

CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S INDIAN RESERVATION



CHIPPEWA CREE TRIBAL SEX OFFENDER REGISTRATION AND NOTIFICATION CODE

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Chippewa Cree Tribal Law and Order Code.

CHIPPEWA CREE TRIBAL SEX OFFENDER REGISTRATION AND NOTIFICATION CODE

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SECTION 1 GENERAL MATTERS

SUBSECTION 1.01 TITLE

This Code shall be known as the Chippewa Cree Tribal Sex Offender Registration and Notification Code.

SUBSECTION 1.02 PURPOSE

The intent of this code is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) (42 USC 16901 et seq) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

SUBSECTION 1.03 NEED

Violent crime in Indian Country is more than twice the national average. On some reservations it is twenty times the national average. An astounding thirty percent of Indian and Alaska Native women will be raped in their lifetimes. Tribal nations are disproportionately affected by violent crime and sex offenses in particular from both Indian and non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations even to the point of imperiling the subsistence of tribal communities.

SUBSECTION 1.04 CREATION OF REGISTRIES

- A. **Sex Offender Registry.** There is hereby established a sex offender registry program, which the Tribe or designee shall maintain and operate pursuant to the provisions of this Code, as amended.
- B. **Public Sex Offender Registry Website.** There is hereby established the Chippewa Cree Tribe Sex Offender Website, <http://chippewacree.nsopw.gov/>, which the Chippewa Cree Tribal Human Services Department (Human Services Department) or designee shall maintain and operate pursuant to the provisions of this Code, as amended.

SECTION 2 TERMINOLOGY AND REGISTERABLE OFFENSES

SUBSECTION 2.01 DEFINITIONS

The Definitions below apply to this Code only.

- A. **Convicted.** An adult sex offender is “convicted” for the purposes of this Code if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.

A juvenile offender is “convicted” for purposes of this Code if the juvenile offender is either:

1. Prosecuted and found guilty as an adult for a sex offense; or
2. Is adjudicated delinquent as a juvenile for a sex 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 either (a) or (b) of section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

- B. **Foreign Convictions.** A foreign conviction is one obtained outside of the United States.
- C. **Employee.** The term “employee” as used in this Code includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.
- D. **Immediate.** “Immediate” and “immediately” mean within 3 business days.
- E. **Imprisonment.** The term “imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state “prison” as well as in a federal, military, foreign, BIA, private or contract facility, or a local or tribal “jail”. Persons under “house arrest” following conviction of a covered sex offense are required to register pursuant to the provisions of this Code during their period of “house arrest”.
- F. **Jurisdiction.** The term “jurisdiction” as used in this Code refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian Tribe that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 USC § 16927).
- G. **Minor.** The term “minor” means an individual who has not attained the age of 18 years.
- H. **Resides.** The term “reside” or “resides” means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives or sleeps.
- I. **Sex Offense.** The term “sex offense” as used in this Code includes those offenses contained in 42 U.S.C. §16911(5) (as amended) and those offenses enumerated in Section 2.02 of this Code or any other registerable offense under tribal law.
- J. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code 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.
- K. **Sex Offender.** A person convicted of a sex offense is a “sex offender”.
- L. **Sexual Act.** The term “sexual act” means:
 - 1. Contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;
 - 2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - 3. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
 - 4. The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

- M. **Sexual Contact.** The intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desires of another person.
- N. **Student.** A “student” is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.
- O. **SORNA.** The Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. § 169111 *et. seq.*, as amended.
- P. **Sex Offender Registry.** The term “sex offender registry” means the registry of sex offenders, and a notification program, maintained by the Chippewa Cree Tribe or designee.
- Q. **National Sex Offender Registry (NSOR).** The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.
- R. **SMART Office.** The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. §16945.
- S. **Dru Sjodin National Sex Offender Public Website (NSOPW).** The public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16920.
- T. **Tribal Court.** “Tribal Court” means the Chippewa Cree Tribal Court of the Rocky Boy’s Indian Reservation or such other court as may from time to time be established or approved by the Chippewa Cree Tribe.

SUBSECTION 2.02 REGISTERABLE OFFENSES

An individual who resides, is employed or attending school within the exterior boundaries of the Rocky Boy’s Indian Reservation or on property owned by the Tribe in fee or trust regardless of location, that have been convicted of any of the registerable offenses listed, or convicted of an attempt or conspiracy to commit any of the following registerable offenses listed, shall be subject to lifetime registration, quarterly verification appearances, and full website posting.

- A. **Tribal offenses.** A conviction under the Chippewa Cree Tribe Law and Order Code (CCT-LOC) for any of the following:
 1. CCT-LOC Title IV, Chapter 4, § 4.4 (rape),
 2. CCT-LOC Title IV, Chapter 4, § 4.5 (sexual assault),
 3. CCT-LOC Title IV, Chapter 5, § 5.1 (child molestation),
 4. CCT-LOC Title IV, Chapter 10, § 10.1 (prostitution).
- B. **Federal Offenses.** A conviction, for or a conviction for an attempt or conspiracy to commit any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. §16911(5): Including any offenses prosecuted under the Assimilative Crimes Act (18 USC §1152 or § 1153).
 1. 18 U.S.C. §1591 (sex trafficking of children),
 2. 18 U.S.C. §1801 (video voyeurism of a minor),

3. 18 U.S.C. §2241 (aggravated sexual abuse),
 4. 18 U.S.C. §2242 (sexual abuse),
 5. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 6. 18 U.S.C. §2244 (abusive sexual contact),
 7. 18 U.S.C. §2245 (offenses resulting in death),
 8. 18 U.S.C. §2251 (sexual exploitation of children),
 9. 18 U.S.C. §2251A (selling or buying of children),
 10. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
 11. 18 U.S.C. §2252A (material containing child pornography),
 12. 18 U.S.C. §2252B (misleading domain names on the internet),
 13. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 14. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the U.S.),
 15. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
 16. 18 U.S.C. §2422 (coercion and enticement of a minor for illegal sexual activity),
 17. 18 U.S.C. §2423 (), (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places),
 18. 18 U.S.C. §2424 (failure to file factual statement about an alien individual),
 19. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- C. **Foreign Offenses.** Any conviction for a sex offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.
- D. **Military Offenses.** Any military offense specified by the Secretary of Defense under section 115(a) (8) (C) (i) of Public Law 105-119 (codified at 10 U.S.C. 951 note).
- E. **Juvenile Offenses or Adjudications.** Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241(a) and (b)) and committed by a minor who is 14 years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.
- F. **Jurisdiction Offenses.** Any sex offense committed in any jurisdiction, including this Tribe, that involves:
1. Any conduct that by its nature is a sex offense against a minor,

2. Any type or degree of genital, oral, or anal penetration,
3. Any sexual touching of or sexual contact with a person's body, either directly or through the clothing,
4. Criminal sexual conduct that involves physical contact with a minor or the use of the Internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,
5. False imprisonment of a minor,
6. Kidnapping of a minor,
7. Possession, production, or distribution of child pornography,
8. Solicitation of a minor to practice prostitution,
9. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
10. Use of a minor in a sexual performance,
11. Any offense similar to those outlined in:
 - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 - b. 18 U.S.C. §1801 (video voyeurism of a minor),
 - c. 18 U.S.C. §2241 (aggravated sexual abuse),
 - d. 18 U.S.C. §2242 (sexual abuse),
 - e. 18 U.S.C. §2244 (abusive sexual contact),
 - f. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution), or
 - g. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

G. Sex Offense. Except as limited by subparagraph 6 or 7, the term "sex offense" means:

1. A criminal offense that has an element involving a sexual act or sexual contact with another;
2. A criminal offense that is a "specified offense against a minor". 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 18 U.S.C. §1801.
 - 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;
3. A Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code;
 4. 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 note); or
 5. An attempt or conspiracy to commit an offense described in clauses (1) through (4).
 6. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code 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 thirteen (13) years old and the offender was not more than four (4) years older than the victim.
 7. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this Code unless it was either:
 - a. Obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
 - b. Under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

SECTION 3 REQUIRED INFORMATION

SUBSECTION 3.01 GENERAL REQUIREMENTS

- A. **Duties.** A sex offender covered by this Code who is required to register with the Tribe pursuant to Section 4 shall provide all of the information detailed in this Section to the Chippewa Cree Tribal Police Department (Police Department) or designee and the Police Department or designee shall obtain all of the information detailed in this Section from covered sex offenders who are required to register with the Tribe in accordance with this Code and shall implement any relevant policies and procedures.
- B. **Digitization.** All information obtained under this Code shall be, at a minimum, maintained by the Police Department or designee in a digitized format.
- C. **Electronic Database.** A sex offender registry shall be maintained in an electronic database by the Police Department or designee and shall be in a form capable of electronic transmission.

SUBSECTION 3.02 CRIMINAL HISTORY

- A. **Criminal History.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's criminal history:
1. The date of all arrests,
 2. The date of all convictions,
 3. The sex offender's status of parole, probation, or supervised release,
 4. The sex offender's registration status, and
 5. Any outstanding arrest warrants.

SUBSECTION 3.03 DATE OF BIRTH

- A. **Date of Birth.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:
1. The sex offender's actual date of birth, and
 2. Any other date of birth used by the sex offender.

SUBSECTION 3.04 DNA SAMPLE

- A. **DNA.** If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the Police Department or designee a sample of his DNA.
- B. **CODIS.** Any DNA sample obtained from the sex offender shall be submitted either to the state DNA laboratory or to the Federal Bureau of Investigation Laboratory for submission in CODIS.

SUBSECTION 3.05 DRIVER'S LICENSES, IDENTIFICATION CARDS, PASSPORTS, AND IMMIGRATION DOCUMENTS

- A. **Driver's License.** A covered sex offender shall provide all of the sex offender's valid driver's licenses issued by any jurisdiction and the Police Department or designee shall make a photocopy of any such licenses.
- B. **Identification Cards.** A covered sex offender shall provide all of the sex offender's identification cards including the sex offender's tribal enrollment card issued by any jurisdiction and the Police Department or designee shall make a photocopy of any such identification cards.
- C. **Passports.** The Police Department or designee shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.
- D. **Immigration Documents.** The Police Department or designee shall obtain, and a covered sex offender shall provide, a photocopy of any and all immigration documents.

SUBSECTION 3.06 EMPLOYMENT INFORMATION

- A. **Employment.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means including volunteer and unpaid positions:
1. The name of the sex offender's employer,
 2. The address of the sex offender's employer, and
 3. Similar information related to any transient or day labor employment.

SUBSECTION 3.07 FINGER AND PALM PRINTS

- A. **Finger and Palm Prints.** The Police Department or designee shall obtain, and a covered sex offender shall provide, both fingerprints, which must be submitted to IAFIS and palm prints, which must be submitted to FBI Next Generation Identification Program.

SUBSECTION 3.08 INTERNET IDENTIFIERS

- A. **Internet Names.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's Internet related activity:
1. Any and all email addresses used by the sex offender,
 2. Any and all Instant Message addresses and identifiers,
 3. Any and all other designations or monikers used for self-identification in Internet communications or postings, and
 4. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings, including but not limited to social network identifications, Twitter accounts, video posting site identifications such as YouTube etc...

SUBSECTION 3.09 NAME

- A. **Name.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:
1. The sex offender's full primary given name,
 2. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
 3. Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.

SUBSECTION 3.10 TELEPHONE NUMBERS

- A. **Telephone Numbers.** The Police Department or designee shall obtain, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications including but not limited to:
1. Any and all cellular telephone numbers.
 2. Any and all land line telephone numbers.
 3. Any and all Voice over IP (VOIP) telephone numbers.

SUBSECTION 3.11 PICTURE

- A. **Photograph.** The Police Department or designee shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender. A covered sex offender shall permit his photograph to be taken by the Police Department or designee every ninety (90) days.
- B. **Update Requirements.** Unless the appearance of a sex offender has not changed significantly a digitized photograph shall be collected at each appearance indicated in Section 3.11 A.

SUBSECTION 3.12 PHYSICAL DESCRIPTION

- A. **Physical Description.** The Police Department or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:
1. A physical description,
 2. A general description of the sex offender's physical appearance or characteristics, and
 3. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

SUBSECTION 3.13 PROFESSIONAL LICENSING INFORMATION

- A. **Professional Licenses.** The Police Department or designee shall obtain, and a covered sex offender shall provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

SUBSECTION 3.14 RESIDENCE ADDRESS

- A. **Address.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:
1. The address of each residence at which the sex offender resides or will reside, and

2. Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

SUBSECTION 3.15 SCHOOL

- A. **School Location.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:
1. The address of each school where the sex offender is or will be a student, and
 2. The name of each school the sex offender is or will be a student.

SUBSECTION 3.16 SOCIAL SECURITY NUMBER

- A. **Social Security Number.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information:
1. A valid social security number for the sex offender, and
 2. Any social security number the sex offender has used in the past, valid or otherwise.

SUBSECTION 3.17 TEMPORARY LODGING

- A. **Lodging Information.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for seven (7) days or more:
1. Identifying information of the temporary lodging locations including addresses and names,
 2. The dates the sex offender will be staying at each temporary lodging location, and
 3. The registered sex offender shall provide the information in Section 4.17 (1) and (2) no later than seven (7) days before his scheduled travel. The information shall be provided in person.

SUBSECTION 3.18 INTERNATIONAL TRAVEL

- A. **Travel Abroad.** Sex offenders must inform their residence jurisdictions twenty-one (21) days in advance if they intend to travel outside of the United States. Jurisdictions must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update also must be made to NCIC/NSOR.

SUBSECTION 3.19 OFFENSE INFORMATION

- A. **Offense Information.** The Police Department or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

SUBSECTION 3.20 VEHICLE INFORMATION

- A. **Detailed Information.** The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned or operated by the sex offender for work or personal use including land vehicles, aircraft, and watercraft:
1. License plate numbers,
 2. Registration numbers or identifiers, vehicle identification number,
 3. General description of the vehicle to include color, make, model, and year, and
 4. Any permanent or frequent location where any covered vehicle is kept.

SUBSECTION 3.21 FREQUENCY, DURATION AND REDUCTION

- A. **Frequency.** A sex offender who is required to register shall, at a minimum, appear in person at the Police Department or designee for purposes of verification and keeping their registration once every ninety (90) days for the rest of their lives.
- B. **Reduction of Registration Periods.** A sex offender may have their period of registration reduced to twenty-five (25) years if he or she was adjudicated delinquent of an offense as a juvenile that required registration once every ninety (90) days for the rest of their lives and he or she has maintained a clean record for twenty-five (25) consecutive years.

SUBSECTION 3.22 REQUIREMENTS FOR IN PERSON APPEARANCES

- A. **Photographs.** At each in person verification, the sex offender shall permit the Police Department or designee to take a photograph of the offender.
- B. **Review of Information.** At each in person verification the sex offender shall review existing information for accuracy.
- C. **Notification.** If any new information or change in information is obtained at an in person verification, the Police Department or designee shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.
- D. If any new information or change in information is obtained at an in person verification, the Police Department or designee shall immediately notify the Human Services Department to update the public website, if applicable, and update information in NCIC/NSOR.

SUBSECTION 3.23 SEX OFFENDER ACKNOWLEDGEMENT FORM

- A. The sex offender shall read, or have read to them, and sign a form stating that the duty to register has been explained to them by the Police Department or designee and that the sex offender understands the registration requirement.
1. The form shall be signed and dated by the Police Department personnel registering the sex offender.

- B. The Police Department or designee shall immediately upload the acknowledgement form into the Tribe's sex offender registry.

SECTION 4 REGISTRATION

SUBSECTION 4.01 WHERE REGISTRATION IS REQUIRED

- A. **Jurisdiction of Conviction.** A sex offender must initially register in person with the Police Department or designee of the Rocky Boy's Indian Reservation if the sex offender was convicted by the Tribal Court of a covered sex offense regardless of the sex offender's actual or intended residency.
- B. **Jurisdiction of Incarceration.** A sex offender must register in person with the Police Department or designee of the Rocky Boy's Indian Reservation if the sex offender is incarcerated by the Tribe while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
- C. **Jurisdiction of Residence.** A sex offender must register in person with the Police Department or designee of the Rocky Boy's Indian Reservation if the sex offender resides within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location.
- D. **Jurisdiction of Employment.** A sex offender must register in person with the Police Department or designee of the Rocky Boy's Indian Reservation if he or she is employed by the Tribe in any capacity or otherwise is employed within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location.
- E. **Jurisdiction of School Attendance.** A sex offender must register in person with the Police Department or designee of Rocky Boy's Indian Reservation if the sex offender is a student in any capacity within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location.

SUBSECTION 4.02 TIMING OF REGISTRATION

- A. **Timing.** A sex offender required to register with the Tribe under this Code shall do so in the following timeframe:
1. If convicted by Tribal Court for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
 2. If convicted by Tribal Court but not incarcerated, within three (3) business days of sentencing for the registration offense, and
 3. Within three (3) business days of establishing a residence, commencing employment, or becoming a student within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location must appear in person to register with the Police Department or designee.
- B. **Additional Duties of the Police Department or designee.** The Police Department or designee shall have policies and procedures in place to ensure the following:
1. That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe,

2. That the sex offender reads, or has read to them, and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration requirement,
3. That the sex offender is registered, and added to the public website if applicable, and
4. That upon entry of the sex offender's information in to the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status.
5. That all information is entered and updated in NCIC/NSOR.

SUBSECTION 4.03 RETROACTIVE REGISTRATION

- A. **Retroactive Registration.** The Police Department or designee shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this Code:
1. Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or other crime,
 2. Sex offenders already registered or subject to a pre-existing sex offender registration requirement, and
 3. Sex offenders reentering the justice system due to conviction for any crime.
- B. **Timing of Recapture.** The Police Department or designee shall ensure recapture of the sex offenders mentioned in Section 5.03(A) within the following timeframe to be calculated from the date of passage of this Code ninety (90) days.

SUBSECTION 4.04 KEEPING REGISTRATION CURRENT

- A. **Jurisdiction of Residency.** All sex offenders who reside within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location, who are required to register in this jurisdiction shall immediately appear in person at the Police Department or designated agency to update any changes to their name, residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall immediately inform the Police Department or designee in person of any changes to their temporary lodging information, of any changes to their vehicle information, Internet identifiers, or telephone numbers. In the event of a change in temporary lodging, of over seven (7) days the sex offender shall immediately notify the registry official of the residence jurisdiction and the Police Department or designee shall notify the jurisdiction in which the sex offender will be temporarily staying. Jurisdictions must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update also must be made to NCIC/NSOR.
- B. **Jurisdiction of School Attendance.** Any sex offender who is a student in any capacity within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location that change their school, or otherwise terminate their schooling, shall immediately appear in person at the Police Department or designated agency to update that information. The Police Department or designee shall ensure that each jurisdiction in

which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

- C. **Jurisdiction of Employment.** Any sex offender who is employed by the Tribe in any capacity or otherwise is employed within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Police Department or designated agency to update that information. The Police Department or designee shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

SUBSECTION 4.05 FAILURE TO APPEAR FOR REGISTRATION AND ABSCONDING

- A. **Failure to Appear.** In the event a sex offender fails to register with the Tribe as required by this Code, the Police Department or designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Tribe that the sex offender failed to appear for registration.
- B. **Absconded Sex Offenders.** If the Police Department or designee receives information that a sex offender has absconded the Tribe shall make an effort to determine if the sex offender has actually absconded.
1. In the event no determination can be made, the Police Department or designee shall ensure the Chippewa Cree Tribal Police and any other appropriate law enforcement agency is notified.
 2. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
 3. If an absconded sex offender cannot be located then the Police Department shall take the following steps:
 - a. Update the registry/public website to reflect the sex offender has absconded or is otherwise not capable of being located,
 - b. Notify the U.S. Marshals Service,
 - c. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
 - d. Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and
 - e. Enter the sex offender into the National Crime Information Center Wanted Person File.
- C. **Failure to Register.** In the event a sex offender who is required to register due to their residence, employment or school attendance status fails to do so or otherwise violates a registration requirement of this Code, the Police Department shall take all appropriate follow-up measures including those outlined in Section 4.05(B). The Police Department shall first make an effort to determine if the sex offender is actually resides, is employed or attending school within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location.

SECTION 5 PUBLIC SEX OFFENDER REGISTRY WEBSITE

SUBSECTION 5.01 WEBSITE

- A. **Website.** The Human Services Department shall maintain the Chippewa Cree Tribe Sex Offender Website, <http://chippewacree.nsopw.gov/>.
- B. **Links.** The Tribe's sex offender registry website shall include links to sex offender safety and education resources.
- C. **Instructions.** The Tribe's sex offender registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. **Warnings.** The Tribe's sex offender registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in civil or criminal penalties.
- E. **Search Capabilities.** The Tribe's sex offender registry website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and, (3) zip code and/or geographic radius.
- F. **Dru Sjodin National Sex Offender Public Website.** The Human Service Department or designee shall include in the design of its registry website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.
- G. **Juvenile Delinquency Adjudications.** Juvenile delinquency adjudications are exempt from public web site posting.

SUBSECTION 5.02 REQUIRED AND PROHIBITED INFORMATION

- A. **Required Information.** The following information shall be made available to the public on the Tribe's sex offender registry website:
 - 1. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
 - 2. All sex offenses for which the sex offender has been convicted,
 - 3. The sex offense(s) for which the offender is currently registered,
 - 4. The address of the sex offender's employer(s),
 - 5. The name of the sex offender including all aliases,
 - 6. A current photograph of the sex offender,
 - 7. A physical description of the sex offender,
 - 8. The residential address and, if relevant, a description of a habitual residence of the sex offender,

9. All addresses of schools attended by the sex offender, and
 10. The sex offender's vehicle license plate number along with a description of the vehicle.
- B. **Prohibited Information.** The following information shall not be available to the public on the Tribe's sex offender registry website:
1. Any arrest that did not result in conviction,
 2. The sex offender's social security number,
 3. Any travel and immigration documents,
 4. The identity of the victim,
 5. Internet identifiers (as defined in 42 U.S.C. §16911), and
 6. Juvenile delinquency adjudications.
- C. **Witness Protection.** For sex offenders who are under a witness protection program, the Police Department may honor the request of the U.S. Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

SUBSECTION 5.03 COMMUNITY NOTIFICATIONS

- A. **Law Enforcement Notification.** Whenever a sex offender registers or updates his or her information with the Police Department or designee shall:
1. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.
 2. Immediately update NCIC/NSOR.
 3. Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, including but not limited to, police, whether BIA, tribal, or FBI, tribal prosecutors, and tribal probation.
 4. Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offender's residency, school attendance, or employment.
 5. Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) when a sex offender registers or updates registration.
 6. Enter or update information posted on the public website.
- B. **Community Notification.** The Police Department or designee shall ensure there is an automated community notification process in place that ensures the following:
1. Upon a sex offender's registration or update of information with the Police Department, the Tribe's public sex offender registry website is immediately updated within three (3) business days.

2. The Tribe's public sex offender registry website has a function that enables the general public to request an e-mail notice that will notify them when a sex offender commences residence, employment, or school attendance with the Tribe, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information.

SECTION 6 SOVEREIGN IMMUNITY

SUBSECTION 6.01 SOVEREIGN IMMUNITY

- A. **No waiver of Sovereign Immunity.** Nothing under this chapter shall be construed as a waiver of sovereign immunity for the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, its departments, agencies, employees, or agents.
- B. **Good faith.** Any person acting under good faith of this Title shall be immune from any civil liability arising out of such actions.

SECTION 7 CRIMES AND CIVIL SANCTIONS

SUBSECTION 7.01 CRIMES AND CIVIL SANCTIONS

- A. **Criminal penalty.** Each violation of a provision of this Code by a sex offender who is an Indian shall be considered a crime and subject to a period of incarceration for a term of up to one (1) year and/or a fine of five thousand dollars (\$5,000) or both.
- B. **Civil Penalty.** Each violation of a provision of this Code by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of a fine of five thousand dollars (\$5,000), forfeitures, civil contempt, or any combination thereof.
- C. **Federal Penalty.** Under 18 U.S.C. 2250, the federal failure-to-register offense, a federal criminal penalty of up to 10 years of imprisonment exists for sex offenders required to register under SORNA who knowingly fail to register or update a registration as required where circumstances supporting federal jurisdiction exist, such as interstate or international travel or travel on or off an Indian reservation by a sex offender, or conviction of a federal sex offense for which registration is required.
- D. **Customs and traditions and banishment/exclusion.** Expulsion and Exclusion of Non-Members from Tribal Lands.
 1. Any person who is not a member of the Chippewa Cree Tribe may be excluded from the Rocky Boy's Indian Reservation. *See* Title II, Chapter 5 of the Chippewa Cree Tribal Law and Order Code.
- E. **Hindrance of sex offender registration.**
 1. A person is guilty of an offense if they:
 - a. Knowingly harbors or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this Title;
 - b. Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this Title; or

- c. Provides information to law enforcement agency regarding a sex offender which the person knows to be false.

History: Title IV. Chapter 12 et seq., SORNA, was enacted by the Chippewa Cree Tribe by Resolution of the Chippewa Cree Business Committee dated July 6, 2011, Resolution No. 66-11. Amendments were enacted to conform this Title to federal requirements by Resolution No. 30-12, dated March 8th, 2012.