



TRACKING SORNA

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SUBCHAPTER H v. SUBCHAPTER I

- ▶ Subchapter H- 42 Pa. CS 9799.10
- ▶ Applies to offenses occurring on or after Dec. 20, 2012
- ▶ Tiering system- 15, 25, lifetime
- ▶ SVP after a hearing by clear and convincing evidence

- ▶ Subchapter I- 42 Pa. CS 9799.51
- ▶ Applies to offense occurring after April 22, 1996 but before Dec. 20, 2012
- ▶ Ten year registration offenses and lifetime registration offenses
- ▶ SVP after a hearing by clear and convincing evidence

SUBCHAPTER H OFFENSES

- Look to 42 Pa. CS 9799.14 to determine which Tier
- Will either be 15 (Tier I), 25 (Tier II), or Lifetime (Tier III)
- Note: all sections of Indecent Assault is a registerable offense

SUBCHAPTER I OFFENSES

- List of offense can be found at 42 Pa CS 9799.55
- Either 10 year or lifetime
- Tracks with prior registration under Megan's Law

SORNA- What's next?

Since 2017, the law has been in flux and we don't really know where it's going as we stand here today

Commonwealth v. Muniz- 164 A.3d 1189 (Pa. 2017)

- Changed the landscape and found SORNA to be punishment and violative of *ex post facto*
- The Legislature amended the Act in 2018 to “fix” the issue breaking it into the two Subchapters

Commonwealth v. Butler 173 A.3d 1212 (Pa. Super. 2017); but see 226 A.3d 972 (Pa. 2020)

- Superior Court held SVP designation is unconstitutional because the registration, notification and counseling requirements were increased punishment and therefore the procedure for determining SVP's was unconstitutional
- Overturned and found the RNC requirements do not constitute criminal punishment and the procedure is permissible.

Subchapter I is non punitive

* Commonwealth v. Lacombe, 234 A.3d 602(Pa. 2020)- Subchapter I is non-punitive and does not violate *ex post facto* law

Subchapter H- ???

- Commonwealth v. Torsilieri, 232 A.3d 567 (Pa. 2020) (remanded to trial court for further evidentiary hearing.)
- Commonwealth v. Reslink, 2020 Pa. Super. 289 (2020)
- Commonwealth v. Thorne (non precedential) 245 A.3d 1099 (Pa. Super. 2020) Petition for allowance of appeal

Miscellaneous

- Defense Practice
- Model Penal Code- ali.org
- Curiosities in Commonwealth Court
- Commonwealth v. Muhammad, 241 A.3d 1149 (Pa. Super. 2018)