

## 12-418 UNITED STATES V. KEBODEAUX

DECISION BELOW: 687 F.3d 232

LOWER COURT CASE NUMBER: 08-51185

### QUESTION PRESENTED:

A person who is required to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA) as a result of a conviction under federal law and who knowingly fails to register or update a registration as required by federal law is subject to criminal penalties under 18 U.S.C. 2250(a)(2)(A). Before SORNA was enacted, respondent was convicted of a military sex offense, completed service of his sentence, and was subject to a federal obligation to register as a sex offender under pre-SORNA law. The court of appeals held in this case that SORNA is unconstitutional as applied to respondent on the ground that the statute exceeded Congress's powers under Article I of the Constitution. The questions presented are as follows:

1. Whether the court of appeals erred in conducting its constitutional analysis on the premise that respondent was not under a federal registration obligation until SORNA was enacted, when pre-SORNA federal law obligated him to register as a sex offender.
2. Whether the court of appeals erred in holding that Congress lacks the Article I authority to provide for criminal penalties under 18 U.S.C. 2250(a)(2)(A), as applied to a person who was convicted of a sex offense under federal law and completed his criminal sentence before SORNA was enacted.

CERT. GRANTED 1/11/2013