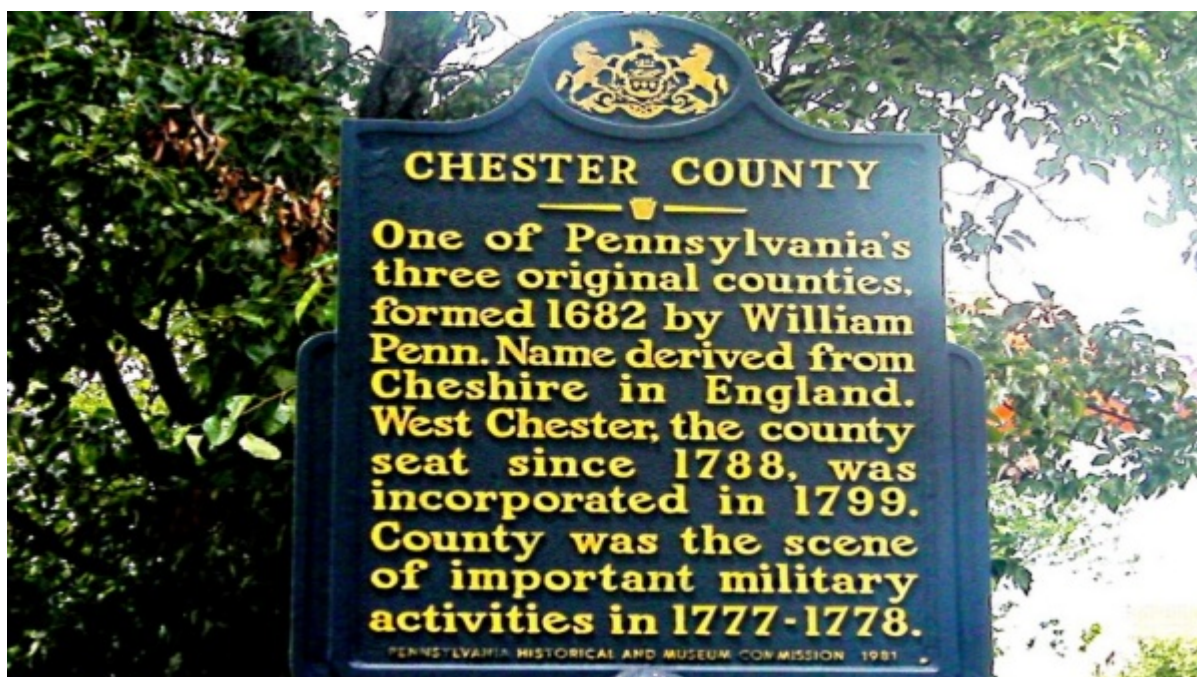


NEWS RELEASE: Judge declares PA Sex Offender Registration and Notification Act Unconstitutional

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NEW FREEDOM, Pa. – Today [8/23/22] Chester County Court Judge Allison Bell Royer ruled that Pennsylvania’s Sex Offender Registration and Notification Act is unconstitutional in *Commonwealth v. George Torsilieri*.

“PARSOL and our affiliates across the country have long advocated against sex offender registries due to their punitive nature and ineffectiveness. Research indicates that most sexual offenses are committed by first-time offenders,” said PARSOL Executive Director Theresa Robertson, Ph.D., “We also believe the indefeasible right to reputation, as guaranteed in the Pennsylvania Constitution, should prohibit registries that are too often used to harass citizens.”

In the 28-page opinion, Judge Bell Royer agreed, writing: “The

bottom line, as the defense experts have demonstrated, is that 80% to 95% of all sex offenders will not re-offend.” and “(SORNA) encroaches upon a person’s fundamental right to reputation under Article I, Section 1 of the Pennsylvania Constitution.”

On June 16, 2020, the Supreme Court of Pennsylvania remanded the case of *Commonwealth v. George Torsilieri* to the Court of Common Pleas in Chester County.

“At the Supreme Court of Pennsylvania (SCOPA) level, the Commonwealth was unable to substantiate SORNA’s presumption that ‘all sex offenders pose a high risk of sexually reoffending’ and therefore able to be imposed as part of criminal sentencing, so it sent the case back to the lower court for this ruling,” according to Robertson. “We are thrilled by Judge Royer’s decision and grateful to Mr. Torsilieri’s legal team for its diligence and the robust research presented by the expert witnesses.”

Judge Royer’s ruling also states that “[SORNA] does not function as intended and is not effective at promoting public safety. It diverts resources away from offenders who could most benefit from them. Finally, SORNA catches in its net offenders who have committed crimes with no sexual component to them. It is unconstitutionally overbroad and excessive. We find that SORNA’s registration and notification provisions are punitive in effect, overriding the Legislature’s attempted creation of a civil regulatory scheme.”

In addition, the ruling states that SORNA “results in a criminal sentence in excess of the statutory maximums; violates Federal and State proscriptions against cruel and unusual punishment; and breaches the separation of powers doctrine.”

“We see this as a big step toward ensuring the rights and dignity of all Pennsylvanians by shifting resources toward the

promotion of legislative, policy, and practical applications that will, through evidence-based measures, actually protect citizens from sexual harm,” added Robertson. “While the long-term effects of today’s decision are uncertain, and may result in further action by SCOPA, it nonetheless is a significant finding that coincides with PARSOL’s mission.”

With a population of 521,980 (2020), Chester County, Pennsylvania, has the seventh largest population of Pennsylvania’s 67 counties. Bordering Philadelphia, it is best known for housing the American Revolutionary War encampment Valley Forge where George Washington’s army housed and trained in 1777-78. There are currently 191 Chester County residents on the Megan’s Law List.

- A copy of Judge Royer’s ruling can be found here: [Commonwealth v. Torsilieri – Aug 2022 Ruling](#)