

Spirit Lake Tribe

Sex Offender Registration and Community Notification Law

Title 20

Chapter One: Definitions and Application

20-1-101 Definitions

- (1) "Sex offender" shall include but not be limited to any person who has pled guilty, been found guilty of, or who has been found not guilty by reason of insanity of any sex offense under any tribal, state, federal or foreign law.

- (2) "Sex offense" shall include but not be limited to rape, assault with intent to commit rape, child molestation, sexual assault, sodomy, child abuse resulting from a sexual act, sexual contact, oral copulation and other sex related **crimes as set forth in existing tribal, state or federal law.**

- (3) "at risk" means that any person may be exposed to a risk of being victimized by a sex offender.

- (4) "conviction" means that the sex offender has been subject to penal consequences based upon an order from a criminal or delinquency court. This shall include but not be limited to convictions in tribal, state and federal courts.

- (5) "incarceration or imprisonment" means placement and confinement in an institution by way of a court order from a criminal or delinquency court.

- (6) "sexual act" shall include any degree of genital, anal or oral penetration and any oral-genital or oral-anal contact.

- (7) "sexual contact" shall include any sexual touching of or contact with an individual's intimate body parts either directly or through the clothing of the individual.

(8) "sexually violent offense" for purposes of the classification of sex offenses a sexually violent offense shall include any nonconsensual sexual assault crimes involving penetration, rape or sodomy or similar acts. These offenses shall also include and sexual act perpetrated by violence, threat of serious violence or by rendering unconscious or involuntarily drugging a victim.

20-1-102 Classification of Tribal Court Convictions

The Tribal Court consider and make specific findings in the court disposition based upon the following criteria when determining the length of time a sex offender convicted in tribal court must register:

A) Tier One Offenses

Any sex offender other than a Tier Two or Tier Three Offender. Anyone convicted of this classification of offense must register for 15 years.

B) Tier Two Offenses

Has been convicted of two or more sex offenses involving sexual acts or sexual contact. Anyone convicted of this classification of offense must register for 25 years.

C) Tier Three Offenses

Has been convicted of: 1) three or more sex offenses involving sexual acts or sexual contact; or 2) convicted of one or more sexually violent offenses; or 3) any sexual offense against a child with the exception of convictions for statutory rape which shall be deemed a tier one offense. Anyone convicted of this classification of offense must register for the duration of their natural life.

20-1-103 Classification of State, Local and Federal Court Convictions

A) State and Local Convictions

Any individual required to register as a sex offender based upon a conviction from a state or local jurisdiction shall be classified and required to register for the period of time

required by the law of the jurisdiction of conviction or by the requirements of 20-1-102, whichever is more stringent.

B) Federal Court Convictions

Any individual required to register as a sex offender based upon a conviction from federal court shall be classified and required to register for the period of time required by the law of the jurisdiction of conviction as set forth in Title 18 of the United States Code, Title 10 of the United States Code for military convictions and any federal offenses that are hereafter included in the Sex Offender Registration and Notification Act (Section I of P.L. 109-248(2006)).

20-1-104 Application

This title shall apply to:

- A) Any person who has pled guilty, been found guilty of, or who has been found not guilty by reason of insanity to any sex offense under any tribal, state or federal law and who enters the Spirit Lake Tribe jurisdiction for the purposes of education, study, work, to conduct business, personal, or for any other purpose; or
- B) Any person who has pled guilty to, been found guilty of, or who has been found not guilty by reason of insanity, to any attempt, solicitation or conspiracy to commit a crime that requires or would require that person to register as a sex offender under tribal law, federal law, or under the law of any state, other Indian tribe, territory, commonwealth, foreign country or other jurisdiction; or
- C) Sex offender(s) who are under the age of eighteen (18) years of age who are not legally emancipated, or have not been tried and found guilty as an adult shall be required to register as a sex offender within the Spirit Lake Jurisdiction in accordance with Chapter 4 of this Title.

20-1-105 Recognition of Foreign Orders

The Court may review documentation relating to a foreign conviction and determine whether the court will recognize and enforce the order within the Spirit Lake Tribe jurisdiction. In determining the duration of the enforcement the Tribal Court shall follow the following registration and enforcement criteria set forth in 20-1-102, 20-1-103 and 20-1-104 herein. In determining the length of registration terms for people convicted in a jurisdiction outside of the Tribe, the Tribal Court shall require the sex offender to register in accordance with the registration period imposed by the court of conviction or in accordance with 20-1-102, 20-1-103 or 20-1-104 dependent upon whether the court of conviction is a tribal, state or federal court.

20-1-106 Community Forums and Events

No convicted sex offender within the definitions provided herein, with the exception of juvenile offenders, shall come within 100 yards of any school, recreational center, daycare, any public forum intended for the youth or children or any community based activities or events unless expressly authorized to do so by the Tribal Judge. It shall be the affirmative duty of the sex offender to request such permission at least ten (10) days in advance by filing a written request with the Tribal Court.

CHAPTER TWO: SEX OFFENDER REGISTRATION REQUIREMENTS

20-2-101 Sex Offender Registration Requirements

Any person as described in Section entitled "Application" set forth above, who resides within the exterior boundaries of the reservation shall be required to register with Spirit Lake Tribal Sex Offender Registry Program within twenty four (24) hours of entering the exterior boundaries of the reservation.

A) Registration requirements shall include:

- 1) The full name, aliases, date of birth, gender, race and physical description of the offender, including any identifying marks, scars or tattoos.
- 2) The current place of residence of the offender.
- 3) Any and all vehicle information including license plate number(s), registration number(s) and a full vehicle description including make, model and year.
- 4) The name and address of the offender's employer(s).
- 5) The name and address of any schools or educational institutions or programs the offender is or will be a student.
- 6) Any and all email addresses, instant message identifiers and any other designations used in internet communications or postings by the offender.
- 7) The filing of a written statement detailing the date of conviction, nature of the offense, jurisdiction(s) where the offender was convicted, current contact information including, but not limited to, mailing address, place of residence and telephone number.
- 8) Date that offense(s) were committed, and the date of release from incarceration and any parole or probation conditions that may be in effect.
- 9) Submission to digital fingerprinting and a photographing.
- 10) The license plate information and a description of any vehicle owned by or registered to the offender.
- 11) A description of the nature of the crime(s) committed by the offender as well as a description of the type of victim generally targeted by the offender.

20 -2-102 Changes in Information:

Persons subject to this Title shall be required to verify their name and address annually, and shall inform law enforcement within twenty four (24) hours in the event that their address or other required information as set forth in 20-2-101 herein changes. All updated information and verifications must be timely submitted to Spirit Lake Tribal Sex Offender Registration Program.

20-2-103 Exemptions

Any person who is no longer required to register as a sex offender by way of a court order from the jurisdiction wherein the conviction occurred shall be exempt from these provisions. The burden shall be on the individual sex offender to prove that the exemption is applicable.

20 -2-104 Civil Penalties and Enforcement

Any person required to register as a sex offender who fails to register in a timely manner shall be subject to a civil penalty of up to \$5000.00 plus court costs and fees, and may be subject to exclusion from the reservation. In addition to the foregoing the Court may, in its discretion, impose one or more of the following civil penalties for failure to register:

- a) Jail time not to exceed one (1) year to force compliance with existing laws and court orders;
- b) Public Shaming, which shall include but not be limited to:
 - i. Marking of the offender by cutting of the offenders hair;
 - ii. Public announcement by the offender of his or her status as an offender and their failure to register; or
 - iii. any other form of lawful public shaming as deemed appropriate by the Judge.
- c) Community Service;
- d) Loss of hunting and fishing rights within the Spirit Lake Jurisdiction;
- e) Loss of any and all rights to own or possess firearms.

CHAPTER THREE: COMMUNITY NOTIFICATION

20-3-101 Public Disclosure of Information

A) The Spirit Lake Tribal Sex Offender Registration Program shall disclose the following information to the public via the Tribal Sex Offender Website and via Tribal Sex Offender Bulletin Boards established by the Tribal Sex Offender Registration Program:

- 1) The full name, aliases, date of birth, gender, race and physical description of the offender, including any identifying marks, scars or tattoos.
- 2) The current place of residence of the offender.
- 3) Any and all vehicle information including license plate number(s), registration number(s) and a full vehicle description including make, model and year.
- 4) The name and address of the offender's employer(s).
- 5) The name and address of any schools or educational institutions or programs the offender is or will be a student.
- 6) Any and all email addresses, instant message identifiers and any other designations used in internet communications or postings by the offender.
- 7) The filing of a written statement detailing the date of conviction, nature of the offense, jurisdiction(s) where the offender was convicted, current contact information including, but not limited to, mailing address, place of residence and telephone number.
- 8) Date that offense(s) were committed, and the date of release from incarceration and any parole or probation conditions that may be in effect.
- 9) Submission to digital fingerprinting and a photographing.
- 10) The license plate information and a description of any vehicle owned by or registered to the offender.
- 11) A description of the nature of the crime(s) committed by the offender as well as a description of the type of victim generally targeted by the offender.

B) The Spirit Lake Tribal Sex Offender Registration Program shall, in addition to disclosure of information via the Tribal Sex Offender Website, disclose the following information to the public within five (5) working days, at a public meeting or via distribution of a written community bulletin, when it is determined by the Program and Law Enforcement that a sex offender that the community may be at risk of victimization by the offender:

- 1) The full name, aliases, date of birth, gender, race and physical description of the offender.
- 2) The current place of residence of the offender.
- 3) A photograph of the offender.
- 4) A description of any vehicle owned or registered to the offender and the license plate number of the same.
- 5) A description of the nature of the crime(s) committed by the offender as well as a description of the type of victim generally targeted by the offender.
- 6) Date that offense(s) were committed, and the date of release from incarceration and any parole or probation conditions that may be in effect.

C) In assessing the likelihood that the sex offender will re-offend or otherwise victimize the community the Spirit Lake Tribal Sex Offender Registration Program and Law Enforcement shall take into account any or all of the following:

- 1) The dates, locations, frequency of crimes for which the offender has been convicted.
- 2) Any treatment that the offender may have completed and the outcomes of the same.
- 3) The type of person victimized in the past. Any sexual crimes committed against children shall be cause for automatic public notification by law enforcement and shall not be subject to the discretion of law enforcement personnel.

20 -3-102 Victim Confidentiality

Law Enforcement shall at all times make every effort to maintain the confidentiality of the victim's identity.

CHAPTER FOUR: JUVENILE OFFENDERS

20-4-101 Applicability

Sex offender(s) who are the age of fourteen (14) or older but who are under the age of eighteen (18) years of age who are not legally emancipated, or have not been tried and found guilty as an adult of a sex offense as defined by the Title shall be required to register as a sex offender within the Spirit Lake Jurisdiction in accordance with Chapter 4 of this Title.

20-4-102 Registration Requirements

Juvenile sex offenders must register in accordance with Chapter 2 of this Title.

20-4-103 Community Notification

There shall be no public notification requirement for sex offenses committed by juveniles, so long as said offenders were in fact tried as juvenile offenders, and such information shall remain confidential unless otherwise authorized or ordered by the Tribal Court.

The Tribal Court may, require public notification of juvenile offenders within the Court's discretion, however, the Court must make specific findings as to:

- 1) The age of the offender;
- 2) the violent nature of the crime committed;
- 3) any evidence of premeditation;
- 4) the risk of recidivism based upon a psychological evaluation and risk assessment; and
- 5) the need for community awareness to prevent further same or similar criminal acts by the juvenile offender.

20-4-104 Penalties and Enforcement

Any juvenile offender required to register as a sex offender who shall fail to do so in a timely manner shall be subject to a civil penalty of up to \$5000.00 plus court costs and

fees, and may be subject to exclusion from the reservation. In addition to the foregoing the Court may, in its discretion impose one or more of the following civil penalties for failure to register:

- a) Jail time not to exceed one (1) year to force compliance with existing laws and court orders;
- b) Public Shaming, which shall include but not be limited to:
 - i. Marking of the offender by cutting of the offenders hair;
 - ii. Public announcement by the offender of his or her status as an offender and their failure to register; or
 - iii. any other form of lawful public shaming as deemed appropriate by the Judge.
- c) Community Service;
- d) Loss of hunting and fishing rights within the Spirit Lake Jurisdiction;
- e) Loss of any and all rights to own or possess firearms.