

SEX OFFENDER REGISTRATION CODE

**ARTICLE 1. SEX OFFENDER REGISTRATION..... 1**  
**CHAPTER 1. GENERAL MATTERS..... 1**  
    Section 1-101. Title..... 1  
    Section 1-102. Purpose..... 1  
    Section 1-103. Creation of Registries..... 1  
**CHAPTER 2. DEFINITIONS..... 1**  
**CHAPTER 3. APPLICABILITY..... 4**  
**CHAPTER 4. REGISTERABLE SEX OFFENSES ..... 5**  
    Section 1-401. Tribal Offenses..... 5  
    Section 1-402. Jurisdiction Offenses..... 5  
    Section 1-403. Federal Offenses..... 6  
    Section 1-404. Certain Military Offenses..... 7  
    Section 1-405. Foreign Offenses..... 8  
    Section 1-406. Consensual Sexual Act or Contact..... 8  
**CHAPTER 5. CLASSIFICATION OF SEX OFFENSES ..... 8**  
    Section 1-501. General..... 8  
    Section 1-502. Tier 1 Sex Offenses..... 9  
    Section 1-503. Tier 2 Sex Offenses..... 10  
    Section 1-504. Tier 3 Sex Offenses..... 11  
**CHAPTER 6. REGISTRATION ..... 12**  
    Section 1-601. General..... 12  
    Section 1-602. Initial Registration..... 13  
    Section 1-603. Retroactive Registration..... 13  
    Section 1-604. Keeping Registration Current..... 13  
    Section 1-605. Timelines for Registration and Updating/Confirming Information..... 14  
    Section 1-606. Failure to Appear for Registration; Absconding..... 16  
    Section 1-607. Registration Fee; Waiver..... 16  
    Section 1-608. CRIT LES Duties..... 17  
    Section 1-609. Termination of Registration Requirement..... 19  
**CHAPTER 7. REQUIRED INFORMATION ..... 19**  
    Section 1-701. General Requirements..... 19  
    Section 1-702. Sex Offender Acknowledgment Form..... 19  
    Section 1-703. Criminal History..... 20  
    Section 1-704. Date of Birth..... 20  
    Section 1-705. DNA Sample..... 20  
    Section 1-706. Driver’s Licenses, Identification Cards, Passports, and Immigration Documents..... 20  
    Section 1-707. Employment Information..... 21  
    Section 1-708. Finger and Palm Prints..... 21  
    Section 1-709. Internet Identifiers..... 21  
    Section 1-710. Name..... 22  
    Section 1-711. Phone Numbers..... 22  
    Section 1-712. Photograph..... 22  
    Section 1-713. Physical Description..... 23  
    Section 1-714. Professional Licensing Information..... 23  
    Section 1-715. Residence Address..... 23  
    Section 1-716. School Information..... 23  
    Section 1-717. Social Security Number..... 23  
    Section 1-718. Temporary Lodging Information, Domestic or Abroad..... 24  
    Section 1-719. Vehicle Information..... 24  
**CHAPTER 8. PUBLIC SEX OFFENDER REGISTRY WEBSITE ..... 25**  
    Section 1-801. Website Requirements and Capabilities..... 25  
    Section 1-802. Information Required for and Prohibited from Online Publication..... 25  
    Section 1-803. CRIT LES’s Notification Requirements..... 26  
**CHAPTER 9. TREATMENT OF JUVENILE RECORDS ..... 27**  
    Section 1-901. Access to Records..... 27

|   |           |
|---|-----------|
| Section 1-902. Non-Expungement of Records.....                | 28        |
| <b>CHAPTER 10. IMMUNITY</b> .....                             | <b>28</b> |
| Section 1-1001. No Waiver of Tribal Immunity.....             | 28        |
| Section 1-1002. Good Faith Defense to Personal Liability..... | 28        |
| <b>CHAPTER 11. VIOLATIONS</b> .....                           | <b>28</b> |
| Section 1-1101. Failure to Register, Update, or Notify.....   | 28        |
| Section 1-1102. Unlawful Residency. ....                      | 29        |
| Section 1-1103. Hindrance of Sex Offender Registration. ....  | 29        |
| Section 1-1104. Civil Sanctions.....                          | 30        |
| Section 1-1105. Exclusion from Reservation.....               | 30        |
| Section 1-1106. Unlawful presence.....                        | 31        |

**ARTICLE 1. SEX OFFENDER REGISTRATION**

[NOTE: Except as otherwise noted, the provisions of the Sex Offender Registration Code were enacted on June 10, 2010, by Ordinance 10-02, effective on July 15, 2010, and amended in its entirety on February 25, 2013, by Ordinance 13-02, effective on March 1, 2013.], and amended on August 11, 2016, by Ordinance 04-16, with effective date of September 11, 2016.]

**CHAPTER 1. GENERAL MATTERS**

**Section 1-101. Title.**

This Code shall be known as the Colorado River Indian Tribes Sex Offender Registration Code (“Code”).

**Section 1-102. Purpose.**

The intent of this Code is to implement the Sex Offender Registration and Notification Act (SORNA), Pub. L. No. 109-248, 120 Stat. 587 (2006), and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

**Section 1-103. Creation of Registries.**

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

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

**CHAPTER 2. DEFINITIONS**

The definitions below shall apply to this Code only and have the meaning described herein, except where stated otherwise.

(a) Convicted.

(1) A sex offender is “convicted” for the purposes of this Code if the sex offender was prosecuted and found guilty for a sex offense, and was subjected to penal consequences based on that conviction. A nolo contendere plea (or “no-contest” plea) shall be considered a conviction under this Code.

(2) A juvenile sex offender is “convicted” if s/he is a minor and has been either:

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

## SEX OFFENDER REGISTRATION

- (ii) Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is fourteen (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 defined by either 18 U.S.C. § 2241(a) or § 2241(b)), or was an attempt or conspiracy to commit such an offense.

(b) Dru Sjodin National Sex Offender Public Website (NSOPW). The NSOPW is a public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920 and containing relevant information from those jurisdictions hosting sex offender registries, including the federal government and CRIT.

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

(d) Foreign Conviction. A “foreign conviction” is a conviction obtained outside of the United States.

(e) Immediate, immediately. “Immediate” and “immediately” mean within three (3) business days, unless specifically stated otherwise.

(f) Imprisonment. The term “imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the sex offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state prison; in a federal, military, foreign, private or contract facility; or in a local or tribal jail or other similar holding facility. 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, Commonwealth of Puerto Rico, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe.

(h) Minor. The term “minor” means an individual who has not attained the age of eighteen (18) years, except where specifically indicated otherwise.

(i) National Sex Offender Registry (NSOR). The NSOR is a national database maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16919 and containing sex offender information.

(j) Public Sex Offender Registry Website (PSORW). The “Public Sex Offender Registry Website” or “Website” means CRIT’s public website of registered sex offenders, which the CRIT LES shall maintain and operate pursuant to this Code.

(k) Registration Year. The “registration year” shall refer to the twelve-month period beginning January 1 of each calendar year and ending December 31 of that year.

(l) Reservation. The term “Reservation” shall mean the lands and real property within the exterior boundaries of the Colorado River Indian Reservation.

(m) Reside(s). The term “reside” or “resides” describes the location where an individual person habitually lives or sleeps or where that person’s home is located. An individual who seasonally or frequently visits a vacation or otherwise secondary home, mobile home, or cabin shall be considered as residing in the location of that home, mobile home, or cabin for the purposes of this Code, regardless of the actual length of each individual visit or the ownership of the home visited.

(n) Sex Offense. The term “sex offense” includes those offenses described in 42 U.S.C. § 16911(5), as amended, those enumerated in Chapter 4 herein, and any other registerable sex offense under tribal law, or any criminal offense consisting of acts comparable to any of the offenses listed herein. A sex offense shall also include the attempt, conspiracy, and solicitation to commit a sex offense provided for in this Code.

(o) Sex Offender. The term “sex offender” refers to an adult or juvenile who has been convicted of any sex offense described by this Code.

(p) Sexual Act. A “sexual act” shall mean any of the following:

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

(q) Sexual Contact. “Sexual Contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with the intent to abuse, humiliate, harass, degrade, or arouse, or gratify the sexual desire(s) of another person.

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

(s) SORNA. “SORNA” is the Sex Offender Registration and Notification Act, Pub. L. No. 109-248, 120 Stat. 587 (2006), codified as 42 U.S.C. § 16911 et seq., as amended.

## SEX OFFENDER REGISTRATION

(t) SORNA Officer. A “SORNA Officer” is an officer or employee of CRIT LES who is delegated the task of enforcing this Code, including but not limited to maintaining CRIT’s Sex Offender Registry and monitoring compliance by sex offenders.

(u) Sex Offender Registry. The “sex offender registry” means CRIT’s registry of registered sex offenders, which includes a system of notification for law enforcement and the community, and that is maintained by CRIT LES.

(v) Visitor. A “visitor” is any person who does not reside within the exterior boundaries of the Reservation nor on property owned by the Tribes in fee or trust, but who visits any property either within the Reservation’s exterior boundaries or owned by the Tribes in fee or trust for more than five (5) consecutive calendar days, whether s/he intended to visit for that length of time or not.

### **CHAPTER 3. APPLICABILITY**

This Code shall apply to and be enforced against the following persons, whether adult or juvenile, if those persons are convicted sex offenders as defined by this Code:

- (a) a person who resides on the Reservation, as that term is defined herein, or who otherwise resides on property owned by the Tribe in fee or trust regardless of location;
- (b) a person employed either within the exterior boundaries of the Reservation or on property owned by the Tribe in fee or trust regardless of location;
- (c) a person who attends school either within the exterior boundaries of the Reservation or on property owned by the Tribe in fee or trust regardless of location;
- (d) a visitor, adult or juvenile, who either intends to visit the Reservation or property owned by the Tribe in fee or trust, regardless of location for more than five (5) consecutive calendar days, or does in fact visit such an area for five (5) or more consecutive calendar days despite his/her initial intentions to do so otherwise;
- (e) a person convicted of a sex offense by the Colorado River Indian Tribal Courts, regardless of actual or intended residency, employment, or student attendance status; or
- (f) a person incarcerated by the Tribes in one of its correctional or imprisonment facilities while completing a sentence for a covered sex offense, regardless of where the conviction was obtained, including from a qualifying foreign jurisdiction, or the offender’s actual or intended residency, employment, or student attendance status.

**CHAPTER 4. REGISTERABLE SEX OFFENSES**

An individual who resides or visits, or works or attends school on property within the exterior boundaries of the Reservation or other tribally-owned property, or otherwise is subject to the registration requirements of this Code, as described in Chapter 3, and who has been convicted of any of the offenses listed in this Chapter, or convicted of the conspiracy, solicitation, or attempt to commit of any of those offenses, is subject to the requirements of this Code.

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

- (a) CRIT Law & Order § 320 (rape, deviate sexual contact, sexual assault);
- (b) CRIT Law & Order § 349 (incest);
- (c) CRIT Law & Order § 350 (indecent exposure);
- (d) CRIT Law & Order § 351(b) (solicitation for prostitution);
- (e) CRIT Law & Order § 351(c) (patronizing prostitution);
- (f) CRIT Law & Order § 313 (criminal attempt) if the offense attempted was one of the tribal offenses listed in § 1-401(a)–(e);
- (g) CRIT Law & Order § 314 (conspiracy) if the intended offense of the conspiracy was one of the tribal offenses listed in § 1-401(a)–(e); or
- (h) CRIT Law & Order § 315 (solicitation) if the offense solicited was one of the tribal offenses listed in § 1-401(a)–(c) and (e).

**Section 1-402. Jurisdiction Offenses.**

- (a) Any conduct that is, by its nature, a sex offense against a minor, including sexual acts and sexual contact.
- (b) Criminal sexual conduct that involves physical contact with a minor or the use of the internet or other form of telephonic or electronic/digital media to facilitate or attempt such conduct. This category of offenses includes offenses with elements involving 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.
- (c) Possession, production, or distribution of child pornography. The terms “production” and “child pornography” are defined in accordance with 18 U.S.C. § 2256 and are to be broadly interpreted so as to include any comparable act or conduct.
- (d) Use or involvement of a minor in conduct that involves sexual contact, sexual act, or other sexual offense.

## SEX OFFENDER REGISTRATION

- (e) Solicitation of a person, including a minor, to practice or engage in prostitution.
- (f) Solicitation to engage a person, including a minor, in sexual conduct, which is to be understood broadly to include any direction, request, enticement, persuasion, or encouragement of a person to engage in sexual conduct.
- (g) Any type or degree of genital, oral, or anal penetration.
- (h) Any sexual touching of or sexual contact with a person's body, either directly or through the clothing.
- (i) Any offense comparable to or more severe than any of the following federal offenses:
  - (1) 18 U.S.C. § 1591 (sex trafficking of children or by force, fraud, or coercion);
  - (2) 18 U.S.C. § 1801 (video voyeurism);
  - (3) 18 U.S.C. § 2241 (aggravated sexual abuse);
  - (4) 18 U.S.C. § 2242 (sexual abuse);
  - (5) 18 U.S.C. § 2244 (abusive sexual contact);
  - (6) 18 U.S.C. § 2422(b) (coercion or enticement of a minor to engage in prostitution or criminal sexual activity); or
  - (7) 18 U.S.C. § 2423(a) (transportation of a minor with intent to engage in criminal sexual activity).

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

- (a) 18 U.S.C. § 1591 (sex trafficking of children or by force, fraud, or coercion);
- (b) 18 U.S.C. § 1801 (video voyeurism);
- (c) 18 U.S.C. § 2241 (aggravated sexual abuse);
- (d) 18 U.S.C. § 2242 (sexual abuse);
- (e) 18 U.S.C. § 2243 (sexual abuse of a minor or ward);
- (f) 18 U.S.C. § 2244 (abusive sexual contact);
- (g) 18 U.S.C. § 2245 (offenses resulting in death);
- (h) 18 U.S.C. § 2251 (sexual exploitation of children);



- (i) 18 U.S.C. § 2251A (selling or buying of children);
- (j) 18 U.S.C. § 2252 (certain activities relating to material involving the sexual exploitation of minors);
- (k) 18 U.S.C. § 2252A (certain activities relating to material constituting or containing child pornography);
- (l) 18 U.S.C. § 2252B (misleading domain names on the internet);
- (m) 18 U.S.C. § 2252C (misleading words or digital images on the internet);
- (n) 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for importation into the U.S.);
- (o) 18 U.S.C. § 2421 (transportation for prostitution or criminal sexual activity);
- (p) 18 U.S.C. § 2422 (coercion and enticement for prostitution or criminal sexual activity);
- (q) 18 U.S.C. § 2423 (transportation of a minor with the intent to engage in criminal sexual activity; travel with the intent to engage in illicit sexual conduct; engaging in illicit sexual conduct in foreign places);
- (r) 18 U.S.C. § 2424 (failure to file a factual statement about an alien individual);
- (s) 18 U.S.C. § 2425 (using interstate facilities to transmit information about a minor to engage in or further criminal sexual activity); or
- (t) Any offense hereafter defined by 42 U.S.C. § 16911(5) to be a “sex offense.”

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

- (a) 18 U.S.C. § 920 – Art. 120 (rape and sexual assault generally);
- (b) 18 U.S.C. § 920a. – Art. 120a (stalking);
- (c) 18 U.S.C. § 920b. – Art. 120b (rape and sexual assault of a child);
- (d) 18 U.S.C. § 920c – Art. 120c (indecent viewing, recording, or broadcasting; forcible pandering; indecent exposure);
- (e) 18 U.S.C. § 924 – Art. 124 (maiming) but only if the offense involves a sexual organ or body part; or
- (f) 18 U.S.C. § 925 – Art. 125 (sodomy); or

## SEX OFFENDER REGISTRATION

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

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

A person who has obtained a foreign conviction for a sex offense, or for the attempt of conspiracy of such an offense, and who is subject to the registration requirements of this Code, as described in Chapter 3, must register in accordance with this Code but only if the foreign conviction was obtained either:

- (a) under the laws of Canada, the United Kingdom, Australia, or New Zealand; or
- (b) under the laws of a foreign country that, during the year of conviction, enforced the right to a fair trial generally or vigorously via an independent judiciary, as concluded by the United States State Department in its Country Reports on Human Rights Practices.

### **Section 1-406. Consensual Sexual Act or Contact.**

(a) Consensual sexual act or contact shall not be considered a sex offense under this Code if, at the time of the offense, either:

- (1) the victim was both an adult and not under the custodial authority of the offender; or
- (2) the victim was at least thirteen (13) years old and the offender was no older than seventeen (17) years, except as provided in § 1-406(b).

(b) A sexual act or sexual contact is deemed to not be consensual where, at the time of the offense, the offender was fourteen (14) years old or older and the sexual act or contact was comparable to or more severe than the federal offenses of aggravated sexual abuse (18 U.S.C. § 2241(a)–(b)).

## **CHAPTER 5. CLASSIFICATION OF SEX OFFENSES**

### **Section 1-501. General.**

(a) Sex offenses shall be classified as a Tier 1, Tier 2, or Tier 3 sex offense for purposes of determining how long a sex offender subject to this Code's registration requirements must comply with this Code.

(b) Where the potential length of imprisonment determines a sex offender's tier rating, each sex offense's potential length of imprisonment is determinative, not the aggregate length of imprisonment for multiple offenses.

**Section 1-502. Tier 1 Sex Offenses.**

A Tier 1 sex offense shall include the sex offenses listed in this section.

(a) First Tier 1 Offense. Any sex offense for which a sex offender has been convicted that is neither a Tier 2 nor Tier 3 sex offense, and that also constitutes the sex offender's first conviction for any sex offense.

(b) Offenses Involving Minors. Any sex offense involving the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography, regardless of the place of conviction, including convictions of qualifying foreign countries pursuant to § 1-405 of this Code.

(c) Certain Federal Offenses.

- (1) 18 U.S.C. § 1801 (video voyeurism);
- (2) 18 U.S.C. § 2252 (certain activities relating to material involving the sexual exploitation of minors) but only where the activities are similar to receiving or possessing such material;
- (3) 18 U.S.C. § 2252A (certain activities relating to material constituting or containing child pornography) but only where the activities are similar to receiving or possessing such material;
- (4) 18 U.S.C. § 2252B (misleading domain names on the internet);
- (5) 18 U.S.C. § 2252C (misleading words or digital images on the internet);
- (6) 18 U.S.C. § 2422(a) (coercion to engage in prostitution);
- (7) 18 U.S.C. § 2423(b) (travel with intent to engage in illicit sexual conduct);
- (8) 18 U.S.C. § 2423(c) (engaging in illicit sexual conduct in foreign places);
- (9) 18 U.S.C. § 2423(d) (arranging, inducing, procuring, or facilitating the travel of an adult in interstate or foreign commerce knowing that such adult is traveling for the purpose of engaging in illicit sexual conduct);
- (10) 18 U.S.C. § 2424 (failure to file factual statement about an alien individual); or
- (11) 18 U.S.C. § 2425 (using interstate facilities to transmit information about a minor to engage in or further criminal sexual activity).

(d) Certain Military Offenses. Any military offense specified by the Secretary of Defense under § 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in § 1-502(a)–(c).

## SEX OFFENDER REGISTRATION

[As amended on August 11, 2016, by Ordinance 04-16.]

### **Section 1-503. Tier 2 Sex Offenses.**

A Tier 2 sex offense shall include the sex offenses listed in this section.

#### (a) Repeat Offenses.

- (1) Any sex offense that is not the first sex offense for which the sex offender has been convicted that is punishable by more than one (1) year in jail and is not otherwise a Tier 3 sex offense.
- (2) Tribal Offenses. Any tribal sex offense pursuant to this Code that is not the first tribal sex offense for which the sex offender has been convicted that is punishable by a maximum of one (1) year in jail and is not otherwise a Tier 3 sex offense.

#### (b) Offenses Involving Minors. Any sex offense committed against a minor and that involves:

- (1) The use of minors in prostitution, including solicitations;
- (2) Enticing a minor to engage in criminal sexual activity;
- (3) A non-forcible sexual act with a minor who is sixteen (16) or seventeen (17) years old;
- (4) Sexual contact with a minor who is thirteen (13) years of age or older, whether directly or indirectly through the clothing, that involves intimate parts of the body;
- (5) The use of a minor in a sexual performance; or
- (6) The production or distribution of child pornography.

#### (c) Certain Federal Offenses.

- (1) 18 U.S.C. § 1591 (sex trafficking of children 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 (certain activities relating to material involving the sexual exploitation of minors) but only where the activities are similar to distributing or producing such material;
- (6) 18 U.S.C. § 2252A (certain activities relating to material constituting or containing child pornography) but only where the activities are similar to distributing or producing such material;
- (7) 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for importation 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 the minor in illicit conduct for financial gain).

(d) Certain Military Offenses. Any military offense specified by the Secretary of Defense under § 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in § 1-503(a)–(c).

**Section 1-504. Tier 3 Sex Offenses.**

A Tier 3 sex offense shall include the sex offenses listed in this section.

(a) Any sex offense that is punishable by more than one (1) year in jail and where the sex offender has either:

- (1) at least one (1) prior conviction for a Tier 2 sex offense; or
- (2) at least two (2) prior convictions for a Tier 1 sex offense such that s/he has obtained the status of a Tier 2 sex offender.

(b) General Offenses. 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 by force or threat;
- (3) a sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of either appraising the nature of the conduct or declining to participate in such conduct; or

## SEX OFFENDER REGISTRATION

- (4) sexual contact with a minor who is twelve (12) years of age or younger, including offenses that involve sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.

### (c) Certain Federal 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) where the victim is twelve (12) years of age or younger; or
- (4) 18 U.S.C. §2244 (abusive sexual contact).

(d) Certain Military Offenses. Any military offense specified by the Secretary of Defense under § 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in § 1-504(a)–(c).

## **CHAPTER 6. REGISTRATION**

### **Section 1-601. General.**

(a) Duty to Register. A person who is or has been convicted of a sex offense and who is subject to the registration requirement of this Code, as described in Chapters 3 and 4, shall register with CRIT LES in accordance with the procedures of this Chapter.

### (b) Personal Appearances.

- (1) In all instances, including initial registration and routine updates, the sex offender must appear in person at the CRIT Police Department, 26600 Mohave Road, Parker, Arizona 85344, except as provided herein or unless specifically and expressly indicated otherwise.
- (2) If the sex offender is incarcerated by CRIT, the sex offender shall register/update in person at a designated time while remaining at the CRIT Detention Center.
- (3) If any of the information listed (i)–(iv) herein changes between routine updates, or after changes to the sex offender’s residency, employment, or student attendance status have been reported to CRIT LES, a resident sex offender need not appear in person to notify and inform CRIT LES of the changes. This exception to personal appearances shall apply only to those changes identified in (i)–(iv) herein. In these limited cases, the sex offender may update the permissible information by either phone or email.
  - (i) temporary lodging information;

- (ii) vehicle information;
- (iii) internet identifiers; or
- (iv) telephone/mobile numbers.

**Section 1-602. Initial Registration.**

A person who is not yet registered with CRIT LES but who is subject to the registration requirements of this Code, as described in Chapter 3, must register in accordance with this Code in the time periods specified in § 1-605 of this Code. The first time a sex offender registers with CRIT LES shall be considered the “initial registration,” regardless of whether the sex offender is already registered in another jurisdiction.

**Section 1-603. Retroactive Registration.**

(a) A person subject to the registration requirements of this Code, as described in Chapter 3, must register in accordance with this Code if, prior to the effective date of this Code, s/he was convicted for any registerable offense described in Chapter 4. This section applies to, but is not limited to, sex offenders who are already registered in another jurisdiction or who are subject to a preexisting sex offender registration requirement, and to those sex offenders reentering the justice system to serve a conviction for any crime.

(b) CRIT LES shall ensure that the sex offenders described in § 1-603(a) register in the time specified in § 1-605 of this Code or within ninety (90) calendar days from this Code’s effective date, whichever is appropriate under the circumstances.

**Section 1-604. Keeping Registration Current.**

(a) Residency. Any sex offender required to register in this jurisdiction due to his/her residency is also required to update/confirm his/her registration with any changes to his/her residency, including termination of residency, in accordance with this Chapter.

(b) School Attendance. Any sex offender who is a student in any capacity and who is required to register in this jurisdiction due to his/her student attendance status is also required to update/confirm information related to his/her schooling, including its termination in accordance with this Chapter.

(c) Employment. Any sex offender who is required to register in this jurisdiction due to his/her employment status is also required to update/confirm his/her employment information, including a termination of employment, in accordance with this Chapter.

(d) Visitor. Any sex offender who is deemed a visitor, as defined by this Code, and is required to register in this jurisdiction due to his/her visitor status is also required to update his/her registration information if either his/her visit is prolonged or his/her place of temporary lodging on the Reservation or on property owned by the Tribe in fee or trust changes.

## SEX OFFENDER REGISTRATION

(e) A sex offender who is currently incarcerated or otherwise in police custody is temporarily exempt from the duty to update/confirm his/her registration information. The duty to update/confirm shall resume either upon the sex offender's release from/by a non-CRIT entity or facility, or immediately prior to his/her release from/by CRIT or CRIT's detention facility.

### **Section 1-605. Timelines for Registration and Updating/Confirming Information.**

(a) Initial Registration. If required under this Code, a convicted sex offender shall register with CRIT LES in the following time frames:

- (1) Before release from incarceration for a registerable offense if convicted and incarcerated by the Tribes for that registerable offense;
- (2) Within three (3) business days of sentencing for a registerable offense if convicted by the Tribes for that offense but incarcerated elsewhere;
- (3) Within three (3) business days of establishing a residence, including seasonal or temporary residency, commencing employment, or becoming a student within the exterior boundaries of the Colorado River Indian Reservation; and
- (4) If a visitor, within one (1) business day of commencing his/her intended visit of five (5) or more consecutive calendar days, or within one (1) business day after his/her visit reaches the fifth consecutive calendar day if the visit was initially not intended to last for 5 or more consecutive calendar days.

(b) Retroactive Registration. Those sex offenders described in § 1-603(a) of this Code must register either within the time frames described in § 1-605(a) if appropriate under any of those circumstances or, if § 1-605(a) is inapplicable, then according to the following timetable:

- (1) For Tier 1 sex offenders, within one (1) year of this Code's effective date;
- (2) For Tier 2 sex offenders, within one-hundred eighty (180) calendar days of this Code's effective date; or
- (3) For Tier 3 sex offenders, within ninety (90) calendar days of this Code's effective date.

(c) Updating or Confirming Registration Information.

- (1) Sex offenders shall update or confirm their registration information with CRIT LES on a routine basis and for so long as they remain subject to this Code's registration requirements, as provided herein. The duty to update/confirm applies to all registered sex offenders even if the no registration information has changed since their last routine update.



## SEX OFFENDER REGISTRATION CODE

- (i) Tier 1 Sex Offenders must update/confirm their information once every year for fifteen (15) consecutive years beginning from either the time of release from custody for the sex offender who is incarcerated for the registerable offense, or from the date of sentencing for the sex offender who is not incarcerated for the registerable offense.
  - (ii) Tier 2 Sex Offenders must update/confirm their information once every one-hundred eighty (180) days for twenty-five (25) consecutive years beginning from either the time of release from custody for a sex offender who is incarcerated for the registerable offense, or from the date of sentencing for a sex offender who is not incarcerated for the registerable offense. The first 180-day cycle shall begin from the date of initial registration. Thereafter, each 180-day cycle shall begin from the date of the last personal appearance.
  - (iii) Tier 3 Sex Offenders must update/confirm their information once every ninety (90) days for the rest of their lives. The first 90-day cycle shall begin from the date of initial registration. Thereafter, each 90-day cycle shall begin from the date of the last personal appearance.
  - (iv) The above registration periods for Tier 1 and Tier 3 sex offenders are subject to reduction as provided in § 1-605(d).
- (2) In addition to their duty to routinely update/confirm their information, all sex offenders shall update their registration information immediately after learning of changes to their residency, employment, and/or student attendance status, and of changes to any other registration information identified in this Code. For visiting sex offenders, the additional duty to immediately update their information applies to those changes specified in § 1-604(d) of this Code.
  - (3) Sex offenders who are temporarily exempt from the duty to update/confirm their registration information under § 1-604(e) of this Code are required to update their information with CRIT LES immediately after release from incarceration or, if incarcerated by CRIT, must update/confirm their information immediately prior to release.

(d) Reduction of Registration Period. A sex offender may have his/her period of registration reduced as follows:

- (1) A Tier 1 sex offender may have his/her period of registration reduced to ten (10) years if s/he has maintained a clean record for ten (10) consecutive years from the date of initial registration.
- (2) A Tier 3 sex offender may have his/her period of registration reduced to twenty-five (25) years if s/he was adjudicated delinquent of a sex offense as a juvenile, that sex offense required that s/he register as a Tier 3 sex offender, and s/he has

## SEX OFFENDER REGISTRATION

maintained a clean record for twenty-five (25) consecutive years from the date of initial registration.

- (3) For purposes of this subsection, a sex offender shall have a “clean record” only if all of the following criteria are met:
  - (i) s/he has not been convicted of any offense for which imprisonment for one (1) year or more may be imposed;
  - (ii) s/he has not been convicted of any sex offense;
  - (iii) s/he has successfully completed, without revocation, any period of supervised release, probation, or parole; and
  - (iv) s/he has successfully completed an appropriate sex offender treatment program certified by CRIT LES, another jurisdiction, or by the Attorney General of the United States.

### **Section 1-606. Failure to Appear for Registration; Absconding.**

(a) In the event a sex offender fails to register with the Tribe as required by this Code, CRIT LES or SORNA Officer, or the designee, as the “reporting jurisdiction,” shall report to the “notifying jurisdiction” (i.e. the jurisdiction that provided notification to the Tribe that the sex offender was to commence residency, employment, and/or school attendance within the Tribe’s jurisdiction) that the sex offender failed to appear for registration immediately. This reporting requirement between jurisdictions should, in practice, be mutual.

(b) In the event CRIT LES or a SORNA Officer, or the designee, is the notifying jurisdiction and receives information from a “reporting jurisdiction,” e.g. the federal authorities or another jurisdiction, that a sex offender under tribal jurisdiction has absconded in the reporting jurisdiction, CRIT LES or the SORNA Officer, or the designee, shall make an effort to determine if the sex offender has actually absconded by conducting a reasonable investigation into the sex offender’s whereabouts within the Reservation or on tribally-owned land. In the event a determination cannot be made or the sex offender cannot be located within the Reservation or on tribally-owned property, CRIT LES or a SORNA Office, or the designee, shall ensure the tribal police department and any other appropriate law enforcement agency are notified of the sex offender’s probable absconding, and that the appropriate actions are taken, as prescribed by § 1-608(h) of this Code.

### **Section 1-607. Registration Fee; Waiver.**

(a) A registering sex offender is required to pay the following fees:

- (1) \$125 upon initial registration that is valid to December 31 of the same calendar year; and

- (2) \$55 annually thereafter while the sex offender remains within CRIT's jurisdiction under this Code, and to be paid no later than January 1 of each year, or no later than the first business day of the each year.

The sex offender shall pay the required fee to the CRIT Accounting Department before s/he reports to CRIT LES to register initially or renew registration. Upon payment, the sex offender is responsible for obtaining a receipt from CRIT Accounting and submitting that receipt to CRIT LES as proof of payment. The sex offender shall also retain copies of the receipts as proof of payment for future verification if necessary.

(b) CRIT LES shall waive the fee in (a) herein if the sex offender's gross annual income is less than 120% of the federal poverty guideline. Offender shall submit the most current tax filing for verification. Failure to produce evidence of his/her income will result in the rejection of a fee waiver request.

(c) Failure to pay the required fee in (a) herein shall be subject to civil and/or criminal penalties under § 1-1003 of this Code.

**Section 1-608. CRIT LES Duties.**

The CRIT LES shall have policies and procedures in place to ensure that the steps listed below are completed in the time specified.

(a) The sex offender reads, or has read to him/her, and understands his/her registration obligations under this Code, and thereafter signs an acknowledgment form in accordance with § 1-702 of this Code. The acknowledgment form is to be processed pursuant to § 1-702.

(b) The sex offender completes initial registration, or updates his/her information if already registered, with the Tribe, and all information required under Chapter 7 is provided to CRIT LES in accordance with Chapter 7.

(c) Immediately enter the sex offender's information into the Sex Offender Registry and the Public Sex Offender Registry Website (where permitted), and immediately forward that information to all other jurisdictions in which the sex offender is either registered or required to register based on the sex offender's residency, employment, and/or student attendance status, and forwarded to the persons of contact for the NSOR and NSOPW so that those databases may be updated accordingly.

(d) After the sex offender has been registered, CRIT LES shall ensure all information required under Chapter 7 is provided to CRIT LES in accordance with Chapter 7 at each instance the sex offender appears at CRIT LES's office to update his/her registration information.

(e) Immediately upon receiving any changes to a sex offender's registration information pursuant to this Code, including specifically § 1-604 of this Code, the Sex Offender Registry and Public Sex Offender Registry Website (where permitted) must be updated accordingly.

## SEX OFFENDER REGISTRATION

(f) Immediately upon receiving any changes to a sex offender's registration information pursuant to this Code, including specifically § 1-604 of this Code, CRIT LES must notify the necessary jurisdictions of those changes and provide the information accordingly. The necessary jurisdictions shall include those jurisdictions in which the sex offender is registered, required to register, or will be required to register based on the sex offender's past, actual, and intended residency, employment, and/or student attendance status. CRIT LES shall also immediately notify the persons of contact for the NSOR and NSOPW of the changes and provide the information so that those databases may be updated accordingly. Additionally, CRIT LES shall provide the required notifications specified in § 1-803 of this Code.

(g) Specifically with respect to information relating to a sex offender's intent to commence residency, school, or employment outside of the United States, the registration information must be provided to the U.S. Marshals Service, in addition to any U.S. jurisdiction required to receive such information pursuant to this section.

(h) If a sex offender fails to register due to possible absconding or absconding, or otherwise violates a registration requirement under this Code, CRIT LES shall, in the order provided:

- (1) Determine whether the sex offender is in actual violation for absconding by verifying that the sex offender's actual or intended residency, employment, student attendance status, or visitation subjects the sex offender to the registration requirements of this Code;
- (2) If the sex offender is subject to this Code and is determined to have absconded or has otherwise failed to appear to register with CRIT LES, then update the registry to reflect the sex offender's absconding, or his/her failure to contact or register with CRIT LES;
- (3) Notify the U.S. Marshals Service of the sex offender's absconding or failure to contact/appear to register with CRIT LES;
- (4) Seek a warrant for the sex offender's arrest from the tribal court, and may also contact the U.S. Marshals Service or Federal Bureau of Investigation (FBI) to attempt to obtain a federal arrest warrant;
- (5) If and when CRIT LES is authorized by the FBI, notify the NSOR so that the NSOR will reflect either the sex offender's status as an absconder or that the sex offender is otherwise not capable of being located for registration; and
- (6) If and when CRIT LES is authorized by the FBI, enter the sex offender into the Wanted Person File of the National Crime Information Center (NCIC).

(i) CRIT LES shall monitor and utilize the SORNA Exchange Portal for inter-jurisdictional changes to residency, employment, visitor status, or school attendance or student attendance status of each sex offender, and, where necessary, update the Sex Offender Registry and/or Public Sex Offender Registry Website.

(j) CRIT LES's duties under this section with regard to any sex offender shall terminate when that sex offender's requirement to register under this Code terminates in accordance with § 1-609 herein.

**Section 1-609. Termination of Registration Requirement.**

(a) A sex offender who is subject to the registration requirements of this Code, as described in Chapter 3, shall remain obligated to register and update/confirm his/her information in accordance with the timelines provided in § 1-605(c)(1), or until the sex offender's death, whichever is earlier in time.

(b) In the event of the sex offender's death, CRIT LES must receive confirmation of the sex offender's death. A sex offender's death may only be confirmed with a certified or otherwise verified copy of the sex offender's death certificate.

(c) Immediately upon confirming of a sex offender's death, CRIT LES shall update the sex offender's information accordingly on the Sex Offender Registry and Public Sex Offender Registry Website (where permitted). CRIT LES shall notify immediately any other jurisdiction in which the sex offender was required to register of the sex offender's death, as well as notify the person of contact for the NSOR of the death.

**CHAPTER 7. REQUIRED INFORMATION**

**Section 1-701. General Requirements.**

(a) A sex offender subject to this Code's registration requirement shall provide all of the information detailed in this Chapter to CRIT LES or a SORNA Officer, or the designee.

(b) The obligation imposed by § 1-701(a) applies at the time of initial registration and is ongoing for so long as the sex offender remains subject to this Code's registration requirements.

(c) A sex offender registry shall be maintained in an electronic database by CRIT LES or a SORNA Officer, or the designee, and the information appearing on that database shall also be made available in a form capable of electronic transmission.

**Section 1-702. Sex Offender Acknowledgment Form.**

(a) The sex offender shall read, or have read to them, and sign a form stating both that the duty to register has been explained to him/her by a SORNA Officer, as needed, and that the sex offender understands the registration requirement. The form shall be signed and dated by the SORNA Officer who registered the sex offender.

(b) A copy of the complete acknowledgment form shall be uploaded to the Sex Offender Registry and Public Sex Offender Registry Website, as well as uploaded, or otherwise provided in electronic form, to the necessary contacts who maintain the NSOR and NSOPW.

## SEX OFFENDER REGISTRATION

(c) Information appearing on the acknowledgement form should be limited to what is necessary to meet this section's requirements. Information prohibited from online publication on either the Public Sex Offender Registry Website or NSOPW, as described in § 1-802 of this Code, shall not appear on the acknowledgment form.

### **Section 1-703. Criminal History.**

(a) A sex offender shall provide the following information related to the sex offender's criminal history:

- (1) The date of all arrests, regardless of location or jurisdiction;
- (2) The date of all convictions, regardless of jurisdiction;
- (3) The sex offender's status of parole, probation, or supervised release for any offense in any jurisdiction for which s/he was convicted;
- (4) The sex offender's registration status in all jurisdictions s/he is registered; and
- (5) Any outstanding arrest warrants, regardless of jurisdiction.

(b) CRIT LES or a SORNA Officer, or the designee, shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered, regardless of the jurisdiction of conviction. The legal text obtained shall be the version that was current at the time the criminal offense(s) occurred.

### **Section 1-704. Date of Birth.**

A sex offender shall provide both:

- (a) The sex offender's actual date of birth; and
- (b) Any other date of birth used by the sex offender at any time prior to the date of registration/update.

### **Section 1-705. DNA Sample.**

(a) The sex offender shall permit CRIT LES or a SORNA Officer, or the designee, to take a DNA sample of the sex offender at the time of initial registration.

(b) Any DNA sample obtained from a sex offender pursuant to this Chapter shall be submitted to an appropriate lab for analysis. The resulting DNA profile shall be entered in to the Combined DNA Index System (CODIS).

### **Section 1-706. Driver's Licenses, Identification Cards, Passports, and Immigration Documents.**

At the time of registration, a sex offender shall present the original copies of the items listed in this section to CRIT LES. CRIT LES shall make photocopies of the originals for its records. This duty of production of originals applies to dates on which the sex offender appears at CRIT LES to update his/her registration information if such information has changed since the sex offender first registered with CRIT LES.

- (a) All valid driver's licenses issued by any jurisdiction;
- (b) All identification cards issued by any jurisdiction, including any tribal enrollment card;
- (c) All passports used by the sex offender, issued by any country or other governmental entity; and
- (d) All immigration documents, regardless of the country to which they refer.

**Section 1-707. Employment Information.**

A sex offender shall provide the information listed below relating to the sex offender's current employment. Employment in this respect is meant to be broadly interpreted to include any and all places where the sex offender is currently working, volunteering, interning, or otherwise performing services whether paid, unpaid, temporary, seasonal, part-time, or full-time. The term "employer" is similarly and broadly interpreted.

- (a) The name of the sex offender's employer; and
- (b) The address of the sex offender's employer.

**Section 1-708. Finger and Palm Prints.**

A sex offender shall provide his/her finger prints and palm prints. The fingerprints shall thereafter be submitted to the Integrated Automated Fingerprint Identification System (IAFIS), and the palm prints submitted to the FBI Next Generation Identification Program.

**Section 1-709. Internet Identifiers.**

A 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, regardless of whether the email address is registered as belonging to the sex offender;
- (b) Any and all email addresses, usernames, or other identifiers associated with or used for instant messaging, regardless of whether the sex offender is the registered owner or user; and

## SEX OFFENDER REGISTRATION

- (c) Any and all other designations or monikers used by the sex offender for the purpose of routing or self-identification in internet communications or postings, including but not limited to social networking identifications, twitter accounts, video posting site identifications (e.g. YouTube, etc.), regardless of whether the sex offender is the registered owner or user.

### **Section 1-710. Name.**

A sex offender shall provide the following information related to his/her name(s):

- (a) The sex offender's full legal name;
- (b) The sex offender's primary name, if different than his/her legal name;
- (c) Any and all nicknames, aliases, and pseudonyms, regardless of the context in which it is used; and
- (d) Any and all ethnic or tribal names by which the sex offender is commonly known among family, friends, coworkers, and colleagues. The sex offender need not include any religious or sacred names not otherwise commonly known to satisfy this specific requirement.

### **Section 1-711. Phone Numbers.**

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

- (a) Any and all land line telephone numbers;
- (b) Any and all cellular telephone numbers; and
- (c) Any and all voice over IP (VOIP) telephone numbers.

### **Section 1-712. Photograph.**

(a) At the time of initial registration, a sex offender shall provide a reasonably-sized color photograph of him/her, current within one (1) month of registration, and shall accurately and clearly reflect the sex offender's face and head.

(b) An updated photograph of the sex offender, meeting the requirements as stated in (a) herein, shall be submitted to CRIT LES each time the sex offender appears at CRIT LES's office to update his/her registration information pursuant to § 1-605 of this Code.

(c) Alternatively, CRIT LES or the SORNA Officer may elect to take the sex offender's photograph at the time of initial registration and/or update.



**Section 1-713. Physical Description.**

CRIT LES or a SORNA Officer, or the designee, shall obtain and record, and the sex offender shall provide, an accurate description as follows:

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

**Section 1-714. Professional Licensing Information.**

(a) A sex offender shall provide all licensing information of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business. Such information shall include the sex offender's professional licenses.

(b) The sex offender's registration information shall be supplemented to include any licensing information that has changed after the sex offender's initial registration date, and shall be done in accordance with § 1-605 of this Code.

**Section 1-715. Residence Address.**

A sex offender shall provide the following information related to the sex offender's residency:

- (a) The address of each residence at which the sex offender resides or intends to reside; and
- (b) Any location or description that identifies where the sex offender habitually resides or sleeps, regardless of whether the location or description pertains to a permanent residence or location that is otherwise identifiable by a street or address.

**Section 1-716. School Information.**

A sex offender shall provide the following information related to his/her schooling both the name and address of each school or other educational institution, including technical institutes, where the sex offender is or will be a student.

**Section 1-717. Social Security Number.**

A sex offender shall provide the following information:

## SEX OFFENDER REGISTRATION

- (a) A valid social security number issued to and identifying the sex offender; and
- (b) Any social security number used by the sex offender at any time, valid or otherwise.

### **Section 1-718. Temporary Lodging Information, Domestic or Abroad.**

(a) Travel in General. A sex offender shall provide the information described below when s/he will be absent for seven (7) calendar days or more from his/her primary or habitual residence, as was provided to CRIT LES at the time of registration/update. The sex offender shall provide the requisite information in person, regardless of whether the travel is domestic or international. International travel shall include travel taken for recreational reasons, as well as for purposes related to employment, school, residency, and family.

- (1) Information that identifies each place of temporary lodging, including the names of the homeowner, renter, or business, and the addresses; and
- (2) The dates when the sex offender will be staying at each temporary lodging location.

(b) Domestic Travel Notification. A sex offender must notify CRIT LES immediately after learning of his/her plans to travel domestically.

(c) International Travel Notification. A sex offender must inform CRIT LES twenty-one (21) calendar days in advance if they intend to travel outside of the United States.

- (1) Sex offenders shall also inform CRIT LES of their anticipated dates and places of travel, and any other information necessary for submission to the U.S. Marshals Service's National Sex Offender Targeting Center, including the information required under § 1-718(a) of this Code.
- (2) Exceptions to the 21-day advance notice rule will be determined on a case by case basis, contingent in part of the nature of the emergency. In the event of any emergency requiring immediate international travel, the sex offender, at minimum, shall contact CRIT LES immediately upon learning of the need for international travel and shall provide any known information required under § 1-718(a) of this Code to CRIT LES at that time.

(d) When notified by the sex offender of international travel plans, CRIT LES must immediately notify the U.S. Marshals Service, contacts for both the NSOR and NCIC (if capable), and any other jurisdiction where the sex offender is registered or required to register, of the sex offender's intention to travel and, if known, the sex offender's dates and places of travel.

### **Section 1-719. Vehicle Information.**

A sex offender shall provide the following information related to all vehicles owned or operated by the sex offender for work or personal use, including land vehicles, aircraft, and watercraft:

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

**CHAPTER 8. PUBLIC SEX OFFENDER REGISTRY WEBSITE**

**Section 1-801. Website Requirements and Capabilities.**

(a) CRIT LES or a SORNA Officer, or the designee, shall use and maintain a public sex offender registry website. CRIT's website is the Public Sex Offender Registry Website (PSORW).

(b) The PSORW shall include links to sex offender safety and education resources.

(c) The PSORW shall include instructions on how a person can correct information on the website that s/he contends is erroneous.

(d) PSORW shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses, and that any such action could result in civil or criminal penalties.

(e) The PSORW shall have the capability for users of or visitors to the website to conduct searches by (1) name; (2) county, city, and/or town; and (3) zip code and/or geographic radius.

(f) The PSORW's design shall include all field search capabilities needed for the Tribe to fully participate in and exchange information with NSOPW, as is required of the Tribe to do under federal law.

**Section 1-802. Information Required for and Prohibited from Online Publication.**

(a) Required Information. The following information shall be made available to the public on the PSORW:

- (1) Notice that a sex offender is in violation of his/her registration requirements and/or cannot be located/contacted if the sex offender is believed to have absconded;

## SEX OFFENDER REGISTRATION

- (2) All sex offenses for which the sex offender has been convicted, regardless of jurisdiction;
- (3) The sex offense(s) for which the offender is currently registered, regardless of jurisdiction;
- (4) The addresses of the sex offender's current employer(s);
- (5) The name(s) of the sex offender, including any and 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) The addresses of all schools currently being attended by the sex offender; and
- (10) The vehicle license plate number(s) along with a description of the vehicle(s) used by the sex offender frequently or habitually, regardless of whether the sex offender is the registered vehicle owner or not.

(b) Prohibited Information. The following information shall not be made available to the public on the PSORW:

- (1) Any arrest that did not result in conviction, regardless of jurisdiction;
- (2) The sex offender's social security number;
- (3) Any travel and immigration documents;
- (4) The identity of the victim(s) of any sex offense for which the sex offender is registered or otherwise convicted; and
- (5) Any internet identifiers, as defined in 42 U.S.C. § 16915a(e)(2), that belong to or are used by the sex offender.

(c) Witness Protection Exception. For sex offenders who are under a witness protection program, CRIT LES may honor the request of the U. S. Marshals Service, or any other agency responsible for witness protection, and not include the sex offender's original identity on the Public Sex Offender Registry Website.

### **Section 1-803. CRIT LES's Notification Requirements.**

(a) Law Enforcement Notification. Whenever a sex offender's registration information with

CRIT LES is updated or otherwise changed, whether by the sex offender or through other means (e.g. notification from other jurisdictions, observation of the SORNA Exchange Portal, etc.), CRIT LES shall:

- (1) Immediately update the NCIC, NSOR, and other necessary jurisdictions in accordance with this Code;
- (2) 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, the police (BIA, tribal, or FBI), tribal prosecutors, and tribal 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 status, or employment;
- (4) Immediately notify the National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under § 3 of the National Child Protection Act of 1993 (42 U.S.C. § 5119a); and
- (5) Immediately update the sex offender's registration information appearing on the Sex Offender Public Registry Website to reflect the updates/changes.

(b) Community Notification. CRIT LES shall ensure the establishment and use of an automated community notification process that ensures the following:

- (1) Upon a sex offender's registration or update of information with the Tribe, the PSORW is immediately updated; and
- (2) The PSORW has a function that enables the general public to request an email notification of when a sex offender commences residency, employment, school attendance, or visitation within the Reservation, on tribally-owned property (whether held in fee or trust), within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity, including, but not limited to, his/her legal or otherwise primary name and known aliases.

(c) CRIT LES's obligations under this section with regard to any sex offender shall terminate when that sex offender's requirement to register under this Code terminates in accordance with § 1-609 herein.

## **CHAPTER 9. TREATMENT OF JUVENILE RECORDS**

### **Section 1-901. Access to Records.**

## SEX OFFENDER REGISTRATION

CRIT, state, and federal law enforcement officials that are involved in the enforcement of this Code shall have access to all law enforcement and CRIT Tribal Court records of a juvenile sex offender upon appropriate request. This section shall supersede CRIT Children's Code §§ 1-111–1-114 and any other contradictory provision of tribal law.

### **Section 1-902. Non-Expungement of Records.**

All juvenile records for tribal sex offenses (see § 1-401 of this Code for a list of applicable sex offenses) shall be kept for so long as the sex offender is subject to this Code's registration requirement, and shall not be expungeable under Tribal law. This section shall supersede any contradictory provision of Tribal law, including CRIT Children's Code § 1-113, which generally requires a juvenile sex offender's record be expunged and sealing upon the offender's eighteenth (18<sup>th</sup>) birthday.

## **CHAPTER 10. IMMUNITY**

### **Section 1-1001. No Waiver of Tribal Immunity.**

Nothing under this Chapter shall be construed as a waiver of sovereign immunity by the Colorado River Indian Tribes or its departments, agencies, employees, or agents.

### **Section 1-1002. Good Faith Defense to Personal Liability.**

A person who relies and acts in good faith on this Code shall be immune from any civil liability arising out of his/her actions to the extent permitted by law.

## **CHAPTER 11. VIOLATIONS**

### **Section 1-1101. Failure to Register, Update, or Notify.**

(a) Any sex offender required to register under this Code who fails to register, update/confirm, or notify CRIT LES of any registration information, pursuant to and in accordance with this Code, shall be subject to criminal or civil penalties, as provided for in this section.

(b) The following criminal penalties shall apply to any sex offender who is found guilty for violating this Code's registration and/or update requirements, as stated in § 1-1101(a):

- (1) A first offense shall result in a mandatory minimum of three (3) months incarceration, with a potential maximum of one (1) year of incarceration, and an optional fine of an amount from one-hundred dollars (\$100.00) to one-thousand dollars (\$1,000.00).
- (2) A second offense shall result in a mandatory minimum of six (6) months incarceration, with a potential maximum of one (1) year of incarceration, and an optional fine of an amount from two-hundred dollars (\$200.00) to two-thousand dollars (\$2,000.00).

- (3) Each subsequent offense shall result in a mandatory incarceration greater than six (6) months, with a potential maximum of one (1) year of incarceration, and a mandatory fine of an amount from three-hundred dollars (\$300.00) to three-thousand dollars (\$3,000.00).

(c) Failure to register under this Code may also result in a referral for federal prosecution under 18 U.S.C. § 2250.

[As amended on August 11, 2016, by Ordinance 04-16.]

**Section 1-1102. Unlawful Residency.**

(a) Any sex offender who has been convicted of any Chapter 4 sex offense shall not reside within one thousand (1,000) feet of any of the following properties:

- (1) A private or public school that provides instruction in kindergarten programs, or any combination of kindergarten programs and grades one (1) through eight (8);
- (2) A private or a public school that provides instruction in any combination of grades nine (9) through twelve (12); and
- (3) A child care facility.

For purposes of this subsection, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing the sex offender's residence to the nearest point on the property line of a parcel containing one of the properties listed above.

(b) Each violation of §1-1102(a) is a crime; a sex offender found guilty of this crime shall incur a maximum period of incarceration of one (1) year and a maximum fine of five-thousand dollars (\$5,000.00).

(c) This section shall not apply to any of the following persons:

- (1) A person who establishes his/her residence before the effective date of the Code, as amended;
- (2) A person who establishes his/her residence before the date on which a new school or child care facility is announced publicly to open or is opened, whichever is earliest in time; or
- (3) A person who is a minor.

[As amended on August 11, 2016, by Ordinance 04-16.]

**Section 1-1103. Hindrance of Sex Offender Registration.**

## SEX OFFENDER REGISTRATION

(a) A person is in hindrance of sex offender registration if he/she:

- (1) Knowingly and intentionally harbors, aids, or abets, or attempts to harbor, aid, or abet, a sex offender who is in violation of this Code;
- (2) Knowingly and intentionally assists or attempts to assist another person in harboring, aiding, or assisting a sex offender who is in violation of this Code;
- (3) Intentionally assists or otherwise encourages a sex offender in evading CRIT LES or another law enforcement agency knowing that the sex offender is being sought for either questioning or arrest for noncompliance with this Code; or
- (4) Intentionally provides material false information to CRIT LES or another law enforcement agency about a sex offender or the sex offender's whereabouts.

(b) The following criminal penalties shall apply to a person who is found guilty of violating § 1-1103(a):

- (1) A first offense shall result in incarceration for no more than three (3) months and/or a fine of not more than five-hundred dollars (\$500.00).
- (2) A second offense shall result in incarceration for no more than six (6) months and/or a fine of not more than one-thousand dollars (\$1,000.00).
- (3) Each subsequent offense shall result in incarceration for no more than six (6) months and a mandatory fine of not more than one-thousand dollars (\$1,000.00).

[As amended on August 11, 2016, by Ordinance 04-16.]

### **Section 1-1104. Civil Sanctions.**

(a) Each violation of § 1-1101, § 1-1102, § 1-1103, or § 1-1106 of this Code by a sex offender shall be considered a civil violation. If the sex offender is an Indian, the Tribe has the discretion to pursue civil sanctions in lieu of or in addition to the applicable criminal penalties described in this Chapter.

(b) Civil sanctions for each violation may include any means not prohibited by federal law, including but not limited to fines up to five-thousand dollars (\$5,000.00), forfeitures, and/or civil contempt.

[As amended on August 11, 2016, by Ordinance 04-16.]

### **Section 1-1105. Exclusion from Reservation.**



If applicable and appropriate, any sex offender who violates the obligations of this Code shall be subject to exclusion from the Reservation pursuant to Article V of the CRIT Law & Order Code.

**Section 1-1106. Unlawful presence.**

(a) Any sex offender who has been convicted of any Chapter 4 sex offense when the victim was a minor under the age of eighteen years old shall not enter the premises or property of any of the following types of establishments or places:

- (1) Parks.
- (2) Headstart.
- (3) Children's Residential Center.
- (4) Irataba Hall, when minors under the age of eighteen are present.
- (5) Libraries, when minors under the age of eighteen are present.
- (6) Any childcare facility, including in home day care operation.
- (7) Any private or public school that provides secondary education, including kindergarten through twelfth grade.
- (8) Any youth center.

(b) Each violation of §1-1106(a) is a crime; a sex offender found guilty of this crime shall incur a maximum period of incarceration of one (1) year and a maximum fine of five-thousand dollars (\$5,000).

[As amended on August 11, 2016, by Ordinance 04-16.]

\*\*\*