

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Williams; Commonwealth v. Peters

574 Pa. 487 (Pa. 2003) · Decided September 25, 2003

SUMMARY

The Supreme Court of Pennsylvania considered consolidated appeals challenging provisions of Megan's Law II governing registration, notification, and counseling requirements for persons adjudicated sexually violent predators. The court held that these requirements were civil and remedial rather than criminal punishment, but concluded that certain enforcement penalty provisions were constitutionally infirm and severable. The court reversed the trial court's orders and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Saylor; Chief Justice Zappala; Justice Cappy; Justice Castille; Justice Nigro; Justice Newman; Justice Eakin
JURISDICTION	Pennsylvania
DECIDED	September 25, 2003
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated direct appeals from orders of the Erie County Court of Common Pleas declaring provisions of Megan's Law II unconstitutional.
STANDARD OF REVIEW	De novo review of the constitutional validity and interpretation of Megan's Law II provisions.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Commonwealth of Pennsylvania v. Gomer Robert Williams, Bruce Peters

TOPICS

- procedural due process
- substantive due process
- statutory interpretation
- appellate procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Megan's Law II's registration, community-notification, and counseling requirements for sexually violent predators constitute criminal punishment requiring additional constitutional protections.
2. Whether the statute's lifetime probation and possible lifetime imprisonment penalties for failure to register or verify residence are punitive and constitutionally valid.
3. Whether the challenged penalty provisions are severable from the otherwise valid registration, notification, and counseling scheme.
4. Whether Megan's Law II's provision making information available to the general public upon request and permitting electronic transmission authorizes unrestricted Internet publication.
5. Whether the remaining void-for-vagueness, substantive-due-process, separation-of-powers, and Pennsylvania single-subject challenges should be considered by the trial court on remand.

HOLDINGS

1. Megan's Law II's registration, community-notification, and counseling requirements for sexually violent predators are civil and regulatory rather than criminal punishment on the record presented.
2. The portions of 42 Pa.C.S. §§ 9795.2(d)(2) and 9796(e)(2) imposing mandatory lifetime probation and possible lifetime imprisonment on sexually violent predators for failure to register or verify residence are punitive and unconstitutional.
3. The unconstitutional penalty provisions are severable from the valid provisions of Megan's Law II.
4. 42 Pa.C.S. § 9798(d) authorizes electronic transmission of requested information to an individual who makes a specific request; it does not authorize unrestricted public display of the information on the Internet.

KEY QUOTATIONS

“In the absence of competent and credible evidence undermining the relevant legislative findings, Megan's Law's registration, notification, and counseling provisions constitute non-punitive, regulatory measures supporting a legitimate governmental purpose.” (832 A.2d at 986)

“As such measures are manifestly in excess of what is needed to ensure compliance, they must be considered punitive, and thus, unconstitutional insofar as they purport to apply to “individual[s] subject to registration under section 9795.1(b)[](3),” that is, sexually violent predators.” (832 A.2d at 985)

FACTUAL BACKGROUND

Gomer Williams sexually assaulted a seventeen-year-old girl at knifepoint and later pleaded guilty to rape, involuntary deviate sexual intercourse, aggravated assault, terroristic threats, and possessing instruments of crime. Bruce Peters pleaded guilty to involuntary deviate sexual intercourse involving his minor stepson. Because the offenses were predicates under Megan's Law II, the trial court ordered sexually violent predator

assessments and the defendants challenged the statute's registration, notification, counseling, and enforcement provisions.

PROCEDURAL HISTORY

Williams pleaded guilty to multiple sexual offenses, and Peters pleaded guilty to involuntary deviate sexual intercourse. In each case, the trial court ordered a sexually violent predator assessment and then granted the defendant's motion challenging Megan's Law II's sexually violent predator provisions. The Commonwealth appealed directly to the Supreme Court of Pennsylvania, which reversed the trial court's invalidation of the registration, notification, and counseling provisions, invalidated specified lifetime penalties for failure to register or verify residence, severed those penalties, and remanded for consideration of the remaining constitutional challenges.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must consider the appellees' remaining constitutional challenges, including void-for-vagueness, substantive-due-process, separation-of-powers, and Pennsylvania single-subject claims, after the registration, notification, and counseling provisions are upheld and the specified penalty provisions are invalidated and severed.

CASES CITED

- Commonwealth v. Williams, 557 Pa. 285, 733 A.2d 593 (1999)
- Commonwealth v. Gaffney, 557 Pa. 327, 733 A.2d 616 (1999)
- Smith v. Doe I, 538 U.S. 84 (2003)
- Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963)
- United States v. Ward, 448 U.S. 242 (1980)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- Kansas v. Hendricks, 521 U.S. 346 (1997)
- Commonwealth v. Wingait Farms, 547 Pa. 332, 690 A.2d 222 (1997)
- E.B. v. Verniero, 119 F.3d 1077 (3d Cir. 1997)
- Artway v. Attorney General of New Jersey, 81 F.3d 1235 (3d Cir. 1996)
- Seling v. Young, 531 U.S. 250 (2001)
- United States v. Salerno, 481 U.S. 739 (1987)
- Doe v. Poritz, 142 N.J. 1, 662 A.2d 367 (1995)
- Femedeer v. Haun, 227 F.3d 1244 (10th Cir. 2000)
- Cutshall v. Sundquist, 193 F.3d 466 (6th Cir. 1999)
- Commonwealth v. Stern, 549 Pa. 505, 701 A.2d 568 (1997)

- Rieck-McJunkin Dairy Co. v. Milk Control Comm'n, 341 Pa. 153, 18 A.2d 868 (1941)

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