

Saginaw Chippewa Tribal Law

TITLE XIII SEX OFFENDER REGISTRATION CODE

As amended May 29, 2013

TITLE XIII
THE SAGINAW CHIPPEWA SEX OFFENDER REGISTRATION CODE

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Section 13.403.4.c.	Section 13.403(4)(a)
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Section 13.601.5.	42 USC §5119[a]
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TITLE XIII
THE SAGINAW CHIPPEWA SEX OFFENDER REGISTRATION CODE

Chapter 13.1

TITLE, PURPOSE, NEED, CREATION OF REGISTRY AND WEBSITE

- 13.101 Title. This Title shall be known as The Saginaw Chippewa Sex Offender Registration Code.
- 13.102 Purpose. The intent of this Code is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248)(42 U.S.C. 16901 et seq) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.
- 13.103 Need. Tribal nations are disproportionately affected by violent crime and Sex offenses from both Indian and Non-Indian perpetrators; consequently, the conduct and presence of Convicted Sex Offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations even to the point of imperiling the subsistence of tribal communities.
- 13.104 Creation of Registry. There is hereby established a Saginaw Chippewa Indian Tribe of Michigan Sex Offender Registry which shall be maintained and operated by the Saginaw Chippewa Tribal Police Department pursuant to the provisions of this Code, as amended.
- 13.105 Public Sex Offender Registry Website. The Saginaw Chippewa Indian Tribe of Michigan Public Sex Offender Registry website is hereby established which shall be maintained and operated by the Michigan Department of State Police pursuant to the provisions of the Memorandum of Agreement, executed on August 24, 2009, as amended.

Chapter 13.2

DEFINITIONS AND REGISTERABLE OFFENSES

- 13.201 Definitions. The definitions below apply to this Title only.
1. Child Pornography. Any sexually graphic material(s) used for the purpose of sexual arousal, that depicts a Minor(s).
 2. Convicted. An Adult Sex Offender is “Convicted” for the purposes of this Code if the Sex Offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.
 - a. A Juvenile Offender is “Convicted” for purposes of this Code if the

Juvenile Offender is either:

- i. Prosecuted and found guilty as an Adult for a Sex Offense;
or
 - ii. Is adjudicated delinquent as a juvenile for a Sex Offense, but only if the Offender is 14 years of age or older at the time of the Offense and the Offense adjudicated was comparable to or more severe than Aggravated Sexual Abuse, as described in either 18 U.S.C. § 2241 (a) or (b), or was an attempt or conspiracy to commit such an Offense.
3. Dru Sjodin National Sex Offender Public Website (NSOPW). The public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920.
4. Employee. The term “Employee” includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Persons who volunteer within the exterior boundaries of the Isabella Indian Reservation are included within the definition of Employee for registration purposes.
5. Foreign Conviction. A Foreign Conviction is one obtained outside of the United States.
6. Immediate. Immediate and Immediately mean within 3 business days.
7. Imprisonment. Imprisonment refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the Offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state prison as well as in a federal, military, foreign, BIA, private or contract facility, or a local or tribal jail. Persons under house arrest following conviction of a Sex Offense are required to register pursuant to the provisions of this Code during their period of house arrest.
8. Isabella Indian Reservation. The Isabella Indian Reservation shall have the same meaning as defined in the Order for Judgment of Case No. 05-10296-BC Saginaw Chippewa Indian Tribe of Michigan, et al., v. Granholm, et al.
9. Jurisdiction. Jurisdiction refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian Tribe that elected to function as a SORNA registration and notification Jurisdiction pursuant to P.L. 109-248 Section 127 (42 U.S.C. § 16927).

10. Minor. Minor means an individual who has not attained the age of 18 years.
11. National Sex Offender Registry (NSOR). The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. § 16919.
12. Police Department. Police Department refers to the Saginaw Chippewa Tribal Police Department.
13. Resides. Reside(s), Residence or Residency means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives or sleeps.
14. SMART Office. The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. § 16945.
15. SORNA. The Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. § 16911 et seq., as amended.
16. Sex Offender. A person Convicted of a Sex Offense is a Sex Offender.
17. Sex Offender Registry. The term Sex Offender Registry means the registry of Sex Offenders, and a notification program, maintained by the Saginaw Chippewa Tribal Police Department.
18. Sex Offense. Sex Offense includes those offences contained in 42 U.S.C. §16911(5), as amended, and those Offenses numerated in Section 13.202 of this Code or any other registerable offense under tribal law as may be amended.
19. Sexual Act. Sexual Act means:
 - a. Contact between the penis and the vulva or the penis and the anus, and for purposes of this definition, contact involving the penis occurs when penetration, however slight;
 - b. Contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus;
 - c. The penetration, however slight, of the anal or genital opening of another by a hand or finger by any object, with an intent to abuse, humiliate, harass, degrade or arouse or gratify arouse or satisfy the

sexual desire of any person; or

- d. The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.
20. Sexual Contact. The intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse humiliate, harass, degrade, or arouse or gratify the sexual desires of another person.
21. Student. A Student is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.
22. Tier I Sex Offender. A Tier I Sex Offender is one that has been Convicted of a Tier I Sex Offense as defined in section 13.301.
23. Tier II Sex Offender. A Tier II Sex Offender is one that has been either Convicted of a Tier II Sex Offense as defined in section 13.302, or who is subject to the recidivist provision of 13.302 1.
24. Tier III Sex Offender. A Tier III Sex Offender is one that has been either Convicted of a Tier III Sex Offense as defined in 13.303, or who is subject to the recidivist provisions of 13.303 1.

13.202

Registerable Offenses. Every individual who Resides within the exterior boundaries of the Isabella Indian Reservation, or is an Employee within the exterior boundaries of the Isabella Indian Reservation, or who is a Student within the exterior boundaries of the Isabella Indian Reservation and has been Convicted of any of the following Sex Offenses or any Sex Offense that is substantially similar to the following offenses, or Convicted of an attempt or conspiracy to commit any of the following Sex Offenses or any Sex Offense that is substantially similar to the following Sex Offenses are subject to the requirements of this code:

1. Tribal Offenses .A conviction for or a conviction for an attempt or conspiracy to commit any of the following, and any other Sex Offense hereafter included in the Saginaw Chippewa Tribal Code as may be amended:
 - a. 1.2030 Indecent Liberties with a Child
 - b. 1.2060 Accosting, Enticing or Soliciting a Child for Immoral Purpose

- c. 1.2061 Assault with Intent to Commit Criminal Sexual Conduct
 - d. 1.2062(a) Child Sexually Abusive Activity or Material
 - e. 1.2062(b) Child Sexually Abusive Activity or Material
 - f. 1.2062(c) Child Sexually Abusive Activity or Material
 - g. 1.2063 Criminal Sexual Conduct in the First Degree
 - h. 1.2064 Criminal Sexual Conduct in the Second Degree
 - i. 1.2065 Criminal Sexual Conduct in the Third Degree
 - j. 1.2066 Criminal Sexual Conduct in the Fourth Degree
2. Federal Offenses. A conviction for or a conviction for an attempt or conspiracy to commit any of the following, and any other Sex Offense hereafter included in the definition of “Sex Offense” at 42 U.S.C. 16911(5), including any offenses prosecuted under the Assimilative Crimes Act (18 U.S.C. § 1152 or § 1153).
- a. 18 U.S.C. § 1591 (sex trafficking of children),
 - 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. § 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. § 2251 A (selling or buying of children),
 - j. 18 U.S.C. § 2252 (material involving the sexual exploitation of a Minor),
 - k. 18 U.S.C. § 2252 A (material containing Child Pornography),
 - l. 18 U.S.C. § 2252 B (misleading domain names on the internet),

- m. 18 U.S.C. § 2252 C (misleading words or digital images on the internet),
 - n. 18 U.S.C. § 2260 (production of sexually explicit depictions of a Minor for import into the U.S.),
 - o. 18 U.S.C. § 2421 (transportation of a Minor for illegal sexual activity),
 - p. 18 U.S.C. § 2422 (coercion and enticement of a Minor for illegal sexual activity),
 - q. 18 U.S.C. § 2423 (transportation of Minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a Minor, engaging in illicit sexual conduct with a Minor in foreign places),
 - r. 18 U.S.C. § 2424 (failure to file factual statement about an alien individual),
 - s. 18 U.S.C. § 2425 (transmitting information about a Minor to further criminal sexual conduct).
3. Foreign Offenses. Any conviction for a Sex Offense involving any conduct listed in this section that was obtained outside of the United States.
 4. Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. 951 note).
 5. 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 the threat of serious violence; or engaging in a Sexual Act with another by rendering unconscious or involuntarily drugging the victim.
 6. Jurisdiction Offenses. Any Sex Offense committed in any Jurisdiction, including this Tribe, that involves:
 - a. Any conduct that by its nature is a Sex Offense against a Minor,
 - b. Any type of degree of genital, oral, or anal penetration,

- c. Any sexual touching of or Sexual Contact with a person's body, either directly or through the clothing,
- d. 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 where the elements of the offenses 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,
- e. False imprisonment of a Minor,
- f. Kidnaping of a Minor,
- g. Possession, production, or distribution of Child Pornography,
- h. Solicitation of a Minor to practice prostitution,
- i. 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.
- j. Use of a Minor in a sexual performance,
- k. Any Offense substantially similar to those outlined in:
 - i. 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion),
 - ii. 18 U.S.C. § 1801 (video voyeurism of a Minor),
 - iii. 18 U.S.C. § 2241 (aggravated sexual abuse),
 - iv. 18 U.S.C. § 2242 (sexual abuse),
 - v. 18 U.S.C. § 2244 (abusive sexual contact),
 - vi. 18 U.S.C. § 2422 (b) (coercing a Minor to engage in prostitution),
 - vii. 18 U.S.C. § 2423(a) (transporting a Minor to engage in illicit conduct).

Chapter 13.3

TIERING OF OFFENSES

13.301 Tier I Sex Offenses. A Tier I Sex Offense shall mean any Sex Offense, for which a person has been Convicted, or an attempt or conspiracy to commit such an Offense that is not a Tier II or Tier III Offense.

1. Offenses Involving Minors. A Tier I Sex Offense also includes any offense for which a person has been Convicted by any Jurisdiction, local government, or qualifying foreign country pursuant to Section 13.202 (3). that involves the false imprisonment of a Minor, video voyeurism of a Minor, or possession or receipt of Child Pornography.
2. Tribal Offenses. Conviction for any of the following Tribal offenses or attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier I Sex Offense
 - a. 1.2066 Criminal Sexual Conduct in the Fourth Degree.
3. Certain Federal Offenses. Conviction for any of the following federal offenses or attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier I Sex Offense:
 - a. 18 U.S.C. §1801 (video voyeurism of a Minor),
 - b. 18 U.S.C. §2252 (receipt or possession of Child Pornography),
 - c. 18 U.S.C. §2252A (receipt or possession of Child Pornography),
 - d. 18 U.S.C. §2252B (misleading domain names on the internet),
 - e. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 - f. 18 U.S.C. §2422(a) (coercion to engage in prostitution),
 - g. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
 - h. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
 - i. 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),
 - j. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or

k. 18 U.S.C. § 2425 (transmitting information about a Minor to further criminal sexual conduct).

4. Certain Military Offenses. Any military Sex Offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 13.301 (1), (2) or (3) shall be a Tier I Sex Offense.

13.302

Tier II Sex Offenses.

1. Recidivism and Felonies. Unless otherwise covered by Section 13.303, any Sex Offense that is not the first Sex Offense for which a person has been Convicted or an attempt or conspiracy to commit such an offense is considered a Tier II Sex Offense.

2. Offenses Involving Minors. A Tier II Sex Offense shall mean any Sex Offense against a Minor for which a person has been Convicted, or an attempt or conspiracy to commit such an offense that involves:

- a. The use of a Minor(s) in prostitution, including solicitations,
- b. Enticing a Minor to engage in criminal sexual activity,
- c. A non-forcible Sexual Act with a Minor 16 or 17 years old,
- d. Sexual Contact with a Minor 13 year of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body,
- e. The use of a Minor in a sexual performance, or
- f. The production or distribution of Child Pornography.

3. Certain Tribal Offenses. Conviction for any of the following Tribal offenses or an attempt or conspiracy to commit such an offense shall be considered a Conviction for a Tier II Sex Offense:

- a. 1.2030 Indecent Liberties with a Child,
- b. 1.2060 Accosting, Enticing, or Soliciting a Child for Immoral Purpose,
- c. 1.2061 Assault with Intent to Commit Criminal Sexual Conduct,
- d. 1.2062(a) Child Sexually Abusive Activity or Material,

- e. 1.2062(b) Child Sexually Abusive Activity or Material
 - f. 1.2062(c) Child Sexually Abusive Activity or Material
 - g. 1.2065 Criminal Sexual Conduct in the Third Degree
4. Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a Conviction for a Tier II Sex Offense:
- a. 18 U.S.C. §1591 (sex trafficking by force, fraud or coercion),
 - b. 18 U.S.C. §2244 (abusive sexual contact where the victim is 13 years of age or older),
 - c. 18 U.S.C. §2251 (sexual exploitation of children),
 - d. 18 U.S.C. §2251A (selling or buying of children),
 - e. 18 U.S.C. §2252 (sale or distribution of Child Pornography),
 - f. 18 U.S.C. §2252A (production or distribution of material containing Child Pornography),
 - g. 18 U.S.C. §2260 (production of sexually explicit depictions of a Minor for import into the United States),
 - h. 18 U.S.C. §2421 (transportation of a Minor for illegal sexual activity),
 - i. 18 U.S.C. §2422(b) (coercing a Minor to engage in prostitution),
 - j. 18 U.S.C. § 2423(a) (transporting a Minor to engage in illicit conduct),
 - k. 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).
5. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in

Section 13.302 (1), (2), or (3) shall be a Tier II Sex Offense.

13.303 Tier III Offenses.

1. Recidivism and Felonies. Any Sex Offense where the Offender has at least one prior conviction of an attempt or conspiracy to commit such an offense for a Tier II Sex Offense, or has previously become a Tier II Sex Offender, is a Tier III Sex Offense.
2. General Offenses. A Tier III Sex Offense shall mean any Sex Offense for which a person has been Convicted, or an attempt or conspiracy to commit such an offense that involves:
 - a. Non-parental kidnaping of a Minor,
 - b. A Sexual Act with another by force or threat,
 - c. A Sexual Act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
 - d. Sexual Contact with a Minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
3. Certain Tribal Offenses. Conviction for any of the following Tribal offenses shall be considered conviction for a Tier III Sex Offense:
 - a. 1.2063 Criminal Sexual Conduct in the First Degree
 - b. 1.2064 Criminal Sexual Conduct in the Second Degree
4. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a Tier III Sex Offense:
 - a. 18 U.S.C. §2241 (aggravated sexual abuse),
 - b. 18 U.S.C. §2242 (sexual abuse),
 - c. 18 U.S.C. §2243 (sexual abuse of a Minor or ward),
 - d. 18 U.S.C. §2244 (abusive sexual contact where the victim is 12 years of age or younger).

5. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 13.303 (1), (2), or (3) shall be a Tier III Sex Offense.

Chapter 13.4

REGISTRATION; REQUIRED INFORMATION

13.401 Where Registration is Required.

1. Jurisdiction of Conviction. A Sex Offender must initially register with the Saginaw Chippewa Tribal Police Department if the Sex Offender was Convicted by the Tribal Court of a covered Sex Offense regardless of the Sex Offender's actual or intended Residency.
2. Jurisdiction of Incarceration. A Sex Offender must register with the Saginaw Chippewa Tribal Police Department if the Sex Offender is incarcerated by the Tribe while completing any sentence for a covered Sex Offense, regardless of whether it is the same Jurisdiction as the Jurisdiction of conviction or Residence.
3. Jurisdiction of Residence. A Sex Offender must register with the Saginaw Chippewa Tribal Police Department if the Sex Offender Resides within the exterior boundaries of the Isabella Indian Reservation.
4. Jurisdiction of Employment. A Sex Offender must register with the Saginaw Chippewa Tribal Police Department if he or she is an Employee in any capacity within the exterior boundaries of the Isabella Indian Reservation.
5. Jurisdiction of School Attendance. A Sex Offender must register with the Saginaw Chippewa Tribal Police Department if the Sex Offender is a Student in any capacity within the exterior boundaries of the Isabella Indian Reservation.

13.402 Timing of Registration. A Sex Offender required to register with the Tribe under this code must appear in person at the Saginaw Chippewa Tribal Police Department and shall register in the following timeframes:

1. If Convicted by the Tribal Court for a covered Sex Offense and incarcerated, the Sex Offender must register before being released from incarceration;
2. If Convicted by the Tribal Court but not incarcerated, the Sex Offender

must register within 3 business days of sentencing for the registration offense; and

3. Within 3 business days of establishing a Residence, or within 3 business days of commencing employment, or within 3 business days of becoming a Student on lands within the exterior boundaries of the Isabella Indian Reservation.

13.403

Verification Requirement. A Sex Offender who is required to register shall, at a minimum, appear in person at the Saginaw Chippewa Tribal Police Department for purposes of verification and keeping their registration current in accordance with the following time frames:

1. For Tier I Sex Offenders, once every year for 15 years from the time of release from custody for a Sex Offender who is incarcerated for the registration offense or from the date of sentencing for a Sex Offender who is not incarcerated for the registration offense.
2. For Tier II Sex Offenders, once every 180 days for 25 years from the time of release from custody for a Sex Offender who is incarcerated for the registration offense or from the date of sentencing for a Sex Offender who is not incarcerated for the registration offense.
3. For Tier III Sex Offenders, once every 90 days for the rest of their lives.
4. Reduction of Registration Periods. A Sex Offender may have their period of registration reduced as follows:
 - a. A Tier I Sex Offender may have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years.
 - b. A Tier III Sex Offender may have his or her period of registration reduced to 25 years if he or she was adjudicated delinquent of an Offense as a juvenile that required Tier III registration and he or she has maintained a Clean Record for 25 consecutive years.
 - c. For the purposes of 13.403 (4) (a) and (b), a Sex Offender has a Clean Record if:
 - i. He or she has not been Convicted of any offense for which imprisonment may be opposed,
 - ii. He or she has not been Convicted of any Sex Offense,
 - iii. He or she has successfully completed, without revocation,

any period of supervised release, probation, or parole, and

- iv. He or she has successfully completed an appropriate Sex Offender treatment program certified by the Tribe, another Jurisdiction, or by the Attorney General of the United States.

13.404 Duties of the Saginaw Chippewa Tribal Police Department. The Saginaw Chippewa Tribal Police Department shall follow the Policies and Procedures adopted by Tribal Council to ensure the following:

1. That any Sex Offender incarcerated or sentenced by the Tribe for a covered Sex Offense completes their initial registration with the Tribe, and
2. That the Sex Offender is informed of his or her duties under SORNA and this Code and reads, or has read to them, and signs a form stating that the duty to register has been explained to them and that the Sex Offender understands the registration requirement, and
3. That the Sex Offender is registered and added to the public website pursuant to the terms contained in the Memorandum of Agreement (“MOA”) between the Tribe and the Michigan Department of State Police executed on August 24, 2009 and
4. That upon entry of the Sex Offender’s information in to the registry, that information is Immediately forwarded to all other Jurisdictions in which the Sex Offender is required to register due to the Sex Offender’s Residency, employment, or status as a Student, and
5. That all information is entered and updated in NCIC/NSOR.

13.405 Retroactive Registration. The Saginaw Chippewa Tribal Police Department shall follow the Policies and Procedures adopted by Tribal Council to ensure the following three categories of Sex Offenders are subject to the registration and verification requirements of this Code:

1. Sex Offenders incarcerated or under the supervision of the Tribe, whether for a covered Sex Offense or other crime, and
2. Sex Offenders already registered or subject to a pre-existing Sex Offender registration requirement, and
3. Sex Offenders reentering the justice system due to a Conviction for any crime.
4. Timing of Recapture. The Saginaw Chippewa Tribal Police Department

shall ensure recapture of the Sex Offenders mentioned in section 13.405 (1)- (3) within the following time frame to be calculated from the date of passage of this Code:

- a. 1 Year for Tier I Sex Offenders,
- b. 180 days for Tier II Sex Offenders, and
- c. 90 days for Tier III Sex Offenders.

13.406

Information Required for Registration and Verification Purposes. A Sex Offender subject to the requirements of this Code who is required to register and verify their information with the Tribe shall provide all of the information detailed in this section to the Saginaw Chippewa Tribal Police Department and the Saginaw Chippewa Tribal Police Department shall obtain all of the information detailed in this section from the Sex Offender.

1. Photographs. A covered Sex Offender shall permit his photograph to be taken by the Saginaw Chippewa Tribal Police Department:
 - a. Every 90 days for Tier III Sex Offenders,
 - b. Every 180 days for Tier II Sex Offenders, and
 - c. Every year for Tier I Sex Offenders.
 - d. Update Requirements. Unless the appearance of Sex Offender has not changed significantly, a digitized photograph shall be collected at each appearance.
2. Name. The Saginaw Chippewa Tribal Police Department shall obtain, and the covered Sex Offender shall provide, the following information related to the Sex Offender's name:
 - a. The Sex Offender's full primary give name, and
 - b. Any and all nicknames, aliases, and pseudonyms regardless of the context in which is used, and
 - c. Any and all ethnic or tribal names by which the Sex Offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.
3. Date of Birth. The Saginaw Chippewa Tribal Police Department shall obtain, and the covered Sex Offender shall provide, the following information related to Sex Offender's date of birth:

- a. The Sex Offender's actual date of birth, and
 - b. Any other date of birth used by Sex Offender.
4. Social Security Number. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide the following information:
 - a. A valid social security number for the Sex Offender, and
 - b. Any social security number the Sex Offender has used in the past, valid or otherwise.
5. Residence Address. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide the following information related to Sex Offender's Residence:
 - a. The address of each Residence at which Sex Offender Resides or will Reside, and
 - b. Any location or description that identifies where the Sex Offender habitually Resides regardless of whether it pertains to a permanent Residence or location otherwise identifiable by a street or address.
6. Phone Numbers. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide any and all telephone numbers and any other designations used by Sex Offender for purposes of routing or self-identification in telephonic communications including but not limited to:
 - a. Any and all cellular telephone numbers, and
 - b. Any and all land line telephone numbers, and
 - c. Any and all Voice over IP (VOIP) telephone numbers.
7. Physical Description. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide an accurate description of the Sex Offender as follows:
 - a. A physical description, and
 - b. A general description of the Sex Offender's physical appearance or characteristics, and
 - c. Any identifying marks such as but not limited to scars, moles,

birthmarks or tattoos.

8. Criminal History. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide the following information related to the Sex Offender's criminal history:
 - a. The date of all arrests,
 - b. The date of all convictions,
 - c. The Sex Offender's status of parole, probation or supervised release,
 - d. The Sex Offender's registration status, and
 - e. Any outstanding arrest warrants.
9. Offense Information. The covered Sex Offender shall provide and the Saginaw Chippewa Tribal Police Department shall obtain the text of each provision of law defining the criminal offense(s) for which the Sex Offender is registered.
10. Finger and Palm Prints. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide both finger prints which must be submitted to IAFIS and palm prints which must be submitted to FBI Next Generation Identification Program.
11. DNA Sample. Upon registering with the Saginaw Chippewa Tribal Police Department, if the Sex Offender's DNA is not already contained in the Combined DNA Index System ("CODIS"), the covered Sex Offender shall provide the Saginaw Chippewa Tribal Police Department a sample of the covered Sex Offender's DNA.
 - a. Any DNA sample obtained from the Sex Offender shall be submitted to the State DNA laboratory pursuant to the terms of the Memorandum of Understanding between the Tribe and the Michigan State Police for submission in CODIS.
12. Driver's Licenses, Identification Cards, Passports, and Immigration Documents.
 - a. Driver's License. The covered Sex Offender shall provide all of the Sex Offender's valid driver's licenses issued by any Jurisdiction and the Saginaw Chippewa Tribal Police Department shall make a digitized copy of any such license(s).

- b. Identification Cards. The covered Sex Offender shall provide all of the covered Sex Offender's identification cards including the Sex Offender's tribal enrollment card by any Jurisdiction and the Saginaw Chippewa Tribal Police Department shall make a digitized copy of any such identification card(s).
 - c. Passports. The covered Sex Offender shall provide any passports used by the Sex Offender, and the Saginaw Chippewa Tribal Police Department shall make a digitized copy of any such passport(s).
 - d. Immigration Documents. The covered Sex Offender shall provide any and all immigration documents used by Sex Offender and the Saginaw Chippewa Tribal Police Department shall make a digitized copy of any such document(s).
13. Vehicle Information. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide the following information related to all vehicles owned or operated by Sex Offender for work or personal use including land vehicles, aircraft, and watercraft:
- a. License plate number(s),
 - b. Registration number(s) or identifier(s),
 - c. General description of the vehicle to include color, make, model, and year, and
 - d. Any permanent or frequent location where any vehicle is kept.
14. Employment Information. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide the following information related to Sex Offender's employment to include any and all places where Sex Offender is employed in any means including volunteer and unpaid positions:
- a. The name of the Sex Offender's employer,
 - b. The address of the Sex Offender's employer, and
 - c. Similar information related to any transient or day labor employment.
15. Professional Licensing Information. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide all licensing of the Sex Offender that authorizes the Sex Offender to engage in an occupation or carry out a trade or business.

16. School. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide the following information related to Sex Offender's school:
 - a. The name of each school where the Sex Offender is or will be a Student, and
 - b. The address of each school where the Sex Offender is or will be a Student.

17. Internet Identifiers. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide the following information related to Sex Offender's internet related activity:
 - a. Any and all email addresses used by the Sex Offender,
 - b. Any and all Instant Message addresses and identifiers,
 - c. Any and all other designations or monikers used for self-identification in internet communications or postings, and
 - d. Any and all designations used by the Sex Offender for the purpose of routing or self-identification in internet communications or postings including but not limited to social network identifications, twitter accounts, video posting site identifications such as YouTube, etc.

18. Temporary Lodging. The Saginaw Chippewa Tribal Police Department shall obtain and the covered Sex Offender shall provide the following information when the Sex Offender will be absent from his Residence for seven (7) days or more:
 - a. Identifying information of the temporary lodging locations including addresses and names, and
 - b. The dates the Sex Offender will be staying at each temporary lodging location.
 - c. The registered Sex Offender shall provide the information in section 13.406 (18)(a) and (b) no later than seven (7) days before his scheduled travel. The information shall be provided in person.

19. International Travel. Sex Offender must inform their Residence Jurisdiction 21 days in advance if they intend to travel outside of the United States. The Saginaw Chippewa Tribal Police Department must

notify the U.S. Marshals Service and Immediately notify any other Jurisdiction where the Sex Offender is either registered or is required to register of that updated information. The Saginaw Chippewa Tribal Police Department must also update the NCIC/NSOR.

20. Sex Offender Acknowledgment Form. The Saginaw Chippewa Tribal Police Department shall follow the Policies and Procedures adopted by Tribal Council to ensure the following:
 - a. The Sex Offender is informed of his or her duties under SORNA and this Code and the covered Sex Offender shall read or have read to them and sign a form stating that the duty to register has been explained to them by the Saginaw Chippewa Tribal Police Department and that Sex Offender understands the registration requirement.
 - b. The acknowledgment form shall be signed and dated by the Saginaw Chippewa Tribal Police Department personnel registering the Sex Offender.
 - c. The Saginaw Chippewa Tribal Police Department shall Immediately upload the acknowledgment form into the Tribe's Sex Offender Registry.
21. Review of Information. At each in person registration or verification, the Sex Offender shall review existing information for accuracy.
22. Notification. If any new information or change in information is obtained at an in person verification, the Saginaw Chippewa Tribal Police Department shall Immediately notify all other Jurisdictions in which the Sex Offender is required to register of the information or change in information.
23. If any new information or change in information is obtained at an in person verification, the Saginaw Chippewa Tribal Police Department shall Immediately update the public website, if applicable, and update information in NCIC/NSOR.
24. Digitization. All information obtained under this Code shall be, at a minimum, maintained by the Saginaw Chippewa Tribal Police Department in a digitized format.
25. Electronic Database. A Sex Offender Registry shall be maintained in an electronic database by the Michigan Department of State Police, pursuant to the terms of the MOA executed on August 24, 2009, and shall be in a form capable of electronic transmissions.

26. Fees. A Sex Offender shall provide and the Saginaw Chippewa Tribal Police Department shall collect a fee in the amount of \$50.00 for each registration and a fee in the amount of \$25.00 for each verification.

13.407 Keeping Registration Current.

1. Jurisdiction of Residency. All Sex Offenders who Reside on lands within the exterior boundaries of the Isabella Indian Reservation who are required to register in this Jurisdiction shall Immediately appear in person at the Saginaw Chippewa Tribal Police Department to update any changes to their name, or Residence (including termination of Residency), or employment, or school attendance, or of any changes to their temporary lodging information, or any changes to their vehicle information, or internet identifiers, or telephone numbers. If Sex Offender is a Resident of the Isabella Indian Reservation and there is a change in temporary lodging of over 7 days the Sex Offender shall Immediately notify the Saginaw Chippewa Tribal Police Department and the Saginaw Chippewa Tribal Police Department shall notify the Jurisdiction in which the Sex Offender will be temporarily staying.
2. Jurisdiction of School Attendance. Any Sex Offender who is a Student in any capacity on lands with the exterior boundaries of the Isabella Indian Reservation that change their school or otherwise terminate their schooling within the exterior boundaries of the Isabella Indian Reservation shall Immediately appear in person at the Saginaw Chippewa Tribal Police Department to update that information. The Saginaw Chippewa Tribal Police Department shall ensure that each Jurisdiction in which the Sex Offender is required to register, or was required to register prior to the updated information being given, are Immediately notified of the change.
3. Jurisdiction of Employment. Any Sex Offender who is employed in any capacity on lands within the exterior boundaries of the Isabella Indian Reservation regardless of location that change their employment, or otherwise terminate their employment, shall Immediately appear in person at the Saginaw Chippewa Tribal Police Department to update that information. The Saginaw Chippewa Tribal Police Department shall ensure that each Jurisdiction in which Sex Offender is required to register, or was required to register prior to the updated information begin given, are Immediately notified of the change.

13.408 Failure to Appear for Registration and Absconding.

1. Failure to Appear. In the event a Sex Offender fails to register with the tribe as required by this Code, the Saginaw Chippewa Tribal Police Department shall Immediately inform the Jurisdiction that provided notification that the Sex Offender was to commence Residency, or

employment or school attendance with the Tribe that the Sex Offender failed to appear for registration.

2. Absconded Sex Offenders. If the Saginaw Chippewa Tribal Police Department receives information that a Sex Offender has absconded the Saginaw Chippewa Tribal Police Department shall make an effort to determine if the Sex Offender has actually absconded.
 - a. In the event no determination can be made, the Saginaw Chippewa Tribal Police Department shall ensure the appropriate law enforcement agency is notified.
 - b. If the information indicating the possible absconding came through notice from another Jurisdiction or federal authorities, they shall be informed that the Sex Offender has failed to appear and register.
 - c. If an absconded Sex Offender cannot be located the Tribal Police shall take the following steps:
 - i. Update the registry/public website to reflect the Sex Offender has absconded or is otherwise not capable of being located, and
 - ii. Notify the U.S. Marshals Service, and
 - iii. Seek a warrant for the Sex Offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the Sex Offender's arrest, and
 - iv. Update the NCIC/NSOR to reflect the Sex Offender's status as an absconder, or is otherwise not capable of being located, and
 - v. Enter the Sex Offender into the National Crime Information Center Wanted Person File.
3. Failure to Register. In the event a Sex Offender who is required to register due to their Residence, or employment or school attendance status fails to do so or otherwise violates a registration requirement of this Code, the Saginaw Chippewa Tribal Police Department shall take all appropriate follow-up measures including those outlined in section 13.408 (2). The Saginaw Chippewa Tribal Police Department shall first make an effort to determine if the Sex Offender actually Resides, is an Employee or is actually a Student within the exterior boundaries of the Isabella Indian Reservation.

Chapter 13.5

PUBLIC SEX OFFENDER REGISTRY WEBSITE

- 13.501 Website. The Saginaw Chippewa Tribal Police Department shall use the Michigan Sex Offender Registry maintained by the Michigan Department of State Police, pursuant to the terms of the MOA signed on August 24, 2009, as a public sex offender registry website.
1. Links. The Saginaw Chippewa Indian Tribe of Michigan Public Sex Offender Registry website shall include links to Sex Offender safety and education resources.
 2. Instructions. The Saginaw Chippewa Indian Tribe of Michigan public sex offender registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
 3. Warnings. The Saginaw Chippewa Indian Tribe of Michigan public sex offender registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in civil or criminal penalties.
 4. Search Capabilities. The Saginaw Chippewa Indian Tribe of Michigan public sex offender registry website shall have the capability of conducting searches by the following:
 - a. Name; and
 - b. County, city, and/or town; and
 - c. Zip code and/or geographic radius
 5. Dru Sjodin National Sex Offender Public Website. The Tribe 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.
 6. Required Information. The following information shall be made available to the public on the sex offender registry website:
 - a. Notice that a Sex Offender is in violation of their registration requirements or cannot be located if the Sex Offender has absconded,

- b. All Sex Offenses for which the Sex Offender has been Convicted,
 - c. The Sex Offense(s) for which the Sex Offender is currently registered,
 - d. The address of the Sex Offender's employer(s),
 - e. The name of the Sex Offender including all aliases,
 - f. A current photograph of the Sex Offender,
 - g. A physical description of the Sex Offender,
 - h. The residential address and, if relevant, a description of a habitual Residence of the Sex Offender
 - i. All addresses of schools attended by the Sex Offender, and
 - j. The Sex Offender's vehicle license plate number along with a description of the vehicle.
7. Prohibited Information. The following information shall not be available to the public on the Sex Offender registry website:
- a. Any arrest that did not result in the conviction,
 - b. The Sex Offender's social security number,
 - c. Any travel and immigration documents,
 - d. The identity of the victim, and
 - e. Internet Identifiers (as defined in 42 U.S.C. §16911).
8. Witness Protection. For Sex Offenders who are under a witness protection program, the Tribal Police Department may honor the request of the United State Marshals Service or other agency responsible for witness protection by not including the original identity of the Sex Offender on the publicly accessible Sex Offender registry website.

Chapter 13.6

NOTIFICATION

13.601 Law Enforcement Notification. Whenever a Sex Offender registers or updates his or her information with the Tribe, the Saginaw Chippewa Tribal Police Department shall:

1. Monitor and utilize the SORNA Exchange Portal for inter Jurisdictional change of Residence, employment or Student status.
2. Immediately update NCIC/NSOR.
3. Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare or Sex Offender supervision functions, including but not limited to, police, whether BIA, Tribal, or FBI, Tribal Prosecutors, and Tribal probation agencies.
4. 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.
5. 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[a]) when a Sex Offender registers or updates registration.
6. Enter or update information posted on the public website.

13.602 Community Notification. The Saginaw Chippewa Tribal Police Department shall ensure there is an automated community notification process in place that ensures the following:

1. Upon a Sex Offender's registration or update of information with the Tribe, the Tribe's Public Sex Offender registry website is Immediately updated.
2. The Tribe'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 on the Isabella Indian Reservation, 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.

Chapter 13.7

SOVEREIGN IMMUNITY; GOOD FAITH

13.701 No Waiver of Sovereign Immunity. Nothing under this Code shall be construed as a waiver of Sovereign Immunity for the Saginaw Chippewa Indian Tribe of Michigan, its departments, agencies, enterprises, officers, directors, employees or agents.

13.702 Good Faith. Any person acting under good faith of this Code shall be immune from any civil liability arising out of such actions.

Chapter 13.8

SANCTIONS; SEVERABILITY; JURISDICTION; EFFECTIVE DATE

- 13.801 Criminal Penalty. Each violation of a provision of this code by a Sex Offender who is an Indian shall be considered a crime and subject to a period of incarceration of not more than one year in jail and a fine of not more than \$5,000.00 or both.
- 13.802 Civil Penalty. Each violation of a provision of this Code by a Sex Offender who is not an Indian shall be considered a civil violation and subject to enforcement by any means not prohibited by federal law, including, but limited to the issuance of fines not to exceed \$5,000.00.
- 13.803 Federal Enforcement. In addition to the penalties provided for in sections 13.801 and 13.802, each violation of a provision of this code by a sex offender is subject to enforcement by any means not prohibited by federal law.
- 13.804 Banishment. Violations of a provision of this Code by a Sex Offender who is **not** a member of the Saginaw Chippewa Indian Tribe of Michigan may be subject to the banishment and/or exclusion provisions in accordance with Ordinance 3 of the Saginaw Chippewa Tribal Code.
- 13.805 Hindrance of Sex Offender Registration. A person is guilty of an offense if they:
1. Knowingly harbor or knowingly attempt to harbor, or knowingly assists another person in harboring or attempting to harbor a Sex Offender who is in violation of this Title;
 2. Knowingly assists a Sex Offender in eluding a law enforcement agency that is seeking to find the Sex Offender to question the Sex Offender about, or to arrest the Sex Offender for, noncompliance with the requirements of this Title; or
 3. Provides information to law enforcement agency regarding a Sex Offender which the person knows to be false.
 4. Any person guilty of an offense in chapter 13.805 (1)- (3) shall be subject to a civil penalty of a fine not to exceed \$5,000.00.
- 13.806 Severability. If any chapter, section, sentence, clause or phrase of this Title is held to be invalid or unconstitutional for any reason by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining

portions of this Title.

13.807 Jurisdiction. The Saginaw Chippewa Community Court shall have exclusive jurisdiction over all causes of action under this Code.

13.808 Effective Date. This Code shall become effective immediately.

Legislative History

Enacted by Resolution 11-107 on July 13, 2011. Subsections 13.202.1.c-13.202.1.j, 13.301.2.a and 13.303.3.a-13.303.3.g added; Subsections 13.202.1.h, 13.202.2.q, 13.202.6.d, 13.301.2, 13.302.1, 13.303.1, 13.401.1., 13.401.2, 13.402.1, 13.403.4.b, 13.404.1, 13.405, 13.405.1, 13.406*et seq.*, 13.408.3, 13.601.3 and 13.802 amended by Resolution 13-083 approved on May 29, 2013.