

NORTHERN ARAPAHO CODE
TITLE 14: SEX OFFENDER
REGISTRATION AND NOTIFICATION CODE

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CHAPTER 1: GENERAL MATTERS

Section 101 - Title. This Code shall be known as the Wind River Sex Offender Registration and Notification Code.

Section 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 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 104 - Creation of Registries.

(a) Sex Offender Registry. There is hereby established a sex offender registry, which the WRSORNA Office 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 WRSORNA Office shall maintain and operate pursuant to the provisions of this Code, as amended.

CHAPTER 2: TERMINOLOGY AND COVERED OFFENSES

Section 201 - Definitions. The definitions below apply to this Code only:

(a) Community Event. The term "Community Event" as used in this Code means any activity, gathering or similar event that involves the use of or having an impact on tribal or public

lands, including, but not limited to pow wows, sporting events, school activities, feasts, and similar community gatherings. Community Events also include activities, gatherings or other similar events on private property where the attendance is expected to be fifty (50) or more people.

(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.

(c) Employee. The term "employee" as used in this Code includes, but is not limited to an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.

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

(e) Immediate. "Immediate" and "immediately" mean within three (3) business days.

(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, BIA, private or contract facility, or a local or tribal "jail." Persons under "house arrest" following conviction of a covered sex offense are required to register pursuant to the provisions of this Code during their period of "house arrest."

(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, any foreign country, and any Indian tribe.

(h) Minor. The term "minor" means an individual who has not attained the age of eighteen (18) years.

(i) National Sex Offender Registry (NSOR). The national sex offender registry is maintained by the Federal Bureau of Investigation (FBI) pursuant to 42 U.S.C. §16919.

(j) 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. The term includes sex offenders who visit the Wind River Reservation for a period of twenty-four (24) hours or more.

(k) 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 any person.

(l) Sex Offender. A person convicted of a sex offense is a "sex offender."

(m) Sex Offender Registry. The term "sex offender registry" means the registry of sex offenders, and a notification program, maintained by the WRSORNA Office.

(n) Sex Offense. The term "sex offense" as used in this Code includes those offenses contained in 42 U.S.C. §16911(5) and those offenses enumerated in Section 202 of this Code or any other covered offense under tribal law. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.

(o) Sexual Act. The term "sexual act" means:

(i) 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;

(ii) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(iii) 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

(iv) The intentional touching, not through the clothing, of the genitalia of a minor, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(p) SMART Office. The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. §16945.

(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.

(r) Student. A "student" is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.

(s) Tier 1 Sex Offender. A "Tier 1 sex offender," or a "sex offender" designated as "Tier 1," is one that has been convicted of a "Tier 1" sex offense as defined in Section 301.

(t) Tier 2 Sex Offender. A "Tier 2 sex offender," or a "sex offender" designated as "Tier 2," is one that has been either convicted of a "Tier 2" sex offense as defined in Section 302, or who is subject to the recidivist provisions of 302(b).

(u) Tier 3 Sex Offender. A "Tier 3 sex offender," or a "sex offender" designated as "Tier 3," is one that has been either convicted of a "Tier 3" sex offense as defined in Section 303, or who is subject to the recidivist provisions of 303(b).

(v) Tribal Court. "Tribal Court" means the Shoshone and Arapaho Tribal Court of the Wind River Reservation, the Courts of the Northern Arapaho Tribe, or any tribal court from any Indian Tribe that has elected to function as a SORNA registration and notification jurisdiction.

(w) Tribe(s). "Tribe" means the Northern Arapaho Tribe, and "Tribes" mean the Northern Arapaho Tribe and the Eastern Shoshone Tribe.

(x) Vulnerable Adult. "Vulnerable Adult" as used in this Code means any person eighteen (18) years of age or older who is

unable to manage and take care of himself/herself or his/her money, assets, or property without assistance as a result of advanced age or physical or mental disability.

(y) WRSORNA Office. The term "WRSORNA Office" as used in this Code means the Wind River SORNA office (or such other agency as the Tribe may from time to time designate by resolution) that is responsible for registration of sex offenders.

Section 202 - Covered Persons and Offenses. Individuals who have been convicted of any of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, are subject to the requirements of this Code if they (i) reside within the exterior boundaries of the Wind River Indian Reservation or otherwise reside on property owned by the Tribe or Tribes in fee or trust regardless of location; (ii) are employed within the exterior boundaries of the reservation or on property owned by the Tribe or Tribes in fee or trust regardless of location; (iii) visit the reservation for a period of twenty-four (24) hours or more; or (iv) attend school within the exterior boundaries of the reservation or on property owned by the Tribe or Tribes in fee or trust regardless of location:

(a) Tribal Offenses. A conviction under the Shoshone and Arapaho Law and Order Code ("S&A LOC") for any of the following:

(i) S&A LOC 7-3-9 (sexual assault);

(ii) S&A LOC 7-3-10 (1)(b), (c), and (e)(iv) (other acts prohibited against children - prostitution, indecent or obscene acts, cause or contribute to any obscene or indecent exhibition or practice);

(iii) S&A LOC 7-4-10 (prostitution); or

(iv) S&A LOC 7-4-13 (indecent exposure).

(b) Federal Offenses. A conviction for any of the following, and any other offense hereafter included in the definition of "sex offense" at 42 U.S.C. §16911(5):

(i) 18 U.S.C. §1591 (sex trafficking of children);

(ii) 18 U.S.C. §1801 (video voyeurism of a minor);

- (iii)** 18 U.S.C. §2241 (aggravated sexual abuse);
- (iv)** 18 U.S.C. §2242 (sexual abuse);
- (v)** 18 U.S.C. §2243 (sexual abuse of a minor or ward);
- (vi)** 18 U.S.C. §2244 (abusive sexual contact);
- (vii)** 18 U.S.C. §2245 (offenses resulting in death);
- (viii)** 18 U.S.C. §2251 (sexual exploitation of children);
- (ix)** 18 U.S.C. §2251A (selling or buying of children);
- (x)** 18 U.S.C. §2252 (material involving the sexual exploitation of a minor);
- (xi)** 18 U.S.C. §2252A (material containing child pornography);
- (xii)** 18 U.S.C. §2252B (misleading domain names on the internet);
- (xiii)** 18 U.S.C. §2252C (misleading words or digital images on the internet);
- (xiv)** 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States);
- (xv)** 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity);
- (xvi)** 18 U.S.C. §2422 (coercion and enticement of a minor for illegal sexual activity);
- (xvii)** 18 U.S.C. §2423 (Mann Act);
- (xviii)** 18 U.S.C. §2424 (filing factual statement about an alien individual); or
- (xix)** 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

(c) Foreign Offenses. Any conviction for a sex offense

involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

(d) Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. 951 note).

(e) Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241) and committed by a minor who is fourteen (14) years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.

(f) Jurisdiction Offenses. Any sex offense committed in any jurisdiction that involves:

(i) Any type or degree of genital, oral, or anal penetration;

(ii) Any sexual touching of or sexual contact with a person's body, either directly or through the clothing;

(iii) Kidnapping of a minor;

(iv) False imprisonment of a minor;

(v) 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;

(vi) Use of a minor in a sexual performance;

(vii) Solicitation of a minor to practice prostitution;

(viii) Possession, production, or distribution of

child pornography;

(ix) 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;

(x) Any conduct that by its nature is a sex offense against a minor;

(xi) 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).

CHAPTER 3: TIERED OFFENSES

Section 301 - Tier 1 Offenses.

(a) Sex Offenses. A "Tier 1" offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that is not a "Tier 2" or "Tier 3" offense.

(b) Offenses Involving Minors. A "Tier 1" offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country

pursuant to Section 202(c) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.

(c) Tribal Offenses. Any tribal sex offense covered by this Code (punishment limited to one (1) year in jail) shall be considered a "Tier 1" sex offense.

(d) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for a "Tier 1" offense:

- (i)** 18 U.S.C. §1801 (video voyeurism of a minor);
- (ii)** 18 U.S.C. §2252 (receipt or possession of child pornography);
- (iii)** 18 U.S.C. §2252A (receipt or possession of child pornography);
- (iv)** 18 U.S.C. §2252B (misleading domain names on the internet);
- (v)** 18 U.S.C. §2252C (misleading words or digital images on the internet);
- (vi)** 18 U.S.C. §2422(a) (coercion to engage in prostitution);
- (vii)** 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct);
- (viii)** 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places);
- (ix)** 18 U.S.C. §2423(d) (transportation of adult - Ancillary Offenses);
- (x)** 18 U.S.C. §2424 (filing factual statement about an alien individual); or
- (xi)** 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

(e) Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section

115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 301(a),(b), or (c) shall be considered a "Tier 1" offense.

Section 302 - Tier 2 Offenses.

(a) Recidivism and Felonies. Unless otherwise covered by Section 303, any sex offense that is not the first sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense and that is punishable by more than one (1) year in jail is considered a "Tier 2" offense.

(b) Offenses Involving Minors. A "Tier 2" offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:

 (i) The use of minors in prostitution, including solicitations;

 (ii) Enticing a minor to engage in criminal sexual activity;

 (iii) A non-forcible Sexual Act with a minor sixteen (16) or seventeen (17) years old;

 (iv) Sexual contact with a minor thirteen (13) years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body;

 (v) The use of a minor in a sexual performance;

 (vi) The production or distribution of child pornography; or

(c) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for a "Tier 2" offense:

 (i) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion);

 (ii) 18 U.S.C. §2244 (abusive sexual contact, where the victim is thirteen (13) years of age or older);

- (iii) 18 U.S.C. §2251 (sexual exploitation of children);
- (iv) 18 U.S.C. §2251A (selling or buying of children);
- (v) 18 U.S.C. §2252 (material involving the sexual exploitation of a minor);
- (vi) 18 U.S.C. §2252A (production or distribution of material containing child pornography);
- (vii) 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States);
- (viii) 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity);
- (ix) 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution); or
- (x) 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
- (xi) 18 U.S.C. 2423(d) (transportation of a minor - ancillary offenses).

(d) Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 302(a), (b), or (c) shall be considered a "Tier 2" offense.

Section 303 - Tier 3 Offenses.

(a) Recidivism and Felonies. Any sex offense that is punishable by more than one (1) year in jail where the offender has at least one (1) prior conviction or an attempt or conspiracy to commit such an offense of a Tier 2 sex offense, or has previously become a Tier 2 sex offender, is a "Tier 3" offense.

(b) General Offenses. A "Tier 3" offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:

- (i) Non-parental kidnapping of a minor;
- (ii) A sexual act with another by force or threat;
- (iii) 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
- (iv) Sexual contact with a minor twelve (12) years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.

(c) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a "Tier 3" offense:

- (i) 18 U.S.C. §2241 (a), (b), (c), or (d) (aggravated sexual abuse);
- (ii) 18 U.S.C. §2243 (sexual abuse of a minor or ward);
- (iii) 18 U.S.C. §2242 (sexual abuse); or
- (iv) Where the victim is twelve (12) years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).

(d) Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 303(a), (b) or (c) shall be considered a "Tier 3" offense.

CHAPTER 4: REQUIRED INFORMATION

Section 401 - General Requirements.

(a) Duties. A sex offender covered by this Code who is required to register with the Tribe pursuant to Chapter 5 shall provide all of the information detailed in this chapter to the WRSORNA Office, and the WRSORNA Office 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) Digitization. All information obtained under this Code shall be, at a minimum, maintained by the WRSORNA Office in a digitized format.

(c) Electronic Database. A sex offender registry shall be maintained in an electronic database by the WRSORNA Office and shall be in a form capable of electronic transmission.

Section 402 - Criminal History. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's criminal history:

- (a)** The date of all arrests;
- (b)** The date of all convictions;
- (c)** The sex offender's status of parole, probation, or supervised release;
- (d)** The sex offender's registration status; and
- (e)** Any outstanding arrest warrants.

Section 403 - Date of Birth. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:

- (a)** The sex offender's actual date of birth; and
- (b)** Any other date of birth used by the sex offender.

Section 404 - DNA Sample.

(a) DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the WRSORNA Office or designee a sample of his or her DNA.

(b) CODIS. Any DNA sample obtained from a sex offender shall be submitted to the Federal DNA Database Unit for analysis and entry of the resulting DNA profile into CODIS.

Section 405 - Driver's Licenses, Identification Cards, Passports, and Immigration Documents.

(a) Driver's License. A covered sex offender shall provide all of the sex offender's valid driver's licenses issued by any jurisdiction, and the WRSORNA Office or designee shall make a photocopy of any such licenses.

(b) Identification Cards. A covered sex offender shall provide all of the sex offender's identification cards, including the sex offender's tribal enrollment card issued by any jurisdiction, and the WRSORNA Office or designee shall make a photocopy of any such identification cards.

(c) Passports. A covered sex offender shall provide any passports used by the sex offender and the WRSORNA Office or designee shall make a photocopy of any such passports.

(d) Immigration Documents. A covered sex offender shall provide any and all immigration documents used by the sex offender and the WRSORNA Office or designee shall make a photocopy of any such documents.

Section 406 - Employment Information. The WRSORNA Office 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:

- (a)** The name of the sex offender's employer;
- (b)** The address of the sex offender's employer; and
- (c)** Similar information related to any transient or day labor employment.

Section 407 - Finger and Palm Prints. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide,

both finger prints and palm prints of the sex offender in a digitized format. The finger prints must be submitted to Integrated Automated Fingerprint Identification System (IAFIS). The palm prints must be submitted to the FBI (Next Generation Identification Program).

Section 408 - Internet Identifiers. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:

- (a) Any and all email addresses used by the sex offender;
- (b) Any and all Instant Message addresses and identifiers used by the sex offender;
- (c) Any and all other designations or monikers used for self-identification in internet communications or postings used by the sex offender; and
- (d) Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings.

Section 409 - Name. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

- (a) The sex offender's full primary given name;
- (b) Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used; and
- (c) 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 410 - Telephone Numbers. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:

- (a) Any and all land line telephone numbers;

- (b) Any and all cellular telephone numbers; and
- (c) Any and all Voice Over IP (VOIP) telephone numbers.

Section 411 - Picture.

(a) Photograph. The WRSORNA Office or designee shall obtain, and a covered sex offender shall allow, a current photograph to be taken.

(b) Update Requirements. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected:

- (i) Every ninety (90) days for Tier 3 sex offenders;
- (ii) Every one hundred eighty (180) days for Tier 2 sex offenders; and
- (iii) Every year for Tier 1 sex offenders.

Section 412 - Physical Description. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

- (a) A physical description;
- (b) General description of the sex offender's physical appearance or characteristics; and
- (c) Any identifying marks, such as, but not limited to scars, moles, birthmarks and tattoos.

Section 413 - Professional Licensing Information. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

Section 414 - Registration Forms. The WRSORNA Office shall advise the sex offender about registration obligations, provide

him or her with registration forms, and ensure that he or she signs one.

Section 415 - Residence Address. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

(a) The address of each residence at which the sex offender resides or will reside; and

(b) 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 416 - School. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

(a) The name of each school where the sex offender is or will be a student; and

(b) The address of each school where the sex offender is or will be a student.

Section 417 - Social Security Number. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information:

(a) A valid Social Security number for the sex offender; and

(b) Any Social Security number the sex offender has used in the past, valid or otherwise.

Section 418 - Temporary Lodging. The WRSORNA Office or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his or her residence for seven (7) days or more:

(a) Identifying information of the temporary lodging locations including addresses and names, and

(b) The dates the sex offender will be staying at each temporary lodging location.

(c) The sex offender shall provide, in person, the information in Section 418 (a) and (b) no later than three (3) days before the scheduled travel.

Section 419. - Travel Abroad. In the event the sex offender will be traveling outside of the United States, the sex offender shall report his or her international travel to the WRSORNA Office twenty-one (21) days in advance. The WRSORNA Office or designee will provide the sex offender with the appropriate international travel form to fill out. The WRSORNA Office or designee will notify the U.S. Marshal's Service of such travel, and shall instruct the BIA / OJS SORNA liaison officer to update the NCIC/NSOR databases.

Section 420 - Offense Information. The WRSORNA Office or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

Section 421 - Vehicle Information. The WRSORNA Office 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:

- (a) License plate numbers;
- (b) Registration numbers or identifiers;
- (c) General description of the vehicle to include color, make, model and year; and
- (d) Any permanent or frequent location where any covered vehicle is kept.

Section 422 - Frequency, Duration and Reduction.

(a) **Frequency.** A sex offender who is required to register shall, at a minimum, appear in person at the WRSORNA Office for purposes of verification and keeping his or her registration

current in accordance with the following time frames:

(i) For "Tier 1" offenders, once every year for fifteen (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;

(ii) For "Tier 2" offenders, once every one hundred eighty (180) days for twenty-five (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; or

(iii) For "Tier 3" offenders, once every ninety (90) days for the rest of their lives.

(b) **Reduction of Registration Periods.** A sex offender may have his or her period of registration reduced as follows:

(i) A "Tier 1" offender may have his or her period of registration reduced to ten (10) years if he or she has maintained a clean record for ten (10) consecutive years; and

(ii) A "Tier 3" offender may have his or her period of registration reduced to twenty-five (25) years if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for twenty-five (25) consecutive years.

(c) **Clean Record.** For purposes of Section 420(b), a person has a clean record if:

(i) He or she has not been convicted of any offense, for which imprisonment for more than one (1) year may be imposed;

(ii) He or she has not been convicted of any sex offense;

(iii) He or she has successfully completed, without revocation, any period of supervised release, probation, or parole; and

(iv) He or she has successfully completed an appropriate sex offender treatment program certified by the Tribe, another jurisdiction, or by the Attorney General of the United States.

Section 423 - Requirements for In-Person Appearances.

(a) Photographs. At each in-person verification, the sex offender shall permit the WRSORNA Office 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 WRSORNA Office shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.

(d) New Information. The WRSORNA Office shall immediately update the public website and the information in NCIC/NSOR.

Section 424 - Sex Offender Acknowledgment Form.

(a) The WRSORNA office shall read, or have the sex offender read and sign a form stating that the duty to register has been explained to them, and that the sex offender understands the registration requirement.

(b) The form shall be signed and dated by the WRSORNA Office personnel registering the sex offender.

(c) The WRSORNA Office shall immediately upload the acknowledgment form into the WRSORNA jurisdiction sex offender registry.

CHAPTER 5: REGISTRATION

Section 501 - Where Registration is Required.

(a) Jurisdiction of Conviction. A sex offender must

initially register with the WRSORNA Office if the sex offender was convicted by the Tribal Court of a covered sex offense regardless of the sex offender's actual or intended residency.

(b) Jurisdiction of Incarceration. A sex offender must register with the WRSORNA Office if the sex offender is incarcerated by the Tribe or Tribes 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 the WRSORNA Office if the sex offender resides within lands subject to the jurisdiction of the Tribe or Tribes.

(d) Jurisdiction of Employment. A sex offender must register with the WRSORNA Office if the sex offender is employed by the Tribe or Tribes in any capacity or otherwise is employed within lands subject to the jurisdiction of the Tribe or Tribes.

(e) Jurisdiction of School Attendance. A sex offender must register with the WRSORNA Office if the sex offender is a student in any capacity within lands subject to the jurisdiction of the Tribe or Tribes.

Section 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:

(i) If convicted in Tribal Court for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;

(ii) If convicted in Tribal Court but not incarcerated, within three (3) business days of sentencing for the registration offense;

(iii) When a sex offender is convicted and/or sentenced by another state, territory, tribe or country, or in a federal or military court, within three (3) business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the Tribe or Tribes, a sex offender must appear in person to register at the WRSORNA Office; and

(iv) When a sex offender arrives on the Wind River Indian Reservation for a period of twenty-four (24) hours or more, the sex offender must immediately appear in person to register at the WRSORNA Office.

(b) Duties of WRSORNA Office. The WRSORNA Office shall have policies and procedures in place to ensure the following:

(i) That any sex offender incarcerated or sentenced by the Tribe or Tribes for a covered sex offense completes his or her initial registration with the Tribe or Tribes;

(ii) That it explains the SORNA duties to the sex offender and informs the sex offender of his or her duties under SORNA;

(iii) That the sex offender reads, or has read to him or her, and signs a form stating that the duty to register has been explained to him or her and that the sex offender understands the registration requirement;

(iv) That the sex offender is registered;

(v) That the information is posted on the website;

(vi) That upon entry of the sex offender's information into 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; and

(vii) That all information is entered and updated in NCIC/NSOR databases.

Section 503 - Retroactive Registration.

(a) Retroactive Registration. The WRSORNA Office shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this Code:

(i) Sex offenders incarcerated or under supervision, whether for a covered sex offense or other crime;

(ii) Sex offenders already registered or subject to a

pre-existing sex offender registration requirement; and

(iii) Sex offenders reentering the justice system due to conviction for any crime.

(b) Timing of Recapture. The WRSORNA Office shall ensure recapture of the sex offenders mentioned in Section 503(a) within the following time frame to be calculated from the date of passage of this Code:

(i) For Tier 1 sex offenders, one (1) year;

(ii) For Tier 2 sex offenders, one hundred eighty (180) days; and

(iii) For Tier 3 sex offenders, ninety (90) days.

Section 504 - Keeping Registration Current.

(a) Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall immediately appear in person at the WRSORNA Office 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 WRSORNA Office of any changes to their temporary lodging information, vehicle information, internet identifiers, e-mail addresses, Instant Message addresses, or telephone numbers. In the event of a change in temporary lodging, the sex offender and WRSORNA Office 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 lands subject to the jurisdiction of the Tribe or Tribes, regardless of location, who change his or her school, or otherwise terminate his or her schooling, shall immediately appear in person at the WRSORNA Office to update that information. The WRSORNA Office 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 or Tribes in any capacity or otherwise is

employed within lands subject to the jurisdiction of the Tribe or Tribes, regardless of location, who changes his or her employment, or otherwise terminates his or her employment, shall immediately appear in person at the WRSORNA Office to update that information. The WRSORNA Office 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) Duties of WRSORNA Office. With regard to changes in a sex offender's registration information, the WRSORNA Office or designee shall immediately notify:

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

(ii) Any jurisdiction where the sex offender is either registered or required to register;

(iii) 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. Tribally authorized law enforcement shall also ensure this information is immediately updated on NCIC/NSOR; and

(iv) The appropriate federal agencies and database regarding international travel by a sex offender (the offender must report to the WRSORNA Office at least twenty-one (21) days in advance of such travel).

Section 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 WRSORNA Office 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 WRSORNA Office or designee receives information that a sex offender has absconded, the WRSORNA Office shall make an effort to determine if the sex offender has actually absconded.

(i) In the event no determination can be made, the WRSORNA Office or designee shall ensure that the tribally authorized law enforcement and other appropriate law enforcement agencies are notified.

(ii) 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.

(iii) If an absconded sex offender cannot be located, then the tribally authorized law enforcement shall take the following steps:

(A) Update the registry / public website to reflect the sex offender has absconded or is otherwise not capable of being located;

(B) Notify the U.S. Marshal's Service;

(C) Seek a warrant for the sex offender's arrest. The U.S. Marshal's Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest;

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

(E) Enter the sex offender into the National Crime Information Center Wanted Person File.

(c) Failure to Register. In the event a sex offender who is required to register due to his or her residence, employment or school attendance status fails to do so or otherwise violates a registration requirement of this Code, the WRSORNA Office shall take all appropriate follow-up measures including those outlined in Section 505(b). The WRSORNA Office shall first make an effort to determine if the sex offender is actually residing, employed or attending school in lands subject to jurisdiction of the Tribe or Tribes.

Section 506 - Association with Minors or Vulnerable Adults. A sex offender shall not associate with a minor or with a mentally

or a physically vulnerable adult except in the presence of a responsible adult who is aware of the nature of the sex offender's background and current offense.

Section 507 - Community Event Notification Requirements.

(a) Pursuant to this section, a sex offender shall give advance notice to the WRSORNA Office before attending a Community Event where a minor or mentally or physically vulnerable adult will be in attendance.

(b) A sex offender must adhere to the notification requirements of this section for Community Events they attend both within and beyond the exterior boundaries of the Wind River Reservation.

(c) Advance notice shall be provided by leaving a message at the dedicated answering or text service established by the WRSORNA Office. The notification shall include the following information: 1) the name of the reporting sex offender; 2) the date and time of the notice call; 3) a reliable phone number where the sex offender can be reached; 4) the date, time, and location of the Community Event the sex offender intends to attend; and 5) the name of the responsible adult with whom the sex offender will be attending the Community Event.

(d) The WRSORNA Office shall ensure that the dedicated answering or text service automatically time stamps each notification when received.

(e) The WRSORNA Office shall ensure that each notification is timely recorded in each sex offender's file.

(f) In the event a sex offender attends a Community Event and fails to provide advance notice pursuant to this section, or otherwise violates a notification requirement of this Code, the WRSORNA Office shall take all appropriate follow-up measures including those outlined in Title 14, Section 505(b), or seek penalties pursuant to Title 14, Sections 801 and 802. The WRSORNA Office shall first make an effort to determine if the sex offender actually attended the Community Event.

CHAPTER 6: PUBLIC SEX OFFENDER REGISTRY WEBSITE

Section 601 - Website.

(a) Website. The WRSORNA Office shall use and maintain a public sex offender registry website. The website will include the name, county, city or town, zip code, and geographic radius of the WRSORNA Office.

(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 602 - Required and Prohibited Information.

(a) Required Information. The following information shall be made available to the public on the sex offender registry website:

(i) Notice that an offender is in violation of his or her registration requirements or cannot be located if the sex offender has absconded;

- (ii) All sex offenses for which the sex offender has been convicted;
- (iii) The sex offense(s) for which the offender is currently registered;
- (iv) The address of the sex offender's employer(s);
- (v) The name of the sex offender including all aliases;
- (vi) A current photograph of the sex offender;
- (vii) A physical description of the sex offender;
- (viii) The residential address and, if relevant, a description of a habitual residence of the sex offender;
- (ix) All addresses of schools attended by the sex offender; and
- (x) 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:

- (i) Any arrest that did not result in conviction;
- (ii) The sex offender's Social Security number;
- (iii) Any travel and immigration documents;
- (iv) The identity of the victim; and
- (v) Internet identifiers (as defined in 42 U.S.C. §16911).

(c) Witness Protection. For sex offenders who are under a witness protection program, the tribally authorized law enforcement 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 603 - Community Notification.

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

(i) Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on NSOR or other relevant databases;

(ii) Update NCIC/NSOR, police departments, sheriff's offices, prosecutor's offices, and probation agencies;

(iii) 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;

(iv) 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, and each jurisdiction from or to which a change of residence, employment, or student status occurs; and

(v) 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.

(b) Community Notification. The WRSORNA Office shall ensure there is an automated community notification process in place that ensures the following:

(i) Upon a sex offender's registration or update of information with the Tribe, the Tribe's public sex offender registry website is immediately updated (the WRSORNA Office will monitor the SORNA Exchange Portal for inter-jurisdictional changes);

(ii) 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 e-mail notice shall include the sex offender's identity so that the public can access the public registry for the new information; and

(iii) Any initial registration and any changes in a sex offender's registration information is posted to the Tribe's public registry website within three (3) business days.

CHAPTER 7: IMMUNITY

Section 701 - No Waiver of Immunity. Except as provided in Section 804, nothing in this Code shall be construed as a waiver of sovereign immunity of the Northern Arapaho Tribe or Eastern Shoshone Tribe, or the departments, agencies, employees or agents of either.

Section 702 - Good Faith. Any person acting in good faith pursuant to this Code shall be immune from any civil liability arising out of such actions.

CHAPTER 8: CRIMES AND CIVIL SANCTIONS

Section 801 - Criminal Penalty. Each violation of a provision of this Code by a sex offender who is an Indian shall be considered a crime and subject to a period of incarceration of up to one (1) year and a fine of up to Five Thousand Dollars (\$5,000).

Section 802 - Civil Penalty. Each violation of a provision of this Code by a sex offender who is not an Indian shall be considered a civil violation and subject to punishment as follows:

(a) First Violation: One Thousand Dollars (\$1,000) civil fine, plus court costs;

(b) Second Violation: Three Thousand Dollars (\$3,000) civil fine, plus court costs; and

(c) Third or Subsequent Violation(s): Five Thousand Dollars (\$5,000) civil fine, plus court costs.

Section 803 - Hindrance of Sex Offender Registration. A person is guilty of an offense if they:

(a) Knowingly harbors or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this Code;

(b) Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this Code; or

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

Section 804 - Appeal to Tribal Court. Any registration or other action of the WRSORNA Office allegedly made in error, without authority, or in violation of this Code may be appealed to the Magistrate Court of the Northern Arapaho Tribe ("Magistrate Court") within thirty (30) days of such action by the WRSORNA Office, in a petition naming the WRSORNA Office as sole defendant. In any such proceeding, the Magistrate Court shall give appropriate deference to the expertise of the WRSORNA Office. The sovereign immunity of the Tribe is waived, only with respect to such proceeding, but only if filing deadlines are strictly followed, and only to the extent of either an order affirming the WRSORNA Office's action or decision, or:

(a) regarding the propriety of a specific registration, or information included therein, an order that the registration be removed, terminated, or amended; or

(b) regarding the assessment of penalties by the WRSORNA Office, to an order reversing, abating, reducing, or enhancing that penalty.

The Magistrate Court may impose conditions on the above awards of relief. In no event may the Magistrate Court award or assess prejudgment interest, costs, penalties, monetary damages, attorney's fees, or any other damages or relief against the Tribe or the WRSORNA Office. The public interest is such that the

burden of proof with respect to issues arising under this Code shall be by clear and convincing evidence and shall be upon the individual or entity challenging the WRSORNA Office. All determinations of the Magistrate Court under this section are final, and subject to no further appeal.

Section 805 - Confidential information. Where action by the WRSORNA Office is based upon confidential information, which may not as a matter of law or policy be disclosed to the aggrieved person, such circumstances shall not be grounds for reversal of the WRSORNA Office's decision, and the aggrieved person shall have no right to such confidential information in proceedings before either the WRSORNA Office, Tribal Court, or any other forum.

History: 2011. Title 14. Section 101 et seq., SORNA, was enacted by the Tribe by resolution of the Northern Arapaho Business Council dated February 22, 2011, Resolution No. NABC-2011-138. Amendments were enacted to conform this Title to federal requirements by Resolution No. NABC-2011-175 dated September 20, 2011; Resolution No. NABC-2012-185 dated January 3, 2012; Resolution No. NABC-2012-217 dated August 3, 2012; Resolution No. NABC-2014-383 dated April 15, 2014; Resolution No. NABC-2014-407 dated July 17, 2014; Resolution No. NABC-2015-604 dated December 29, 2015; and NABC-2017-891 dated December 15, 2017.