

Student Safety Zones

1.2090a Student Safety Zone.

- (1) Short Title. This statute may be cited as the Hannahville Indian Community Student Safety Zone Code or Student Safety Zone Code.
- (2) Student Safety Zone. There is established a Student Safety Zone consisting of the area that is 1000 or less feet from school premises including, without limitation, buildings, structures, facilities, playgrounds, service facilities, game or sports fields, and any real property owned or controlled by a school, including a child care facility, kindergarten or pre-school facility..
- (3) Registered Sex Offenders; Prohibitions. Except as otherwise provided in this Code, a person who is registered or is required to register as a sex offender under the law of any jurisdiction shall not do any of the following:
 - (a) School or Event Attendance. Attend school or any school or tribally sponsored youth activity, event, function, or program, offered for the benefit of minors.
 - (b) Residence and Presence. Reside or be present within a student safety zone.
 - (c) Work or Volunteer. Work or volunteer within a student safety zone.
 - (d) First Violation. For the first violation of this subsection a person may be incarcerated for a period of up to 6 months and may be assessed fines in the amount of \$500.00, plus costs.
 - (e) Subsequent Violations. A person who violates this subsection and who has 1 or more prior convictions under this subsection may be incarcerated for not more than 1 year and may be assessed fines in the amount of \$5000.00, plus costs.
 - (f) Nothing in this Code is intended to prohibit charges or convictions or any other recourse, under other applicable provisions of the Hannahville Indian Community Legal Codes, traditions or customs, including without limitation, banishment from tribal lands wherever situated, whether owned in fee or in trust.
- (4) Exceptions.
 - (a) Residence Grandfathered. A person who was residing within a student safety zone on March 7, 2011, may continue to reside within that student safety zone unless the person subsequently becomes required to register as a sex offender, in which case the person must move within 90 days of the

conviction that gave rise to the obligation to register. If that person initiates or maintains contact with a minor, other than his or her own children if legally permitted to do so, within the student safety zone within that 90 day period, he or she must move immediately.

- (i) Student Living With Parent or Guardian. A person who is required to register and who is not more than 19 years of age who attends secondary or postsecondary school, and who resides with his or her parent or guardian is not required to move unless he or she initiates or maintains contact with a minor who is not a person with whom he or she attends classes in conjunction with school attendance, or is convicted of a subsequent sex offence under the law of any jurisdiction.
 - (ii) Special Education Student Living With Parent, Guardian or in Group Home. A person who is required to register and who is not more than 26 years of age who attends a special education program, and who resides with his or her parent or guardian or resides in a group home or assisted living facility is not required to move unless he or she initiates or maintains contact with a minor who is not a person with whom he or she attends classes in conjunction with school attendance or is convicted of a subsequent sex offence under the law of any jurisdiction.
- (b) Health Clinic. A person who is required to register may be present within the premises of the Health Clinic facility for the purpose of his or her own services or medical treatment or may accompany his or her own children, if legally permitted to do so, for the purpose of their services or medical treatment.
- (5) Exemption. A juvenile under the age of 14 years shall not be subject to the prohibitions of this section unless he or she has been charged and convicted as an adult with a covered offense under the law of any jurisdiction.

Adopted for immediate effect by the Tribal Council of the Hannahuille Indian Community in regular session on March 7, 2011, by a vote of 10 yes, 0 no, and 0 abstaining.

Amended on May 16, 2011, by the Tribal Council in regular session by a vote of 9 yes, 0 against, and 0 abstaining.