

# **Bois Forte Sex Offender Registration and Notification (SORNA) Code**

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## **TABLE OF CONTENTS**

CHAPTER 1 GENERAL MATTERS.....	1
SECTION 1.01 TITLE .....	1
SECTION 1.02 PURPOSE .....	1
SECTION 1.03 NEED .....	1
SECTION 1.04 CREATION OF REGISTRIES .....	1
A. Sex Offender Registry.....	1
B. Public Sex Offender Registry Website.....	1
SECTION 1.05 HOUSING AND OTHER DEPARTMENTAL POLICIES .....	1
CHAPTER 2 TERMINOLOGY AND COVERED OFFENSES .....	2
SECTION 2.01 DEFINITIONS .....	2
A. Community Event .....	2
B. Convicted .....	2
C. Foreign Convictions.....	2
D. Employee .....	2
E. Immediate/Immediately .....	2
F. Imprisonment .....	2
G. Jurisdiction.....	2
H. Minor.....	3
I. Resides .....	3
J. Sex Offense .....	3
K. Sex Offender .....	3
L. Sexual Act .....	3
M. Sexual Contact .....	3
N. Student .....	3

O.	SORNA .....	4
P.	SORNA Compliance Officer .....	4
Q.	Sex Offender Registry .....	4
R.	National Sex Offender Registry (NSOR) .....	4
S.	SMART Office .....	4
T.	Dru Sjodin National Sex Offender Public Website .....	4
U.	Tier 1 Sex Offender .....	4
V.	Tier 2 Sex Offender .....	4
W.	Tier 3 Sex Offender .....	4
	SECTION 2.02 REGISTERABLE OFFENSES .....	5
A.	Bois Forte Tribal Offenses .....	5
B.	State, Territory and Other Tribe's Offenses .....	5
C.	Federal Offenses .....	5
D.	Foreign Offenses .....	6
E.	Military Offenses .....	6
F.	Juvenile Offenses or Adjudications .....	6
G.	Jurisdiction Offenses .....	6
	CHAPTER 3 TIERED OFFENSES .....	7
	SECTION 3.01 TIER 1 OFFENSES .....	7
A.	Sex Offenses .....	7
B.	Offenses Involving Minors .....	8
C.	Bois Forte Tribal Offenses .....	8
D.	Certain Federal Offenses .....	8
E.	Certain Military Offense .....	8
	SECTION 3.02 TIER 2 OFFENSES .....	8

A. Sex Offense Recidivism.....	8
B. Offenses Involving Minors .....	9
C. Bois Forte Tribal Offenses .....	9
D. Certain Federal Offenses.....	9
E. Certain Military Offenses .....	10
SECTION 3.03 TIER 3 OFFENSES.....	10
A. Sex Offense Recidivism.....	10
B. General Offenses.....	10
C. Bois Forte Tribal Offenses .....	10
D. Violent Offenses.....	10
E. Certain Federal Offenses.....	10
F. Certain Military Offenses .....	10
CHAPTER 4 REQUIRED INFORMATION .....	11
SECTION 4.01 GENERAL REQUIREMENTS.....	11
A. Duties .....	11
B. Digitization .....	11
C. Electronic Database .....	11
SECTION 4.02 CRIMINAL HISTORY .....	11
SECTION 4.03 DATE OF BIRTH.....	11
SECTION 4.04 DNA SAMPLES .....	12
A. DNA.....	12
B. CODIS .....	12
SECTION 4.05 DRIVER’S LICENSES, IDENTIFICATION CARDS, PASSPORTS, AND IMMIGRATION DOCUMENTS.....	12
A. Driver’s License.....	12

B. Identification Cards.....	12
C. Passports .....	12
D. Immigration Documents .....	12
E. Employment Information.....	12
SECTION 4.06 FINGER AND PALM PRINTS.....	12
SECTION 4.07 INTERNET IDENTITIES.....	13
SECTION 4.08 NAME .....	13
SECTION 4.09 PHONE NUMBERS .....	13
SECTION 4.10 PICTURE .....	13
A. Photograph .....	13
B. Update Requirements.....	14
SECTION 4.11 PHYSICAL DESCRIPTION.....	14
SECTION 4.12 PROFESSIONAL LICENSING DESCRIPTION.....	14
SECTION 4.13 RESIDENCE ADDRESS .....	14
SECTION 4.14 SCHOOL .....	14
SECTION 4.15 SOCIAL SECURITY NUMBER .....	15
SECTION 4.16 TEMPORARY LODGING .....	15
A. Lodging Information.....	15
B. Timing.....	15
C. Notification .....	15
SECTION 4.17 OFFENSE INFORMATION .....	15
SECTION 4.18 DETAILED VEHICLE INFORMATION.....	15
SECTION 4.19 PROOF OF PARENTAGE OR GUARDIANSHIP .....	16
SECTION 4.20 SEX OFFENDER ACKNOWLEDGMENT FORM.....	16
SECTION 4.21 FREQUENCY AND DURATION .....	16

A. Frequency.....	16
B. Reduction of Registration Periods .....	16
C. Clean Record.....	17
SECTION 4.22 REQUIREMENTS FOR IN-PERSON APPEARANCES .....	17
A. Photographs.....	17
B. Review of Information.....	17
C. Notification .....	17
SECTION 4.23 INTERNATIONAL TRAVEL .....	17
CHAPTER 5 REGISTRATION.....	17
SECTION 5.01 WHERE REGISTRATION IS REQUIRED .....	17
A. Jurisdiction of Conviction.....	17
B. Jurisdiction of Incarceration .....	18
C. Jurisdiction of Residence .....	18
D. Jurisdiction of Employment.....	18
E. Jurisdiction of School Attendance .....	18
SECTION 5.02 INITIAL REGISTRATION.....	18
A. Timing.....	18
B. Visitors .....	19
C. Community Event .....	19
D. Duties of the SORNA Compliance Officer or Designee .....	19
SECTION 5.03 RETROACTIVE REGISTRATION.....	19
A. Retroactive Registration.....	19
B. Timing of Recapture .....	20
SECTION 5.04 KEEPING REGISTRATION CURRENT.....	20
A. Jurisdiction of Residency .....	20

B. Jurisdiction of Employment.....	20
C. Jurisdiction of School Attendance .....	20
D. Duties of SORNA Compliance Officer.....	21
SECTION 5.05 FAILURE TO APPEAR FOR REGISTRATION AND ABSCONDING .....	21
A. Failure to Appear.....	21
B. Absconded Sex Offenders.....	21
C. Failure to Register.....	22
CHAPTER 6 PUBLIC SEX OFFENDER REGISTRY WEBSITE .....	22
SECTION 6.01 WEBSITE.....	22
A. Website.....	22
B. Links .....	22
C. Instructions.....	22
D. Warnings .....	22
E. Search Capabilities.....	22
F. Dru Sjodin National Sex Offender Public Website.....	22
SECTION 6.02 REQUIRED AND PROHIBITED INFORMATION .....	23
A. Required Information.....	23
B. Prohibited Information.....	23
C. Witness Protection .....	23
SECTION 6.03 COMMUNITY NOTIFICATION .....	24
A. Law Enforcement Community Notification .....	24
B. Community Notification .....	24
CHAPTER 7 IMMUNITY .....	25
SECTION 7.01 NO WAIVER OR IMMUNITY .....	25
SECTION 7.02 GOOD FAITH.....	25

CHAPTER 8 CRIMES AND CIVIL SANCTIONS .....	25
SECTION 8.01 CRIMINAL PENALTY .....	25
SECTION 8.02 CIVIL PENALTY .....	25
SECTION 8.03 EXCLUSION .....	25
SECTION 8.04 ZONES OF RESTRICTION .....	25
A. School or Childcare Center Premises .....	25
B. Exemptions for Parents or Guardians of Students & Enrolled Students .....	26
C. Notification to School or Childcare Center .....	26
SECTION 8.05 PROHIBITION OF RESIDENCE .....	27
B. Exemption for Established Residence .....	27
SECTION 8.06 PROHIBITION ON EMPLOYMENT .....	27



## **CHAPTER 1 GENERAL MATTERS**

### **SECTION 1.01 TITLE**

This Code shall be known as the Bois Forte Sex Offender Registration Code.

### **SECTION 1.02 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 that Act as presently written or hereafter amended.

### **SECTION 1.03 NEED**

Violent crime in Indian Country is more than twice the national average. On some reservations it is more than twenty times the national average. An astounding thirty percent of Indian and Alaskan Native women will be raped in their lifetimes. Eighty percent of the perpetrators of these crimes are non-Indian. 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 sex offenders in Indian Country threatens the political integrity, economic security, and the health and welfare of tribal nations even to the point of imperiling the subsistence of tribal communities.

Although the Bois Forte Band of Chippewa Indians (hereinafter referred to as the “Band”) has been fortunate in recent years not to have experienced similarly high percentages of violent crimes and sex offense, it is imperative that the Band’s children, females, families, vulnerable adults and guests are protected from Indian and non-Indian sex offenders and predators.

### **SECTION 1.04 CREATION OF REGISTRIES**

- A. Sex Offender Registry: There is hereby established a sex offender registry program. The Bois Forte Sex Offender Registry which the Bois Forte SORNA Compliance Officer or designee shall maintain and operate pursuant to the provisions of this Code, and any amendments thereof.
- B. Public Sex Offender Registry Website: There is hereby established a public sex offender registry website, which the SORNA Compliance Officer or designee shall maintain and operate pursuant to the provisions of this Code and any amendments thereof.

### **SECTION 1.05 HOUSING AND OTHER DEPARTMENTAL POLICIES**

Band departments may impose additional requirements on sex offenders through departmental policies, such as criminal background check policies pertaining to eligibility for housing services through the Band. Nothing in this Code shall prevent Band departments from adopting and enforcing such policies.

## **CHAPTER 2 TERMINOLOGY AND COVERED OFFENSES**

### **SECTION 2.01 DEFINITIONS**

The Definitions below apply to this Code only.

- A. Community Event: The term “Community Event” means any activity, gathering, or similar event occurring within the Band’s territorial jurisdiction, including pow wows, sporting events, feasts, and similar community gatherings.
- B. Convicted: An adult sex offender is “convicted” for the purposes of this Code if the sex offender has been subject to penal consequences based on the conviction; however, the conviction may be styled.

A juvenile offender is “convicted” for purposes of this Code if the juvenile offender is either:

1. Prosecuted and convicted as an adult for a sex offense; or
2. Is adjudicated delinquent (or juvenile offender) for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of Section 2241 of Title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

- C. Foreign Convictions: A foreign conviction is one obtained outside of the United States.
- D. 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 purposes of this Code.
- E. Immediate/Immediately: The terms “immediate” and “immediately” mean within three (3) business days.
- F. Imprisonment: The term “imprisonment” as used in this Code 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, 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 Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe.

H. Minor: The term “minor” as used in this Code means an individual who has not attained the age of 18 years.

I. Resides: The term “reside” or “resides” as used in this Code means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives or sleeps. An individual is deemed to “reside” in a place if they are present there for more than seventy-two (72) consecutive hours or if they sleep there for more than three (3) nights in a seven (7)-day period.

J. 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 2.02 of this Code or any other covered offense under Chapter VI, Bois Forte Criminal Code.

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 victim was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

K. Sex Offender: For the purpose of this Code, a person convicted of a sex offense is a “sex offender.”

L. Sexual Act: The term “sexual act” means:

1. contact between the penis and the vulva or the penis and the anus, and for the purposes of this definition contact involving the penis occurs upon penetration, however slight;
2. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. the penetration, however slight, of the anal or genital opening of another by a hand or a finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
4. the intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

M. Sexual Contact: The sexual touching, either directly or 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 desires of another person.

N. Student: The term “student” as used in this Code 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.

- O. SORNA: The term “SORNA” as used in this Code means the federal Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 Pub.L. 109-248).
- P. SORNA Compliance Officer: The term “SORNA Compliance Officer” as used in this act means the individual(s) designated by the Bois Forte Tribal Council to be responsible for implementing the provisions of SORNA and this Code within the Band’s civil regulatory and/or criminal jurisdiction regardless of whether or not said individual(s) is also employed as a law enforcement officer or tribal probation officer or in any other capacity.
- Q. Sex Offender Registry: The term “sex offender registry” as used in this Code means a registry of sex offenders, and a notification program, maintained by Bois Forte Sex Offender Registration Office.
- R. National Sex Offender Registry (NSOR): “NSOR,” as used in this Code, means the national database maintained by the Attorney General of the United States at the Federal Bureau of Investigation (FBI) of each sex offender and any other person required by SORNA to register in a jurisdiction's sex offender registry.
- S. SMART Office: “SMART Office,” as used in this Code, means the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, established within the Department of Justice under the general authority of the Attorney General of the United States. The SMART Office administers the national SORNA standards.
- T. Dru Sjodin National Sex Offender Public Website: The “Dru Sjodin National Sex Offender Public Website” means the national public website maintained by the Attorney General of the United States in accordance with the provisions of SORNA and which, for the purposes of this Code, shall include relevant information for each sex offender and other person listed on the tribe’s sex offender registry Internet site.
- U. Tier 1 Sex Offender: A “Tier 1 sex offender” or a sex offender designated as a “Tier 1” is one that has been convicted of a sex offense as defined in Section 3.01.
- V. Tier 2 Sex Offender: A “Tier 2 sex offender” or a sex offender designated as a “Tier 2” is one that has been either convicted of a sex offense as defined in Section 3.02.
- W. Tier 3 Sex Offender: A “Tier 3 sex offender” or a sex offender designated as a “Tier 3” is one that has been convicted of a sex offense as defined in Section 3.03.

## SECTION 2.02 REGISTERABLE OFFENSES

Sex offenders who reside within the Band's territorial jurisdiction or otherwise reside on property owned by the Band in fee or trust regardless of location, are employed in any capacity within its territorial jurisdiction or on property owned by the Band in fee or trust regardless of location, or who attend school within the territorial jurisdiction of the Band or on property owned by the Band in fee or trust regardless of location, that have been convicted of the following offenses, are subject to the requirements of this Code:

- A. Bois Forte Tribal Offenses: A conviction for violating Section 605.01 (Abduction when the victim is a minor), 610.02 (Criminal Sexual Conduct), 610.03 (Sexual Assault), 610.04 (Statutory Rape), 610.05 (Indecent Exposure), 610.06 (Solicitation of children to engage in sexual conduct), 610.09 (Prostitution and Sex Trafficking), 611.02 (Pornography Involving Juveniles), 611.03 (Computer-Aided Solicitation of a Minor), or 612.01 (Incest), Bois Forte Criminal Code, Chapter VI.
- B. State, Territory and Other Tribe's Offenses: A conviction for a sex offense pursuant to the criminal laws of any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe.
- C. Federal Offenses: A conviction for any of the following, and any other offense hereafter included within SORNA:
  - 1. 18 U.S.C. § 1591 (sex trafficking of children),
  - 2. 18 U.S.C. § 1801 (video voyeurism of a minor),
  - 3. 18 U.S.C. § 2241 (aggravated sexual abuse),
  - 4. 18 U.S.C. § 2242 (sexual abuse),
  - 5. 18 U.S.C. § 2243 (sexual abuse of a minor or ward),
  - 6. 18 U.S.C. § 2244 (abusive sexual contact),
  - 7. 18 U.S.C. § 2245 (offenses resulting in death),
  - 8. 18 U.S.C. § 2251 (sexual exploitation of children),
  - 9. 18 U.S.C. § 2251 (selling or buying of children),
  - 10. 18 U.S.C. § 2252 (material involving the sexual exploitation of minors),
  - 11. 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States),

12. 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity),
  13. 18 U.S.C. § 2422 (coercion and enticement of a minor for illegal sexual activity),
  14. 18 U.S.C. § 2423 (transportation of minors for illegal sexual activity),
  15. 18 U.S.C. § 2424 (failure to file factual statement about an alien individual), or
  16. 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).
- D. Foreign Offenses: A conviction for a sex offense obtained under the laws of Canada, the United Kingdom, Australia, New Zealand or any other foreign nation if the U.S. State Department, in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally enforced the right to a fair trial in that country during the year in which the conviction occurred.
- E. Military Offenses: A conviction for any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Pub. L. 105-119 (codified at 10 U.S.C. § 951 note), as amended, including but not limited to any offense designated in Department of Defense Instruction 1325.07, Appendix 4 to Enclosure 2 (2013), as it may be amended.
- F. 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 (a) and (b)) and committed by a minor who is 14 years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or by the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.
- G. Jurisdiction Offenses: Any offense committed in any jurisdiction, including the Bois Forte Band of Chippewa that involves:
1. Any type of degree of genital, oral, or anal penetration,
  2. Any sexual touching of or sexual contact with a person's body, either directly or through the clothing,
  3. Kidnapping of a minor,
  4. False imprisonment of a minor,

5. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
6. Use of a minor in a sexual performance,
7. Solicitation of a minor to practice prostitution,
8. Possession, production, or distribution of child pornography,
9. Criminal sexual conduct that involves physical contact: with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,
10. Any conduct that by its nature is a sex offense against a minor, or
11. Any offense similar to those outlined in:
  - a. 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion),
  - b. 18 U.S.C. § 1801 (video voyeurism of a minor),
  - c. 18 U.S.C. § 2241 (aggravated sexual abuse),
  - d. 18 U.S.C. § 2242 (sexual abuse),
  - e. 18 U.S.C. § 2244 (abusive sexual contact),
  - f. 18 U.S.C. § 2422(b) (coercing a minor to engage in prostitution),
  - g. 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct),  
and
12. Any offense which results in a court-ordered requirement to register as a sex offender.

### **CHAPTER 3 TIERED OFFENSES**

#### **SECTION 3.01 TIER 1 OFFENSES**

- A. Sex Offenses: A “Tier 1” offense includes any sex offense for which a person has been convicted 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 that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- C. Bois Forte Tribal Offenses: Unless otherwise qualifying as a “Tier 2” or “Tier 3” offense, any sex offense under the Bois Forte Tribal Code which results in a Class 2 or Class 3 Misdemeanor conviction except for those sex offenses specified in Section 3.02(A), herein.
- D. Certain Federal Offenses: Conviction for any of the following federal offenses shall be considered “Tier 1” offenses:
1. 18 U.S.C. § 1801 (video voyeurism of a minor),
  2. 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),
  3. 18 U.S.C. § 2422(a) (coercion to engage in prostitution),
  4. 18 U.S.C. § 2423(b) (travel with the intent to engage in illicit conduct),
  5. 18 U.S.C. § 2423(c) (engaging in illicit conduct in foreign places),
  6. 18 U.S.C. § 2423(d) (arranging, inducing, procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),
  7. 18 U.S.C. § 2424 (failure to file factual statement about an alien individual),  
or
  8. 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).
- E. Certain Military Offense: Any Military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Pub. L. 105-119 (codified at 10 U.S.C. § 951 note), as amended, that is similar to those offenses outlined above in Section 3.01(A), (B), or (C) shall be considered “Tier 1” offenses.

## **SECTION 3.02 TIER 2 OFFENSES**

- A. Sex Offense Recidivism: Any sex offense which is not the first sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, and which is not a “Tier 3” offense is considered a “Tier 2” offense.



- B. Offenses Involving Minors: A “Tier 2” offense includes any sex offense for which a person has been convicted, or a conviction for an attempt or conspiracy to commit such an offense that involves:
1. The use of minors in prostitution, including solicitations,
  2. Enticing a minor to engage in criminal sexual activity,
  3. Sexual contact with a minor 13 years of age or older, whether direct or through the clothing, that involves the intimate parts of the body,
  4. The use of a minor in a sexual performance, or
  5. The production for distribution of child pornography.
- C. Bois Forte Tribal Offenses: Unless otherwise qualifying as a “Tier 3” offense, any registerable sex offense under the Bois Forte Tribal Code which results in a Class 1 Misdemeanor conviction.
- D. Certain Federal Offenses: Conviction for any of the following federal offenses shall be considered “Tier 2” offenses:
1. 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion),
  2. 18 U.S.C. § 2244 (abusive sexual contact),
  3. 18 U.S.C. § 2251 (sexual exploitation of children),
  4. 18 U.S.C. § 2251A (selling or buying of children),
  5. 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),
  6. 18 U.S.C. § 2252A (material containing child pornography),
  7. 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States),
  8. 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity),
  9. 18 U.S.C. § 2422(b) (coercing a minor to engage in prostitution),
  10. 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct), or
  11. 18 U.S.C. § 2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain).

- E. Certain Military Offenses: Conviction for any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Pub. L. 105-119 (codified at 10 U.S.C. § 951 note), as amended, that is similar to those offenses outlined in Section 3.02(A), (B), (C) or (D) shall be considered “Tier 2” offenses.

### **SECTION 3.03 TIER 3 OFFENSES**

- A. Sex Offense Recidivism: Any sex offense where the offender has at least one prior conviction for a “Tier 2” sex offense is a “Tier 3” offense.
- B. General Offenses: A “Tier 3” offense includes any sex offense for which a person has been convicted that involves:
1. Non-parental kidnapping of a minor,
  2. 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
  3. 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.
- C. Bois Forte Tribal Offenses: Any registrable sex offense under the Bois Forte Tribal Code which results in a Felony conviction.
- D. Violent Offenses: A “Tier 3” offense includes any sex offense for which a person has been convicted wherein force or violence was used to accomplish the sexual act or the sexual contact.
- E. Certain Federal Offenses: Conviction for any of the following federal offenses shall be considered “Tier 3” offenses:
1. 18 U.S.C. § 2241 (aggravated sexual abuse),
  2. 18 U.S.C. § 2242 (sexual abuse),
  3. 18 U.S.C. § 2243 (sexual abuse of a minor or ward), or
  4. Where the victim is 12 years of age or younger, 18 U.S.C. § 2244 (abusive sexual contact).
- F. Certain Military Offenses: Any military offense specified by the Secretary of Defense under Section U5(a)(8)(C)(i) of Pub. L. 105-119 (codified at 10 U.S.C. § 951 note), as amended, that is similar to those offenses outlined in Section 3.03(A), (B) or (C) shall be considered “Tier 3” offenses.

## **CHAPTER 4 REQUIRED INFORMATION**

### **SECTION 4.01 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 SORNA Compliance Officer and the SORNA Compliance Officer shall obtain all of the information detailed in this chapter from sex offenders who are required to register with the Bois Forte Band of Chippewa in accordance with this Code and shall implement policies and procedures.
- B. Digitization: All information obtained under this Code shall be, at a minimum, maintained by the SORNA Compliance Officer in a digitized format.
- C. Electronic Database: The SORNA Compliance Officer or designee shall utilize the Tribe and Territory Sex Offender Registry System (TTSORS) provided by the U.S. Department of Justice and the SMART Office as the Band's electronic database for its sex offender registry.

### **SECTION 4.02 CRIMINAL HISTORY**

- A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's sex offense criminal history:
  - 1. The date of all arrests,
  - 2. The date of all convictions,
  - 3. The sex offender's status of parole, probation, or supervised release,
  - 4. The sex offender's registration status, and
  - 5. Any outstanding arrest warrants.

### **SECTION 4.03 DATE OF BIRTH**

- A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's date of birth:
  - 1. The sex offender's actual date of birth, and
  - 2. Any other date of birth used by the sex offender.

#### **SECTION 4.04 DNA SAMPLES**

- 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 SORNA Compliance Officer or designee a sample of his/her DNA.
- B. 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.

#### **SECTION 4.05 DRIVER'S LICENSES, IDENTIFICATION CARDS, PASSPORTS, AND IMMIGRATION DOCUMENTS**

- A. Driver's License: The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, a photocopy of all of the sex offender's valid driver's licenses issued by any jurisdiction.
- B. Identification Cards: The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, a photocopy of any identification card including the sex offender's tribal enrollment card issued by any jurisdiction.
- C. Passports: The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, a photocopy of any passports used by the sex offender.
- D. Immigration Documents: The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, a photocopy of any and all immigration documents.
- E. Employment Information: The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed or has worked in any capacity, including volunteer and unpaid positions:
  - 1. The name of the sex offender's employer,
  - 2. The address of the sex offender's employer, and
  - 3. Similar information related to any transient or day labor employment.

#### **SECTION 4.06 FINGER AND PALM PRINTS**

The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, both fingerprints and palm prints of the sex offender in a digitized format.

#### **SECTION 4.07 INTERNET IDENTITIES**

A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's Internet related activity:

1. Any and all email addresses used by the sex offender,
2. Any and all instant message addresses and identifiers,
3. Any and all other designations or monikers used for self-identification in internet communications or postings, and
4. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings.

#### **SECTION 4.08 NAME**

A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's name:

1. The sex offender's full primary given name, including the maiden name of a female sex offender,
2. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
3. Any and all ethnic or tribal names by which the sex offender is commonly known.

#### **SECTION 4.09 PHONE NUMBERS**

A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's telephone numbers:

1. Any and all landline telephone numbers and providers,
2. Any and all cellular telephone numbers and providers, including pre-paid cellular phones, and
3. Any and all Voice over Internet Protocol (VoIP), IP telephony, Internet telephony, Voice over Broadband (VoBB), Broadband telephone and Broadband phone numbers and providers.

#### **SECTION 4.10 PICTURE**

A. Photograph: The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, a current photograph of the sex offender.

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

1. Every 90 days for Tier 3 sex offenders,
2. Every 180 days for Tier 2 sex offenders, and
3. Every year for Tier 1 sex offenders.

#### **SECTION 4.11 PHYSICAL DESCRIPTION**

A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, an accurate description of the sex offender as follows:

1. A physical description,
2. A general description of the sex offender's physical appearance or characteristics, and
3. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

#### **SECTION 4.12 PROFESSIONAL LICENSING DESCRIPTION**

The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

#### **SECTION 4.13 RESIDENCE ADDRESS**

A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's residence:

1. The address of each residence at which the sex offender resides or will reside, and
2. Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

#### **SECTION 4.14 SCHOOL**

A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's school:

1. The address of each school where the sex offender is or will be a student, and

2. The name of each school at which the sex offender is or will be a student.

#### **SECTION 4.15 SOCIAL SECURITY NUMBER**

- A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information:
  1. A valid social security number for the sex offender, and
  2. Any social security number the sex offender has used in the past, valid or otherwise.

#### **SECTION 4.16 TEMPORARY LODGING**

- A. Lodging Information: The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information when the sex offender will be absent from their residence for seven (7) days or more:
  1. Identifying information of the temporary lodging locations including addresses and names, and
  2. The dates the sex offender will be staying at each temporary lodging location.
- B. Timing: The sex offender shall provide the information in this Section 4.16 in person, no later than three (3) days before their scheduled travel.
- C. Notification: The SORNA Compliance Officer or designee shall immediately notify any jurisdiction where the sex offender will be lodging that the sex offender will be traveling to that jurisdiction, via the SORNA Exchange Portal, or any additional methods of communication, as appropriate.

#### **SECTION 4.17 OFFENSE INFORMATION**

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

#### **SECTION 4.18 DETAILED VEHICLE INFORMATION**

- A. The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, the following information related to all vehicles owned or operated by the sex offender for work or personal use including land vehicles, aircraft, and watercraft:
  1. License plate numbers,
  2. Registration numbers or identifiers,
  3. General description of the vehicle to include color, make, model, and year, and

4. Any permanent or frequent location where any covered vehicle is kept.

#### **SECTION 4.19 PROOF OF PARENTAGE OR GUARDIANSHIP**

Sex offenders seeking to exercise the exemptions for parents or guardians under Section 8.04 of this Code must provide proof of parentage with right of custody or visitation or proof of guardianship of the child attending the school or childcare center to the SORNA Compliance Officer in the form of court orders, birth certificates, marriage certificates, or other forms of reliable written documentation. Upon receipt of such proof, the SORNA Compliance Officer shall verify the sex offender's parent or guardian status.

#### **SECTION 4.20 SEX OFFENDER ACKNOWLEDGMENT FORM**

- A. The sex offender shall read, or have read to them, and sign a form stating that the duty of register has been explained to them by the Bois Forte SORNA Compliance Officer and that the sex offender understands the registration requirements.
  1. The form shall be signed and dated by the SORNA Compliance Officer registering the sex offender.
- B. The Bois Forte SORNA Compliance Officer shall immediately upload the acknowledgement form into the Bois Forte SORNA sex offender registry.

#### **SECTION 4.21 FREQUENCY AND DURATION**

- A. Frequency: A sex offender who is required to register shall, at a minimum, appear in person before the SORNA Compliance Officer for purposes of keeping registration current in accordance with the following time frames:
  1. For Tier 1 offenders, once every year for 15 years from the date of conviction,
  2. For Tier 2 offenders, once every 180 days for 25 years from the date of conviction,
  3. For Tier 3 offenders, once every 90 days for the rest of their lives.
- B. Reduction of Registration Periods: A sex offender may have their period of registration reduced as follows:
  1. A Tier 1 offender may have their period of registration and verification reduced to a lesser period, as determined by the Bois Forte Tribal Court, if they have maintained a clean record for 10 consecutive years.
  2. A Tier 3 offender may have their period registration and verification reduced to 25 years if they were adjudicated delinquent of an offense as a juvenile that



required Tier 3 registration, and they have maintained a clean record for 25 consecutive years.

- C. Clean Record: For purposes of Section 3.04(B), above, a person has a clean record if:
1. They have not been convicted of any offense for which imprisonment for more than 1 year may be imposed,
  2. They have not been convicted of any sex offense,
  3. They have successfully completed, without revocation, any period of supervised release, probation, or parole, and
  4. They have successfully completed an appropriate sex offender treatment program certified by the tribe, another jurisdiction, or by the United States Attorney General.

## **SECTION 4.22 REQUIREMENTS FOR IN-PERSON APPEARANCES**

- A. Photographs: At each in-person verification, the sex offender shall permit the SORNA Compliance Officer 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 or otherwise, the SORNA Compliance Officer shall immediately notify all other registration jurisdictions of the information or change in information.

## **SECTION 4.23 INTERNATIONAL TRAVEL**

The SORNA Compliance Officer or designee shall obtain, and a sex offender shall provide, notice at least 21 days in advance if they intend to travel outside of the United States. The Bois Forte SORNA Compliance Officer shall obtain, and a sex offender shall provide, any information required to be provided by 42 U.S.C. § 16914(a)(7), and/or any other information necessary to complete the *International Travel Form* utilized by the United States Marshals Service.

The SORNA Compliance Officer shall submit the completed *International Travel Form* to the United States Marshals Service via the SORNA Exchange Portal within 24 hours.

## **CHAPTER 5 REGISTRATION**

### **SECTION 5.01 WHERE REGISTRATION IS REQUIRED**

- A. Jurisdiction of Conviction: A sex offender convicted in the Bois Forte Tribal Court of a covered sex offense must initially register with the SORNA Compliance Officer or

designee regardless of the sex offender's actual or intended residency, place of incarceration, employment, or attendance at school.

- B. Jurisdiction of Incarceration: A sex offender must register in each jurisdiction while completing any sentence for a covered sex offense regardless of whether it is the same jurisdiction as the jurisdiction of conviction or sentence.
1. A sex offender convicted in the Bois Forte Tribal Court of a covered sex offense must register in each jurisdiction in which the offender may be incarcerated while completing any sentence imposed by the Tribal Court.
  2. A sex offender convicted in any other jurisdiction (federal, state, tribal, territorial, military or foreign) of a covered sex offense and thereafter incarcerated within the Band's civil regulatory and/or criminal jurisdiction must register with the SORNA Compliance Officer while completing any sentence imposed, regardless of where the conviction was entered.
- C. Jurisdiction of Residence: A sex offender must register with this jurisdiction if the offender resides or plans to reside within the Band's territorial jurisdiction, as "reside" is defined in this Code, Section 2.01(I).
- D. Jurisdiction of Employment: A sex offender who is employed within the Band's territorial jurisdiction must register with the SORNA Compliance Officer or designee.
- E. Jurisdiction of School Attendance: A sex offender who is a student in any capacity within the Band's territorial jurisdiction must register with the SORNA Compliance Officer or designee.

## **SECTION 5.02 INITIAL REGISTRATION**

- A. Timing: A sex offender required to register with the Bois Forte Band of Chippewa shall do so in the following timeframe:
1. If incarcerated, before release from imprisonment for the registration offense,
  2. If not incarcerated, within three (3) business days of sentencing for the registration offense, and
  3. For foreign, federal, military, state, territorial and tribal court convictions, a sex offender must appear in person for purposes of complying with this Code before the SORNA Compliance Officer or designee or the Bois Forte Police Department within three (3) business days of establishing a residence, commencing employment and/or attendance at school within the territorial jurisdiction of the Bois Forte Band of Chippewa after either release from incarceration or after sentencing.

- B. Visitors: Sex offenders who intend to visit and stay for more than seventy-two (72) consecutive hours or to sleep for more than three (3) nights in a seven (7)-day period within the Band's territorial jurisdiction shall notify the SORNA Compliance Officer or designee at least twenty-four (24) hours in advance of said visit and must appear in person for the purpose of registering upon entering the Band's territorial jurisdiction.
- C. Community Event: Sex offenders who intend to attend a Community Event are not required to complete an initial registration by providing all information set out under Chapter 4 of this Code, but are required to notify the SORNA Compliance Officer or designee at least 24 hours in advance of attendance and provide the following information: full legal name of the sex offender and any nicknames/aliases; a current address where the sex offender resides; a reliable phone number where the sex offender may be reached; and the date, time, and location of the Community Event the sex offender intends to attend. The SORNA Compliance Officer or designee shall make and maintain a record of the information provided and shall notify law enforcement of the recorded information in advance of the Community Event that the sex offender plans to attend.
- D. Duties of the SORNA Compliance Officer or Designee:
  - 1. Any sex offender initially or sentenced by the Bois Forte Band of Chippewa for a covered sex offense must complete their initial registration with the tribe,
  - 2. Any sex offender initially registering with the Bois Forte Band of Chippewa must be informed of their duties under SORNA and this Code, and such duties under SORNA and this Code must be explained to them,
  - 3. The sex offender must 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,
  - 4. All sex offenders subject to this Code must register, and
  - 5. Upon entry of the sex offender's information into the registry, that information must be immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status.

### **SECTION 5.03 RETROACTIVE REGISTRATION**

- A. Retroactive Registration: The SORNA Compliance Officer or designee shall have in place policies and procedures to ensure the following three (3) categories of sex offenders are recaptured:

1. Sex offenders incarcerated or under supervision of the Band, whether for a covered sex offense or other crime,
  2. Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the Band's laws, and
  3. Sex offenders reentering the justice system due to conviction for any crime.
- B. Timing of Recapture: The SORNA Compliance Officer or designee shall ensure recapture of the sex offenders mentioned in Section 5.03(A) within the following timeframe to be calculated from the date of implementation of this Code:
1. For Tier 1 sex offenders, 1 year,
  2. For Tier 2 sex offenders, 180 days, and
  3. For Tier 3 sex offenders, 90 days.

#### **SECTION 5.04 KEEPING REGISTRATION CURRENT**

- A. Jurisdiction of Residency: All sex offenders residing in this jurisdiction shall immediately appear in person at the Bois Forte Sex Offender Registry Office to update any changes to their name, residence (including termination of residency), employment, school attendance, vehicle information, temporary lodging, email addresses, telephone numbers, instant messaging addresses, and any other designation used in internet communications, postings, or telephone communications. In the event of a change in temporary lodging, the sex offender and Bois Forte Sex Offender Registry Office shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.
- B. Jurisdiction of Employment: All sex offenders employed within lands subject to the jurisdiction of the Band regardless of location that change or terminate their employment shall immediately appear in person at the Bois Forte Sex Offender Registry Office to update that information. The SORNA Compliance Officer or designee 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 School Attendance: Any sex offender who is a student in any capacity within lands subject to the jurisdiction of the Band regardless of location that change their school or otherwise terminate their schooling, shall immediately appear in person at the Bois Forte Sex Offender Registry Office to update that information. The SORNA Compliance Officer or designee 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 SORNA Compliance Officer: With regard to changes in a sex offender's registration information, the SORNA Compliance Officer or designee shall immediately notify:

1. All jurisdictions where a sex offender intends to reside, work, or attend school,
2. Any jurisdiction where the sex offender is either registered or required to register, and
3. Specifically with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals Service. The tribal police shall also ensure this information is immediately updated on NSOR.

#### **SECTION 5.05 FAILURE TO APPEAR FOR REGISTRATION AND ABSCONDING**

A. Failure to Appear: In the event a sex offender fails to register as required by this Code, the SORNA Compliance Officer or designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the tribe that the sex offender failed to appear for registration.

B. Absconded Sex Offenders: If the SORNA Compliance Officer or designee receives information that a sex offender has absconded, the SORNA Compliance Officer or designee shall make an effort to determine if the sex offender has actually absconded.

1. In event that determination is made, the SORNA Compliance Officer or designee shall ensure that the Bois Forte Police Department and any other appropriate law enforcement agency is notified.
2. If the information concerning possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
3. If an absconded sex offender cannot be located, the SORNA Compliance Officer or designee and/or the Bois Forte Police Department shall take the following steps:
  - a. Update the registry to reflect the sex offender has absconded or is otherwise not capable of being located,
  - b. Notify the U.S. Marshals Service,

- c. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
  - d. Update the 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 fails to do so or otherwise violates a registration requirement of this Code, the SORNA Compliance Officer or designee shall take all appropriate follow-up measures including those outlined in this Section 5.05(B). The SORNA Compliance Officer or designee shall first make an effort to determine if the sex offender is actually employed, attending school, attending a Community Event, or residing in or on lands subject to the Band's jurisdiction.

## **CHAPTER 6 PUBLIC SEX OFFENDER REGISTRY WEBSITE**

### **SECTION 6.01 WEBSITE**

- A. Website. The use of TTSORS. The SORNA Compliance Officer or designee shall utilize the Tribe and Territory Sex Offender Registry System (TTSORS) provided by the United States Department of Justice (DOJ) and the SMART Office of DOJ.
- B. Links. The Band shall include links of sex offenders safety and education resources.
- C. Instructions. The Band shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. Warnings. The Band shall include a warning that the information contained on the website shall 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 Band 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 Band shall include in the design of its registry 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 6.02 REQUIRED AND PROHIBITED INFORMATION**

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

1. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
2. All sex offense(s) for which the sex offender has been convicted,
3. The sex offense(s) for which the offender is currently registered,
4. The address of the sex offender's employer(s),
5. The name of the sex offender including all aliases,
6. A current photograph of the sex offender,
7. A physical description of the sex offender,
8. The residential address and, if relevant, a description of a habitual residence of the sex offender,
9. All addresses of schools attended by the sex offender, and
10. The sex offender's vehicle license plate number along with a description of the vehicle.

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

1. Any arrest that did not result in conviction,
2. The sex offender's social security number,
3. Any travel and immigration documents,
4. The identity of the victim, and
5. Internet identifiers (as defined in 34 U.S.C. § 20917(3)).

C. Witness Protection: For sex offenders who are under a witness protection program, the Bois Forte Police Department and/or SORNA Compliance Officer or designee 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 website.

## **SECTION 6.03 COMMUNITY NOTIFICATION**

A. Law Enforcement Community Notification: Whenever a sex offender registers or updates their information with the Band, the SORNA Compliance Officer or designee shall:

1. Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on NSOR or other relevant databases,
2. Immediately notify any Band agency, department, or program 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, Band prosecutor(s), and Band probation officers,
3. 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
4. Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993 (42 U.S.C. § 5119) when a sex offender registers or updates registration.

B. Community Notification: The SORNA Compliance Officer or designee shall ensure there is a community notification process in place that ensures the following:

1. Upon a sex offender's registration or update of information with the Band, the Band's public sex offender registry website is immediately updated,
2. The Band's public sex offender registry has a function that enables the general public to request an email notice that will notify them when a sex offender commences residence, employment, or school attendance with the Band, 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, and
3. Community meetings are scheduled as needed to provide information, resources, and education about the registration and notification requirements of this Code.



## **CHAPTER 7 IMMUNITY**

### **SECTION 7.01 NO WAIVER OR IMMUNITY**

Nothing under this chapter shall be construed as a waiver of sovereign immunity for the Bois Forte Band of Chippewa Indians<sup>1</sup> its officers, departments, agencies, employees, or agents.

### **SECTION 7.02 GOOD FAITH**

Any person acting in their official capacity to enforce or implement this Code and who acts in good faith of this Title shall be immune from any civil liability arising out of such actions.

## **CHAPTER 8 CRIMES AND CIVIL SANCTIONS**

### **SECTION 8.01 CRIMINAL PENALTY**

Each violation of a provision of this Code by a sex offender subject to the Band's criminal jurisdiction shall be considered a Class I Misdemeanor pursuant to Section 508.01, subdivision 2(b) of the Bois Forte Tribal Court Code, punishable by incarceration for a period not exceeding one (1) year, or a fine not exceeding \$5,000, or both.

### **SECTION 8.02 CIVIL PENALTY**

Each violation of a provision of this Code by a sex offender who is subject to the Band's civil regulatory authority shall be considered a separate civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of civil fines, remedial forfeitures and civil contempt.

### **SECTION 8.03 EXCLUSION**

- A. In addition to any criminal and/or civil penalty imposed pursuant to this chapter upon a sex offender who violates any provision of this Code, the Band may also exclude that individual from the Band's territorial jurisdiction pursuant to the provisions of Section 434.01, subdivision 1, Bois Forte Tribal Court Code.
- B. Sex offenders who are not enrolled members of the Bois Forte Band of Chippewa shall not enter the Band's territorial jurisdiction for any purpose, except as needed to comply with an Order of the Bois Forte Tribal Court that expressly directs the sex offender to be present in-person for Court proceedings or as authorized in a Resolution of the Bois Forte Reservation Tribal Council. Any non-Band member sex offender in violation of this section shall be subject to trespass laws and removal.

### **SECTION 8.04 ZONES OF RESTRICTION**

- A. School or Childcare Center Premises. Unless exempted under Subsection B of this Section 8.04, below, it is unlawful for sex offenders to:

1. Be present on the premises of any school or childcare center when minors are present on the premises, or in any vehicle owned, leased, or contracted by a school or childcare center when minors are present in the vehicle; or
2. Loiter within three hundred (300) feet of a school or childcare center premises.
3. Sex offenders who must enter any restricted area as described in this Section 8.04 for purposes of completing work authorized by the school or childcare center may do so only intermittently as required for that work purpose and must be supervised at all times when minors are present.

B. Exemptions for Parents or Guardians of Students & Enrolled Students.

1. A sex offender who is a parent or guardian of a student or child attending a school or childcare center and who complies with Section 8.04(C), below, may be present on school or childcare center premises if the parent or guardian is:
  - i. Attending a conference at the school or childcare center with school or childcare center personnel to discuss the progress of the sex offender's child academically or socially,
  - ii. 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,
  - iii. Attending conferences to discuss other student issues concerning the sex offender's child, such as retention and promotion,
  - iv. Transporting the sex offender's child to and from school, or
  - v. Present at the school because the presence of the sex offender had been requested by the principal for any other reason relating to the welfare of the child.
2. Subsection (A) of this Section 8.04, above, 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.

C. Notification to School or Childcare Center.

1. In order to exercise the exemptions under Subsection (B) of this Section 8.04, a parent or guardian who is a sex offender must notify the principal of the school or the director of the childcare center of the sex offender's presence at the school

or childcare center unless the school principal or childcare center director has granted ongoing permission, *in writing*, for regular visits of a routine nature.

- i. The school or childcare center shall not grant permission for an exception under Subsection (B) of this Section 8.04 unless SORNA Compliance Officer has provided written verification to the school or childcare center of the sex offender's status as a parent or guardian of the child attending the school or childcare center pursuant to Section 4.19 of this Code.
  - ii. If permission to access is granted by the school or childcare center, the sex offender is responsible for notifying the school or childcare center office upon arrival and upon departure per the directions of the school or childcare center.
  - iii. If the sex offender is to be present in the vicinity of children, a designated school or childcare center official must directly supervise the sex offender at all times when the sex offender is present on the school or childcare center property.
2. Nothing in this section shall be construed to infringe upon the right of a sex offender to be present in a school building that is used as a polling place for the purpose of voting.

## **SECTION 8.05 PROHIBITION OF RESIDENCE**

- A. No sex offender may reside within three hundred (300) feet of any school, childcare center, youth activity center, playground, park, or ballfield.
- B. Exemption for Established Residence. If a sex offender has already established a residence and a school, childcare center, youth activity center, playground, park, or ballfield is subsequently built within three hundred (300) feet of the sex offender's residence, the sex offender shall:
  - a. Prior to one (1) month of the opening of the school, childcare center, youth activity center, playground, park, or ballfield, notify the SORNA Compliance Officer that such facility is located within three hundred (300) feet of the sex offender's residence, and
  - b. Provide verifiable proof that the sex offender resided and continues to reside in that location prior to the opening of such facility.

## **SECTION 8.06 PROHIBITION ON EMPLOYMENT**

Effective August 20, 2025, the Bois Forte Tribal Government and any Band-owned enterprise shall not employ sex offenders in any capacity.

