

**TRIBAL CODE**

**CHAPTER 72:**

**SEX OFFENDER REGISTRATION AND NOTIFICATION CODE**

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**HISTORY NOTE:**

Current Ordinance:

Resolution 2011-58, adopted 23 March 22, 2011, adopts Tribal Code Chapter 72: Sex Offender Registration and Notification Code, effective March 22, 2011.

Amendments:

Resolution 2011-170, adopted July 12, 2011, amends §72.516 (1)(c) and adds §72.519.

## TRIBAL CODE

### CHAPTER 72:

## SEX OFFENDER REGISTRATION AND NOTIFICATION CODE

### SUBCHAPTER I: GENERAL MATTERS

#### 72.101 Title.

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

#### 72.102 Purpose.

The intent of this code is to implement the Federal Sex Offender Registration and Notification Act [hereinafter referred to as "SORNA"] (Title I of Public Law 109-248, *as amended*) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

#### 72.103 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 threaten the political integrity, economic security, health, and welfare of tribal nations, even to the point of imperiling the subsistence of tribal communities.

#### 72.104 Creation of Registries.

(1) Sex Offender Registry. There is hereby established a sex offender registry, which the Michigan State Police (MSP), based on information provided by the Sault Ste. Marie Tribe of Chippewa Indians (Sault Tribe or Tribe), and as documented by a Memorandum of Agreement (MOA) between MSP and the Sault Tribe, shall maintain and operate pursuant to the provisions of this code, *as amended*.

(2) Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the MSP/State of Michigan and the Sault Tribe shall maintain and operate pursuant to the provisions of this code, *as amended*.

### SUBCHAPTER II: TERMINOLOGY AND COVERED OFFENSES

**72.201 Definitions.** The Definitions below apply to this code only.

(1) Abscond. Failure to register and/or to leave, flee or depart quickly and secretly and hide oneself with intent to avoid arrest or prosecution.

(2) Convicted Adult Offender. An adult sex offender is “convicted” for the purposes of this code if the sex offender has been subjected to penal consequences based on the conviction, regardless of how the conviction may be styled. This shall include but not be limited to convictions or juvenile adjudications in tribal, state, and federal courts.

(3) Convicted Juvenile Offender. A juvenile offender is “convicted” for purposes of this code if the juvenile offender is either;

(a) Prosecuted and found guilty as an adult for a sex offense; or

(b) 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 18 USC § 2241 (a) or (b), *as amended*), or was an attempt or conspiracy to commit such an offense.

(4) Dru Sjodin National Sex Offender Public Website (NSOPW). The public website maintained by the Attorney General of the United States pursuant to 42 USC § 16920.

(5) Employee. This term includes, but is not limited to, an individual who is self-employed or works for any tribal entity, whether compensated or not. Volunteers, interns, externs, apprentices, and those providing community services of or for a tribal agency or organization are included within the definition of employee for registration purposes.

(6) Federal Offense. “Federal Offense” (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under Section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code.

(7) Foreign Convictions. A conviction obtained outside of the United States.

(8) Homeless. A person who does not have a permanent or temporary residence and who may have a temporary abode at the home of a family member or friend or at a shelter. A homeless person is subject to the registration requirements set out in this code. A homeless person is also required to verify their address daily with Sault Tribe Law Enforcement (STLE), even if that address is a bench on a specific street, a tent or camper in a particular location, or any such place where the sex offender frequents or stations himself during the day or sleeps at night.

(9) “Immediate” and “immediately”. Within 3 business day.

(10) Imprisonment. 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”.

(11) Jurisdiction. The term refers to the 50 states, the District of Columbia, the five principal U.S. territories (i.e. the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marian Islands, the United States Virgin Islands), and any tribe operating as a SORNA registration jurisdiction.

(12) Loiter. Standing or sitting idly whether in or out of a vehicle, or remaining in or around property not their own, without permission and a legitimate reason.

(13) Minor. An individual who has not attained the age of 18 years.

(14) National Sex Offender Registry (NSOR). The national database maintained by the Attorney General of the United States pursuant to 42 USC § 16919, *as amended*.

(15) Nonmember: A person who is not a member of any federally recognized Indian tribe.

(16) Consensual Sexual Conduct. Offenses involving consensual sexual conduct are not sex offenses 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.

(17) Other tribal member. A person who is a duly enrolled or is a member of a federally recognized Indian tribe other than the Sault Tribe.

(18) Playground. Any small or large open space where children play or gather with or without dedicated play equipment, any place for outdoor games and recreation, any athletic field, any playing field or any court.

(19) Primary address. The “mailing address” of the person’s dwelling; including but not limited to “physical location of the dwelling described with as much specificity as possible”.

(20) Residence. A place where a person is living or temporarily staying for more than five days such as a shelter or structure that can be located by a street address; including but not limited to houses, apartment buildings, motels, hotels, homeless shelter, and recreational and other vehicles.

(21) “Reside” or “resides”. With respect to an individual, the location of the individual’s home or other place where the individual habitually lives or sleeps; including any person who maintains a permanent or temporary residence, such as students, temporary employees, and military personnel on assignment.

(22) School. The term includes but is not limited to any real property, building, facility, or room in a building or facility that is:

(a) Designated as a public or private daycare, childcare facility, preschool, elementary school, secondary school, trade school, professional school, or institute of higher learning; or

(b) Used for teaching, training, supervision, or recreation for children of any age, for the disabled, or for the elderly.

(23) School Personnel. Includes but is not limited to teachers, caregivers, principals, administrator, superintendents of schools, a member of the school board or employee or contractor of any entity working for or rendering or exchanging any service or performing any act for or on behalf of a school in any capacity full or part time.

(24) Secondary address. A mailing address of any place where the person regularly or occasionally stays overnight; including but not limited to the physical location of the place described with as much specificity as possible.

(25) Sexual Act.

(a) Contact between the penis and vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight.

(b) Contact between the mouth and the penis, the mouth and vulva, or the mouth and the anus.

(c) The penetration, however slight, of the anal or genital openings of another by 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

(d) 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.

(26) 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.

(27) Sex Offender. A person convicted of a sex offense in any state, federal, tribal, or other court.

(28) Sex Offense. The term “sex offense” is not used to refer to any and all crimes of a sexual nature, but rather to those covered by the definition of “sex offense” appearing in SORNA



§111(5), *as amended*, and those offenses enumerated in Section 72.202 of this code or any other covered offense under federal, state or tribal law.

(29) “Sex Offense” Generally means:

(a) A criminal offense that has an element involving a sexual act or sexual contact with another.

(b) A criminal offense that is a specified offense against a minor.

(c) A federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under section 1591, *as amended*, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code, *as amended*.

(d) A military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 USC 951 note), *as amended*.

(e) An attempt or conspiracy to commit an offense described in clauses (a) through (d); or

(f) Any tribal offense consistent with the sections a-e.

(30) 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 USC § 16945, *as amended*.

(31) 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 USC § 16911 *et. seq.*, *as amended*.

(32) Specified Offenses Against a Minor. An offense against a minor that involves any of the following:

(a) An offense (unless committed by a parent or guardian) involving kidnapping.

(b) An offense (unless committed by a parent or guardian) involving false imprisonment.

(c) Solicitation to engage in sexual conduct.

(d) Use in a sexual performance.

(e) Solicitation to practice prostitution

(f) Video voyeurism as described in section 1801 of Title 18 of the United States Code, *as amended*.

(g) Possession, production, or distribution of child pornography.

(h) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt to facilitate such conduct; or

(i) Any conduct that by its nature is a sex offense against a minor.

(33) Student. Any intern, extern, or apprentice who enrolls in or attends either a private or public education institution, including a daycare, childcare facility, preschool, secondary school, trade, or professional school, or an institution of higher education.

(34) Sex Offender Registry. The registry of sex offenders, and a notification program, maintained by the Sault Tribe and/or the State of Michigan.

(35) Transient. A person who lacks a residence. A transient is subject to the same registration requirements and is also required to verify their address (city, county, township, and street) daily with STLE, even if that address is a bench on a specific street or a tent or camper in a particular location, or any such place where the sex offender frequents or stations himself during the day or sleeps at night.

(36) Sault Tribe Tribal member. A person who is duly enrolled with the Sault Tribe pursuant to Article III of the Tribal Constitution, *as amended*.

(37) “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 72.301 of this code.

(38) “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 72.302 of this code, or who is subject to the recidivist provisions of 72.302(1).

(39) “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 72.303, or who is subject to recidivist provisions of 72.303(1) of this code.

(40) Tribal Lands. Includes “jurisdiction” and means the reservation, trust lands, tribal property owned by the tribal jurisdiction, and other commonly known tribal lands within the primary jurisdiction in fee or trust regardless of location.

(41) Visitors. Persons staying on the Sault Tribe reservation for a brief period of time, not permanently. Visitors who are required to register must register with STLE within 72 hours.

## **72.202 Covered Offenses.**

Individuals who reside or are visiting on property within the exterior boundaries of tribal lands, regardless of location; are employed within tribal lands; or who attend school on tribal lands, that have been convicted of any of the following offenses, are subject to the requirements of this code:

(1) Attempts and conspiracies. Any attempt or conspiracy to commit any sex offense.

(2) Tribal offenses consistent with this section.

(3) Federal Offenses. A conviction for any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 USC §16911(5):

(a) 18 USC §1591 (sex trafficking of children),

(b) 18 USC §1801 (video voyeurism of a minor),

(c) 18 USC §2241 (aggravated sexual abuse),

(d) 18 USC §2242 (sexual abuse),

(e) 18 USC §2243 (sexual abuse of a minor or ward),

(f) 18 USC §2244 (abusive sexual contact),

(g) 18 USC §2245 (offenses resulting in death),

(h) 18 USC §2251 (sexual exploitation of children),

(i) 18 USC §2251A (selling or buying of children),

(j) 18 USC §2252 (material involving the sexual exploitation of a minor),

(k) 18 USC §2252A (material containing child pornography),

(l) 18 USC §2252B (misleading domain names on the internet),

(m) 18 USC §2252C (misleading words or digital images on the internet),

(n) 18 USC §2260 (production of sexually explicit depictions of a minor for import into the U.S.).

(o) 18 USC §2421 (transportation of a minor for illegal sexual activity),

(p) 18 USC §2422 (coercion and enticement of a minor for illegal sexual activity),

(q) 18 USC §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 (Mann Act),

(r) 18 USC §2424 (failure to file factual statement about an alien individual),

(s) 18 USC §2425 (transmitting information about a minor to further criminal sexual conduct).

(4) Foreign Offenses. A conviction obtained either;

(a) Under the laws of Canada, the United Kingdom, Australia, or New Zealand; or

(b) Under the laws of any foreign country, when the United States State Department, in its Country, reports on human rights practices and has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial, including ensuring sufficient safeguards for fundamental fairness and due process in that country during the year in which the conviction occurred.

(5) Offenses Involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.

(6) 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 USC 951 note), *as amended*.

(7) Juvenile Offenses or Adjudications. The term “convicted” or a variant thereof, used with respect to a sex offense includes adjudicated delinquent as juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and that the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as codified in 18 USC §2241, *as amended*) or was an attempt or conspiracy to commit such an 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 the victim unconscious or involuntarily drugging the victim.

(8) Jurisdiction Offenses. Any sex offense committed in any state, local or tribal jurisdiction, including this tribe that involves:

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

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

(c) Kidnapping of a minor;

- (d) False imprisonment of a minor;
- (e) 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;
- (f) Use of a minor in a sexual performance;
- (g) Solicitation of a minor to practice prostitution;
- (h) Possession, production, or distribution of child pornography;
- (i) Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt to facilitate 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 below 18 years of age at the time of the offense;
- (j) Any conduct that by its nature is a sex offense against a minor; or
- (k) Any federal offenses similar to those outlined in section 72.202(3):
  - (i) 18 USC § 1591 (sex trafficking by force, fraud, or coercion),
  - (ii) 18 USC § 1801 (video voyeurism of a minor),
  - (iii) 18 USC § 2241 (aggravated sexual abuse),
  - (iv) 18 USC § 2242 (sexual abuse),
  - (v) 18 USC § 2244 (abusive sexual contact),
  - (vi) 18 USC § 2422(b)(coercing a minor to engage in prostitution), or
  - (vii) 18 USC § 2423(a) (transporting a minor to engage in illicit conduct).

### **SUBCHAPTER III: - TIERED OFFENSES.**

#### **72.301 Tier 1 Offenses.**

(1) Sex Offenses. A “Tier 1” offense includes an element involving a sexual act or sexual contact with another or any sex offense, for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, or an attempt or conspiracy to commit such an offense that is not a “Tier 2” or “Tier 3” offense.

(2) Tribal Offenses. A “Tier 1” offense includes an element involving a sexual act or sexual contact with another or any sex offense for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, or an attempt or conspiracy to commit such an offense under the tribal code that is not a “Tier 2” or a “Tier 3” offense.

(3) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for at ‘Tier 1’ offense.

- (a) 18 USC § 2252A (receipt of possession of child pornography);
- (b) 18 USC § 2252B (misleading domain names on the internet);
- (c) 18 USC § 2252C (misleading words or digital images on the internet);
- (d) 18 USC § 2424 (failure to file factual statement about an alien individual); or
- (e) 18 USC § 2425 (transmitting information about a minor to further criminal sexual conduct).

(4) 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 USC § 951 note), *as amended*, that is similar to those offenses described in § 72.301(1), (2) and/or (3) shall be considered a “Tier 1” offense.

### **72.302 Tier 2 Offenses.**

(1) Recidivism and Felonies. Unless otherwise covered by a Tier 3 offense, any sex offense that is not the first sex offense for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, and is an offense punishable by more than one year imprisonment is considered a “Tier 2” offense.

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

- (a) 18 USC § 1591 (sex trafficking by force, fraud or coercion);
- (b) 18 USC § 2252A (production or distribution of material containing child pornography);
- (c) 18 USC § 2423(b) (travel with the intent to engage in illicit sexual conduct with a minor); or
- (d) 18 USC § 2423 (c) (engage in illicit conduct in foreign places).

(3) 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 USC § 951, *as amended*), that is similar to those offenses outlined in § 72.302(1) or (2) shall be considered a “Tier 2” offense.

### **72.303 Tier 3 Offenses.**

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

(2) General Offenses. A “Tier 3” offense includes any sex offense for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, or an attempt or conspiracy to commit such an offense that involves:

(a) Non-parental kidnapping of a minor;

(b) A sexual act with another by force or threat;

(c) A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate in the conduct; or

(d) Sexual contact with a minor 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.

(3) Offenses Involving Minors. A “Tier 3” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography, or an attempt or conspiracy to commit such an offense that involves:

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

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

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

(d) The use of a minor in a sexual performance; or

(e) The production or distribution of child pornography.

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

- (a) 18 USC § 1801 (video voyeurism of a minor);
- (b) 18 USC § 2241 (aggravated sexual abuse);
- (c) 18 USC § 2242 (sexual abuse);
- (d) 18 USC § 2243 (sexual abuse of a minor or ward where the victim is 12 years of age or younger);
- (e) 18 USC § 2244 (abusive sexual contact, victim under 13);
- (f) 18 USC § 2245 (offenses resulting in death);
- (g) 18 USC § 2251 (sexual exploitation of children);
- (h) 18 USC § 2251A (selling or buying of children);
- (i) 18 USC § 2252 (material involving the sexual exploitation of a minor);
- (j) 18 USC § 2260 (production of sexually explicit depictions of a minor for import into the United States);
- (k) 18 USC § 2421 (transportation of a minor for illegal sexual activity);
- (l) 18 USC § 2422 (a) (coercion and enticement of a minor for illegal sexual activity); or
- (m) 18 USC §2423 (a) (transportation of minors to engage in illicit conduct).

(5) Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 USC §951, *as amended*) that is similar to those offenses outlined in §72.303 (1), (2), and/or (3) shall be considered a “Tier 3” offense.

#### **SUBCHAPTER IV: REGISTRATION, VERIFICATION AND IN-PERSON APPEARANCE REQUIREMENTS.**

##### **72.401 General Requirements.**

(1) Duties. A sex offender covered by this code who is required to register with the tribe shall provide all of the information detailed in this chapter to STLE, which information is then transmitted to the MSP pursuant to the cooperative agreement referenced in § 72.104(1), and STLE shall obtain all of the information detailed in the 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.

(2) Digitization. All information obtained under this code shall be, at a minimum, maintained by the MSP in a digitized format.

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

#### **72.402 Where Registration is Required.**

(1) Jurisdiction of Conviction. A sex offender must initially register with the Sault Ste. Marie Chippewa Tribal Court 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.

(2) Jurisdiction of Incarceration. A sex offender must register with STLE 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.

(3) Jurisdiction of Residence. A sex offender must register with STLE if the sex offender resides, is homeless, or is transient within tribal lands.

(4) Jurisdiction of Employment. A sex offender must register with STLE if the sex offender is an employee of the tribe in any capacity or otherwise is employed on tribal lands.

(5) Jurisdiction of School Attendance. A sex offender must register with STLE if the sex offender is a student in any capacity within tribal lands. A sex offender at any school within jurisdiction is required to register with that jurisdiction.

(6) Jurisdiction of Visitor. A sex offender shall, within 72 hours, register with STLE if the sex offender is visiting tribal lands while completing any sentence for a covered sex offense.

#### **72.403 Timing of Registration.**

(1) Timing. A sex offender required to register with the tribe under this code shall do so in person and in the following timeframe:

(a) If convicted by the Sault Tribe for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration.

(b) If convicted by the Sault Tribe but not incarcerated, no later than 24 hours after sentencing for the registration offense.

(c) If a visitor convicted by the Sault Tribe for a covered sex offense or for any conviction in any other court, no later than 72 hours after entry onto tribal lands.

(d) For convictions in any other court, including but not limited to convictions in state, federal, military or foreign courts, a sex offender must appear in person to register with STLE no later than 24 hours of establishing a residence, commencing employment, being transient, being homeless, or becoming a student on tribal lands.

(e) If incarcerated in any tribal, state, federal, military or foreign jurisdiction, before release from imprisonment for the registration offense.

(2) Duties of STLE. The STLE or its designees shall have policies and procedures in place to ensure the following:

(a) That any sex offender incarcerated or sentenced by the tribe for a covered sex offense completes their initial registration with the tribe;

(b) That any sex offender initially registering with the tribe is informed of their duties under SORNA and this code, and that such duties under SORNA and this code are explained to them;

(c) That the sex offender reads, or has read to them, and signs an Acknowledgment Form stating that the duty to register has been explained to them and that the sex offender understands the registration requirements;

(d) That the sex offender is registered; and

(e) 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.

#### **72.404 Retroactive Registration.**

(1) Retroactive Registration. The Sault Tribe 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:

(a) Sex offenders incarcerated or under the supervision of the tribe, whether for a covered sex offense or other crime.

(b) Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the tribe's laws.

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

(2) Timing of Recapture. The Sault Tribe shall ensure recapture of the sex offenders mentioned in Section 72.404(1) within the following timeframe to be calculated from the date of passage of this code:

(a) For Tier 1 sex offenders, 1 year.

(b) For Tier 2 sex offenders, 180 days.

(c) For Tier 3 sex offenders, 90 days.

#### **72.405 Changes in Information/Keeping Registration Current.**

(1) Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall, within 24 hours of any change, appear in person at STLE to update any changes to their name, primary or secondary residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall, within 24 hours, inform STLE in person of any changes to their temporary lodging information, vehicle information, internet identifiers, email addresses, instant message addresses, and any other designations used in internet communications, posting, or telephone communications or numbers. In the event of a change in temporary lodging, the sex offender and STLE shall, within 72 hours, notify the jurisdiction in which the sex offender will be temporarily staying.

(2) Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within tribal lands, regardless of location, and change their school, or otherwise terminate their schooling, shall within 24 hours appear in person at STLE to update this information. The STLE 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.

(3) Jurisdiction of Employment. Any sex offender who is an employee of the tribe in any capacity or otherwise is employed within tribal lands, regardless of location, that change their employment, or otherwise terminate their employment shall, within 24 hours, appear in person at STLE to update that information. The STLE shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

(4) Jurisdiction of Visitor. A sex offender must within 72 hours, register with STLE if the sex offender is visiting tribal lands while completing any sentence for a covered sex offense.

(5) Duties of STLE. With regard to changes in sex offender's registration information, STLE shall provide immediate notification to the State of Michigan/MSP, who shall, pursuant to the MOA referenced in § 72.104 (1), notify:

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

(b) Any jurisdiction where the sex offender is either registered or required to register.

(c) Specifically, with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals Service. The STLE shall also ensure this information is immediately updated with the MSP.

**72.406 Failure to Appear and Register and Absconding.**

(1) Failure to Appear and Register. In the event a sex offender who is required to register due to their employment or school attendance status fails to register with the tribe, as required by this code STLE shall take all appropriate follow-up measures including those outlined in section 72.406(2), and 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. The STLE shall immediately inform the jurisdiction which provided notification to the tribe of the sex offender's proposed commencement of residency, employment, or school attendance that the sex offender failed to appear for registration with the tribe.

(2) Absconded Sex Offender. If STLE receives information that a sex offender has absconded, STLE shall make expedited efforts to determine if the sex offender has actually absconded.

(a) In the event no determination can be made, STLE shall ensure that the appropriate law enforcement agency is notified.

(b) If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, STLE shall be informed that the sex offender had failed to appear and register.

(c) If an absconded sex offender cannot be located then STLE shall take the following steps:

- (i) Update the registry to reflect the sex offender has absconded or otherwise can not be located;
- (ii) Notify the U.S. Marshals Service;
- (iii) 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;
- (iv) Update the NSOR to reflect the sex offender's status as an absconder, or that the sex offender otherwise can not be located; and

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

**72.407 Frequency and Duration of Registration Periods.**

(1) Frequency. A sex offender who is required to register, shall, at a minimum, appear in person at STLE for purposes of verification and keeping their registration current in accordance with the following time frames;

- (a) “Tier 1” offenders. Once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense, or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

- (b) “Tier 2” offenders. Once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense, or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

- (c) “Tier 3” offenders. Once every 90 days for the rest of their lives.

**72.408 Requirements For In Person Appearances and Address Verification/Homeless.**

(1) Requirements. A sex offender who is required to appear “in person” shall comply with the following:

- (a) Photographs. At each in person verification, the sex offender shall permit STLE to take a current photograph of the sex offender.

- (b) Review of Information. At each in person verification the sex offender shall review existing information for accuracy, and make any changes necessary for compliance with the SORNA code.

- (c) Notification. If any new information or change of information is obtained at an in person verification, STLE shall immediately notify the MSP pursuant to the MOA referenced in §72.104(1).

- (d) Address Verification. A sex offender who is required to register at the local jurisdiction and provide the verification required in § 72.407.

- (i) Homeless. A sex Offender who is homeless or transient shall verify the address (city, county, township, and street) daily with STLE, even if that address is a temporary abode at the home of family member or friend or at a shelter or a bench on a specific street or a tent or camper in a particular location or any such place where the sex offender frequents or stations

themselves during the day or sleeps at night.

**72.409 Mandatory Disclosure.**

(1) A sex offender who volunteers for an organization where volunteers have direct, private, and/or unsupervised contact with minors, shall notify the organization of the sex offender's conviction at the time of signing up to volunteer. Such notification must be in writing to the Sault Tribe or its enterprises. Sault Tribe or its enterprises that accept volunteers must notify volunteers of this disclosure requirement upon application of the volunteer to serve or prior to acceptance of any of the volunteer's service, whichever comes first.

(2) If Sault Tribe or its enterprises, after notification by the sex offender, as provided in section 72.409(1), accepts the sex offender as a volunteer, Sault Tribe or its enterprises shall notify the parents or guardians of any minors involved in Sault Tribe or its enterprises of the sex offender's criminal record, their intent to volunteer, and the capacity in which the sex offender will volunteer.

(3) Any person required to register must disclose regardless of the date of conviction.

(4) If a registered sex offender is currently volunteering for Sault Tribe or its enterprises, the sex offender must immediately resign, or notify Sault Tribe or its enterprises immediately upon receipt of notice.

**SUBCHAPTER V: REQUIRED INFORMATION**

**72.501 Criminal History.**

(1) Criminal History. The STLE 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 and place of all convictions, adjudications or acquittal by reason of insanity;
- (c) The sex offender's status of parole, probations, or supervised release;
- (d) The sex offender's registration status; and
- (e) Any outstanding arrest warrants.

**72.502 Date of Birth.**

(1) Date of Birth. The STLE 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.

**72.503 DNA Sample.**

(1) DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide STLE with a sample of the sex offender's DNA.

(2) CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile into CODIS.

**72.504 Driver's Licenses, Identification Cards, Passports, and Immigration Documents.**

(1) Driver's License. The STLE shall obtain, and a covered sex offender shall provide, a photocopy of all the sex offender's valid driver's license issued by any jurisdiction.

(2) Identification Cards. The STLE shall obtain, and a covered sex offender shall provide, a photocopy of any identification card issued by any jurisdiction; including the sex offender's tribal enrollment card.

(3) Passports. The STLE shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.

(4) Immigration Documents. The STLE shall obtain, and a covered sex offender shall provide, a photocopy of any and all of the sex offender's immigration documents.

**72.505 Employment Information.**

(1) Employment. The STLE 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 or will be employed in any means, by any employer, including volunteer and unpaid positions:

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

**72.506 Finger and Palm Prints.**

(1) Finger and Palm Prints. The STLE shall obtain, and a covered sex offender shall provide, both finger prints and palm prints of the sex offender in a digitized form.

**72.507 Internet Identifiers.**

(1) Internet Names. The STLE 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;  
and

(c) Any and all other designations or monikers used by the sex offender for self-identification or routing in internet communications or postings.

**72.508 Name.**

(1) Name. The STLE 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 by the sex offender; 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.

**72.509 Phone Numbers.**

(1) Phone Numbers and any other designations used by the sex offenders for purpose of routing or self-identification in telephonic communications. The STLE 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 used by the sex offender; and

(b) Any and all cellular telephone numbers used by the sex offender.

**72.510 Picture.**



(1) Photograph. The STLE shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender.

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

(a) Tier 3 Sex Offenders. Every 90 days.

(b) Tier 2 Sex Offenders. Every 180 days.

(c) Tier 1 Sex Offenders. Every year.

**72.511 Physical Description.**

(1) Physical Description. The STLE shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

(a) A physical description.

(b) A 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, or tattoos.

**72.512 Professional Licensing Information.**

(1) Professional Licenses. The STLE shall obtain, and a covered sex offender shall provide any and all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

**72.513 Residence Address.**

(1) Address. The STLE 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, even if that address is a temporary abode, at the home of family members or friends or at a shelter or a bench on a specific street or a tent or camper in a particular location or any such place where the sex offender frequents or stations themselves during the day or sleeps at night.

**72.514 School.**

(1) School Location. The STLE shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

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

(b) The name and address of each school where the sex offender is or will be employed (with or without) compensation; and

(c) The name and address of each school where the sex offender is or will carry on a vocation.

**72.515 Social Security Number.**

(1) Social Security. The STLE 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.

**72.516 Temporary Lodging.**

(1) Lodging Information. The STLE shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for three (3) days or more:

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

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

(c) Travel Abroad. In the event the sex offender will be traveling outside of the United States for more than three (3) days, STLE shall immediately make the notifications and updates required in §72.519.

**72.517 Offense Information.**

(1) Offense Information. The STLE shall obtain and a covered offender shall provide:

(a) The text of each provision of law defining the criminal offense(s) for which the sex offender is registered. The text of each provision of law mentioned in this part shall be cross-linked to the SORNA databases containing the text of relevant sex-related laws for all jurisdictions.

(b) A Brief description of the offense for which the registration is required;

(c) Criminal offense history, including:

(i) A copy of any and all sex offense judgments

(ii) All criminal offense dates.

(iii) The gender of victim(s).

(iv) Probation, parole or other release status; including the terms and contact information for any supervisory individual or group;

(d) Documentation of any treatment received or any mental abnormality or personality disorder of the person; and

(e) Any other information deemed necessary.

#### **72.518 Vehicle Information.**

(1) Detailed Information. The STLE or designee shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned, registered to, or operated by, the sex offender for work, school, or personal use; including land vehicles, aircraft, and watercraft:

(a) License plate numbers;

(b) Registration numbers for identifiers;

(c) General description of the vehicle(s); including color, make, model, and year;  
and

(d) Any permanent or frequent location where any covered vehicle is kept.

#### **72.519 International Travel.**

(1) Travel Abroad. Sex offenders must inform STLE 21 days in advance if they intend to travel outside of the United States. STLE must immediately notify the State of Michigan/MSP, the U.S. Marshals Service, and any other jurisdiction where the sex offender is either registered, or is

required to register, of that updated information. Update must also be immediately made to NCIC/NSOR.

## **SUBCHAPTER VI: ZONES OF RESTRICTION.**

### **72.601 Prohibition Against Sex Offender Being Present on or Within a Certain Distance of School Building, School Property, Day Care, or Playground.**

(1) Unless exempted under §72.601(3), it is unlawful for a sex offender under this Code to do any of the following:

(a) Be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) years are present in the building, on the grounds or in the conveyance; or

(b) Loiter or work within fifteen-hundred (1500) feet of a school building or real property comprising any school or a playground.

(2) A sex offender who is a parent or guardian of a student attending the school, and who complies with § 72.601(3), may be present on school property if the sex offender is:

(a) Attending a conference at the school with school personnel to discuss the progress of the sex offender's child, academically, or socially;

(b) Participating in child review conferences in which evaluation and placement decisions may be made with respect to the sex offender's child regarding special education services;

(c) Attending conferences to discuss other student issues concerning the sex offender's child, such as retention and promotion;

(d) Transporting the sex offender's child to and from school; or

(e) Present at the school because the presence of the sex offender had been requested by the principal or administrator for any other reason relating to the welfare of the child.

(3) Permission exemption. Permission to be present at a school may be granted by a school superintendent or the school board. If permission is granted, the superintendent or school board president must inform the principal of the school where and when the sex offender will be present in the school. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official with knowledge of the parent's status as a sex offender.

(a) To qualify for the exemption contained in §72.601(3), a parent or guardian who is required to register as a sex offender must notify the principal upon arrival to and upon departure from the school, unless the offender:

(i) Has written permission to be present from the school superintendent or school board; or

(ii) The principal has granted on-going permission, in writing, for regular visits of a routine nature.

(4) Voting. Nothing in this section shall be construed to infringe upon the constitutional right of a sex offender to be present in a school building that is used as a polling place for the purpose of voting.

(5) Subsection (1) of this section shall not apply to a sex offender who is legally enrolled in a particular school or is participating in a school-sponsored educational program located at a particular school when the sex offender is present at that school, and is otherwise compliant with this code.

**72.602 Prohibition of Offenders Residing Within Two Thousand Five Hundred Feet of a School/Day Care, or Playground.**

(1) No sex offender shall reside within two thousand five hundred feet (2500) of any school, day care, or playground which is in existence at the time the individual begins to reside at the location.

(2) If a sex offender has already established a residence, and a school, day care, or playground is subsequently built or placed within two thousand five hundred feet (2500) of the sex offender's residence, then the sex offender, not less than one week before the opening of such school, shall notify STLE that he or she is now residing within two thousand five hundred (2500) feet of such school, and shall provide verifiable proof to STLE that he or she resided there prior to the opening of such school. All registered sex offender convicted prior to enactment of the Code AND still living within a playground restricted zone may not initiate or maintain contact with minors in the restricted zone.

(3) Restrictions and prohibitions in the above subsections do not apply to an sex offender already residing within a school, day care, or playground area restricted zone prior to the enactment and effective date of this Code, or an offender who is incarcerated or is at a facility within the zone, or worked within the student safety zone prior to the effective date, or to offenders who intermittently or sporadically enter a zone for purposes of work.

## **SUBCHAPTER VII: PUBLIC SEX OFFENDER REGISTRY WEBSITE**

### **72.701 Website.**

- (1) Website. The STLE shall use and maintain a public sex offender registry website.
- (2) Links. The registry website shall include links to sex offender safety and education resources.
- (3) Instructions. The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- (4) 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.
- (5) 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.
- (6) 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.

### **72.702 Required and Prohibited Information.**

- (1) Required Information. The following information shall be made available to the public on the sex offender registry website:
  - (a) Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded.
  - (b) All sex offenses for which the sex offender has been convicted;
  - (c) The sex offense(s) for which the offender is currently registered;
  - (d) The address of the sex offender's employer(s);
  - (e) The name of the sex offender, including all aliases;
  - (f) A current photograph of the sex offender;
  - (g) A physical description of the sex offender;

(h) The residential address and, if relevant, a description of a habitual residence of the sex offender;

(i) All addresses of schools attended by the sex offender; and

(j) The sex offender's vehicle license plate number along with a description of the vehicle.

(2) Prohibited Information. The following information shall not be available to the public on the sex offender registry website:

(a) Any arrest that did not result in conviction,

(b) The sex offender's social security number;

(c) Any travel and immigration documents;

(d) The identity of the victim; and

(e) Internet Identifiers (as defined in 42 USC § 16915a, *as amended*).

(3) Witness Protection. For sex offenders who are under a witness protection program, STLE 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.

## **SUBCHAPTER VIII: PUBLICATIONS & COMMUNITY NOTIFICATION**

### **72.801 Mandatory Publication & Notification.**

(1) Within twenty-four (24) hours of a sex offender registering or updating their information, STLE shall disclose to the MSP pursuant to the MOA referenced in § 72.104(1), the following information:

(a) The sex offender's name, address or location;

(b) The sex offender's most recent photograph and the date of photograph;

(c) The sex offender's place and address of employment and of each school the sex offender is attending;

(d) The sex offender's vehicle description and license plate numbers;

(e) Crime for which the sex offender was convicted, including the date and place of conviction;

(f) The sex offender's hair color, height, race, sex, and age of the sex offender;

(g) Each school, public housing agency, and community center in each area in which the sex offender resides, is an employee, or is a student;

(h) Social Service entities responsible for protecting minors in the child welfare system, and any agency, department, or program within the tribe that is responsible for criminal investigations, prosecution, child welfare or sex offender supervision functions, including but not limited to, police—whether BIA, tribal, or FBI—tribal prosecutors, and tribal probation;

(i) Volunteer organizations in which contact with minors or other vulnerable individuals might occur;

(j) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction, and any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction, and any agency, department, or program within the tribe that is responsible for criminal investigations, prosecution, child welfare or sex offender supervision functions; including but not limited to, police—whether BIA, tribal, or FBI—tribal prosecutors, and tribal probation;

(k) The registering authority or any jurisdiction in which a sex offender plans on residing, working or going to school;

(l) Any jurisdiction that notified STLE of an area in which it is the sex offender's intent to reside, work, or go to school on Sault Tribe tribal lands who fails to register pursuant to this code;

(m) Any qualified entity pursuant to the National Child Protection Act of 1993, pursuant to § 5119a of Title 42 of the United States Code, *as amended*; and

(n) Any other information deemed necessary for the protection of the public.

#### **72.802 Publication to National Sex Offender Registry.**

The STLE shall immediately provide all such information as required to the State of Michigan /MSP, who shall notify pursuant to the MOA referenced in § 72.104 (1). For any database that is not required, STLE may in its discretion provide information.

#### **72.803 Publication in Other Law Enforcement Agencies.**

The STLE shall immediately produce all registrant information to the appropriate law enforcement agency and probation agency, if appropriate, in each area in which the sex offender



resides, is an employee, or is a student. Online access of all registrant information is considered sufficient access.

#### **72.804 Public and Community Notifications.**

(1) The STLE may release to any person, entity, or organization, upon a written request, the name, address or location; most recent photograph, if available; date of photograph; place of employment; address of school attended; vehicle description and license plate numbers; crime for which convicted; date and place of conviction of any registrant; hair; eye color; height; race; sex and age of any registrant; and any other information deemed necessary for the protection of the public. Additionally, the department may utilize an internet web site or other electronic means to release the information. Furthermore:

(a) Individuals may obtain, for a fee, a list of registered sex offenders from STLE, by following the procedures set out by STLE.

(b) The Sault Tribe may, at its discretion, publish names and/or pictures of all registered sex offenders in local media.

(c) Records maintained pursuant to this code shall be open to law enforcement agencies which shall be authorized to release relevant and necessary information regarding sex offenders to the public.

(d) Information disclosed pursuant to this subsection shall not include information that would identify the victim.

(e) Any release of information under this section will be accompanied by the following:

**WARNING: This information is made available for the purpose of protecting the public. It is not to be used for the purpose of harassing or intimidating anyone. A person who uses registry information to commit a criminal act against another person is subject to arrest and prosecution under the state, tribal, and federal law.**

(2) Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the tribe, STLE shall;

(a) Immediately notify the MSP pursuant to the MOA referenced in § 72.104(1), as designated by the Attorney General, in order that the information may be updated on NSOR, NCIC, or other relevant databases.

(b) 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.

(c) 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.

(d) 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 USC 5119a) when a sex offender registers or updates registration.

(3) Community Notification. The STLE or its designees shall ensure there is an automated community notification process in place that ensures the following:

(a) Upon a sex offender's registration or update of information with the Sault Tribe, the Tribes' public sex offender registry website is immediately updated.

(b) The Tribe's public sex-offender registry has a function that enables the general public to request an e-mail notice 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.

## **SUBCHAPTER IX: IMMUNITY**

### **72.901 Immunity and Good Faith.**

(1) No waiver of immunity. Nothing under this chapter shall be construed as a waiver of sovereign immunity for the Sault Tribe, its departments, agencies, employees, or agents.

(2) Good faith. Any government employee acting in good faith under this code shall be immune from any civil liability arising out of such actions.

## **SUBCHAPTER X: CRIMINAL AND CIVIL SANCTIONS**

### **72.1001 Penalties and Sanctions.**

(1) Criminal Penalty. Each violation of a provision of this code by a sex offender who is a Native American shall be considered a crime and subject to a period of incarceration of up to 1 year and/or a fine of up to \$5,000.

(2) Criminal Sanctions:

(a) Failure to Register. Any person required to register under this code within the time specified under this code shall be guilty of an offense punishable by up to 1 year and/or a fine of up to \$5000.

(b) Providing false or misleading registration information. Any person required to register under this code who knowingly provides false or misleading information required under Subchapter V shall be guilty of an offense up to 1 year and/or a fine of up to \$5,000.

(c) Failure to update registration information. Any person required to register under this code who fails to update their registration information in violation of Section 72.405 shall be guilty of an offense punishable by up to 1 year and/or a fine up to \$5,000.

(d) Failure to appear for periodic registration. Any person required to appear for periodic in person verification under Section 72.407 and fails to comply shall be guilty of an offense punishable by up to 1 year and/or a fine of up to \$5,000.

(e) Violation of school zone and restrictions. Any sex offender who violates Subchapter VI is guilty of an offense punishable by 1 year in jail and/or a \$5,000. fine.

(f) Violation of residency restrictions. Any sex offender who violates section 72.602 is guilty of an offense punishable by up to 1 year and/or a fine up to \$5,000.

(g) Hindrance of Sex Offender Registration. A person is guilty of an offense punishable by up to 1 year and/or a fine of up to \$5,000, if they:

(i) 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;

(ii) 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

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

(h) Misuse of Registration Information

(i) Any person, who willfully misuses or alters public record information relating to a sex offender or sexual predator, or a person residing or working at an address reported by a sex offender, including information displayed by law enforcement agencies on web sites, shall be guilty of an offense punishable by 93 days in jail or a \$500. fine.

(ii) The sale or exchange of sex offender information for profit is prohibited. Any violation of this subsection is an offense punishable by 93 days in jail or a \$500. fine.

(i) Repeat Offenders. Any second or subsequent violation under this code occurring within the mandatory registration period shall be an offense punishable by 1 year in jail or a \$5,000 fine.

(j) Civil Penalty. Each violation of a provision of this code by a sex offender who is not a Native American 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, forfeitures, and/or civil contempt.

## **SUBCHAPTER XI: EXCLUSION**

### **72.1101 Nonmember Tier III Exclusion.**

(1) Any nonmember convicted of a tier 3 sex offense may no longer be entitled to reside on tribal lands pursuant to Tribal Board's authority vested in Sault Tribe Constitution Art. VII, § 1(h), or the Tribal Court's power under Chapter 61 of Tribal Code, and may be excluded from tribal lands pursuant to this code. The exclusion order shall contain the following exceptions:

(a) To answer a summons or subpoena by the Sault Ste. Marie Chippewa Tribal Court.

(b) To be a defendant in any proceeding before the Sault Ste. Marie Chippewa Tribal Court.

(c) To attend the funeral service of immediate family members; which is limited to 1 hour before the funeral service, the funeral service itself, and 1 hour after the funeral service.

(d) To accompany, because of a legal duty, a person or minor who is eligible to receive medical services, including but not limited to Indian Health Services, performed at the Medicine Lodge or other building owned and/or operated for the provision of medical services by the Sault Tribe.

(2) Any nonmember sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, must notify STLE no less than one (1) business day prior to their return to tribal lands and disclose their exception purpose.

(3) Any nonmember sex offender who is excluded from the reservation and, and who must return pursuant to an exception listed above, has the duty to remain under the direct supervision of tribal authorities or an appointed or an accepted escort.

### **72.1102 Other Tribal Member Tier III Exclusion.**

(1) Any other tribal member convicted of a tier 3 sex offense may no longer be entitled to reside on tribal lands pursuant to Tribal Board's authority vested in Sault Tribe Constitution Art. VII,

§1(h), or the Tribal Court's power under Chapter 61 of Tribal Code, and may be excluded from tribal lands pursuant to this code. The exclusion order shall contain the following exceptions:

(a) To answer a summons or subpoena by the Sault Ste. Marie Chippewa Tribal Court.

(b) To be a defendant in any proceeding before the Sault Ste. Marie Chippewa Tribal Court.

(c) To attend the funeral service of immediate family members; which is limited to 1 hour before the funeral service, the funeral service itself, and 1 hour after the funeral service.

(d) To accompany, because a legal duty, a person or minor who is eligible to receive medical services, including but not limited to Indian Health Services, performed at the Medicine Lodge or other building owned and/or operated for the provision of medical services by the Sault Tribe.

(2) Any other tribal member sex offender who is excluded from the reservation and who must return pursuant to an exception listed above, must notify STLE no less than one (1) business day prior to their return to tribal lands and disclose their exception purpose.

(3) Any other tribal member sex offender who is excluded from the reservation and, who must return to pursuant to an exception listed above, has the duty to remain under the direct supervision of tribal authorities or an appointed or an accepted escort.

### **72.1103 Sault Tribe Tribal Member Tier III Exclusion.**

(1) Any Sault Tribe tribal member convicted of a tier 3 sex offense may no longer be entitled to reside on tribal lands pursuant to Tribal Board's authority vested in Sault Tribe Constitution Art. VII, § 1(h), or the Tribal Court's power under Chapter 61 of the Sault Tribal Code, and may be excluded from tribal lands pursuant to this code. The exclusion order shall contain the following exceptions:

(a) To answer a summons or subpoena by the Sault Ste. Marie Chippewa Tribal Court.

(b) To be a defendant in any proceeding before the Sault Ste. Marie Chippewa Tribal Court.

(c) To attend the funeral service of immediate family members' which is limited to 1 hour before the funeral service, the funeral service itself, and 1 hour after the funeral service.

(d) To receive medical services, including but not limited to Indian Health Services, performed at the Medicine Lodge or other building owned and/or operated for the provision of medical services by the Sault Tribe.

(e) To accompany, because of a legal duty, a person or minor who is eligible to receive medical services, including but not limited to Indian Health Services, performed at the Medicine Lodge or other building owned and/or operated for the provision of medical services by the Sault Tribe.

(f) To vote.

(2) Any Sault Tribe tribal member sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, must notify STLE no less than one (1) business day prior to their return to tribal lands and disclose their exception purpose.

(3) Any Sault Tribe tribal member sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, has the duty to remain under the direct supervision of tribal authorities or an appointed or an accepted escort.

## **SUBCHAPTER XII: SAVINGS CLAUSE**

### **72.1201 Savings Clause.**

If any court of competent jurisdiction finds that any section, subsection, or phrase of this code violates the Constitution or laws of the Sault Tribe, such stand alone part will be deleted from the code and, so long as the intent remains intact, the remainder of the code will take full force and effect.