

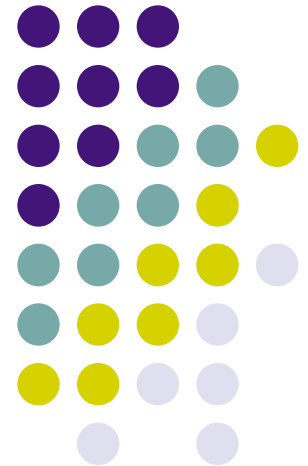
# United States v. the Constitution

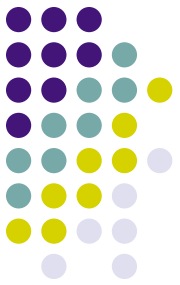
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Sergio A.

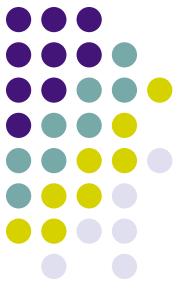
Molly S.

Daisy J.





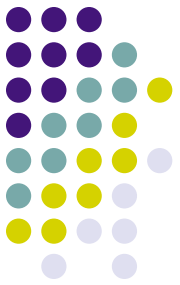
1. **Explain** - Although it rejected all of Appellees' other challenges to SORNA, the district court held that the underlying registration requirements of 42 U.S.C. § 16913 exceed the authority of Congress to regulate interstate commerce



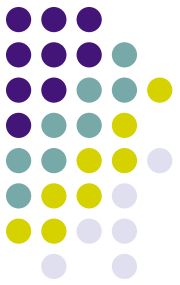
2. **Explain** - However, we disagree with the district court's holding that 42 U.S.C. § 16913 exceeds congressional power pursuant to the Commerce Clause of the United States Constitution and therefore reverse the rulings of the district court and reinstate the indictments



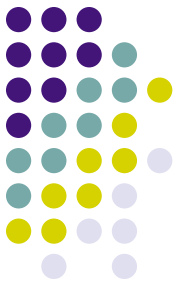
3. **Explain** - Because § 16913 requires registration when changing address, employment, or student status, without regard to state lines, the district court determined that the section was sustainable only if it regulated an activity substantially affecting interstate commerce



4. **Explain** - The current framework for approaching questions of the scope of congressional authority to regulate interstate commerce derives from the Supreme Court's opinion in [\*United States v. Lopez\*, 514 U.S. 549, 115 S.Ct. 1624, 131 L.Ed. 2d 626 \(1995\)](#). *Lopez* broke down the Commerce Clause inquiry into three categories of congressional regulatory authority: (1) "[to] regulate the use of the channels of interstate commerce"; (2) "to regulate and protect the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities"; and (3) "to regulate those activities having a substantial relation to interstate commerce." /



5. **Explain** - We have no difficulty concluding that § 2250(a) is a proper congressional exercise of the commerce power under *Lopez*. Section 2250 (a) only criminalizes a knowing failure to register when the offender is either required to register by reason of a federal law conviction or "travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country



6. **Explain** - According to the statute's explicit terms, a sex offender whose underlying conviction was obtained pursuant to state law and who never crosses state lines, international borders, or the boundaries of Indian country, cannot be criminally liable for failure to comply with SORNA. However, a convicted sex offender who travels interstate may incur criminal liability under the statute. Interstate travel inherently involves use of the channels of interstate commerce and is properly subject to congressional regulation under the Commerce Clause



7. **Explain** - Appellees' cases are hereby consolidated solely for the purposes of this appeal, and the district court's orders of (1) September 23, 2008, dismissing the indictment in *United States v. Hall*; (2) October 17, 2008, dismissing the superseding indictment in [\*United States v. Guzman\*](#); and (3) December 4, 2008, denying the government's motion for reconsideration in *United States v. Hall*, are hereby REVERSED, the indictments REINSTATED, and the cases REMANDED to the district court to conduct further proceedings in accordance with this opinion.