

Pittsburgh's largest daily asks Supreme Court to review Muniz case

written by admin | August 6, 2017



Pittsburgh Post-Gazette Editorial Board . . . The state Supreme Court has thrown into question the registration of as many as 4,500 sex offenders statewide. The case giving rise to the ruling originated in Cumberland County, and officials there have 90 days to appeal to the U.S. Supreme Court. They should file the appeal to gain clarity on two important questions: At what point are sex offenders unjustly punished and to what extent should communities be informed about potentially dangerous people in their midst?

After 7-year-old Megan Kanka was raped and murdered in 1994 by a neighbor with a history of sex offenses, New Jersey passed Megan's Law, requiring certain sex offenders to register their addresses so the public would know their whereabouts. Other states, including Pennsylvania, followed suit and established Megan's Law websites. Because of a requirement under federal law, Pennsylvania in 2012 revised its program and, among other

changes, increased some offenders' registration periods.

Jose Muniz challenged that. He was convicted of indecent assault in 2007, and his sentence, if imposed at the time, would have included 10 years of registration under Megan's Law. However, he fled before his sentencing, only to be captured in 2014, returned to court and handed a sentence that included lifetime registration under the revised program, formally known as the Sex Offender Registration and Notification Act. Muniz argued that the longer registration was unconstitutional because the punishment he was given – lifetime registration – exceeded that allowed at the time his crime was committed.

Prosecutors argued that the registry program wasn't punishment at all but a means of informing communities about public safety concerns. The Legislature specifically said as much in passing the law. The Superior Court accepted that argument, but Muniz appealed, and the Supreme Court sided with him.

The Supreme Court's ruling isn't only about Muniz. It calls into question the registration of about 4,500 other sex offenders statewide, including about 500 in Allegheny County, who were convicted before the 2012 changes and had their registration periods lengthened by them.

What's the potential impact? Will the 4,500 be dropped from the registry? What about the future of the program and those registered since the 2012 revisions? Has sex offender registration gone too far? A decision by the U.S. Supreme Court could provide guidance to Pennsylvania and inform practices in other states.

There's no guarantee the U.S. Supreme Court would hear the case, and appeals are potentially time-consuming and costly. But Cumberland County really has no alternative. Communities deserve to know what the state can do to protect them. Defendants deserve answers, too.

Source: [The Pittsburgh Post-Gazette](#)