process of planning and implementing extensive modifications to the existing PA SORT. These modifications allowed continued utilization of the PA SORT to manage the sex offender registry until permanent changes could be put in place. The application was adapted to accommodate the registration requirements found in both Subchapters H and I. This was an arduous task for the PSITDC, as personnel were dedicated to the project for nearly nine months, developing and implementing the necessary changes. The updated PA SORT application was rolled out in December 2018. The PSITDC staff continues to work on improvements that are being phased in as they are completed.

## **SEXUAL OFFENDER REGISTRY**

As of the writing of this report, 20,905 individuals are active registrants in the sexual offender registry. This represents a 5 percent decrease from 2017, which ended with 22,001 active registered sexual offenders. This decrease resulted primarily from the removal of those offenders who no longer are required to register, or have fulfilled their registration requirement, under the new provisions of Act 10.

During 2018, the MLS received 2,238 new sexual offender registrations. A Legal Assistant reviews each new registration for completeness and accuracy, and determines if the sexual offender is in fact required to register, based on the offense of conviction and date committed. When an offender is determined to have a registration requirement, the appropriate offender classification is designated. Classifications are determined by statute and are based on the offense date and offense committed. The offender information is then activated in PA SORT and the information authorized by statute is posted to the public website. Should a new registration be submitted for an offender, and it is determined that the individual is not required to register, correspondence is sent to them indicating such. Of the 2,238 new registrations received in 2018, MLS staff determined that 2,122 offenders were required to register, and 116 were not.

The pre-determined registration verification times for an offender are based on the date the offender initially registered and the mandated frequency of the verifications. When the required appearance time nears, the MLS mails a reminder notification to the offender. The correspondence indicates the timeframe in which an offender must register to remain in compliance, as well as a list of 140 approved registration sites, including 79 PSP Stations, 50 county-level sites, and 11 municipal police departments. Each of these registration sites can access the PA SORT application. There were 18,982 such letters mailed by the MLS during 2018. This is in addition to the one-time notification mailed to the offenders who are required, by law, to register under the provisions set forth in the new Subchapter I.

In addition to these scheduled verification appearances, registered offenders are required by law to report any changes in their information to the PSP within three business

days of the change. These updates typically involve the registered offender appearing at one of the approved registration sites and providing the new information.

Each time a registered offender appears for a mandated appearance or to report a change, the information is transmitted to the MLS via PA SORT. The MLS staff reviews each verification and update submitted for accuracy. Once vetted, any changes are posted to the public website and disseminated to law enforcement, as appropriate. The MLS staff processed 55,091 offender verifications and updates in 2018.

Any time an offender reports a change of address, whether it be residential, employment, or school, the MLS notifies either the local PSP Station or the municipal police department with jurisdiction at the location. A total of 19,890 of these notifications were made during 2018. In addition to notifying law enforcement of the offender's new address, the MLS also notifies the agency with jurisdiction when an offender reports that they no longer reside at a particular address, have terminated employment, or are no longer a student. There were 19,231 such notifications made in 2018. These notifications are intended to allow local PSP Stations and municipal police departments to remain informed of sexual offenders who reside, work, or attend school within their respective jurisdictions.

In addition to the address change notifications mentioned previously, at any time an SVP or SVDC initially registers or reports an address change, the MLS also prepares a community notification packet. In 2018, the MLS sent 698 community notification packets. These packets consist of an instructional letter and court documents for law enforcement reference, as well as 100 or more Community Notification Flyers. The community notification packets are then sent to the local PSP Station or municipal police department with jurisdiction over the area of the address. Upon receipt of the packet, the local PSP Station or municipal police department conducts a community notification campaign by distributing the flyers to the following, as mandated by law:

- Neighbors of the SVP or SVDC.
- The director of the county children and youth services agency where the SVP or SVDC resides.
- The superintendent of the school district and the equivalent head of each private and parochial school in the municipality where the SVP or SVDC resides.
- The superintendent of the neighboring school district and the equivalent head of each private or parochial school, if located within a one-mile radius of where the SVP or SVDC resides.
- Each certified day care center, licensed preschool program and registered family day care home in the municipality where the SVP or SVDC resides.

- The president of each college, university, or community college within 1,000 feet of where the SVP or SVDC resides.

Pennsylvania Megan's Law also requires that notification is made to the victim of any SVP or SVDC when the offender registers or reports a change of address. In 2015, PSP partnered with the Pennsylvania Office of Victim Advocate (OVA) and transferred the victim notification responsibilities, as the OVA is better able to meet the needs of the victims with their resources and expertise in victim advocacy. Since 1995, the OVA has represented crime victims by protecting and advancing their rights and assisting with victim services. The OVA notified 3,139 victims of a change of address, employment, or school for a SVP or SVDC during 2018.

In addition to the address change notifications, the OVA also offers victims the ability to register to receive other related services. Victims can request notifications for an offender in the event of a parole processing, state correctional inmate status changes and custody changes. During 2018, 4,635 victims were registered for these additional notifications, resulting in 3,148 notifications being sent. The OVA also processed 204 pieces of correspondence received from victims.

If an offender reports any change of address involving another state for residence, employment, or school to the PSP, the MLS makes notification to the administrator of the affected state's sexual offender registry. This relocation notification is made via the SORNA Exchange Portal, a nationwide network linking the various states sexual offender registries. The MLS staff initiates this notification through the PA SORT program. This immediate notice to the new state ensures a greater probability that the offender will continue to comply with registration requirements upon relocation. In 2018, 762 relocation notices were sent to other states.

Although not required by statute, in 2015, the MLS also began notifying local PSP Stations or municipal police departments with jurisdiction when a registered sexual offender finishes the required registration period, is deceased, or is otherwise removed from the registry for legal reasons. There were 5,558 such notices sent in 2018.

The MLS serves as the central repository of registered sexual offenders in Pennsylvania. The MLS staff are an excellent source of information and guidance, and serve as a point of contact for the law enforcement community and the public. The MLS staff received 42,197 incoming telephone calls during 2018 and made 1,785 outgoing telephone calls.

### **MEGAN'S LAW PUBLIC WEBSITE**

The PSP also maintains a website that is available to the public. This website is separate from the PA SORT system. The public website has a vast amount of information

concerning Megan's Law, including information on state and federal statutes, links to other states' registries, and certain information concerning actively registered offenders. This information has been updated to reflect the changes brought about by Act 10. The offender database can be searched in a variety of ways and includes a mapping tool which can identify sexual offender addresses within parameters set by the user. Users of the website have the option of creating an account, which will allow the user to receive updates regarding specific offenders. This tool provides email notifications to the user when the selected offender has a change in registration status or when the offender makes any change to a residential, employment, or school address. Users also have the option of registering their address in order to receive email alerts when any offender adds or terminates a residential, employment, or school address within a user designated radius of the registered address. In 2018, there were approximately 2.68 million visitors to the public website, which resulted in approximately 411.15 million-page hits. Accounts established by users totaled 38,577, which generated approximately 4.04 million email notifications to individual user accounts.

### **ENFORCEMENT ACTIVITY**

Sexual offender compliance to registration requirements is essential to ensuring public safety and awareness. A high compliance rate results in the most accurate information being available to both the law enforcement and public agencies. Pennsylvania has consistently maintained one of the highest compliance rates in the country, continuing that trend, with a compliance rate of 98.8 percent in 2018.

The MLS uses several strategies to maintain these standards. These strategies include internal monitoring, proactive enforcement, information sharing between law enforcement agencies, and following up on tips received from members of the public.

When an offender is suspected to be non-compliant, the MLS sends a request for investigation to the local PSP Station or municipal police department with jurisdiction. When the investigation results in criminal charges, the non-compliant offenders face felony charges for Failure to Comply with Registration Requirements, 18 Pa.C.S. §4915.1 or §4915.2.

Some examples of compliance monitoring by the MLS include:

- The PA SORT application automatically identifies an offender who fails to report for their scheduled verification check. When this occurs, the PA SORT system self-generates the request for investigation letter that is sent to the local PSP Station or municipal police department with jurisdiction. In 2018, 812 of these investigation requests were generated within the PA SORT system.
- Users of the Megan's Law public website have the ability to submit tips via the website. On each offender profile, there is a 'Submit a Tip' button that allows the user to provide relevant information directly to the MLS.

- The public can also submit tips to the MLS by telephone if it is believed the offender is not residing, employed, or attending school at the address posted to the Megan's Law public website.

In 2018, 1,282 requests for investigation were initiated as a result of tips received from the public through the website or by telephone. Should the investigation reveal the offender is in fact out of compliance, these requests for investigation, based on public tips, can lead to an offender facing criminal charges for failing to comply with their registration requirement. In 2018, 3,042 tips were received from the public.

As these cases flow through the judicial system, the MLS staff is often required to copy the offender's registration file, which in some cases are several hundred pages of information. These file copies, or court packets, are then forwarded to the requestor (e.g., investigating officer who could include the investigating officer, the prosecuting district attorney or one of 104 PSP Megan's Law Field Liaisons), for use in court testimony. The Field Liaisons are PSP Troopers throughout the Commonwealth who have received specialized training and are routinely called upon for their expertise in Megan's Law. They offer testimony during preliminary hearings as well as common pleas court trials. In 2018, 204 of these court packets were produced and sent by the MLS.

Investigations are also initiated under a provision of 23 Pa.C.S. of the Pennsylvania Consolidated Statutes. In the latter part of 2013, legislation was passed by the General Assembly and signed into law by Governor Tom Corbett. Act 108 of 2013 became effective December 31, 2014. Act 108 amended the definition of child abuse to include the act of intentionally, knowingly, or recklessly leaving a child unsupervised with certain sexual offenders. If such information is brought to the attention of MLS staff, the local PSP Station or municipal police department with jurisdiction is notified and requested to take immediate action in verifying the safety and well-being of the child in question. The MLS staff also notifies the Pennsylvania Department of Human Services for further appropriate action. In 2018, 91 such notifications were made by MLS staff.

The MLS also engages in proactive enforcement efforts to verify and ensure compliance by offenders. Compliance checks are routinely conducted at pre-selected locations throughout the Commonwealth. These details are coordinated and conducted by Troopers from the MLS, along with local PSP Troopers and municipal police officers. During these checks, the law enforcement officers proceed to the address(es) reported by the offender. While verifying that the reported information is correct, additional information reported by the offender is also verified. These compliance checks reveal offenders who are non-compliant, serving as a deterrent to offenders falling out of compliance in the future. The number of law enforcement personnel involved in these details creates a police presence in the community. Since the program's inception, 8,602 offender addresses were checked, resulting in 319 offenders being found out of compliance.

In addition to these details, local PSP Stations and municipal police departments also conduct routine audits on offenders. Some of these audits are initiated as a result of an automated weekly report generated by the MLS. The report contains a list of non-compliant and absconded offenders and is forwarded, via email, to law enforcement agencies throughout Pennsylvania. The reports are searchable and customizable by the agency receiving them, allowing those agencies to sort the information to better meet their needs. In 2018, the MLS sent copies of these reports to 327 recipients.

When a sexual offender is sentenced following conviction for an offense enumerated in 42 Pa.C.S. Chapter 97, Subchapter H, each county's probation office is responsible for the initial registration of the offender, as required by Pennsylvania's Megan's Law. On occasion and for various reasons, an offender may not be registered upon sentencing. If this occurs, the MLS is not aware of the offender who is in need of registration. To better ensure that all offenders required to register have done so, PSP partners with the Administrative Office of Pennsylvania Courts (AOPC). On a quarterly basis, the AOPC sends a report to the MLS containing a list of offenders who were sentenced for sexual offenses requiring registration. MLS staff compares the list provided by AOPC to the sexual offender registry in order to identify any offenders who have not yet registered, as required. If an offender is identified, MLS staff contacts the appropriate county probation office to provide notification of the potential oversight. While not a mandate of Megan's Law, this pro-active internal audit process provides for a significant step in ensuring offenders do not errantly go unregistered.

## **COURT DECISIONS AND NEW LEGISLATION**

On July 19, 2017, the Pennsylvania Supreme Court decided the case of Commonwealth v Muniz, No. 47 MAP 2016. The court ruled that the Pennsylvania statute, as implemented under the SORNA guidelines, was unconstitutional when applied to a sex offender who committed their offense prior to the law's enactment. This ruling meant that the registration requirements of SORNA could not be imposed on an offender, who did not have a prior requirement to register or who had a less stringent reporting requirement. Approximately 17,000 sex offenders on the registry were affected by the court's ruling.

Attorneys for the Commonwealth filed an appeal of the Pennsylvania Supreme Court decision with the United States Supreme Court. The appeal allowed for a stay of the Pennsylvania court decision. The United States Supreme Court ultimately decided not to hear the case.

Legislation was introduced in the Pennsylvania House of Representatives to amend Pennsylvania's statute. House Bill (HB) 1952 sought to address the issues brought about by the Muniz decision. The legislation included the addition of a new Subchapter I to 42 Pa.C.S. Chapter 97, and specifically addressed those individuals who committed their offense prior to the enactment of the SORNA provisions. The provisions

in HB 1952 were amended into HB 631, which became Act 10 of 2018 when it was signed into law by Governor Tom Wolf on February 21, 2018. HB 1952 was subsequently amended, slightly, and continued moving through the legislature, becoming Act 29 of 2018 when it was signed by the Governor on June 12, 2018.

The number of SVP designations received from the Sexual Offenders Assessment Board saw a decrease in calendar year 2018 because of another court case, Commonwealth v Butler (25 WAP 2018). In Butler, the lower court relied on the Muniz decision and declared Pennsylvania's current process for the determination of an individual as an SVP is unconstitutional. Act 10 sought to address this issue as well. The Butler decision was appealed and is still pending a decision in the Pennsylvania Supreme Court as of the end of calendar year 2018.

There are two additional pending cases in the Pennsylvania Supreme Court that could have significant impact on Pennsylvania's Megan's Law registration requirements. Both Commonwealth v Torsilieri (37 MAP 2018) and Commonwealth v Lacombe (35 MAP 2018) are challenging the constitutionality of Pennsylvania's Megan's Law registration requirements.

## **CONCLUSION**

Pennsylvania's Megan's Law was created to allow law enforcement and the public to be aware of sexual offenders in their community. The law delegates responsibility to the PSP to administer the Megan's Law Registry and ensure the provisions set forth in the registration statutes are adhered to. The MLS strives to provide timely and accurate information concerning sexual offenders to both law enforcement and the public, facilitating the promotion of public safety while acting within the parameters set forth in the applicable statutes.

The data provided in this report reflects the highlights and challenges faced by the MLS. It also allows the efficacy with which PSP is meeting our mandate to be objectively evaluated, both internally and externally.