

Hannahville Indian Community

TRIBAL SEX OFFENDER REGISTRATION AND  
NOTIFICATION CODE

## 1.2090 Sex Offender Registration and Notification Code.

- (1) Title. This Code shall be known as the Hannahville Indian Community Sex Offender Registration and Notification Code or the Tribal Sex Offender Registration and Notification Code or TSORNC.
- (2) Purpose. The intent of this code is to implement the federal Sex Offender Registration and Notification Act (“SORNA” or the “Act”), (Title I of P.L. 109-248, 42 USC § 16901 *et seq.* ). This Code shall be interpreted liberally to comply with the terms and conditions of that Act as presently written or hereafter amended.
- (3) Need. The conduct and presence of convicted sex offenders in Indian country threatens the political integrity, economic security, health and welfare of tribal nations. In order to give protection from sex crimes, and to assure the best quality of life to the citizens and employees of the Hannahville Indian Community and its neighbors, the Tribal Council of the Hannahville Indian Community enacts this Code to provide for the continued registration of sex offenders who may be present on tribal lands within the jurisdiction of the Hannahville Indian Community.
- (4) Definitions.
  - (a) Adjudicated Delinquent Sex Offender—A juvenile who is required to register as a sex offender pursuant to SORNA who is at least 14 years of age at the time of the offense and who is adjudicated delinquent for committing or attempting or conspiring to commit offenses under laws that involve: 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.
  - (b) Convicted. An adult sex offender is “convicted” for the purposes of this code if convicted pursuant to the criminal law of any jurisdiction, whether or not the sex offender has been subject to penal consequences based on the conviction, however the conviction may be styled, including cases where the offender pled guilty or *nolo contendere* to, admitted responsibility for, or where a plea was taken under consideration of a delayed sentence. A juvenile offender is “convicted” for purposes of this code when prosecuted as an adult or is an adjudicated delinquent sex offender and the offense adjudicated was comparable to or more severe than aggravated sexual abuse as described in 18 USC § 2241(a) or (b), or was convicted of an attempt or conspiracy to commit such an offense.
  - (c) Employee. “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, or who serves as an elected or appointed official on any regularly constituted board or committee, including, but not limited to, volunteers.
  - (d) Foreign Offenses. Any conviction for a sex offense involving any conduct listed in subsection (5) of this section, (Covered Offenses), which was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, and other foreign jurisdictions.
  - (e) Immediate. “Immediate” and “immediately” means within 3 business days.
  - (f) Imprisonment. “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, but is not limited to, confinement in a state, military, federal and foreign “prison,” or BIA facility, as well as in a local or tribal “jail”. The term shall also include confinement in any facilities (contract/private), including house arrest.

- (g) Jurisdiction. “Jurisdiction,” as used in this code, refers to the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe that elects to function as a registration jurisdiction, including the Hannahville Indian Community.
- (h) Minor. An individual who has not attained the age of 18 years, and including the words “child” or “children,” as used in this code.
- (i) Reside(s). With respect to an individual, the location of the individual's home or other place where the individual habitually lives, visits, or sleeps, including, but not limited to, vacation homes, trailers or motorhomes, tents, hunting camps, or the home, vacation home, vacation homes, trailer or motorhome, tent, or hunting or other camp of another. The individual will be understood to reside if he or she is present at a location for 3 days in any 30 day period.
- (j) Recapture. The process for registration of sex offenders whose convictions or periods of incarceration for sex offenses pre-date enactment of this code.
- (k) Sex Offense. “Sex offense” as used in this code includes those offenses contained in section 111(5) of SORNA and those offenses enumerated in subsection (5) of this code or any other covered offense under tribal law.
- (l) Sex Offender. A person convicted of a sex offense or an attempt or conspiracy to commit a sex offense.
- (m) 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.
  - [4] The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- (n) Sexual Contact/Touching. The intentional contact or touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- (o) Student. 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, including, but not limited to a person who enrolls in a single class, whether for credit or for audit purposes. The definition of student shall also include interns, externs and apprentices.
- (p) SORNA - Title I of the Adam Walsh Sex Offender Registration and Notification Act, 42 USC § 16901 *et seq.*
- (5) Covered Offenses. Sex Offenders who reside, are employed, or who attend school, within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust

regardless of location, that have been convicted of the following offenses are subject to the requirements of this code.

- (a) Attempts and Conspiracies. Any attempt or conspiracy to commit any sex offense.
- (b) Tribal Offenses.—Unless otherwise excluded or exempted, tribal offenses include sex offenses of other tribes and the following offenses under the Hannahville Indian Community Legal Code, as presently or hereafter enacted or amended when committed by an adult or committed by an Adjudicated Delinquent Sex Offender or a juvenile charged and convicted as an adult. **However,** a tribal 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

[1] 1.2012a (knowledge of AIDS or HIV infection).

[2] 1.2024a-1.2024e (child abuse or endangerment when underlying factual basis includes child sexual molestation or sexual basis).

[3] 1.2024f (persuading, enticing a child to engage in sexual activity).

[4] 1.2024g (promoting or distributing child sexually abusive material).

[5] 1.2024h (possession of child sexually explicit material).

[6] 1.2030 (indecent liberties with a child).

[7] 1.2039 (prostitution and solicitation).

[8] 1.2061 (indecent exposure).

[9] 1.2062 (gross indecency between male persons).

[10] 1.2063 (gross indecency between female persons).

[11] 1.2064 (gross indecency between male and female persons).

[12] 1.2084 (criminal sexual conduct; title, definitions, general provisions).

[13] 1.2084a (criminal sexual conduct in the first degree).

[14] 1.2084b (criminal sexual conduct in the second degree).

[15] 1.2084c (assault with intent to commit criminal sexual conduct in the first degree).

[16] 1.2084d (assault with intent to commit criminal sexual conduct in the second degree).

- (c) State Offenses.—Any sex offense as specified by the laws of any state.

- (d) Federal Offenses. A conviction for any of the following, and any other offense hereafter included within SORNA.

[1] 18 USC § 1152 (General Crimes Act a/k/a Federal Enclaves Act a/k/a Indian Country Crimes Act).

[2] 18 USC § 1153 (Major Crimes Act).

- [3] 18 U.S.C. § 1591 (sex trafficking of children).
  - [4] 18 USC § 1801 (video voyeurism of a minor).
  - [5] 18 U.S.C. § 2241 (aggravated sexual abuse).
  - [6] 18 U.S.C. § 2242 (sexual abuse).
  - [7] 18 U.S.C. § 2243 (sexual abuse of a minor or ward).
  - [8] 18 U.S.C. § 2244 (abusive sexual contact).
  - [9] 18 U.S.C. § 2245 (offenses resulting in death in connection with an attempt, a conspiracy to commit, or the commission of a sex crime, whether or not the sex crime was committed before or after the death).
  - [10] 18 U.S.C. § 2251 (sexual exploitation of children).
  - [11] 18 U.S.C. § 2251A (selling or buying of children).
  - [12] 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor).
  - [13] 18 U.S.C. § 2252A (material containing child pornography).
  - [14] 18 U.S.C. § 2252B (misleading domain names on the internet).
  - [15] 18 U.S.C. § 2252C (misleading words or digital images on the internet).
  - [16] 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States).
  - [17] 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity).
  - [18] 18 USC § 2422 (coercion and enticement of a minor for illegal sexual activity).
  - [19] 18 USC § 2423 (Mann Act-transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual contact with a minor, engaging in illicit sexual conduct in foreign places).
  - [20] 18 U.S.C. § 2424 (failure to file factual statement about an alien individual being kept in a place for prostitution or for immoral purposes).
  - [21] 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).
- (e) Foreign Offenses. Any conviction for a sex offense involving any conduct listed in subsection (h) of this section, which was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, and any other foreign jurisdiction.
- (f) Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. § 951).
- (g) 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) and committed by a minor who is 14 years of age or older. Also, any covered offense committed by a juvenile who is charged as an adult.

(h) Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including this Tribe, that involves:

- [1] Any type or degree of genital, oral, or anal penetration.
- [2] Any sexual touching of or contact with a person's body, either directly or through the clothing.
- [3] Kidnapping of a minor.
- [4] False imprisonment of a minor.
- [5] 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.
- [6] Use of a minor in a sexual performance.
- [7] Solicitation of a minor to practice prostitution.
- [8] Possession, production, or distribution of child pornography.
- [9] 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.
- [10] Any conduct that by its nature is a sex offense against a minor; and
- [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).
  - [g] 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct).

(6) Tiered Offenses.

(a) "Tier 1" Offenses.

- [1] Tribal Offenses. Except as further provided in this code, and providing that there are no other convictions for a covered offense as designated in this code, under the law of any jurisdiction, the first conviction for a covered offense pursuant to tribal law shall be a "Tier 1" offense.
- [2] Sex Offenses. A "Tier 1" offense includes any sex offense or an attempt or conspiracy to commit such an offense, for which a person has been convicted that involves any sexual act, touching, or sexual contact with another person that is not a "Tier 2" or "Tier 3" offense pursuant to the laws of any jurisdiction.

- [3] Offenses Involving Minors. A “Tier 1” offense also includes any offense for which a person has been convicted by a jurisdiction, local government, or qualifying foreign country pursuant to subsection (5)(e) of this section, that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- [4] Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 1” offenses:
- [a] 18 U.S.C. § 1801 (video voyeurism of a minor).
  - [b] 18 U.S.C. § 2252 (receipt or possession of child pornography).
  - [c] 18 U.S.C. § 2252A (receipt or possession of child pornography).
  - [d] 18 U.S.C. § 2252B (misleading domain names on the internet).
  - [e] 18 U.S.C. § 2252C (misleading words or digital images on the internet).
  - [f] 18 U.S.C. § 2422(a) (coercion to engage in prostitution).
  - [g] 18 U.S.C. § 2423(b) (travel with the intent to engage in illicit conduct).
  - [h] 18 U.S.C. § 2423(c) (engaging in illicit conduct in foreign places).
  - [i] 18 U.S.C. § 2423(d) (transportation of person (adult) ancillary offenses).
  - [j] 18 U.S.C. § 2424 (failure to file factual statement about an alien individual); and
  - [k] 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).
- [5] Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. § 951) that is similar to those offenses outlined in subsection (6)(a)[1]-[4] of this section (“Tier 1 Offenses”), shall be considered “Tier 1” offenses.
- (b) “Tier 2” Offenses.
- [1] Tribal Offenses. A “Tier 2” sex offense pursuant to tribal law includes a second conviction for any covered tribal offense and any first conviction under tribal law where the victim is a minor and the age difference between the offender and the victim is 5 or more years, or where the victim is a mentally impaired person.
- [2] Recidivism and Felonies. Unless otherwise covered by subsection (6)(c) of this section, (“Tier 3” Offenses), any sex offense, that is not the first sex offense for which a person has been convicted and that is punishable by more than one year in jail is considered a “Tier 2” offense.
- [3] Offenses Involving Minors. A “Tier 2” offense includes any sex offense, or an attempt or conspiracy to commit such an offense, for which a person has been convicted, that involves:
- [a] The use of minors in prostitution, including solicitations.
  - [b] Enticing a minor to engage in criminal sexual activity.
  - [c] Sexual contact with a minor 13 years of age or older, whether direct or through the clothing, that involves the intimate parts of the body.

[d] A non-forcible sexual act with a minor under the age of 18 years.

[e] The use of a minor in a sexual performance; or

[f] The production or distribution of child pornography.

[4] Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 2” offenses:

[a] 18 USC § 1591 (sex trafficking by force, fraud, or coercion).

[b] 18 U.S.C. § 2423(d) (transportation of person (minor) ancillary offenses).

[c] 18 U.S.C. § 2244 (abusive sexual contact, where the victim is 13 years of age or older.).

[d] 18 U.S.C. § 2251 (sexual exploitation of children).

[e] 18 U.S.C. § 2251A (selling or buying of children).

[f] 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor).

[g] 18 U.S.C. § 2252A (production or distribution of material containing child pornography).

[h] 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States).

[i] 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity).

[j] 18 U.S.C. § 2422(b)(coercing a minor to engage in prostitution).

[k] 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct).

[5] Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in this subsection (6)(b)[2]-[4] of this section shall be considered “Tier 2” offenses.

(c) “Tier 3” Offenses.

[1] Tribal Offenses. A “Tier 3” sex offense pursuant to tribal law includes a third conviction under the laws of any jurisdiction, including the Hannahville Indian Community, for any covered offenses pursuant to this code.

[2] Recidivism and Felonies. Any sex offense that is punishable by more than 1 year in jail where the offender has at least one prior conviction for a “Tier 2” sex offense, or has previously become a “Tier 2” sex offender, is a “Tier 3” offense.

[3] General Offenses. A “Tier 3” offense includes any sex offense or an attempt or conspiracy to commit such an offense, for which a person has been convicted that involves:

[a] Non-parental kidnapping of a minor.

[b] A sexual act with another by force or threat.

- [c] A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate; or
  - [d] Sexual touching or contact with a minor 12 years of age or younger, including offenses that involve sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
- [4] Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 3” offenses:
- [a] 18 U.S.C. § 2241 (aggravated sexual abuse).
  - [b] 18 U.S.C. § 2242 (sexual abuse); or
  - [c] 18 U. S. C. §2243 (sexual abuse of minor or ward);
  - [d] 18 U.S.C. § 2244 (abusive sexual contact), where the victim is 12 years of age or younger,
- [5] Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in this subsection (6)(c)[2]-[4], of this section shall be considered “Tier 3” offenses.

(7) Required Information.

(a) General Requirements.

- [1] Duties. A sex offender covered by this code who is required to register with the Tribe shall provide all of the information detailed in this subsection to the Hannahville Indian Community Tribal Police Department, and the Tribal Police Department shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the Tribe in accordance with this code and shall implement policies and procedures to provide for registration.
  - [2] Digitization. All information obtained under this code shall be, at a minimum, maintained by the Tribal Police Department in digitized format.
  - [3] Electronic Database. A sex offender registry shall be maintained in an electronic database by the Tribal Police Department and shall be in a form capable of electronic transmission.
- (b) Criminal History. The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender’s sex offense 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.

- (c) Date of Birth. The tribal police 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.
- (d) DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the tribal police or designee a sample of his DNA.
- (e) CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile into the Combined DNA Index System ("CODIS").
- (f) Driver's License. The tribal police or designee shall obtain, and a covered sex offender shall provide, a photocopy of all of the sex offender's valid driver's licenses issued by any jurisdiction.
- (g) Identification Cards. The tribal police or designee shall obtain, and a covered sex offender shall provide, a photocopy of any identification card including the sex offender's tribal enrollment card issued by any jurisdiction.
- (h) Passports. The tribal police or designee shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.
- (i) Immigration Documents. The tribal police or designee shall obtain, and a covered sex offender shall provide, a photocopy of any and all immigration documents.
- (j) Employment. The tribal police 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.
- (k) Finger and Palm Prints. The tribal police or designee shall obtain, and a covered sex offender shall provide, both fingerprints and palm prints of the sex offender in a digitized format and shall submit them to the Integrated Automated fingerprint Identification System ("IAFIS").
- (l) Internet Names and Web-Site Addresses. The tribal police 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.

- [5] Any and all passwords.
- (m) Name. The tribal police 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 or used.
- (n) Phone Numbers. The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:
- [1] Any and all land line telephone numbers that the sex offender has or uses; and
  - [2] Any and all cellular telephone numbers that the sex offender has or uses.
  - [3] Any and all Voice over IP (VOIP) telephone numbers.
- (o) Photograph. The tribal police or designee shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender.
- [1] Update Requirements. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected: :
- [a] Every 90 days for "Tier 3" sex offenders.
  - [b] Every 180 days for "Tier 2" sex offenders; and
  - [c] Every year for "Tier 1" sex offenders.
- (p) Physical Description. The tribal police 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.
- (q) Professional Licenses, Registrations, Certifications. The tribal police or designee shall obtain, and a covered sex offender shall provide, all licensing, registration, and certifications of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.
- (r) Address. The tribal police 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.
- (s) School Location. The tribal police 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 at which the sex offender is or will be a student.
- (t) Social Security. The tribal police 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.
- (u) Temporary Lodging Information. Ten (10) days before any scheduled travel, the tribal police 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 7 days or more:
- [1] Identifying information of the temporary lodging locations including addresses and names; and
- [2] The dates the sex offender will be staying at each temporary lodging location.
- (v) Travel Abroad. A sex offender who is required to register shall report to his or her residence jurisdiction his or her intention to engage in international travel 21 days in advance of any such travel. The tribal police or designee shall attempt to provide this information to INTERPOL, and shall immediately notify the U. S. Marshall's Service and any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update must also be made to NCIC/NSOR.
- (w) Vehicle; Detailed Information. The tribal police 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.
- [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.
- (x) Offense Information. The tribal police or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.
- [1] Statute/Code/Ordinance Database. The text of each provision of law mentioned in this subsection (x) shall be cross-linked to the SORNA database containing the text of relevant sex related laws for all jurisdictions.
- (y) Registration Fee. At initial registration, and annually, during the first registration month of the year, a sex offender shall pay a registration fee in the amount of \$50, or

such other amount, as adjusted from time to time, without further amendment to this Code. Failure to pay shall be a violation of this Code.

(8) Registration.

(a) Where Registration Is Required.

- [1] Jurisdiction of Conviction. If convicted by the tribal court of the Hannahville Indian Community, a sex offender must initially register in this Tribe's jurisdiction for a covered sex offense regardless of the sex offender's actual or intended residency.
- [2] Jurisdiction of Incarceration. A sex offender must register in each jurisdiction in which the sex offender is incarcerated while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
- [3] Jurisdiction of Residence. A sex offender must register with this jurisdiction if he/she resides within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location.
- [4] Jurisdiction of Employment. A sex offender who is an employee or volunteer in any capacity, shall register with the tribal police department if employed by the Tribe within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location.
- [5] Jurisdiction of School Attendance. A sex offender shall register with the tribal police department if he or she is registered or attends school in any capacity within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location.

(b) Initial Registration.

- [1] Timing. A sex offender required to register with the Tribe under this code shall do so in the following timeframes:
  - [a] If incarcerated, before release from imprisonment for the registration offense.
  - [b] If not incarcerated, within 3 business days of sentencing for the registration offense; and
  - [c] For foreign, federal, and military convictions, a sex offender must appear in person at the tribal police department within 3 business days of establishing a residence, registering to attend school, attending school, acceptance of employment or volunteering, within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location, after either release from incarceration or, if not incarcerated, sentencing, for purposes of complying with this code.
- [2] Duties of Tribal Police Department. The tribal police department shall have policies and procedures in place to ensure the following:
  - [a] Any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the tribe.
  - [b] Any sex offender initially registering with the Tribe is informed of their duties under SORNA and this code, and that such duties under SORNA and this code are explained to them.

[c] The sex offender reads, or has read to them, and dates and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration requirement.

[i] The form shall be signed and dated by the witnessing registering official and shall be immediately uploaded into the sex offender registry.

[d] That the sex offender is registered; and

[e] 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.

(c) Retroactive Registration.

[1] Timing of Recapture. The tribal police department shall ensure recapture of the sex offenders listed in (8)(c)[2], below, within the following timeframe to be calculated from the date of passage of this code:

[a] For "Tier 1" sex offenders, 1 year.

[b] For "Tier 2" sex offenders, 180 days; and

[c] For "Tier 3" sex offenders, 90 days.

[2] Recapture Duties of Tribal Police Department. The tribal police department shall have in place policies and procedures to ensure the following three categories of sex offenders are **recaptured**:

[a] Sex offenders incarcerated or under supervision of the Tribe, whether for a covered sex offense or other crime.

[b] Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the Tribe's laws; and

[c] Any sex offender previously convicted of a registerable offense shall be recaptured when known to tribal law enforcement.

[d] If not already recaptured, sex offenders reentering the justice system due to arrest or conviction for any crime.

(d) Updating Registration Information.

[1] Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall immediately appear in person to update any changes in their name, residence (including termination of residency), employment, school attendance, vehicle information, temporary lodging, email addresses, telephone numbers, Instant Messaging addresses, and any other designation used in internet communications, postings, or telephone communications. In the event of a change in temporary lodging, the sex offender and tribal police shall immediately notify the jurisdiction in which the sex offender will be temporarily staying. All sex offenders must notify the tribal police department of their intent to change their residence a minimum of 10 days before they actually change their residence, and again at the time of the change, and shall give notice of the physical address(es) to which they intend to, and do, move. A sex offender required to register shall notify his or her jurisdiction of residence 21 days before any intended or actual international travel occurs.

- [2] Jurisdiction of Employment. All sex offenders who are employed by the tribe in any capacity or are otherwise employed within the exterior boundaries of the 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 tribal police department to update that information. The tribal police 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. All sex offenders must notify the tribal police department of their intent to change their employment a minimum of 10 days before they actually change their employment, and again at the time of the change, and shall give notice of the name of the employer and the physical address(es) at which they intend to be, and are subsequently employed.
- [3] Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within the exterior boundaries of the 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 tribal police department to update that information. All sex offenders must notify the tribal police department of their intent to change or to terminate their education a minimum of 10 days before they actually change their education and again at the time of the change, and shall give notice of the name of the school and the physical address(es) at which they intend to be, and are subsequently attending school. The tribal police 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.
- [4] Duties of Tribal Police. With regard to changes in a sex offender's registration information, the tribal police or designee shall immediately notify:
- [a] All jurisdictions where a sex offender intends to reside, work, or attend school,
  - [b] Any jurisdiction where the sex offender is either registered or required to register, and
  - [c] Specifically with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or is required to register and the U.S. Marshals Service, and if appropriate, attempt to notify INTERPOL as required by subsection (7)(v) of this section. The tribal police shall also ensure this information is immediately updated on NCIC/NSOR.
- (e) Failure To Appear For Registration And Absconding.
- [1] Failure to Appear. In the event a sex offender fails to register with the tribe as required by this code, the tribal police 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.
- [2] Absconded Sex Offenders. If the tribal police or designee receives information that a sex offender has absconded the tribal police shall make an effort to determine if the sex offender has actually absconded.
- [a] In the event no determination can be made, the tribal police or designee shall ensure the tribal police and any other appropriate law enforcement agency is notified.

[b] 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.

[c] If an absconded sex offender cannot be located then the tribal police shall take the following steps:

[i] Update the registry to reflect the sex offender has absconded or is otherwise not capable of being located.

[ii] Seek a warrant for the sex offender's arrest, and in the case of a non-Indian, the U.S. Marshals Service or FBI shall be contacted in an attempt to obtain a federal warrant for the sex offender's arrest.

[iii] Notify the U.S. Marshals Service regardless of whether the sex offender is Indian or non-Indian.

[iv] Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located; and

[v] Enter the sex offender into the National Crime Information Center Wanted Person File.

[3] Failure to Register. In the event a sex offender who is required to register fails to do so or otherwise violates a registration requirement of this code, the tribal police or designee shall take all appropriate follow-up measures including those outlined in subsection (8)(e)[2][c][i-v], above. The tribal police or designee shall first make an effort to determine if the sex offender is actually residing, employed or attending school within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location.

(f) Verification And Appearance Requirements.

[1] Frequency of Registration. A sex offender who is or should be registered with the tribe shall, at a minimum, appear in person at the tribal police department for purposes of keeping registration current in accordance with the following time frames:

[a] For "Tier 1" offenders, once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense, or from the date of sentencing for a sex offender who is not incarcerated for the registration offense. Also, sex offenders shall appear once every year during the month of their birth to verify their address and other required information.

[b] For "Tier 2" offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense, or from the date of sentencing for a sex offender who is not incarcerated for the registration offense. Also, sex offenders shall appear twice each year according to the following schedule to verify their address and other required information:

Birth Month

Reporting Month

January

January and July

February

February and August

March

March and September

April

April and October

May

May and November

June	June and December
July	January and July
August	February and August
September	March and September
October	April and October
November	May and November
December	June and December

[c] For “Tier 3” offenders, once every 90 days for the rest of their lives from the time of release from custody for a sex offender who is incarcerated for the registration offense, or from the date of sentencing for a sex offender who is not incarcerated for the registration offense. Also, sex offenders shall appear once every 90 days according to the following schedule to verify their address and other required information:

<u>Birth Month</u>	<u>Reporting Months</u>
January	January, April, July and October
February	February, May, August and November
March	March, June, September and December
April	January, April, July and October
May	February, May, August and November
June	March, June, September and December
July	January, April, July and October
August	February, May, August and November
September	March, June, September and December
October	January, April, July and October
November	February, May, August and November
December	March, June, September and December

[2] Reduction of Registration Periods. A sex offender may have their period of registration reduced as follows:

- [a] A “Tier 1” offender may have their period of registration and verification terminated if they have maintained a clean record for 10 consecutive years.
- [b] A “Tier 3” offender may have their period of registration and verification reduced to 25 years if they were adjudicated delinquent for an offense as a juvenile which required “Tier 3” registration and they have maintained a clean record for 25 consecutive years.

[3] Clean Record. For purposes of subsection (8)(f)[2][a] and [b], (Reduction of Registration Periods), a person has a clean record if all of the following are true:

- [a] He or she has not been convicted of any offense for which imprisonment for more than 1 year may be imposed.
- [b] He or she has not been convicted of any subsequent sex offense.
- [c] He or she has successfully completed, without revocation, any period of supervised release, probation, or parole; and
- [d] He or she has successfully completed an appropriate sex offender treatment program certified by the Tribe, another jurisdiction, or by the United States Attorney General.

[4] Requirements For In Person Appearances.

- [a] Photographs. At each in person verification, the sex offender shall permit the tribal police 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 tribal police shall immediately notify all other registration jurisdictions of the information or change in information.
- [d] Update. If any new information or change in information is obtained at an in person verification, the tribal police shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

(9) Public Sex Offender Registry Website.

- (a) Public Website. The tribal police department shall use and maintain a public sex offender registry website. Any tribal specific national website provided or approved by the SMART office shall qualify as a public sex offender registry website under this code. Juveniles Adjudicated as Delinquent Sex Offenders, while required to register as sex offenders, shall not be included on the Sex Offender Public Registry Web-Site.
  - [1] Links. The registry website shall include links to sex offender safety and education resources.
  - [2] Instructions. The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
  - [3] Warnings. The 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.
  - [4] Search Capabilities. The registry website shall have the capability of conducting searches by name, county, city, zip code, and geographic radius.
  - [5] Dru Sjodin National Sex Offender Public Website. The Tribe shall include in its design of its 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.
- (b) Required Public Information. The following information shall be made available to the public on the 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 or the license plate number and vehicle description of any vehicle used by the sex offender.

(c) Prohibited Public Web-Site Information. The following information shall not be available to the public on the 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; and
- [4] The identity of the victim.
- [5] Internet identifiers (as defined in 42 USC § 16911), including email addresses.

(d) Witness Protection. For sex offenders who are under a witness protection program, the tribal police may honor the request of the United States Marshal 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.

(10) Community Notification.

(a) Notification of Law Enforcement Community. Whenever a sex offender registers or updates their information with the tribe, the tribal police or designee shall:

- [1] Immediately notify the FBI and ensure the information is updated on NCIC/NSOR.
- [2] Immediately notify any agency, department, or program within the tribe that is responsible for criminal investigation, prosecution, or sex offender supervision functions, including but not limited to, police, whether BIA, tribal, or FBI, tribal prosecutors, and tribal probation.
- [3] Immediately notify any and all other registration jurisdictions due to the sex offender's residency, school attendance, or employment; and
- [4] 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).

(b) Notification of General Public. The tribal police 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 tribe, the public registry website is immediately updated.
- [2] Email notice is available to the general public to 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.

[3] A form letter or other notice, written or verbal, shall be given to the victim by means calculated to give actual notice.

[4] Community notification may also be given by timely posting in the Community Newsletter or other public buildings.

(11) Crimes And Civil Sanctions; Arrests and Bonds.

(a) Indians.

[1] Crime. Any violation of a provision of this code by a sex offender who is an Indian shall be considered a crime and be subject to a penalty of one year and/or \$5,000.

(b) Non-Indians.

[1] Civil Penalty. Any violation of a provision of this code by a sex offender who is not an Indian shall be considered a tribal civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to, the issuance of fines, forfeitures, civil contempt, and banishment.

[2] Crime. Imposition of a civil penalty for a violation of this code may be in addition to penalties and remedies that are available and enforceable pursuant to federal law, and the imposition of such civil enforcement shall not be construed to prohibit federal enforcement of SORNA.

(c) Arrests and Bonds.

[1] Indians. An Indian who is arrested by tribal law enforcement upon probable cause to suspect a violation of any provision of this Code shall be held without bond until brought before the Tribal Court Judge for arraignment on the offense.

[2] Non-Indians. A non-Indian who is suspected upon probable cause by tribal law enforcement to be in violation of any provision of this Code shall be taken to the boundary of tribal jurisdiction and either released under an order of banishment, or delivered into the custody of a law enforcement officer in a registering jurisdiction.

(12) Immunity. Nothing under this Code shall be construed as a waiver of the sovereign immunity of the Hannahville Indian Community, its departments, agencies, employees, or agents. Any person acting in good faith under this Code shall be immune from any civil liability arising out of their actions.

(13) Notices To And By Employers Of Sex Offenders; Requirement To Register. All employers subcontractors who perform work on tribal trust or tribally owned lands, wherever located, must give notice to all of their employees who may or will perform work on those tribal lands, of the requirement that sex offenders who have been convicted in any jurisdiction must immediately register with the Hannahville Tribal Police Department. Notice to employers of the need of sex offenders to register and to comply with this provision shall be included in all bid documents, contracts, policies, MOUs and other formal relationships between said employers and the Tribe. The registering officer or his designee will contact employers before any work is performed to verify that the notice has been given and Form 7 will be posted in various locations calculated to provide additional notice on or near the job-site(s).

(14) Sex Offenders Subject to Banishment; Duties of Banishing Authority and Tribal Police. Any person or entity authorized by the Tribe to exercise the power to banish shall notify the tribal police department of the intent to banish. The tribal police department shall

obtain and the proposed banishee and any other person shall provide sufficient information to the tribal police for the police to conduct an enquiry to determine whether the proposed banishee is a sex offender who is registered or required to register as a sex offender. If registered or required to register as a sex offender, the proposed banishee shall provide all information required to be provided pursuant to initial, updated, and travel registrations. As required by this Code and SORNA, The registering official shall immediately notify all jurisdictions to which the sex offender has proposed to travel and update MICJIN, NCIC/NSOR, and if appropriate, the US Marshalls Service and TTSORS, of the impending travel.

**Enacted for immediate effect on 5 October 2009 by a vote of 9 yes, 0 against, and 0 abstaining.**

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**Further amended for immediate effect on March 7, 2011 by a vote of 10 yes, 0 against, and 0 abstaining.**

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**Finally amended for immediate effect on November 5, 2012, by the Tribal Council in regular session, by a vote of 9 for, 0 against, and 0 abstaining.**

**Amended for immediate effect on May 5, 2014, by the Tribal Council in regular session, by a vote of 8 yes, 0 no, and 1 abstaining.**