

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 01–1231

CONNECTICUT DEPARTMENT OF PUBLIC SAFETY,
ET AL., PETITIONERS *v.* JOHN DOE, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[March 5, 2003]

CHIEF JUSTICE REHNQUIST delivered the opinion of the Court.

We granted certiorari to determine whether the United States Court of Appeals for the Second Circuit properly enjoined the public disclosure of Connecticut’s sex offender registry. The Court of Appeals concluded that such disclosure both deprived registered sex offenders of a “liberty interest,” and violated the Due Process Clause because officials did not afford registrants a predeprivation hearing to determine whether they are likely to be “currently dangerous.” *Doe v. Department of Public Safety ex rel. Lee*, 271 F. 3d 38, 44, 46 (2001). Connecticut, however, has decided that the registry requirement shall be based on the fact of previous conviction, not the fact of current dangerousness. Indeed, the public registry explicitly states that officials have not determined that any registrant is currently dangerous. We therefore reverse the judgment of the Court of Appeals because due process does not require the opportunity to prove a fact that is not material to the State’s statutory scheme.

“Sex offenders are a serious threat in this Nation.”

Opinion of the Court

McKune v. Lile, 536 U. S. 24, 32 (2002) (plurality opinion). “[T]he victims of sex assault are most often juveniles,” and “[w]hen convicted sex offenders reenter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sex assault.” *Id.*, at 32–33. Connecticut, like every other State, has responded to these facts by enacting a statute designed to protect its communities from sex offenders and to help apprehend repeat sex offenders. Connecticut’s “Megan’s Law” applies to all persons convicted of criminal offenses against a minor, violent and nonviolent sexual offenses, and felonies committed for a sexual purpose. Covered offenders must register with the Connecticut Department of Public Safety (DPS) upon their release into the community. Each must provide personal information (including his name, address, photograph, and DNA sample); notify DPS of any change in residence; and periodically submit an updated photograph. The registration requirement runs for 10 years in most cases; those convicted of sexually violent offenses must register for life. Conn. Gen. Stat. §§54–251, 54–252, 54–254 (2001).

The statute requires DPS to compile the information gathered from registrants and publicize it. In particular, the law requires DPS to post a sex offender registry on an Internet Website and to make the registry available to the public in certain state offices. §§54–257, 54–258. Whether made available in an office or via the Internet, the registry must be accompanied by the following warning: “Any person who uses information in this registry to injure, harass or commit a criminal act against any person included in the registry or any other person is subject to criminal prosecution.” §54–258a.

Before the District Court enjoined its operation, the State’s Website enabled citizens to obtain the name, address, photograph, and description of any registered sex offender by entering a zip code or town name. The fol-

Opinion of the Court

lowing disclaimer appeared on the first page of the Website:

“The registry is based on the legislature’s decision to facilitate access to publicly-available information about persons convicted of sexual offenses. [DPS] has not considered or assessed the specific risk of reoffense with regard to any individual prior to his or her inclusion within this registry, and has made no determination that any individual included in the registry is currently dangerous. Individuals included within the registry are included solely by virtue of their conviction record and state law. The main purpose of providing this data on the Internet is to make the information more easily available and accessible, not to warn about any specific individual.” 271 F. 3d, at 44.

Petitioners include the state agencies and officials charged with compiling the sex offender registry and posting it on the Internet. Respondent Doe is a convicted sex offender who is subject to Connecticut’s Megan’s Law. He filed this action pursuant to Rev. Stat. §1979, 42 U. S. C. §1983, on behalf of himself and similarly situated sex offenders, claiming that the law violates, *inter alia*, the Due Process Clause of the Fourteenth Amendment. Specifically, respondent alleged that he is not a “dangerous sexual offender,” and that the Connecticut law “deprives him of a liberty interest—his reputation combined with the alteration of his status under state law—without notice or a meaningful opportunity to be heard.” 271 F. 3d, at 45–46. The District Court granted summary judgment for respondent on his due process claim. 132 F. Supp. 2d 57 (Conn. 2001). The court then certified a class of individuals subject to the Connecticut law, and permanently enjoined the law’s public disclosure provisions.

Opinion of the Court

The Court of Appeals affirmed, 271 F. 3d 38 (CA2 2001), holding that the Due Process Clause entitles class members to a hearing “to determine whether or not they are particularly likely to be currently dangerous before being labeled as such by their inclusion in a publicly disseminated registry.” *Id.*, at 62. Because Connecticut had not provided such a hearing, the Court of Appeals enjoined petitioners from “disclosing or disseminating to the public, either in printed or electronic form (a) the Registry or (b) Registry information concerning [class members]” and from “identifying [them] as being included in the Registry.” *Ibid.* The Court of Appeals reasoned that the Connecticut law implicated a “liberty interest” because of: (1) the law’s stigmatization of respondent by “implying” that he is “currently dangerous,” and (2) its imposition of “extensive and onerous” registration obligations on respondent. *Id.*, at 57. From this liberty interest arose an obligation, in the Court of Appeals’ view, to give respondent an opportunity to demonstrate that he was not “likely to be currently dangerous.” *Id.*, at 62. We granted certiorari, 535 U. S. 1077 (2002).

In *Paul v. Davis*, 424 U. S. 693 (1976), we held that mere injury to reputation, even if defamatory, does not constitute the deprivation of a liberty interest. Petitioners urge us to reverse the Court of Appeals on the ground that, under *Paul v. Davis*, respondent has failed to establish that petitioners have deprived him of a liberty interest. We find it unnecessary to reach this question, however, because even assuming, *arguendo*, that respondent has been deprived of a liberty interest, due process does not entitle him to a hearing to establish a fact that is not material under the Connecticut statute.

In cases such as *Wisconsin v. Constantineau*, 400 U. S. 433 (1971), and *Goss v. Lopez*, 419 U. S. 565 (1975), we held that due process required the government to accord the plaintiff a hearing to prove or disprove a particular

Opinion of the Court

fact or set of facts. But in each of these cases, the fact in question was concededly relevant to the inquiry at hand. Here, however, the fact that respondent seeks to prove—that he is not currently dangerous—is of no consequence under Connecticut’s Megan’s Law. As the DPS Website explains, the law’s requirements turn on an offender’s conviction alone—a fact that a convicted offender has already had a procedurally safeguarded opportunity to contest. 271 F. 3d, at 44 (“Individuals included within the registry are included *solely* by virtue of their conviction record and state law” (emphasis added)). No other fact is relevant to the disclosure of registrants’ information. Conn. Gen. Stat. §§54–257, 54–258 (2001). Indeed, the disclaimer on the Website explicitly states that respondent’s alleged nondangerousness simply does not matter. 271 F. 3d, at 44 (“[DPS] has made no determination that any individual included in the registry is currently dangerous”).

In short, even if respondent could prove that he is not likely to be currently dangerous, Connecticut has decided that the registry information of *all* sex offenders—currently dangerous or not—must be publicly disclosed. Unless respondent can show that that *substantive* rule of law is defective (by conflicting with a provision of the Constitution), any hearing on current dangerousness is a bootless exercise. It may be that respondent’s claim is actually a substantive challenge to Connecticut’s statute “recast in ‘procedural due process’ terms.” *Reno v. Flores*, 507 U. S. 292, 308 (1993). Nonetheless, respondent expressly disavows any reliance on the substantive component of the Fourteenth Amendment’s protections, Brief for Respondent 44–45, and maintains, as he did below, that his challenge is strictly a procedural one. But States are not barred by principles of “*procedural* due process” from drawing such classifications. *Michael H. v. Gerald D.*, 491 U. S. 110, 120 (1989) (plurality opinion) (emphasis in origi-

Opinion of the Court

nal). See also *id.*, at 132 (STEVENS, J., concurring in judgment). Such claims “must ultimately be analyzed” in terms of substantive, not procedural, due process. *Id.*, at 121. Because the question is not properly before us, we express no opinion as to whether Connecticut’s Megan’s Law violates principles of substantive due process.

Plaintiffs who assert a right to a hearing under the Due Process Clause must show that the facts they seek to establish in that hearing are relevant under the statutory scheme. Respondent cannot make that showing here. The judgment of the Court of Appeals is therefore

Reversed.