

**Reynolds v. U.S., --- U.S. --- (2012)**  
**Decided January 23, 2012**

**FACTS:** Reynolds was convicted of a sex offense in Missouri in October, 2001. He was released from prison in July, 2005 and registered, as required, as a sex offender in Missouri. In September, 2007, he moved to Pennsylvania, but did not update his Missouri registration and did not register in Pennsylvania. He was indicted under federal law for failing to register as required by the federal Sex Offender Registration and Notification Act (SORNA)<sup>1</sup> which became law in July, 2006.

Reynolds argued that in the fall of 2007, the Act “had not yet become applicable to pre-Act offenders” despite the fact the Attorney General had enacted an interim rule that specified that was the case.

The District Court rejected Reynolds’ claim, as did the Third Circuit Court of Appeals. However, the Third Circuit’s ruling reflected its believe that he was obligated to follow the registration requirements even absent any specific rulemaking on the matter.

Because the Circuit Courts of Appeal had reached various conclusions on that issue, the U.S. Supreme Court accept certiorari with respect to Reynolds’ case.

**ISSUE:** Did federal SORNA’s registration requirements immediately apply to pre-SORNA offenders?

**HOLDING:** No

**DISCUSSION:** The Court looked to the “natural reading of the textual language” of the Act. Because the act specifies that Attorney General was delegated the right to “specify the applicability of the requirements of this subchapter to sex offenders convicted before the enactment” of the law. The Court noted that Congress likely recognized the practical issues inherent in requiring pre-Act offenders to register, as it would prove expensive and possibly not yet immediately feasible. The Act gave the States three years to “bring their systems into compliance” and even allowed the Attorney General to extend that grace period to five years. The Court noted that the language of the statute contained “potential lacunae<sup>2</sup>” and that it failed to answer important questions about how the Act should be applied against pre-Act offenders, who could “on their own, reach different conclusions about whether, or how, the new registration requirements applied to them.”

The Court agreed that its reading of the Act “involves implementation delay.” The Court agreed that the Act’s registration requirements did “not apply to pre-

---

<sup>1</sup> 18 U.S.C. §2250(a).

<sup>2</sup> Gaps.

Act offenders until the Attorney General so specifies.” The Court did not rule, however, on whether the Interim Rule was a valid specification of that fact, because that was not yet argued. The Court reversed the Third Circuit’s decision and remanded the case for further proceedings.

**FULL TEXT OF OPINION:** <http://www.supremecourt.gov/opinions/11pdf/10-6549.pdf>.