

**DRAFT FOR PUBLIC COMMENT – NOT FOR CITATION**

**SEX OFFENDER REGISTRATION CODE**

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**ARTICLE 1. SEX OFFENDER REGISTRATION**

[NOTE: Except as otherwise noted, the provisions of the Sex Offender Registration Code were enacted on June 10, 2010, by Ordinance 10-02, effective on July 15, 2010.]

**CHAPTER 1. GENERAL MATTERS**

**Section 1-101. Title.**

This Code/Code shall be known as Colorado River Indian Tribes (“Tribe” or “CRIT”) Sex Offender Registration Code.

**Section 1-102. 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, and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

**Section 1-103. 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.

**Section 1-104. Creation of Registries.**

(a) Sex Offender Registry. There is hereby established a sex offender registry, which the Colorado River Indian Tribes Law Enforcement Services (“CRIT LES”) shall maintain and operate pursuant to the provisions of this code, as amended.

(b) Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the CRIT LES shall maintain and operate pursuant to the provisions of this code, as amended.

**CHAPTER 2. DEFINITIONS**

The Definitions below apply to this Code only.

(a) Convicted. A sex offender is “convicted” for the purposes of this code if the sex offender has been subjected to penal consequences based on the conviction. A nolo-contendre is considered a conviction for the purpose of this Code.

(b) 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.

~~(b)~~ (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.

~~(c)~~ (d) Foreign Conviction. A foreign conviction is one obtained outside of the United States.

~~(d)~~ (e) Immediate. “Immediate” and “immediately” mean within 3 business days.

~~(e)~~ (f) 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, 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)~~ (g) 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.

~~(g)~~ (h) Juvenile Offender, for the purpose of this Code, is a minor who has been:

- (1) Prosecuted and found guilty as an adult for a sex offense under Chapter 4 of this Code; 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.

~~(h)~~ (i) Minor. The term “minor” means an individual who has not attained the age of 18 years.

(j) National Sex Offender Registry (NSOR). The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.

~~(i)~~ (k) Registration year. “Registration year” means twelve-month period beginning January 1 of each calendar year and ending on December 31 of that year.

~~(j)~~ (l) 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. Seasonal visitation of vacation homes and cabins is considered as residing for the purposes of this Code.

~~(k)~~ (m) Sex Offender. The term “sex offender” refers to a person, whether an adult or juvenile, convicted of any sex offense under Chapter 4 of this Code or a juvenile offender.

~~(l)~~ (n) 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 an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

~~(m)~~ (o) 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)~~ (p) Student. A “student” is a person, intern, extern or apprentice who enrolls in, attends, volunteers, or works either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.

~~(o)~~ (q) 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. §16911 *et seq.*, as amended.

~~(p)~~ (r) SORNA Officer. A “SORNA Officer” is the designated person by CRIT Law Enforcement Services to administer and enforce the compliance of this Code.

~~(s)~~ (s) Sex Offender Registry. The term “sex offender registry” means the registry of sex offenders, and a notification program, maintained by CRIT Law Enforcement Services/SORNA Officer.

~~(t)~~ (t) Visitor. For the purposes of this Code, a “visitor” is anyone that does not reside within the exterior boundaries of the Reservation and is within the boundaries of the Reservation for more than five calendar (5) days.

### CHAPTER 3. COVERED INDIVIDUALS

Individuals (adult offenders and juvenile offenders) who: (1) reside within the exterior boundaries of the Colorado River Indian Reservation (“Reservation”) or otherwise reside on

property owned by the Tribe in fee or trust regardless of location, (2) are employed within the exterior boundaries of the Reservation or on property owned by the Tribe in fee or trust regardless of location, or (3) who attend school within the exterior boundaries of the Reservation or on property owned by the tribe in fee or trust regardless of location and (4) visit 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 any of the offenses in Chapter 4 of this Code or convicted of an attempt or conspiracy to commit any of the following offenses in Chapter 4 of this Code, are subject to the requirements of this Code.

## **CHAPTER 4. OFFENSES**

### **Section 1-401. Tribal Offenses.**

Conviction or conviction on attempt or conspiracy to commit of any of the offenses under ~~Section~~ Sections 319, 320, 349, 350, and 351 of CRIT Law & Order Code.

### **Section 1-402. ~~Offenses Involving Minors.~~ Jurisdiction Offenses.**

~~Conviction or conviction on attempt or conspiracy to commit of any of the following offenses against a minor in any jurisdiction:~~

- ~~(1) — The use of minors in prostitution, including solicitations,~~
- ~~(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) — Kidnapping of a minor,~~
- ~~(5) — False imprisonment of a minor,~~
- ~~(6) — 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,~~
- ~~(7) — Use of a minor in a sexual performance,~~
- ~~(8) — Solicitation of a minor to practice prostitution,~~
- ~~(9) — Possession, production, or distribution of child pornography,~~
- ~~(10) — 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;~~

~~(11) Enticing a minor to engage in criminal sexual activity,~~

~~(12) A sexual act with a minor by force or threat,~~

~~(13) A sexual act with a minor who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, and~~

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).

~~(14)~~ (12) Sexual contact with a minor under 18 years of age, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing, unless the victim was at least 13 years old and the offender was not more than 4 years older than the victim,

~~(15)~~ (13) Sexting crime, unless the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

### **Section 1-403. Federal Offenses.**

~~Conviction or conviction on attempt or conspiracy to commit of any of the following offenses:~~

- ~~(1) — 18 U.S.C. §1801 (video voyeurism of a minor)~~
- ~~(2) — 18 U.S.C. §2241 (a) and (b) (aggravated sexual abuse)~~
- ~~(3) — 18 U.S.C. §2242 (sexual abuse)~~
- ~~(4) — 18 U.S.C. §2244 (abusive sexual contact; where the victim is 12 years of age or younger,~~
- ~~(5) — 18 U.S.C. §2252 (receipt or possession of child pornography)~~
- ~~(6) — 18 U.S.C. §2252A (receipt or possession of child pornography)~~
- ~~(7) — 18 U.S.C. §2252B (misleading domain names on the internet)~~
- ~~(8) — 18 U.S.C. §2252C (misleading words or digital images on the internet)~~
- ~~(9) — 18 U.S.C. §2422(a) (coercion to engage in prostitution)~~
- ~~(10) — 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States)~~
- ~~(11) — 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct)~~
- ~~(12) — 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places)~~
- ~~(13) — 18 U.S.C. §2424 (failure to file factual statement about an alien individual)~~
- ~~(14) — 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct)~~
- ~~(15) — 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion)~~
- ~~(16) — 18 U.S.C. §2243 (sexual abuse of a minor or ward)~~

- ~~(17) 18 U.S.C. §2245 (offenses resulting in death)~~
- ~~(18) 18 U.S.C. §2251 (sexual exploitation of children)~~
- ~~(19) 18 U.S.C. §2251A (selling or buying of children)~~
- ~~(20) 18 U.S.C. §2252 (material involving the sexual exploitation of a minor)~~
- ~~(21) 18 U.S.C. §2252A (production or distribution of material containing child pornography)~~
- ~~(22) 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity)~~
- ~~(23) 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution)~~
- ~~(24) 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct)~~

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).

#### **Section 1-404. Certain Military Offenses.**

Conviction or conviction on attempt or conspiracy to commit of 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). ~~that is similar to those offenses outlined in Section 402 of this Chapter.~~

#### **Section 1-405. Foreign Offenses.**

Conviction or conviction on attempt or conspiracy to commit of any sex offense involving any conduct listed in this Section that was obtained under the laws of any country that has 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 1-406. 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 13 years old and the offender was not more than 4 years older than the victim.

### **CHAPTER 5. REGISTRATION**

#### **Section 1-501. Where Registration is Required.**

(a) Jurisdiction of Conviction. A sex offender must initially register with CRIT LES if the sex offender was convicted by the CRIT 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 with CRIT LES 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 with CRIT LES if the sex offender resides within the exterior boundaries of the Colorado River Indian Reservation.

(d) Jurisdiction of Employment. A sex offender must register with CRIT LES if he or she is employed by the Tribe in any capacity or otherwise is employed within the exterior boundaries of the Colorado River Indian Reservation.

(e) Jurisdiction of School Attendance. A sex offender must register with CRIT LES if he or she is attending school within the exterior boundaries of the Colorado River Indian Reservation.

(f) Jurisdiction of Visitation. A sex offender must register with CRIT LES if he or she is visiting within the exterior boundaries of the Colorado River Indian Reservation.

**Section 1-502. Timing of Registration.**

(a) Timing. A sex offender required to register with the Tribe under this Code shall do so in the following time frame:

- (1) If convicted by the Colorado River Indian Tribes for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
- (2) If convicted by the Colorado River Indian Tribes but not incarcerated, within 3 business days of sentencing for the registration offense, and
- (3) Within 3 business days of establishing a residence, commencing employment, or becoming a student within the exterior boundaries of the Colorado River Indian Reservation a sex offender must appear in person to register with CRIT LES.
- (4) Within 7 calendar days for any visitor.

(b) Duties of CRIT LES. The CRIT LES 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
- (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.

**Section 1-503. Retroactive Registration.**

(a) Retroactive Registration. All covered individuals under Chapter 3 of this Code that have been convicted of any of the offenses under Chapter 4 of this Code prior to the effective date of the Code are required to register.

(b) Timing of Recapture. The CRIT LES shall ensure recapture of the sex offenders that currently reside, work, attend school and visit within the exterior boundaries of the Reservation within 90 calendar days the following from the effective date of this Code.

**Section 1-504. Keeping Registration Current.**

(a) Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall immediately appear in person at the CRIT LES 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 CRIT LES of any changes to their temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, the sex offender and CRIT LES shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.

(b) Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within the exterior boundaries of the Reservation regardless of location that change their school, or otherwise terminate their schooling, shall immediately appear in person at the CRIT LES to update that information. CRIT LES 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 Reservation regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the CRIT LES to update that information. The CRIT LES 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.

(d) Jurisdiction of Visitor. Any sex offender who is a visitor within the exterior boundaries of the Reservation shall immediately appear in person at the CRIT LES to update that information. The CRIT LES 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.

(e) Duties of CRIT LES. With regard to changes in a sex offender's registration information, the CRIT LES/SORNA Officer or designee shall immediately notify:

- (1) All jurisdictions where a sex offender intends to reside, work, or attend school,

- (2) Any jurisdiction where the sex offender is either registered or required to register, and
- (3) 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 required to register, and the U.S. Marshals Service. The tribal police shall also ensure this information is immediately updated on the ~~National Crime Information Center (NCIC)~~ National Sex Offender Registry (NSOR).

**Section 1-505. 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 CRIT LES/SORNA Officer 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 CRIT LES/SORNA Officer or designee receives information that a sex offender has absconded the CRIT LES/SORNA Officer or designee shall make an effort to determine if the sex offender has actually absconded.

- (1) In the event no determination can be made, the CRIT LES/SORNA Officer or designee shall ensure the 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 tribal police shall take the following steps:
  - (A) Update the registry 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 NCIC Wanted Person File.

(c) Failure to Register. In the event a sex offender who is required to register due to their employment, school attendance or visitor status fails to do so or otherwise violates a registration requirement of this Code, the CRIT LES/SORNA Officer or designee shall take all appropriate follow-up measures including those outlined in Section 1-505 (b). The CRIT LES/SORNA Officer or designee shall first make an effort to determine if the sex offender is actually employed or attending school in lands subject to the tribe's jurisdiction.

**Section 1-506. Frequency and Duration of Registration.**

Sexual offenders shall appear in person to CRIT LES every 90 calendar days, starting from the date of initial registration for the rest of their lives while remaining within the exterior boundaries of the Reservation.

**Section 1-507. Registration Fee.**

(a) Required fee. An offender who has been convicted of any crimes under Chapter 4 of this Code after the effective date of the Code is required to pay the following fee and shall retain the receipts:

- (1) \$125 upon initial registration that is valid to December 31 of the same calendar year.
- (2) \$ 55 annually for every year after the year of initial registration.

(b) Fee waiver. CRIT LES shall waive the fee in sub-part (a) of this Section if offender's gross annual income is under 120% of the federal poverty guideline. Offender shall submit the most current tax filing for verification. Failure to produce income evidence will result in rejection of fee waiver request.

(c) Failure to pay the required fee in sub-part (a) shall be subject to Section 1-1003 (a) for civil sanctions.

**Section 1-508. Requirement for in Personal Appearances.**

(a) First-Time Registration. All sex offenders must appear in person at the initial or first-time registration with CRIT LES at which point the sex offenders shall permit the SORNA Officer to take a photograph of the offenders.

(b) Updated Registrations. All sex offenders must appear in person to update existing information for accuracy and including the 90 day mandatory registration under Section 1-506.

(c) Notification. If any new information or change in information is obtained at an in person verification, the CRIT LES 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 CRIT LES shall immediately update the public website, if applicable, and update

information in NCIC/NSOR.

**Section 1-509. Sex Offender Acknowledgment 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 SORNA Officer and that the sex offender understands the registration requirement. The form shall be signed and dated by the SORNA Officer registering the sex offender.

(b) The SORNA Officer shall immediately upload the acknowledgement form into the CRIT LES Sex Offender Registry.

**CHAPTER 6. REQUIRED INFORMATION**

**Section 1-601. General Requirements.**

(a) Duties. A sex offender covered by this Code shall provide all of the information detailed in this Chapter to the CRIT LES/SORNA Officer or designee, and the CRIT LES/SORNA Officer or designee 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 any relevant policies and procedures.

(b) Electronic Database. A sex offender registry shall be maintained in an electronic database by the CRIT LES/SORNA Officer or designee and shall be in a form capable of electronic transmission.

**Section 1-602. Criminal History.**

Criminal History. A 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.

**Section 1-603. Date of Birth.**

Date of Birth. A 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.

**Section 1-604. DNA Sample.**

- (a) DNA. The sex offender shall provide a DNA sample to CRIT LES/SORNA Officer or designee upon initial registration.
- (b) Combined DNA Index System (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 in to CODIS.

**Section 1-605. Driver's Licenses, Identification Cards, Passports, and Immigration Documents.**

- (a) Driver's License. A sex offender shall provide a photocopy of all of the sex offender's valid driver's licenses issued by any jurisdiction.
- (b) Identification Cards. A sex offender shall provide a photocopy of any identification card including the sex offender's tribal enrollment card issued by any jurisdiction.
- (c) Passports. A sex offender shall provide a photocopy of any passports used by the sex offender.
- (d) Immigration Documents. A sex offender shall provide a photocopy of any and all immigration documents.

**Section 1-606. Employment Information.**

Employment. A 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.

**Section 1-607. Finger and Palm Prints.**

Finger and Palm Prints. A sex offender shall provide both finger prints and palm prints of the sex offender in a digitized format.

**Section 1-608. Internet Identifiers.**

Internet Names. A 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.

**Section 1-609. Name.**

Name. A sex offender shall provide the following information 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.

**Section 1-610. Phone Numbers.**

Phone Numbers. A sex offender shall provide the following information related to the sex offender's telephone numbers:

- (1) Any and all land line telephone numbers, and
- (2) Any and all cellular telephone numbers.

**Section 1-611. Picture.**

(a) Photograph. A sex offender shall provide a current photograph of the sex offender.

(b) Update Requirements. An updated photograph of the sex offender shall be taken every 90 days during the in-person reporting requirement under Section 1-506 of this Code.

**Section 1-612. Physical Description.**

Physical Description. The CRIT LES/SORNA Officer 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.

**Section 1-613. Professional Licensing Information.**

Professional Licenses. A 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.

**Section 1-614. Residence Address.**

Address. A 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.

**Section 1-615. School.**

School Location. A 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.

**Section 1-616. Social Security Number.**

Social Security. A 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.

**Section 1-617. Temporary Lodging.**

Lodging Information. A 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.
- (3) Travel Abroad. ~~In the event the sex offender will be traveling outside of the United States for more than 7 days, the CRIT LES/SORNA Officer or designee shall immediately~~

provide this information to INTERPOL. Sex offenders must inform their residence jurisdictions 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.

**Section 1-618. Offense Information.**

Offense Information. The CRIT LES/SORNA Officer or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

**Section 1-619. Vehicle Information.**

Detailed Information. A 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.

**CHAPTER 7. PUBLIC SEX OFFENDER REGISTRY WEBSITE**

**Section 1-701. Website.**

(a) Website. The CRIT LES/SORNA Officer or designee shall use and maintain a public sex offender registry website.

(b) Links. The registry website shall include links to sex offender safety and education resources.

(c) Instructions. The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.

(d) 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.

(e) Search Capabilities. The 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 Tribe shall include in the 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.

**Section 1-702. Required and Prohibited Information.**

(a) Required 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.

(b) Prohibited 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,
- (4) The identity of the victim, and
- (5) Internet identifiers (as defined in 42 U.S.C. §16911).

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

### **Section 1-703. Community Notification.**

~~(a) Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the Tribe, the Tribe shall:~~

- ~~(1) Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on NCIC or other relevant databases,~~
- ~~(2) Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, including, but not limited to, police, whether BIA, tribal, or FBI, tribal prosecutors, and tribal probation.~~

~~(b) Community Notification. Upon a sex offender's registration or update of information with the Tribe, the Tribe's public sex offender registry website is immediately updated and other public places that CRIT LES uses as public bulletin boards.~~

(a) Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the tribe, CRIT LES] shall:

1. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment, visitor 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. CRIT LES 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 tribe's public sex offender registry website is immediately updated.

2. The tribe's public sex offender registry 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. But

## **CHAPTER 8. TREATMENT OF JUVENILE RECORDS**

(a) Access to records. CRIT, state, and Federal law enforcement officials that are involved in the enforcement of this Code shall have access to all law enforcement and Tribal Court records of the offending juvenile. This provision shall supersede Sections 1-111 through 1-114 of the Children's Code and all other contradictory provisions in CRIT's codes.

(b) Non-Expungement of records. All juvenile records for sex offenses under Section 320 of the Law & Order Code shall be kept until the death of such person. This provision shall supersede the expungement requirement under Section 1-113 of the Children's Code or all other contradictory provisions in CRIT's Codes.

## **CHAPTER 9. IMMUNITY**

(a) No waiver of immunity. Nothing under this chapter shall be construed as a waiver of sovereign immunity by the Colorado River Indian Tribes, its departments, agencies, employees, or agents.

(b) Good faith. Any person acting under good faith of this Code shall be immune from any civil liability arising out of such actions.

## **CHAPTER 10. CRIMES AND CIVIL SANCTIONS**

### **Section 1-1001. Criminal Offense; Failure to Register.**

An Indian found guilty of failing to register if that person fails to comply with the requirements under Chapter 5, Sections 5-501, 5-502, 5-503, 5-504, 5-506, 5-508(a) and (b) and fails to provide accurate information required under Chapter 6 of this Code and shall be subject to the following:

- (1) First failure to register, a mandatory minimum 3 month incarceration period and a minimum fine of \$1000;
- (2) Second failure to register, a mandatory minimum 6 month incarceration period and a minimum fine of \$2000; and
- (3) All subsequent failures to register, a mandatory minimum incarceration period of greater than 6 months and a fine greater than \$2000.

**Section 1-1002. Criminal Offense; Unlawful Residency.**

(a) Unlawful Residency. It is unlawful for an Indian who has a conviction or conviction on attempt or conspiracy to commit of any of the offenses in Chapter 4 of this Code to reside within one thousand (1000) feet of the real property comprising any of the following:

- (1) A private or public school that provides instruction in kindergarten programs and any combination of kindergarten programs and grades one through eight.
- (2) A private or a public school that provides instruction in any combination of grades nine through twelve.
- (3) A child care facility.

Each violation of this sub-section shall be considered a crime and subject to a maximum period of incarceration of one (1) year and a maximum fine of \$5000.

(b) Exception. This section does not apply to any of the following:

- (1) A person who establishes the person's residence before the effective date of the Code or before a new school or child care facility is located.
- (2) A person who is a minor.

(c) Measurement. For the purposes of Subsection (a) of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing the person's residence to the nearest point on the property line of a parcel containing a child care facility or a school.

**Section 1-1003. Civil Sanctions.**

(a) Each violation of Section 1-1001 and Section 1-1002 under this Code by a sex offender 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 fines up to \$5000, forfeitures, civil contempt.

(b) Customs and traditions and banishment/exclusion under Article V of the Law & Order Code.

(c) A person is in hindrance of sex offender registration and shall be subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of fines up to \$5000, forfeitures, civil contempt if he/she is guilty of:

- (1) 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 Code;

- (2) 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 Code; or
- (3) Provides information to law enforcement agency regarding a sex offender which the person knows to be false.

**CHAPTER 11. REFERRAL FOR FEDERAL PROSECUTION**

Failure to register under this Code shall result in referral for federal prosecution under 18 U.S.C. §2250.

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