

## **APPENDIX**

**United States Code Title 18**  
**Crimes and Criminal Procedure**  
**Part I. Crimes**  
**Chapter 109B. Sex Offender and Crimes Against**  
**Children Registry**

**18 U.S.C. § 2250. Failure to register**

Effective: February 8, 2016

**(a) In general.--Whoever--**

(1) is required to register under the Sex Offender Registration and Notification Act;

(2) (A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

**(b) International travel reporting violations.--**  
**Whoever--**

(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

(2) knowingly fails to provide information required by the Sex Offender Registration and Notification Act relating to intended travel in foreign commerce; and

(3) engages or attempts to engage in the intended travel in foreign commerce;

shall be fined under this title, imprisoned not more than 10 years, or both.

**(c) Affirmative defense.**--In a prosecution for a violation under subsection (a) or (b), it is an affirmative defense that--

(1) uncontrollable circumstances prevented the individual from complying;

(2) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

(3) the individual complied as soon as such circumstances ceased to exist.

**(d) Crime of violence.**--

(1) In general.--An individual described in subsection (a) or (b) who commits a crime of violence under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States shall be imprisoned for not less than 5 years and not more than 30 years.

(2) Additional punishment.--The punishment provided in paragraph (1) shall be in addition and consecutive to the punishment provided for the violation described in subsection (a) or (b).

**Title 34. Crime Control and Law Enforcement**  
**Subtitle II. Protection of Children and**  
**Other Persons**  
**Chapter 209. Child Protection and Safety**  
**Subchapter I. Sex Offender Registration**  
**and Notification**

Effective: September 1, 2017

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**34 U.S.C. § 20901. Declaration of purpose**

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators against the victims listed below, Congress in this chapter establishes a comprehensive national system for the registration of those offenders . . . .

\* \* \*

**34 U.S.C. § 20911. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators**

In this subchapter the following definitions apply:

**(1) Sex offender:**

The term “sex offender” means an individual who was convicted of a sex offense.

**(2) Tier I sex offender**

The term “tier I sex offender” means a sex offender other than a tier II or tier III sex offender.

**(3) Tier II sex offender**

The term “tier II sex offender” means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and--

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

- (i) sex trafficking (as described in section 1591 of Title 18);
- (ii) coercion and enticement (as described in section 2422(b) of Title 18);
- (iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of Title 18;
- (iv) abusive sexual contact (as described in section 2244 of Title 18);

(B) involves--

- (i) use of a minor in a sexual performance;
- (ii) solicitation of a minor to practice prostitution; or
- (iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

**(4) Tier III sex offender**

The term “tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than 1 year and--

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of Title 18); or

(ii) abusive sexual contact (as described in section 2244 of Title 18) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

**(5) Amie Zyla expansion of sex offense definition**

(A) Generally

Except as limited by subparagraph (B) or (C), the term “sex offense” means--

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

(ii) a criminal offense that is a specified offense against a minor;

(iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18;

(iv) a military offense specified by the Secretary of Defense under section

115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951); or

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

**(B) Foreign convictions**

A foreign conviction is not a sex offense for the purposes of this subchapter if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 20912 of this title.

**(C) Offenses involving consensual sexual conduct**

An offense involving consensual sexual conduct is not a sex offense for the purposes of this subchapter if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

**(6) Criminal offense**

The term “criminal offense” means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note)) or other criminal offense.

**(7) Expansion of definition of “specified offense against a minor” to include all offenses by child predators**

The term “specified offense against a minor” means an offense against a minor that involves any of the following:

- (A) An offense (unless committed by a parent or guardian) involving kidnapping.
- (B) An offense (unless committed by a parent or guardian) involving false imprisonment.
- (C) Solicitation to engage in sexual conduct.
- (D) Use in a sexual performance.
- (E) Solicitation to practice prostitution.
- (F) Video voyeurism as described in section 1801 of Title 18.
- (G) Possession, production, or distribution of child pornography.
- (H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
- (I) Any conduct that by its nature is a sex offense against a minor.

**(8) Convicted as including certain juvenile adjudications**

The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated



sexual abuse (as described in section 2241 of Title 18), or was an attempt or conspiracy to commit such an offense.

**(9) Sex offender registry**

The term “sex offender registry” means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

**(10) Jurisdiction**

The term “jurisdiction” means any of the following:

- (A) A State.
- (B) The District of Columbia.
- (C) The Commonwealth of Puerto Rico.
- (D) Guam.
- (E) American Samoa.
- (F) The Northern Mariana Islands.
- (G) The United States Virgin Islands.
- (H) To the extent provided and subject to the requirements of section 20929 of this title, a federally recognized Indian tribe.

**(11) Student**

The term “student” means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

**(12) Employee**

The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

**(13) Resides**

The term “resides” means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives.

**(14) Minor**

The term “minor” means an individual who has not attained the age of 18 years.

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**34 U.S.C. § 20913. Registry requirements for sex offenders**

**(a) In general**

A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

**(b) Initial registration**

The sex offender shall initially register--

- (1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

**(c) Keeping the registration current**

A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

**(d) Initial registration of sex offenders unable to comply with subsection (b)**

The Attorney General shall have the authority to specify the applicability of the requirements of this subchapter to sex offenders convicted before the enactment of this chapter or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

**(e) State penalty for failure to comply**

Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this subchapter.

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**34 U.S.C. § 20914. Information required  
in registration**

**(a) Provided by the offender**

The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

- (1) The name of the sex offender (including any alias used by the individual).
- (2) The Social Security number of the sex offender.
- (3) The address of each residence at which the sex offender resides or will reside.
- (4) The name and address of any place where the sex offender is an employee or will be an employee.
- (5) The name and address of any place where the sex offender is a student or will be a student.
- (6) The license plate number and a description of any vehicle owned or operated by the sex offender.
- (7) Information relating to intended travel of the sex offender outside the United States, including any anticipated dates and places of departure, arrival, or return, carrier and flight numbers for air travel, destination country and address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information required by the Attorney General.
- (8) Any other information required by the Attorney General.

**(b) Provided by the jurisdiction**

The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:

- (1) A physical description of the sex offender.
- (2) The text of the provision of law defining the criminal offense for which the sex offender is registered.
- (3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.
- (4) A current photograph of the sex offender.
- (5) A set of fingerprints and palm prints of the sex offender.
- (6) A DNA sample of the sex offender.
- (7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.
- (8) Any other information required by the Attorney General.

**(c) Time and manner**

A sex offender shall provide and update information required under subsection (a), including information relating to intended travel outside the United States required under paragraph (7) of that subsection, in conformity with any time and manner requirements prescribed by the Attorney General.

**34 U.S.C. § 20915. Duration of registration  
requirement**

**(a) Full registration period**

A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is--

- (1) 15 years, if the offender is a tier I sex offender;
- (2) 25 years, if the offender is a tier II sex offender;  
and
- (3) the life of the offender, if the offender is a tier III sex offender.

**(b) Reduced period for clean record**

(1) Clean record

The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by--

- (A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- (B) not being convicted of any sex offense;
- (C) successfully completing any periods of supervised release, probation, and parole; and
- (D) successfully completing of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) Period

In the case of--

(A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and

(B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this subchapter, the period during which the clean record shall be maintained is 25 years.

(3) Reduction

In the case of--

(A) a tier I sex offender, the reduction is 5 years;

(B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

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**34 U.S.C. § 20916. Direction to the Attorney General**

**(a) Requirement that sex offenders provide certain Internet related information to sex offender registries**

The Attorney General, using the authority provided in section 114(a)(7) of the Sex Offender Registration and Notification Act, shall require that each sex offender provide to the sex offender registry those Internet identifiers the sex offender uses or will use of any type that the Attorney General determines to be appropriate under that Act. These records of Internet

identifiers shall be subject to the Privacy Act (5 U.S.C. 552a) to the same extent as the other records in the National Sex Offender Registry.

**(b) Timeliness of reporting of information**

The Attorney General, using the authority provided in section 112(b) of the Sex Offender Registration and Notification Act, shall specify the time and manner for keeping current information required to be provided under this section.

**(c) Nondisclosure to general public**

The Attorney General, using the authority provided in section 118(b)(4) of the Sex Offender Registration and Notification Act, shall exempt from disclosure all information provided by a sex offender under subsection (a).

**(d) Notice to sex offenders of new requirements**

The Attorney General shall ensure that procedures are in place to notify each sex offender of changes in requirements that apply to that sex offender as a result of the implementation of this section.

**(e) Definitions**

(1) Of “social networking website”

As used in this Act, the term “social networking website”--

(A) means an Internet website--

(i) that allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available to the public or to other users; and



(ii) that offers a mechanism for communication with other users where such users are likely to include a substantial number of minors; and

(iii) whose primary purpose is to facilitate online social interactions; and

(B) includes any contractors or agents used by the website to act on behalf of the website in carrying out the purposes of this Act.

(2) Of “Internet identifiers”

As used in this Act, the term “Internet identifiers” means electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting.

(3) Other terms

A term defined for the purposes of the Sex Offender Registration and Notification Act has the same meaning in this Act.

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**34 U.S.C. § 20918. Periodic in person verification**

A sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than--

(1) each year, if the offender is a tier I sex offender;

(2) every 6 months, if the offender is a tier II sex offender; and

(3) every 3 months, if the offender is a tier III sex offender.

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**34 U.S.C. § 20921. National Sex Offender Registry**

**(a) Internet**

The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

**(b) Electronic forwarding**

The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

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**34 U.S.C. § 20925. Development and availability of registry management and website software**

**(a) Duty to develop and support**

The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

**(b) Criteria**

The software should facilitate--

- (1) immediate exchange of information among jurisdictions;
- (2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;
- (3) full compliance with the requirements of this subchapter; and
- (4) communication of information to community notification program participants as required under section 20923 of this title.

**(c) Deadline**

The Attorney General shall make the first complete edition of this software available to jurisdictions within 2 years of July 27, 2006.

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**34 U.S.C. § 20926. Period for implementation by jurisdictions**

**(a) Deadline**

Each jurisdiction shall implement this subchapter before the later of--

- (1) 3 years after July 27, 2006; and
- (2) 1 year after the date on which the software described in section 20925 of this title is available.

**(b) Extensions**

The Attorney General may authorize up to two 1-year extensions of the deadline.

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**34 U.S.C. § 20927. Failure of jurisdiction to comply**

**(a) In general**

For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this subchapter shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

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**34 U.S.C. § 20941. Federal assistance with respect to violations of registration requirements**

**(a) In general**

The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of Title 28, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.

**(b) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

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NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 18a0430n.06

CASE NO. 17-2062

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

FILED Aug 21, 2018 DEBORAH S. HUNT, Clerk

UNITED STATES of AMERICA, )
Plaintiff-Appellee, )
v. )
ARNOLD BENNETT CALDWELL, )
Defendant-Appellant. )

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

Before: BATCHELDER, MOORE, and LARSEN, Circuit Judges.

ALICE M. BATCHELDER, Circuit Judge. The defendant appeals the judgment entered following his guilty plea to failure to register as a sex offender. We AFFIRM.

According to the PSR, back in the 1990’s, defendant Arnold Caldwell was living in Tacoma, Washington, with his “common law wife,” Kitt Henderson. Henderson had a young niece who frequently stayed with them at the residence. When the girl was six or seven years old, Caldwell molested her; shortly thereafter, Caldwell entered her bedroom at night and raped her. Caldwell continued to rape her every time she spent the night at the residence, which was “about every other week” from January 1994 until August 1998. In 2001, when she was 14, the girl reported the molestation and rapes to a school counselor and eventually the police.

In March 2004, the State of Washington convicted Caldwell, via guilty plea, of “assault in the second degree with sexual motivation,” which required Caldwell to register as a sex offender. The State court sentenced Caldwell to eight months in jail, but released him based on time served. About two months later, in May 2004, the State convicted Caldwell of failing to register as a sex offender and he spent another 26 days in jail. In February 2006, the State again convicted Caldwell

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of failing to register as a sex offender after he provided a false address (he had registered using the address of a bowling alley) and he spent another four months in jail. In June 2007, the State of Washington yet again convicted Caldwell of failing to register as a sex offender after he again provided a false address, and this time he spent 17 months in prison (charges regarding a second false address were dismissed as already incorporated). Following his release in 2008, he was returned to custody several times for various other offenses.

In October 2011, Caldwell decided to move to Chicago. He notified the State of Washington before departing and, upon arrival, registered with the Illinois Sex Offender Registry at the Chicago Police Department. But Caldwell did not comply with the annual registration requirements or ever update his registration. By 2013, Chicago police were looking for him. Eventually, police discovered that he had moved to Michigan without registering as a sex offender in Michigan, in violation of both the Federal Sex Offender Registration and Notification Act (SORNA) and Michigan law. When the police arrested Caldwell in February 2017, he admitted that he knew the registration requirements and knew that he was in violation, but complained that he was “tired” and had struggled to get the necessary documentation, particularly a birth certificate. He also admitted that he had not applied for Michigan identification or for welfare assistance because that would have given him away.

In March 2017, the federal grand jury indicted Caldwell on a charge of failing to register as a sex offender, in violation of 18 U.S.C. § 2250(a) and 42 U.S.C. § 16901, *et seq.*<sup>1</sup> Caldwell pled guilty without a plea agreement. Prior to sentencing, the PSR tabulated Caldwell’s criminal history score at 13, which corresponds to a criminal history category of VI. Coupled with a base offense level of 10, the PSR’s advisory guideline range was 24 to 30 months in prison.

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<sup>1</sup> On September 1, 2017, 42 U.S.C. § 16901 was re-classified as 34 U.S.C. § 20901.

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Caldwell objected to the criminal-history-score tabulation's adding three points from the two convictions in 2004 (i.e., the "assault in the second degree with sexual motivation" and the first failure to register). Specifically, he argued that because the present offense occurred when he moved to Michigan in 2015, the tabulation should not have included the 2004 convictions because they had occurred over ten years earlier and were sentences of less than 13 months. *See* U.S.S.G. § 4A1.2(e)(1) & (2). The PSR responded that the offense actually began in Chicago in December 2013, on "the date law enforcement discovered [that he] was in violation of SORNA," and continued until his apprehension in Michigan in 2017, as "an ongoing offense that involved the same course of conduct," which put the 2004 convictions within ten years.

The PSR also explained that if Caldwell were correct, the new criminal history score would be ten, the new criminal history category would be V, and—coupled with the base offense level of ten—the new PSR advisory guideline range would be 21 to 27 months in prison.

At sentencing, Caldwell argued that the present offense, under SORNA, was based on interstate travel from Illinois to Michigan in 2015 and was not the same course of conduct as his failure to register in Illinois in 2013, under Illinois law, which involved no interstate travel. The district court disagreed, finding that Caldwell's failures to register on the states' sex-offender registries was a continuing course of conduct for which SORNA provides federal jurisdiction; SORNA does not create a national registry or a separate interstate-travel offense.

The court adopted the PSR's advisory guidelines range of 24 to 30 months, opined that a sentence "within the guideline range" would be appropriate, and sentenced Caldwell to 24 months. The court's stated reasons were Caldwell's repeated convictions for failing to register and the need for incremental punishment to ensure that he did not receive a lighter sentence for repeating the same violations. Specifically, the court expressed a need to sentence Caldwell to more than the 17 months in prison that he had received the last time he was sentenced for failing to register.

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In this appeal, Caldwell contests the relevant-conduct determination that underlies his sentence. “Because a district court’s relevant-conduct determination involves the application of law to facts, we review [it] de novo.” *United States v. Amerson*, 886 F.3d 568, 573 (6th Cir. 2018) (citation omitted). “The government bears the burden of proving, by a preponderance of the evidence, that another offense constituted relevant conduct.” *Id.* (citation omitted). For our purposes, “relevant conduct” means that the “acts and omissions . . . were part of the same course of conduct.” U.S.S.G. § 1B1.3(a)(2). The Guidelines’ commentary elaborates:

*Same course of conduct.* Offenses that do not qualify as part of a common scheme or plan may nonetheless qualify as part of the same course of conduct if they are sufficiently connected or related to each other as to warrant the conclusion that they are part of a[n] . . . ongoing series of offenses. Factors that are appropriate to the determination of whether offenses are sufficiently connected or related to each other to be considered as part of the same course of conduct include the degree of similarity of the offenses, the regularity (repetitions) of the offenses, and the time interval between the offenses. . . . The nature of the offenses may also be a relevant consideration (e.g., a defendant’s failure to file tax returns in three consecutive years appropriately would be considered as part of the same course of conduct because such returns are only required at yearly intervals).

U.S.S.G. § 1B1.3, com. n. 5(B)(ii).

Caldwell contends that his failure to register as a sex offender in Michigan in 2015 was not a continuous course of conduct with his failure to maintain his registration as a sex offender in Illinois in 2013 (after he had originally registered in 2011). He argues that the 2013 and 2015 offenses are not similar, inasmuch as the latter involved interstate travel whereas the former did not; the former was a failure to update his registration while the latter was a failure to register at all; the two offenses occurred in different states; and the two offenses occurred two years apart. The district court was unpersuaded by these same arguments, finding the interstate travel aspect irrelevant to the substance of the offense and characterizing Caldwell’s conduct as a longstanding refusal to register as required under the law, which was demonstrated by his repeated and continuous failures to register in multiple states (i.e., Washington, Illinois, and Michigan) as well



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as his efforts to avoid detection in Michigan by choosing not to acquire Michigan identification or apply for state welfare assistance.

Caldwell's arguments fare no better here. SORNA itself disposes of Caldwell's contention that his 2013 Illinois offense and his 2015 Michigan offense are necessarily unconnected or unrelated because the former involved no interstate travel. While SORNA did not require Caldwell to inform the sex-offender registry in Chicago that he was departing Illinois, *see Nichols v. United States*, 578 U.S. --, 136 S. Ct. 1113 (2016), it nonetheless has two requirements that apply to Caldwell here: (1) that he maintain his registration while living in Chicago, *see* 42 U.S.C. § 16913(a) (eff. July 27, 2006 to Aug. 31, 2017) (the "sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides"); and (2) that he register in Michigan within three days of his relocation, such that Michigan could inform the Illinois registry of the change, *see* § 16913(c) (eff. July 27, 2006 to Aug. 31, 2017). Consequently, the 2013 Illinois offense and the 2015 Michigan offense are equally violations of SORNA and, given that one led directly into the other, they are inherently related.

This same analysis applies to Caldwell's frivolous argument that the offenses are unrelated because one was a failure to maintain or update his registration while the other was a failure to register at all. That distinction is not material. Finally, the fact that the offenses occurred in different states and, in Caldwell's view, two years apart, does not necessarily render them unconnected or unrelated. As the district court recognized, the "2013" offense actually spanned the time from when Caldwell first failed to update his Illinois registration—at least as early as October 2012 when his annual update was due—until he left Illinois for Michigan in 2015, at which point these offenses were separated by only the time it took to make the trip.

The district court was correct that the 2013 and 2015 offenses were a continuing course of conduct, i.e., "related conduct," which put the 2004 convictions within ten years of those offenses,

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so as to include those points in the criminal history tabulation. The court's advisory guidelines calculation was, therefore, correct and the within-guidelines sentence was reasonable.

We AFFIRM the judgment of the district court.