

PA's "sexually violent predator" process ruled unconstitutional

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By Eric Scicchitano . . .

A panel of appellate judges ruled last week that Pennsylvania's established process to designate a convicted sex offender as a "sexually violent predator" is unconstitutional.

The Superior Court decision in a Butler County case found that the process – the designation carries lifetime registry and counseling under the state's Megan's Law – should not be undertaken post-conviction. The current practice of a review by the state's Sexual Offender Assessment Board and a subsequent hearing with a trial court judge ruling on the board's assessment is not legal, the court found.

The decision could spur a series of appeals by sex offenders previously deemed "sexually violent" and may force state legislators to rewrite the state's Sex Offender Registration

and Notification Act (SORNA).

“We agree the decision weakens Megan’s Law. We are in the process of evaluating the decision and its ramifications. Sexually violent predators are the worst of the worst and the ones most likely to commit new sex crimes. Our laws need to reflect the risk that these sexual offenders pose,” said Greg Rowe, legislative liaison for the Pennsylvania District Attorneys Association.

Meghan Dade, executive director of the Sexual Offenders Assessment Board, said the board will “operate as normal” and complete all assessments ordered by trial courts. However, the subsequent hearings at trial courts are likely to be delayed.

“Some of those hearings are being postponed because everyone is reviewing the case,” Dade said.

The appellate court decision doesn’t prevent registration requirements. Offenders would still be required to regularly update their registry for either 15 years, 25 years or for life depending on which of the three tiers their convictions fall under.

What it does is prevent a lower-tier offender from potentially being ordered for lifetime registration as a result of a post-conviction assessment.

[Read the remainder of the article here.](#)

[Read the decision here.](#)